

Kyle Knoeck, M.Sc.Pl., MCIP, RPP
Director, Zoning and Secretary-Treasurer
Committee of Adjustment
City Planning Division

416-395-6446
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Wednesday, December 7, 2022

**NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)**

File Number: A0489/22NY
Property Address: 37 ROCHESTER AVE
Legal Description: PLAN 1534 LOT 584
Agent: RICHARD WENGLER ARCHITECT INC
Owner(s): MAKSIMS VOLKOV
Zoning: R1 Z0.35 / RD [ZZC]
Ward: Don Valley West (15)
Community: Toronto
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Wednesday, December 7, 2022, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

Proposal to construct a new dwelling.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

- 1. Chapter 10.5.40.50.(2), By-law No. 569-2013**
In the Residential Zone category, a platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3m of a building, must comply with the required minimum building setbacks for the zone, 1.5m.
The proposed setback of the rear deck is 1.22m from the west side lot line.
- 2. Chapter 5.10.40.70.(2), By-law No. 569-2013**
All structures must meet the required setbacks for the zone, 1.5m.
The proposed setback of the rear canopy is 1.22m from the west side lot line.
- 3. Chapter 10.20.40.70.(3)D, By-law No. 569-2013**
The required minimum side yard setback is 1.5m where the required minimum lot frontage is 15.0m to less than 18.0m.
The proposed east side yard setback is 1.22m.

4. **Chapter 10.20.40.70.(3)D), By-law No. 569-2013**
The required minimum side yard setback is 1.5m where the required minimum lot frontage is 15.0m to less than 18.0m.
The proposed west side yard setback is 1.22m.
5. **Chapter 10.20.40.20.(1), By-law No. 569-2013**
In the RD zone with a minimum required lot frontage of 18.0m or less, the permitted maximum building length for a detached house is 17.0m.
The proposed building length is 22.56m.
6. **Chapter 10.20.40.30.(1), By-law No. 569-2013**
The permitted maximum building depth for a detached house is 19.0m
The proposed building depth is 22.56m.
7. **Chapter 10.20.40.10.(1)A), By-law No. 569-2013**
The permitted maximum height of a building or structure is 10m.
The proposed height of the (building/structure) is 10.46m.
8. **Chapter 10.20.40.40.(1)A), By-law No. 569-2013**
The permitted maximum floor space index is 0.35 times the area of the lot.
The proposed floor space index is 0.6102 times the area of the lot,.
9. **Chapter 10.20.40.10.(2)B)(i), By-law No. 569-2013**
The permitted maximum height of all side exterior main walls facing a side lot line is 7.5m.
The proposed height of the side exterior main walls facing a side lot line is 8m.
10. **Section 4(2), By-law No. 438-86**
The maximum building height is 10m.
The proposed building height is 10.63m.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

The Minor Variance Application is Refused

It is the decision of the Committee of Adjustment to **NOT** approve this variance application for the following reasons:

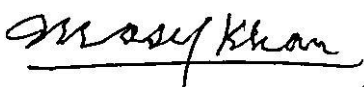
- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

SIGNATURE PAGE

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Allan Smithies (signed)



Asif A. Khan (signed)



Nadini Sankar (signed)



Paul Kidd (signed)



Ron Hunt (signed)

DATE DECISION MAILED ON: Wednesday, December 14, 2022

LAST DATE OF APPEAL: Tuesday, December 27, 2022

CERTIFIED TRUE COPY

Sai-Man Lam
Manager and Deputy Secretary-Treasurer

Appeal Information

Your appeal to the **Toronto Local Appeal Body (TLAB)** should be submitted in accordance with the instructions below unless there is a related appeal* to the Ontario Land Tribunal (OLT) for the same matter.

TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

All appeals must be filed by email with the Deputy Secretary-Treasurer, Committee of Adjustment to coa.ny@toronto.ca and Daniel.Antonacci@toronto.ca by the last date of appeal as shown on the signature page.

To appeal this decision, you must submit the following:

- A completed TLAB Notice of Appeal (Form 1).
- \$300 for each appeal filed regardless if related and submitted by the same appellant.
- Fees are payable to the **City of Toronto**. Once your appeal has been received by e-mail by the Deputy Secretary –Treasurer you will receive payment instructions.

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB website at www.toronto.ca/tlab.

ONTARIO LAND TRIBUNAL (OLT) INSTRUCTIONS

All appeals must be filed by email with the Deputy Secretary-Treasurer, Committee of Adjustment to coa.ny@toronto.ca and Daniel.Antonacci@toronto.ca by the last date of appeal as shown on the signature page.

To appeal this decision, you must submit the following:

- A completed OLT Appellant Form (A1) in digital format on a USB stick and in paper format.
- \$400 with an additional reduced fee of \$25 for each connected appeal filed by the same appellant.
- Fees are payable to the **Minister of Finance** by certified cheque or money order (Canadian funds).
- Due to the Covid-19 Emergency please contact the Deputy Secretary-Treasurer to make arrangements in submitting the appeal.

To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Land Tribunal (OLT) website at <https://olt.gov.on.ca/appeals-process/forms/>

*A **related appeal** is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the Application Information Centre and contact the assigned planner if necessary. If there is a related appeal, your appeal to the **Ontario Land Tribunal (OLT)** should be submitted in accordance with the instructions above.