

Michael Mizzi
Director, Zoning and Secretary-Treasurer
Committee of Adjustment
City Planning Division

Committee of Adjustment
Etobicoke York
Etobicoke Civic Centre
2 Civic Centre Court
Toronto, Ontario M9C 5A3

416-394-8060
coa.ey@toronto.ca

Thursday, August 13, 2020

**NOTICE OF DECISION
CONSENT
(Section 53 of the Planning Act)**

File Number: B0076/19EYK
Property Address: 8 YORKLEIGH AVE
Legal Description: RCP 9748 LOT 138
Agent: EPIC DESIGN INC
Owner(s): MARQUIS MANORS LIMITED
Zoning: RD & R2 (ZR)
Ward: Etobicoke Centre (02)
Community:
Heritage: Not Applicable

Notice was given and the application considered on Thursday, August 13, 2020, as required by the Planning Act.

THE CONSENT REQUESTED:

To obtain consent to sever the lot into two undersized residential lots.

Retained- Part 1

Address to be assigned

The lot frontage will be 18.6 m and the lot area will be 695.08 m². The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling with an integral garage, requiring variances to the Zoning By-law, as outlined in Application A0004/20EYK.

Conveyed- Part 2

Address to be assigned

The lot frontage will be 20.5 m and the lot area will be 646.45 m². The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling with an integral garage, requiring variances to the Zoning By-law, as outlined in Application A0696/19EYK.

File Numbers B0076/19EYK, A0696/19EYK & A0004/20EYK will be considered jointly.

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 Consent Application is Refused

In the opinion of the Committee, the application does not satisfy the requirements of Section 51(24) of the Planning Act and is **NOT** approved for the following reason(s):

- The proposed land division is premature.
- The proposed land division does not conform to the policies of the official plan.
- The suitability of the land for the purposes for which it is to be subdivided has not been demonstrated.
- The suitability of the dimensions and shapes of the proposed lots has not been demonstrated.

SIGNATURE PAGE

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Legal Description: RCP 9748 LOT 138
Applicant: EPIC DESIGN INC
Owner(s): MARQUIS MANORS LIMITED
Zoning: RD & R2 (ZR)
Ward: Etobicoke Centre(02)
Community:
Heritage: Not Applicable



Donald Taylor (signed)



Michael Clark (signed)



Neil Palmer (signed)



Sophia Ruddock (signed)

DATE DECISION MAILED ON: Friday, August 21, 2020

LAST DATE OF APPEAL: Thursday, September 10, 2020

CERTIFIED TRUE COPY

Barbara Bartosik
Manager and Deputy Secretary-Treasurer

Appeal Information

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

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 Local Planning Appeal Tribunal (LPAT) for the same matter.

TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

To appeal this decision to the TLAB you need 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.
- Due to the Covid-19 Emergency please contact the Deputy Secretary-Treasurer to make arrangements in submitting the appeal.

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.

LOCAL PLANNING APPEAL TRIBUNAL (LPAT) INSTRUCTIONS

To appeal this decision to the LPAT you need the following:

- A completed LPAT 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 Environmental & Lands Tribunals Ontario (ELTO) website at <http://elto.gov.on.ca/tribunals/lpat/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 **Local Planning Appeal Tribunal (LPAT)** should be submitted in accordance with the instructions above.

NOTE: Only individuals, corporations and public agencies may appeal a decision. The appeal may not be filed by an unincorporated association or group. However, the appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

Michael Mizzi
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Thursday, August 13, 2020

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

File Number: A0004/20EYK
Property Address: 8 YORKLEIGH AVE – PART 1
Legal Description: RCP 9748 LOT 138
Agent: EPIC DESIGN INC
Owner(s): MARQUIS MANORS LIMITED
Zoning: RD & R2 (ZR)
Ward: Etobicoke Centre (02)
Community:
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, August 13, 2020, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new detached dwelling with an attached garage.

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

- 1. Section 10.20.30.20.(1)(A), By-law 569-2013**
The minimum required lot frontage is 21 m.
The lot frontage will be 18.6 m.
- 2. Section 10.20.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index is 0.45 times the area of the lot (312.79 m²).
The new dwelling will have a floor space index of 0.52 times the area of the lot (362.03 m²).
- 3. Section 10.20.40.70.(5)(B), By-law 569-2013**
The minimum required side yard setback for the portion of the dwelling exceeding 19 m in depth, from the required front yard setback is 7.5 m.
The cantilevered second storey of the new dwelling exceeding 19 m in depth, from the required front yard setback, will be located 1.8 m from the north side lot line.
- 4. Section 320-42.1.B.(2)**
The maximum permitted soffit height is 6.5 m.
The new dwelling will have a soffit height of 7 m.

5. Section 10.5.40.50.(2), By-law 569-2013

A platform without main walls attached to or within 0.3 m of a building, must comply with the required minimum building setbacks (7.5 m).
The proposed rear platform will be located 1.8 m from the north side lot line.

6. Section 10.5.40.50.(4)(C), By-law 569-2013

The level of the floor of a platform may be no higher than 1.2 m above the ground at any point below the platform except if any part of the platform floor located 2.5 m or less from the rear main wall.
The proposed rear deck will be located 3.4 m from the rear main wall and will be 3 m above the ground below the platform.

File Numbers B0076/19EYK, A0696/19EYK & A0004/20EYK will be considered jointly.

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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Property Address: 8 YORKLEIGH AVE – PART 1
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Agent: EPIC DESIGN INC
Owner(s): MARQUIS MANORS LIMITED
Zoning: RD & R2 (ZR)
Ward: Etobicoke Centre (02)
Community:
Heritage: Not Applicable



Donald Taylor (signed)



Michael Clark (signed)



Neil Palmer (signed)



Sophia Ruddock (signed)

DATE DECISION MAILED ON: Friday, August 21, 2020

LAST DATE OF APPEAL: Wednesday, September 2, 2020

CERTIFIED TRUE COPY

Barbara Bartosik
Manager and Deputy Secretary-Treasurer

Appeal Information

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Thursday, August 13, 2020

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

File Number: A0696/19EYK
Property Address: 8 YORKLEIGH AVE – PART 2
Legal Description: RCP 9748 LOT 138
Agent: EPIC DESIGN INC
Owner(s): MARQUIS MANORS LIMITED
Zoning: RD & R2 (ZR)
Ward: Etobicoke Centre (02)
Community:
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, August 13, 2020, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new detached dwelling with an attached garage.

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

- 1. Section 10.20.30.20.(1)(A), By-law 569-2013**
The minimum required lot frontage is 21 m.
The lot frontage will be 20.5 m.
- 2. Section 10.20.30.10.(1)(A), By-law 569-2013**
The minimum required lot area is 695 m².
The lot area will be 646 m².
- 3. Section 10.20.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index is 0.45 times the area of the lot (290.9 m²).
The new dwelling will have a floor space index of 0.55 times the area of the lot (357.32 m²).
- 4. Section 10.20.40.70.(1), By-law 569-2013**
The minimum required front yard setback is 6 m.
The new dwelling will be located 5.43 m from the front lot line.

5. Section 320-42.1.B.(2)

The maximum permitted soffit height is 6.5 m.
The new dwelling will have a soffit height of 6.8 m.

6. Section 10.5.80.40.(3)(B), By-law 569-2013

Vehicle access to a parking space on a corner lot must be from a flanking street that is not a major street.

The proposed vehicle access to a parking space will be from the fronting street, Freemont Avenue.

File Numbers B0076/19EYK, A0696/19EYK & A0004/20EYK will be considered jointly.

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.
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- 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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Agent: EPIC DESIGN INC
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Zoning: RD & R2 (ZR)
Ward: Etobicoke Centre (02)
Community:
Heritage: Not Applicable



Donald Taylor (signed)



Michael Clark (signed)



Neil Palmer (signed)



Sophia Ruddock (signed)

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LAST DATE OF APPEAL: Wednesday, September 2, 2020

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