

Thursday, August 1, 2024

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

File Number: A0236/24NY
Property Address: 86 HARLANDALE AVE PART 2
Legal Description: PLAN M389 LOT 137
Agent: HYPHEN STUDIO
Owner(s): ALEKSANDRS KAUCIS
Zoning: RD [ZZC]
Ward: Willowdale (18)
Community: North York
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, August 1, 2024, 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 900.3.10.(5) – Exceptions for RD Zone, By-law No. 569-2013

The required minimum side yard setbacks are 1.8 m each side.

The proposed west side yard setback is 0.46 m.

2.Chapter 900.3.10.(5) – Exceptions for RD Zone, By-law No. 569-2013

The required minimum side yard setbacks are 1.8 m each side.

The proposed east side yard setback is 1.07 m.

3.Chapter 10.5.40.50.(2), By-law No. 569-2013

The required side yard setback is 1.8 meters.

The proposed side yard setback to rear Deck is 1.07 meters to the east side lot Line.

4.Chapter 10.20.30.10.(1)A), By-law No. 569-2013

The required minimum lot area is 550m².

The proposed lot area is 273.5m².

5.Chapter 10.20.30.20.(1)A), By-law No. 569-2013

The required minimum lot frontage is 15 m.

The proposed lot frontage is 7.62 m.

6.Chapter 10.20.30.40.(1)A), By-law No. 569-2013

The permitted maximum lot coverage is 30 % of the lot area.

The proposed lot coverage is 32.05 % of the lot area.

7.Chapter 10.20.40.10.(2)A)(i), By-law No. 569-2013

The permitted max 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 west side lot line is 8.13m.

8.Chapter 10.20.40.10.(2)A)(i), By-law No. 569-2013

The permitted max 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 an east side lot line is **7.62m**.

9.Chapter 10.20.40.10.(3)A), By-law No. 569-2013

The permitted maximum number of storeys is 2.

The proposed number of storeys is 3.

10.Chapter 10.5.40.60.(1)B), By-law No. 569-2013

A platform without main walls, attached to or less than 0.3 m from a building, with a floor higher than the first floor of the building above established grade may encroach 1.5 m into the required front yard setback, if it is no closer to a side lot line than the required side yard setback. The required side yard setback is 1.8 meters.

The proposed side yard setback to the first storey front platform is 0.46 m to the west lot line.

11.Chapter 10.5.40.60.(2)B), By-law No. 569-2013

A canopy, awning or similar structure above a platform that complies with regulation 10.5.40.60(1) may encroach into a required building setback to the same extent as the platform it is covering.

The proposed canopy is over a platform that does not comply with regulation 10.5.40.60(1).

12.Chapter 10.20.40.50.(1)B), By-law No. 569-2013

The permitted maximum area of each platform at or above the second storey of a detached house is 4.0m².

The proposed area of rear platform at the second storey is 12.02m².

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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M. Cassin

MARIANNE CASSIN (signed)



SHAHIN FAZELI (signed)



NADINI SANKAR (signed)

DATE DECISION MAILED ON: Thursday, August 8, 2024

LAST DATE OF APPEAL: Wednesday, August 21, 2024

CERTIFIED TRUE COPY

Sai-Man Lam
Manager and Deputy Secretary-Treasurer

Appeal Information

Only the applicant, the Minister, or a specified person or public body that has an interest in the matter may appeal this decision.

All appeals must be filed by e-mail with the Deputy Secretary-Treasurer, Committee of Adjustment to coa.ny@toronto.ca and sai-man.lam@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 Ontario Land Tribunal (OLT) for the same matter.

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 should be submitted in accordance with the Ontario Land Tribunal (OLT) appeal instructions.

TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

To appeal this decision to the TLAB, 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) APPEAL INSTRUCTIONS

To appeal this decision to the OLT, you must submit the following:

- A completed OLT Appellant Form (A1).
- \$400 for each appeal type with an additional fee of \$25 for each connected appeal of the same type filed by the same appellant.
- Fees are payable by certified cheque, money order, or credit card, and must be in Canadian funds. Certified cheques and money orders should be made payable to the Minister of Finance. If you would like to pay the fee by credit card, please indicate this on the appeal form and staff will phone you to complete the transaction – do not record any credit card details on the appeal form.

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