

## NOTICE OF MOTION

### ONTARIO MUNICIPAL BOARD HEARING – COMMITTEE OF ADJUSTMENT APPLICATION – 3144 BAYVIEW AVENUE

Moved by: Councillor JOHN FILION

Seconded by: Councillor \_\_\_\_\_

#### SUMMARY:

Mehrab Hamrazian and Fariba Alikhani, the owners of 3144 Bayview Avenue, submitted a consent application to the North York District Committee of Adjustment for the division of a parcel of residential lands into two (2) parts for the creation of a new residential building lot fronting onto Holmes Avenue.

Mehrab Hamrazian and Fariba Alikhani, the owners of 3144 Bayview Avenue, also submitted two (2) minor variance applications to permit the construction of a new two storey dwelling on each of the newly created lots.

Variations were requested with respect to lot area, east and west side yard setbacks, rear yard setback, and lot coverage for each of the proposed dwellings.

The Committee of Adjustment for the City of Toronto (North District) refused the Consent applications and the associated Minor Variance applications at the September 30<sup>th</sup>, 2009 meeting.

Planning staff commented that the development proposal would result in some of the smallest lots found within the area of the lot study. It was the opinion of staff that the applications be refused

The applicant has appealed the decisions of the Committee of Adjustment to the Ontario Municipal Board.

The Ontario Municipal Board has not set a hearing date for these applications.

The Councillor is requesting representation at the Ontario Municipal Board hearing.

#### RECOMMENDATIONS:

1. That Council authorize the City Solicitor and City Planning Staff to attend the Ontario Municipal Board Hearing to uphold the City's By-law and the Committee of Adjustment's decisions.

November 10<sup>th</sup>, 2009



**STAFF REPORT**  
Committee of Adjustment  
Application

<b>Date:</b>	September 21, 2009
<b>To:</b>	<b>Chair and Members of the Committee of Adjustment North York District</b>
<b>From:</b>	Thomas Keefe, Director, Community Planning, North York District
<b>Wards:</b>	Ward 23, Willowdale
<b>Reference:</b>	File No. B0022/09NY, A0046/09NY and A0047/09NY *Owner: Mehrab Hamrazian* Address: 3144 Bayview Avenue Application to be heard: September 30, 2009

### RECOMMENDATION

It is recommended that the Consent application and associated Minor Variance applications be refused.

### APPLICATION

These applications are under Sections 50, 53 and 54 of the *Planning Act* for consent to the division of a parcel of residential lands into two (2) parts for conveyance purposes for the creation of new residential building lots and under Section 45 of the *Planning Act* for variance from the provisions of the North York Zoning By-law 7625, as amended, to permit the construction of a new two storey dwelling on each of the proposed lots.

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

##### A0246/09NY – WEST 15.78M (51.77') – PART 1

1. Lot area of 373.8m<sup>2</sup> (4,023.68sq.ft.)  
WHEREAS a minimum lot area of 550m<sup>2</sup> (5,920.34sq.ft.) is required;
2. West side yard setback of 1.22m (4') to the proposed dwelling  
WHEREAS a minimum setback of 1.8m (6') is required;
3. East side yard setback of 0.91m (3') to the proposed dwelling  
WHEREAS a minimum setback of 1.8m (6') is required;
4. Rear yard setback of 7m (23') to the proposed dwelling  
WHEREAS a minimum setback of 9.5m (31.2') is required;

5. Proposed lot coverage of 36.9% (137.93m<sup>2</sup>) (1,484.74sq.ft.)  
WHEREAS a maximum lot coverage of 30% (112.14m<sup>2</sup>) (1,207.1sq.ft.) is permitted.

#### **A0247/09NY – EAST 17.43M (57.18') – PART 2**

1. Lot area of 373.8m<sup>2</sup> (4,023.68sq.ft)  
WHEREAS a minimum lot area of 550m<sup>2</sup> (5,920.34sq.ft.) is required;
2. West side yard setback of 0.91m (3') to the proposed dwelling  
WHEREAS a minimum setback of 1.8m (6') is required;
3. East side yard setback of 1.83m (6') to the proposed dwelling  
WHEREAS a minimum setback of 3m (10') is required;
4. Rear yard setback of 7m (23') to the proposed dwelling  
WHEREAS a minimum setback of 9.5m (31.2') is required;
5. Proposed lot coverage of 34.2% (127.84m<sup>2</sup>) (1,376.1sq.ft.)  
WHEREAS a maximum lot coverage of 30% (112.14m<sup>2</sup>) (1,207.1sq.ft.) is permitted;

#### **COMMENTS**

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The lands concerned are the subject of previous Committee of Adjustment applications B37/03NY, A206/03NY and A261/03NY, which were submitted for the division of the lands into two (2) parts for the creation of new building lots fronting onto Holmes Avenue and for the construction of a new two storey dwelling on each of the proposed lots. The proposed lots were to have frontages of 16.6m (54.46') and areas of 393.2m<sup>2</sup> (4,232.51sq.ft.) and 354.5m<sup>2</sup> (3,812.7sq.ft.). Variances were requested for lot area, front yard setback, east and west side yard setbacks, rear yard setbacks and lot coverage.

These applications was considered by the Committee on September March 4, 2004. It was the decision of the Committee to refuse all of the applications. The applicant appealed the Committee's decisions to the Ontario Municipal Board. The Board issued a decision on August 6, 2004 refusing the applications. Attached are copies of the original proposal, the Committee's decisions and the Ontario Municipal Board Order.

The applicant is proposing to divide the existing lot fronting Bayview Avenue into two (2) parts for the creation of building lots fronting onto Holmes Avenue. Part 1 would have a frontage of 15.78m (51.77'), a depth of 23.68m (77.69') and an area of 373.8m<sup>2</sup> (4,023.68sq.ft.). Part 2 would have a frontage of 17.43m (57.1'), an average depth of 23.8m (78') and an area of 373.8m<sup>2</sup> (4,023.68sq.ft.).

Under the previous application, staff conducted a lot study of the properties within a 122m (400') radius of the subject property. This study included 65 lots which ranged in frontage from 10.3m (33.9') to 26.9m (88.2') and in area from 481.8m<sup>2</sup> (5,186.4sq.ft.) to 1,620.9m<sup>2</sup> (17,448.1sq.ft.). This study also included irregular shaped lots fronting onto Feldbar Court and properties on the east side of Bayview Avenue fronting onto Burbank Drive. Staff have conducted a new lot study to include properties within the immediate area of the proposal. The irregular lot and the lots fronting onto Burbank Drive have been excluded. This study included 97

lots which ranged in lot area from 459.7m<sup>2</sup> (4,947.8sq.ft.) to 1,092.8m<sup>2</sup> (11,762.8sq.ft.), with an average area of 694.1m<sup>2</sup> (7,471.1sq.ft.).

The subject property and the surrounding area is designated as *Neighbourhoods* in the Official Plan and are considered physically stable areas. Development within *Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, lot sizes, streetscapes and open space patterns in these areas.

The Plan recognizes that neighbourhoods are stable not static meaning that there will be changes made. *Neighbourhoods* will not stay frozen in time. Some physical change will occur in the form of enhancements, additions and infill housing. A cornerstone policy is to ensure that new development respects the existing physical character of the area, reinforcing the stability of the neighbourhood.

Section 4.1 of the Official Plan establishes the development policies for *Neighbourhoods*. The preamble to the development criteria states “The stability of our *Neighbourhoods*’ physical character is one of the keys to Toronto’s success. Physical changes to our established *Neighbourhoods* must be sensitive, gradual and generally “fit” the existing physical character. A key objective of this Plan is that new development respect and reinforce the general physical patterns in a *Neighbourhood*”.

Policy 4.1.5 establishes the criteria for development within *Neighbourhoods*. Development will respect and reinforce the existing physical character of the neighbourhood, with particular regard to:

- b) Size and configuration of lots;
- c) Heights, massing, scale and dwelling type of nearby residential properties;
- d) Prevailing building types;
- e) Setbacks of buildings from the street or streets;
- f) Prevailing patterns of rear and side yard setbacks and landscaped open space

No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood.

Policy 4.1.8 states that “*Zoning By-laws will contain numerical site standards for matters such as building type and height, density, lot sizes, lot depths, lot frontages, parking, building setbacks from lot lines, landscaped open space and any other performance standards to ensure that new development will be compatible with the physical character of established residential Neighbourhoods*”.

While the original submission was reviewed within the context of the North York Official Plan with respect to the policy for the creation of lots that were substantially smaller than the surrounding area, the planner for the City went on to argue the compatibility and fit within an existing physical context which is a policy of the new Official Plan. Staff are of the opinion that the proposal does not conform with the requirements of the new Official Plan with respect to the size and configuration of the lots, the prevailing patterns of rear and side yard setbacks And that the development does not respect and reinforce the general physical patterns in the area.

There are a number of variances required to facilitate the construction of the proposed dwellings. Variance number 1 with respect to the lot areas would result in the smallest lots in the area.

Reductions in the side yard setbacks from the required 1.8m (6') to the requested 1.22m (4') are not common on lots have frontages of 15.24m (50') or greater. There have not been any approvals in the area for a reduction in the rear yard setback requirement.

The subject property is located in an area where the maximum lot coverage approved is up to the 32% range. The applicant is requesting lot coverages significantly above what has been approved in the area.

The only changes to the consent proposal from the original submission is an adjustment to the lot line to the west in order to enlarge the frontage of the east lot. The dwellings have been re-designed. However, these changes do not result in dwellings that are compatible with the development in the area.

City Council adopted the Planning Report dated September 17, 2007 for development options for the properties fronting onto Bayview Avenue between Finch Avenue and Highway 401. The study resulted in City Council approving Urban Design Guidelines for townhouse developments within this area. These guidelines encourage the consolidation of lots to provide for complete and comprehensive development along the block frontages where the lots were of sufficient depth in order to provide an appropriate transition to the adjacent properties.

In this case the applicant has not chosen to consolidate the lands for development fronting onto Bayview Avenue as contemplated in the study. Therefore, this application has been reviewed based on its conformity and relationship to the surrounding neighbourhood of single family detached dwellings and the existing lot fabric of this area. In this instance the intended intensification of the Bayview Avenue frontage does not apply.

There are no other wide lots having a depth as shallow as what is being proposed in the general area. Staff recognize that the proposed lots comply with the frontage requirement for the R4 Zone in which the property is located. However, lot frontage is not the only criteria to which approval of a severance should be granted.

The proposed lots would be the smallest lots in area both within the original lot study area. The proposed lots would not be in keeping with the character of the neighbourhood. The proposed dwellings would not be in keeping with the existing streetscape as the proposed dwellings would be located in front of the dwellings to the west. The reduction in the rear yard open space is also not representative of the pattern in the surrounding area.

Staff believe that the construction two homes is an overdevelopment of the property and does not result in lots or dwellings that are in keeping with the existing physical character of the neighbourhood. The lot in its existing form is not an anomaly in the area and is not out of character with the existing physical character of the surrounding area.


Given that the proposal now before the Committee is not significantly different nor has it been altered substantially from the original proposal and the original issues cited by the Committee's refusal or the Ontario Municipal Board Order have not been removed, it is clear that the Committee's original decisions and the subsequent Board Order that the proposal does not represent good planning.

It is staff's opinion that the consent application and the two (2) associated Minor Variance applications be refused.

## CONTACT

Jenny Stark, Planner  
Tel: 416-395-7138  
Fax: 416-395-7200  
E-mail: [jstark@toronto.ca](mailto:jstark@toronto.ca)

## SIGNATURE



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Thomas C. Keefe, Director,  
Community Planning, North York District

**EXTRACT FROM THE MINUTES OF THE NORTH YORK DISTRICT  
COMMITTEE OF ADJUSTMENT  
MEETING HELD ON SEPTEMBER 30, 2009  
(PANEL A)**

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**B0022/09NY  
A0246/09NY  
A0247/09NY**

**MEHRAB HAMRAZIAN  
FARIBA ALIKHANI**  
Plan 3691 Lot 111  
3144 Bayview Avenue  
R4 - Single Family Detached Dwelling Zone  
Willowdale (23)

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**B0022/09NY:**

**3144 BAYVIEW AVE**

This is an application under Sections 50, 53 and 54 of the Planning Act, for the consent to the division of a parcel of residential lands into two parts for conveyance purposes for the creation of new residential building lots fronting onto Holmes Avenue. The lands concerned are irregular in shape, having 23.91m fronting onto the west side of Bayview Avenue, a depth of 33.21m along to north property line, a depth of 29.93 along the south property line and an area of 747.7m<sup>2</sup>. The lands are more particularly described as Part 1 and Part 2 on the Draft Reference Plan attached to this notice. The lands presently contain the dwelling municipally know as 3144 Bayview Avenue which would be demolished. It is proposed to divide the lot into two parts for the creation of a new residential building lot. A new two storey dwelling would be constructed on each of the proposed lots. Part 1 on the attached plan, would have 15.78m fronting onto the south side of Holmes Avenue, a depth of 23.68m and an area of 373.8m<sup>2</sup>. Part 2 on the attached plan, would be irregular in shape, having 17.43m fronting onto the south side of Holmes Avenue, a depth of 23.68m along the west lot line, a depth of 23.91m along the east lot (Bayview Avenue) and an area of 373.8m<sup>2</sup>.

**A0246/09NY:**

**WEST 15.78m of 3144 BAYVIEW AVE – PART 1**

This is an application to to permit the construction of a new two storey dwelling on the west 15.78m of the above noted property . The existing dwelling would be demolished.

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

1. Lot area of 373.8m<sup>2</sup>  
WHEREAS a minimum lot area of 550m<sup>2</sup> is required;
2. West side yard setback of 1.22m to the proposed dwelling  
WHEREAS a minimum setback of 1.8m is required;
3. East side yard setback of 0.91m to the proposed dwelling  
WHEREAS a minimum setback of 1.8m is required;
4. Rear yard setback of 7m to the proposed dwelling  
WHEREAS a minimum setback of 9.5m is required;
5. Proposed lot coverage of 36.9% (137.93m<sup>2</sup>)  
WHEREAS a maximum lot coverage of 30% (112.14m<sup>2</sup>) is permitted.

**B0022/09NY, A0246/09NY & A0247/09NY cont'd:**

**A0247/09NY: EAST 17.43m of 3144 BAYVIEW AVE – PART 2**

This is an application to permit the construction of a new two storey dwelling on the east 17.42m of the above noted property . The existing dwelling would be demolished.

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

1. Lot area of 373.8m<sup>2</sup>  
WHEREAS a minimum lot area of 550m<sup>2</sup> is required;
2. West side yard setback of 0.91m to the proposed dwelling  
WHEREAS a minimum setback of 1.8m is required;
3. East side yard setback of 1.83m to the proposed dwelling  
WHEREAS a minimum setback of 3m is required;
4. Rear yard setback of 7m to the proposed dwelling  
WHEREAS a minimum setback of 9.5m is required;
5. Proposed lot coverage of 34.2% (127.84m<sup>2</sup>)  
WHEREAS a maximum lot coverage of 30% (112.14m<sup>2</sup>) is permitted;

The Committee had before it the following communications:

- A staff report dated September 21, 2009, from Thomas C. Keefe, Director, Community Planning, North York District, commenting on these applications.
- A memorandum dated September 30, 2009, from Harold Moffatt, Supervisor, Tree Protection and Plan Review, Parks, Forestry & Recreation, Urban Forestry Division, North York District, outlining their requirements.
- A communication dated June 3, 2009, from Mr. Michael Goldberg, representative for the owners, c/o Golderg Group, 2171 Avenue Road, Suite 301, Toronto, Ontario, M5M 4B4, explaining these applications.
- A memorandum dated August 25, 2009, from Frank Clarizio, Manager, Development Engineering, Technical Services Division, North York District, outlining their requirements.
- A memorandum dated September 30, 2009, from Councillor John Filion, indicating that he supports staff's recommendation to refuse these applications.
- A request for a copy of the Committee's Decision from Judy Stark, 202 Holmes Avenue, Toronto, Ontario, M2N 4N1.

The following persons appeared before the Committee of Adjustment in connection with the foregoing matter:

- Mr. Michael Goldberg, representative for the owners, c/o Golderg Group, 2171 Avenue Road, Suite 301, Toronto, Ontario, M5M 4B4, who commented on the merits of these applications.



**B0022/09NY, A0246/09NY & A0247/09NY cont'd:**

- Mr. Stan Gorchynski, 3140 Bayview Avenue, Toronto, Ontario, M2N 5L4, who spoke in opposition to these applications.
- Ms. Dragica Ludwig, 3142 Bayview Avenue, Toronto, Ontario, M2N 5L4, who spoke in opposition to this application.

**B0022/09NY**

**DECISION:** It was moved by Mr. DiProspero, seconded by Mr. Forbes and carried unanimously that the application be REFUSED.  
Grounds for refusal are that the proposed lots are not in keeping with the general pattern of development in the area, and having had regard for Section 51(24) of the Planning Act, the Committee was of the opinion that the application does not maintain the general intent of the Official Plan and the size of the proposed lots are not consistent with the lots in the area.

**A0246/09NY & A0247/09NY**

**DECISION:** It was moved by Mr. DiProspero, seconded by Mr. Forbes and carried unanimously that the applications be REFUSED.  
Grounds for refusal are that the variances are not minor, are not within the intent of the Zoning By-law and Official Plan and are not appropriate developments of the properties.

Wednesday, September 30, 2009

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

File Number:	B0022/09NY	Zoning	R4 - Single Family Detached Dwelling Zone
Owner(s):	MEHRAB HAMRAZIAN	Ward:	Willowdale (23)
Agent:	LA PIEDRA INC		
Property Address:	<b>3144 BAYVIEW AVE</b>	Community:	North York
Legal Description:	PLAN 3691 LOT 111		

Notice was given and the application considered on Wednesday, September 30, 2009, as required by the Planning Act.

**THE CONSENT REQUESTED:**

This is an application under Sections 50, 53 and 54 of the Planning Act, for the consent to the division of a parcel of residential lands into two parts for conveyance purposes for the creation of new residential building lots fronting onto Holmes Avenue.

The lands concerned are irregular in shape, having 23.91m fronting onto the west side of Bayview Avenue, a depth of 33.21m along to north property line, a depth of 29.93 along the south property line and an area of 747.7m<sup>2</sup>. The lands are more particularly described as Part 1 and Part 2 on the Draft Reference Plan attached to this notice. The lands presently contain the dwelling municipally know as 3144 Bayview Avenue which would be demolished.

It is proposed to divide the lot into two parts for the creation of a new residential building lot. A new two storey dwelling would be constructed on each of the proposed lots.

Part 1 on the attached plan, would have 15.78m fronting onto the south side of Holmes Avenue, a depth of 23.68m and an area of 373.8m<sup>2</sup>.

Part 2 on the attached plan, would be irregular in shape, having 17.43m fronting onto the south side of Holmes Avenue, a depth of 23.68m along the west lot line, a depth of 23.91m along the east lot (Bayview Avenue) and an area of 373.8m<sup>2</sup>.

**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.
- The adequacy of roads, vehicular access, parking and loading facilities has not been demonstrated.
- The adequacy of utilities and municipal services has not been demonstrated.

**SIGNATURE PAGE**

File Number:	B0022/09NY	Zoning	R4 - Single Family Detached Dwelling Zone
Owner(s):	MEHRAB HAMRAZIAN	Ward:	Willowdale (23)
Agent:	LA PIEDRA INC		
Property Address:	<b>3144 BAYVIEW AVE</b>	Community:	North York
Legal Description:	PLAN 3691 LOT 111		

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Shima Mirkarimi  
(signed)

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Donald Di Prospero  
(signed)

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Robert Pletsch (signed)

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Ronald Forbes (signed)

DATE DECISION MAILED ON: Thursday, October 8, 2009

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, October 27, 2009

CERTIFIED TRUE COPY

Daniel Antonacci (signed)  
Manager & Deputy Secretary Treasurer  
North York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$125.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at [www.omb.gov.on.ca](http://www.omb.gov.on.ca).

**NOTE:** Only individuals, corporations and public agencies may appeal a decision to the Ontario Municipal Board. 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.

Wednesday, September 30, 2009

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

File Number:	A0246/09NY	Zoning	R4 - Single Family Detached Dwelling Zone
Owner(s):	FARIBA ALIKHANI MEHRAB HAMRAZIAN	Ward:	Willowdale (23)
Agent:	LA PIEDRA INC		
Property Address:	<b>3144 BAYVIEW AVE-PART 1</b>	Community:	North York
Legal Description:	PLAN 3691 LOT 111		

Notice was given and a Public Hearing was held on Wednesday, September 30, 2009, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

This is an application to permit the construction of a new two storey dwelling on the west 15.78m of the above noted property. The existing dwelling would be demolished.

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

1. Lot area of 373.8m<sup>2</sup>  
WHEREAS a minimum lot area of 550m<sup>2</sup> is required;
2. West side yard setback of 1.22m to the proposed dwelling  
WHEREAS a minimum setback of 1.8m is required;
3. East side yard setback of 0.91m to the proposed dwelling  
WHEREAS a minimum setback of 1.8m is required;
4. Rear yard setback of 7m to the proposed dwelling  
WHEREAS a minimum setback of 9.5m is required;
5. Proposed lot coverage of 36.9% (137.93m<sup>2</sup>)  
WHEREAS a maximum lot coverage of 30% (112.14m<sup>2</sup>) is permitted.

**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**

File Number:	A0246/09NY	Zoning	R4 - Single Family Detached Dwelling Zone
Owner:	FARIBA ALIKHANI MEHRAB HAMRAZIAN	Ward:	Willowdale (23)
Agent:	LA PIEDRA INC		
Property Address:	<b>3144 BAYVIEW AVE-PART 1</b>	Community:	North York
Legal Description:	PLAN 3691 LOT 111		

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Shima Mirkarimi (signed)

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Donald Di Prospero  
(signed)

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Robert Pletsch (signed)

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Ronald Forbes (signed)

DATE DECISION MAILED ON: Thursday, October 8, 2009

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, October 20, 2009

CERTIFIED TRUE COPY

Daniel Antonacci (signed)  
Manager & Deputy Secretary Treasurer  
North York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$125.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at [www.omb.gov.on.ca](http://www.omb.gov.on.ca).

Wednesday, September 30, 2009

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

File Number:	A0247/09NY	Zoning	R4 - Single Family Detached Dwelling Zone
Owner(s):	FARIBA ALIKHANI MEHRAB HAMRAZIAN	Ward:	Willowdale (23)
Agent:	LA PIEDRA INC		
Property Address:	3144 BAYVIEW AVE-PART 2	Community:	North York
Legal Description:	PLAN 3691 LOT 111		

Notice was given and a Public Hearing was held on Wednesday, September 30, 2009, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

This is an application to permit the construction of a new two storey dwelling on the east 17.42m of the above noted property. The existing dwelling would be demolished.

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

1. Lot area of 373.8m<sup>2</sup>  
WHEREAS a minimum lot area of 550m<sup>2</sup> is required;
2. West side yard setback of 0.91m to the proposed dwelling  
WHEREAS a minimum setback of 1.8m is required;
3. East side yard setback of 1.83m to the proposed dwelling  
WHEREAS a minimum setback of 3m is required;
4. Rear yard setback of 7m to the proposed dwelling  
WHEREAS a minimum setback of 9.5m is required;
5. Proposed lot coverage of 34.2% (127.84m<sup>2</sup>)  
WHEREAS a maximum lot coverage of 30% (112.14m<sup>2</sup>) is permitted;

**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**

File Number: A0247/09NY Zoning R4 - Single Family Detached Dwelling Zone  
Owner: FARIBA ALIKHANI MEHRAB HAMRAZIAN Ward: Willowdale (23)  
Agent: LA PIEDRA INC  
Property Address: 3144 BAYVIEW AVE-PART 2 Community: North York  
Legal Description: PLAN 3691 LOT 111

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Shima Mirkarimi (signed)

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Donald Di Prospero  
(signed)

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Robert Pletsch (signed)

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Ronald Forbes (signed)

DATE DECISION MAILED ON: Thursday, October 8, 2009

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, October 20, 2009

CERTIFIED TRUE COPY

Daniel Antonacci (signed)  
Manager & Deputy Secretary Treasurer  
North York Panel

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