



STAFF REPORT
Committee of Adjustment
Application

Date:	March 22, 2010
To:	Chair and Members of the Committee of Adjustment North York District
From:	Thomas C. Keefe, Director, Community Planning, North York District
Wards:	Ward 23, York Centre
Reference:	File No(s): B0010/10NY, A0062/10NY and A0063/10NY Owner: Ayjan Kavehei Address: 35 Don River Boulevard Application to be heard: March 31, 2010

RECOMMENDATION

It is recommended that should Committee approve the consent application as submitted, this approval be subject to the following conditions:

1. Confirmation of payment of outstanding taxes to the satisfaction of the Revenue Services Division.
2. A draft Certificate of Official, as prescribed in O.Reg. 197/96 as Form 2 or 4 in a form satisfactory to the Deputy Secretary-Treasurer, that includes a completed and registerable description of the land that is the subject of the consent, shall be submitted to the Deputy Secretary-Treasurer within one year of the date of the giving of notice of this decision.
3. Copies of a deposited Reference Plan of Survey, integrated with the Ontario Co-ordinate System, and clearly delineating the parcels of land approved by the Committee of Adjustment. A listing of the PARTS and their respective areas is required.
4. A copy of a letter from the Executive Director of Technical Services advising that the applicant has obtained the necessary adjustment to the municipal addressing of the land. Contact Survey and Mapping Services, Technical Services at (416) 392-7755. The application for municipal addressing must be accompanied by a copy of the deposited Reference Plan of Survey, integrated with the Ontario Co-ordinate System, and specify the PART numbers that will comprise each of the new parcels.
5. Payment of Parks Fund Charges which amounts to \$1,000.00.

6. The submission of a Natural Heritage System impact assessment, in accordance with Section 3.4.11 of the Official Plan, to the satisfaction of the Toronto and Region Conservation Authority.
7. This Decision shall become null and void within 12 months unless the Certificate of the Committee of Adjustment is affixed to the relevant documents.

It is further recommended that should Committee approve the minor variance applications as submitted, this approval be subject to the following conditions:

A0062/10NY

1. The property being developed essentially in accordance with the front elevation attached to this report.
2. A maximum of two floor levels (excluding the basement) to be located above grade.
3. The requirements of the Toronto and Region Conservation Authority.
4. The requirements of the Urban Forestry Ravine Protection Division.

A0063/10NY

1. The requirements of the Toronto and Region Conservation Authority.
2. The requirements of the Urban Forestry Ravine Protection Division.

APPLICATION

This is an application under Sections 50, 53 and 54 of the *Planning Act* for the division of a parcel of residential lands into two parts for conveyance purposes for the creation of a new residential building lot and under Section 45 of the *Planning Act* to amend the provisions of North York Zoning By-law 7625, as amended, to permit the construction of a new two storey and three storey dwelling on each of the newly created lots.

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

A0062/10NY – NORTH 14.68M OF 35 DON RIVER BOULEVARD - PART A

This is an application to permit the construction of a new three storey dwelling on the above noted property.

1. South side yard setback of 1.2m (4') to the proposed dwelling
WHEREAS a minimum setback of 1.8m (6') is required;
2. Proposed dwelling height of 9.8m (32.15')
WHEREAS a maximum dwelling height of 8.8m (28.8') is permitted;

3. Finished first floor elevation of 2.5m (8.2')
WHEREAS a maximum finished first floor elevation of 1.5m (5') is permitted.; and
4. Proposed three storey dwelling
WHEREAS a maximum of two storeys are permitted.

***NOTE** -The property rises in grade from the centreline of the street to the front of the dwelling. Due to the rise in grade, a minimum of 50% of the height of the basement is not located below the centreline of the street, resulting in the dwelling being considered three (3) storeys in height.

A0063/10NY – SOUTH 14.68M OF 35 DON RIVER BOULEVARD - PART B

This is an application to permit the construction of a new two storey dwelling on the above noted property.

1. North side yard setback of 1.2m (4') to the proposed dwelling
WHEREAS a minimum setback of 1.8m (6') is required.

COMMENTS

The lands concerned are irregular in shape, having 29.36m (96.3') fronting onto the east side of Don River Boulevard, a depth along the north lot line of 36.92m (121.13'), a depth along the south lot line of 42.97m (141') and an area of 1,663.94m² (17,911.09sq.ft.). The lands contain the dwelling known municipally as 35 Don River Boulevard.

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

Part A, would be irregular in shape having 14.68m (48.16') fronting onto the east side of Don River Boulevard, a lot frontage and width of 15.45m (50.7'), a depth along the north lot line of 36.92m (121.3'), a depth along the south lot line of 50.97m (167.22') and an area of 731.06m² (7,858.6sq.ft.).

Part B, would be irregular in shape having 14.68m (48.16') fronting onto the east side of Don River Boulevard, a lot frontage and width of 16.34m (53.6'), a depth along the north lot line of 50.97m (167.22'), a depth along the south lot line of 42.97m (141') and an area of 932.88m² (1,004.8sq.ft.).

The lands concerned were the subject of a previous Committee of Adjustment application A0587/08NY, which was submitted for the construction of a two storey dwelling. Variance were requested and approved for a finished first floor elevation of 2.5m (8.2') and a dwelling height of 9.2m (30.18'). Attached is a copy of the Committee's decision.

The applicant is proposing to demolish the existing dwelling and construct new dwellings on each of the proposed lots.

The proposed dwellings would have interior side yard setbacks of 1.2m (4'). The By-law requires a minimum setback of 1.8m (6'). The proposed setbacks would not have an impact on the surrounding properties and are consistent with other approvals on the street.

The grade of the property on the north lot slopes upwards from the street approximately 1.41m (4.6'). This rise in grade contributes to the variance request for dwelling height, finished first floor elevation and three (3) storeys.

The applicant is requesting a dwelling height of 9.8m (32.15'). The By-law permits a maximum dwelling height of 8.8m (28.8').

The proposed dwelling would have a finished first floor elevation of 2.5m (8.2'). The By-law permits a maximum finished first floor elevation of 1.5m (5').

The dwelling to be constructed on the north lot would be three(3) storeys in height. The By-law permits a maximum of two (2) storeys. The dwelling is considered to be three (3) storeys in height due to more than 50% of the height of the basement being located above the centre line of the street (established grade). The front elevation of the proposed dwelling indicates that the garage is at the first floor level and there is only one storey above. In order to ensure that the request for a three (3) storey dwelling does not result in a true three storeys of living space, staff would recommend that the proposed dwelling be constructed in accordance with the front elevation attached to this report and that a maximum of two floors levels (excluding the basement) be located above grade.

The subject property and its environs are designated as Natural Area in the Official Plan and is located within the Natural Heritage System. The Plan recognizes that proposals for new development may need to be accompanied by a study assessing their impact on the natural environment and these lands are regulated by the Toronto and Region Conservation Authority. The lands are also located within a floodplain area.

Chapter 3, Policy 6 states:

Areas within the floodplain may only be used for activities that:

- (a) retain the existing topography;
- (b) protect, restore or improve existing natural features and functions
- (c) do not result in unacceptable risks to life or property; and
- (d) minimize the need to mitigate and remediate floods, erosion and damage to the natural ecosystem.

Chapter 3, Policy 10 states:

Development is generally not permitted in the natural heritage system illustrated on Map 9. Where the underlying land use designation provides for development in or near the natural heritage system, development will:

- (a) recognize natural heritage values and potential impacts on the natural ecosystem as much as is reasonable in the context of other objectives for the area; and
- (b) minimize adverse impacts and when possible, restore and enhance the natural heritage system.

Chapter 3, Policy 11 states:

Consents to sever land or approval of plans of subdivision will not be permitted for any parcels of land that is entirely within or part of the natural heritage system unless:

- (a) the land is being conveyed to the Toronto and Region Conservation Authority or other public agencies;
- (c) an assessment of the impacts to the natural heritage system has been satisfactorily completed.

While the proposal may be located within the Natural Heritage System and within the floodplain, it forms part of a settled area that includes approximately seventeen (17) other dwellings and lots. There have been other consent applications approved for the creation of new lots in this area, and these lots were created after to the introduction of the Official Plan. The underlying land use designation (R4) permits residential uses and sets out performance standards for those uses.


The lands presently contain a dwelling and the creation of the new lot would see the introduction of one (1) additional dwelling. Both lots fully comply with the By-law requirements for lot frontage and significantly exceed the requirement for lot area.

The property would be subject to the Site Plan Approval process, through which the environmental impacts may be assessed. The applicant submits that the proposed dwelling on the south lot is located in a similar location to the previous approvals and that it has been designed to avoid the floodplain located towards the rear of the property. The proposal would be subject to the applicant being required to meet the requirements of the Toronto and Region Conservation Authority, who do not support the fragmentation of lands located within the floodplain. The submission of a Natural Heritage System impact assessment, prior to the consent conditions being fulfilled, will also allow the applicant an opportunity to meet the conditions of the Toronto and Region Conservation Authority and determine the most appropriate location for the proposed dwellings in order to minimize the impacts to the surrounding natural environment.

It is staff's opinion, that while this is not the ideal situation, the consent could be supported given the compliance of the lots with the underlying residential zoning and By-law requirements and the size of the lot areas for each parcel. Section 3.4.11 of the Official Plan does not permit consents to sever land unless a Natural Heritage System impact assessment has been submitted, it is staff's opinion that the submission of such an assessment prior to the fulfillment of the consent conditions could allow for an opportunity to determine the most appropriate locations for the proposed dwellings on the lots while minimizing the impact on the surrounding natural environment. Given the pattern of development already existing on the street, the Official Plan policies would be more appropriately applied to lands created in the Natural Heritage System where no other developed lots previously existed.

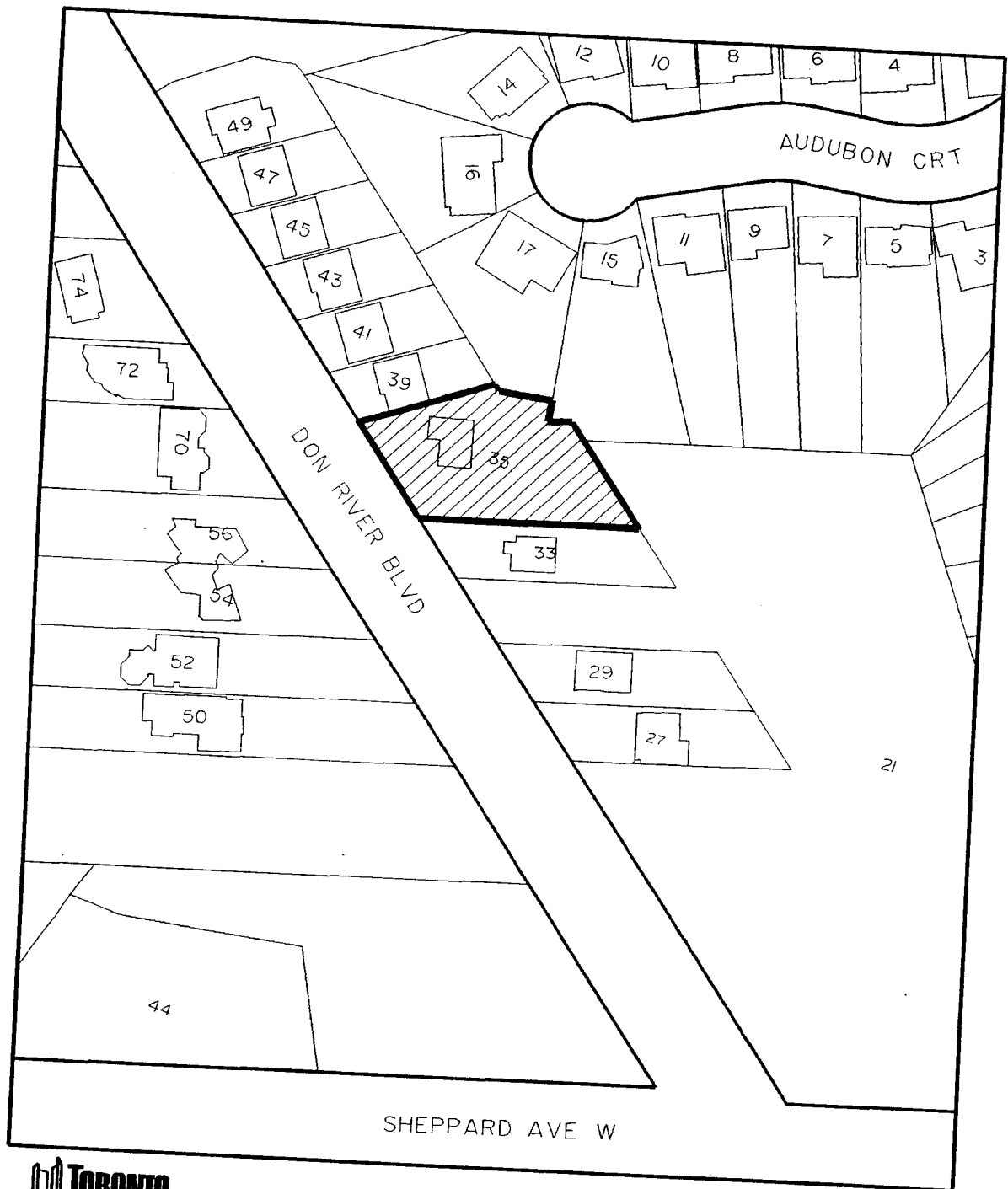
Should the Committee chose to consider the consent and associated minor variance applications as submitted, that any approval be subject to the conditions listed above.

SIGNATURE


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

CONTACT

Jenny Stark, Planner
Tel: 416-395-7138
Fax: 416-395-7200
E-mail: jcstark@toronto.ca



 **TORONTO** City Planning
Location Map

35 Don River Boulevard

File # A0062/10NY, A0063/10NY & B0010/10NY

North York Committee of Adjustment

 Not to Scale

COMMITTEE OF ADJUSTMENT
(North York Civic Area)

File - B0010/10NY,
A0062/10NY &
A0063/10NY



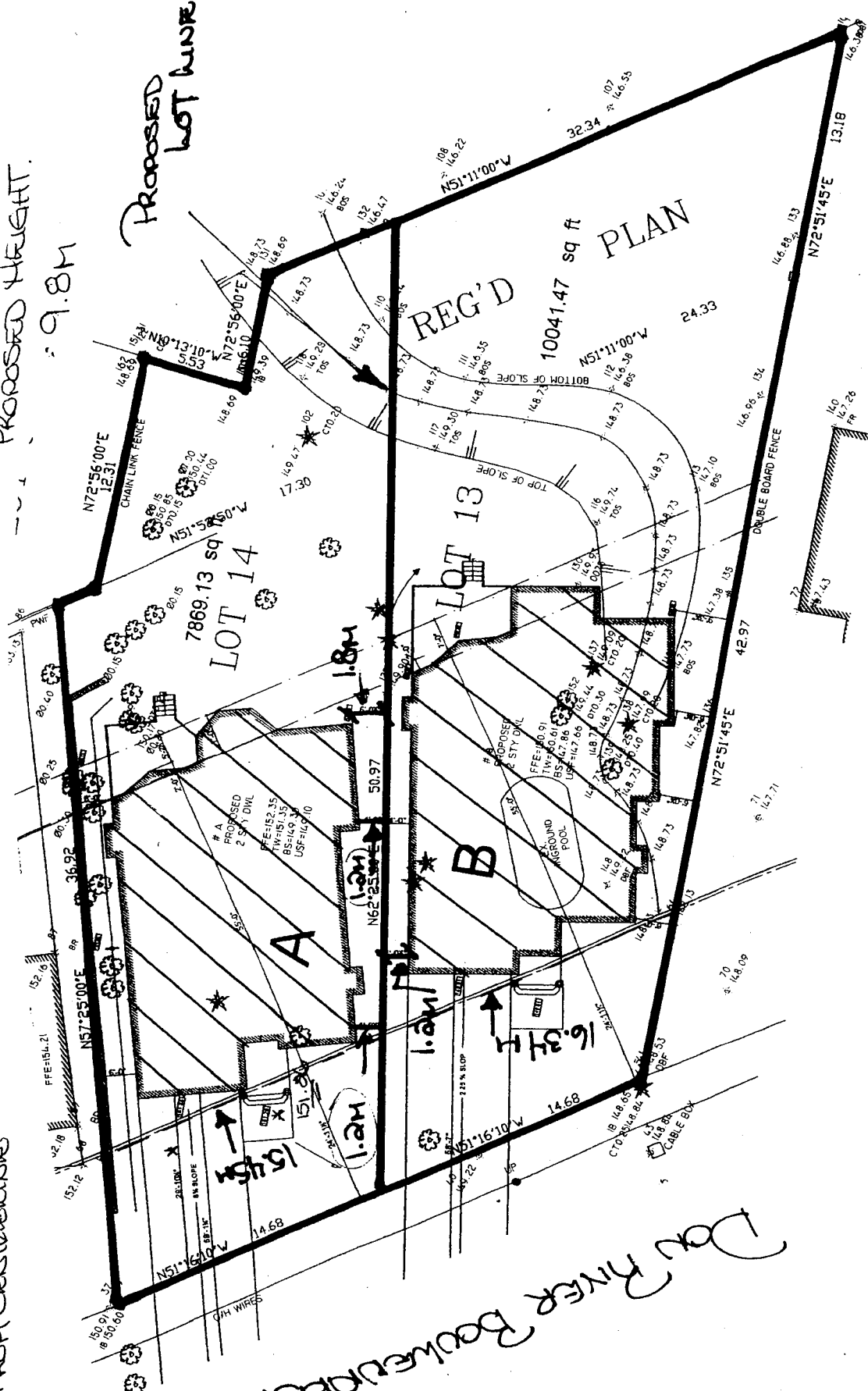
TORONTO

ADDRESS: 35 DON RIVER BOULEVARD

*GROOVE SHOPLISS UPWARDS
FROM CHENSTREHINE

PROPOSED HEIGHT.
= 9.8M

PROPOSED
LOT LINE



C/L =
149.85

Don River Boulevard

**EXTRACT FROM THE MINUTES OF THE NORTH YORK DISTRICT
COMMITTEE OF ADJUSTMENT
MEETING HELD ON MARCH 31, 2010
(PANEL B)**

File Number:	B0010/10NY	Zoning	R4 - Single Family Detached Dwelling Zone
Owner(s):	AYJAN KAVEHEI	Ward:	Willowdale (23)
Agent:	FRANCO ROMANO		
Property Address:	35 DON RIVER BLVD	Community:	North York
Legal Description:	PLAN 2069 PT LOT 13 NPT X W PT LOT 13		

THE CONSENT REQUESTED:

This is an application for the division of a parcel of residential lands into two parts for conveyance purposes for the creation of a new residential building lot.

The lands concerned are irregular in shape, having 29.36m fronting onto the east side of Don River Boulevard, a depth along the north lot line of 36.92m, a depth along the south lot line of 42.97m and an area of 1663.94m². The lands contain the dwelling known municipally as 35 Don River Boulevard.

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

Part A, would be irregular in shape having 14.68m fronting onto the east side of Don River Boulevard, a lot frontage and width of 15.45m, a depth along the north lot line of 36.92m, a depth along the south lot line of 50.97m and an area of 731.06m².

Part B, would be irregular in shape having 14.68m fronting onto the east side of Don River Boulevard, a lot frontage and width of 16.34m, a depth along the north lot line of 50.97m, a depth along the south lot line of 42.97m and an area of 932.88m².

The Committee had before it the following communications:

- A staff report dated March 22, 2010, from Thomas C. Keefe, Director, Community Planning, North York District, recommending that any approval of this consent application be subject to the following conditions:
 1. Confirmation of payment of outstanding taxes to the satisfaction of the Revenue Services Division.
 2. A draft Certificate of Official, as prescribed in O. Reg. 197/96 as Form 2 or 4 in a form satisfactory to the Deputy Secretary-Treasurer, that includes a completed and registerable description of the land that is the subject of the consent, shall be submitted to the Deputy Secretary-Treasurer within one year of the date of the giving of notice of this decision.

B0010/10NY cont'd:

3. Copies of a deposited Reference Plan of Survey, integrated with the Ontario Co-ordinate System, and clearly delineating the parcels of land approved by the Committee of Adjustment. A listing of the PARTS and their respective areas is required.
 4. A copy of a letter from the Executive Director of Technical Services advising that the applicant has obtained the necessary adjustment to the municipal addressing of the land. Contact Survey and Mapping Services. Technical Services at (416) 392-7755. The application for municipal addressing must be accompanied by a copy of the deposited Reference Plan of Survey, integrated with the Ontario Co-ordinate System, and specify the PART numbers that will comprise each of the new parcels.
 5. Payment of Parks Fund Charges which amounts to \$1,000.00
 6. The submission of a Natural Heritage System impact assessment, in accordance with Section 3.4.11 of the Official Plan, to the satisfaction of the Toronto and Region Conservation Authority.
 7. This Decision shall become null and void within 12 months unless the Certificate of the Committee of Adjustment is affixed to the relevant documents.
- A communication dated March 22, 2010, from Robert C. Kindsell, 33 Don River Boulevard, Toronto, Ontario, M2N 2M8, in opposition to this application.
 - A memorandum dated March 30, 2010, from Councillor John Filion, commenting that the applicant has not yet received the approval of either the Toronto and Region Conservation Authority or Urban Forestry Ravine Protection, and therefore the application is premature and should be deferred.
 - A communication dated March 30, 2010, from The Toronto and Region Conservation Authority, 5 Shoreham Drive, Toronto, Ontario, M3N 1S4, in opposition to these applications.
 - A communication dated March 30, 2010, from Norman DeFraeye, Supervisor, Ravine & Natural Feature Protection, 355 Lesmill Road, Toronto, Ontario, M3B 2W8, outlining their requirements.
 - A communication dated March 22, 2010, from Robert C. Lindsell, 33 Don River Boulevard, Toronto, Ontario, M2N 2M8, in opposition to these applications.
 - A request for a copy of the Committee's Decision from Vedant Joshi, 39 Don River Boulevard, M2N 2M8.
 - Two communications from area residents indicating no objection to this application.

The Chair advised the Committee that there has been a request from the Ward Councillor to have this item deferred given that the applicant has not yet received the approval of either the Toronto and Region Conservation Authority or Urban Forestry Ravine Protection.

B0010/10NY cont'd:

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

- Mr. Franco Romano, 1655 Angela Crescent, Mississauga, Ontario, L5J 1C1, who spoke on behalf of the owners.

MOTION: It was moved by Mr. Peacock, seconded by Mr. Tsang, and carried unanimously that the request for a deferral of this application be denied.

The Committee proceeded with the hearing of these applications.

- Owner/Occupant, 70 Don River Boulevard, Toronto, Ontario, M2N 2M9, who spoke in opposition to these applications.
- Mr. Mark Rapus, Senior Planner, c/o The Toronto and Region Conservation Authority, 5 Shoreham Drive, Toronto, Ontario, M3N 1S4, who commented that the TRCA has submitted written comments with respect to these applications.
- Mr. Vedant Joshi, 39 Don River Boulevard, Toronto, Ontario, M2N 2M8, who spoke in opposition to these applications.
- Mr. Lindsell, 33 Don River Boulevard, Toronto, Ontario, M2N 2M8, who spoke in opposition to these applications.

B0010/10NY

DECISION: It was moved by Mr. Peacock, seconded by Mr. Tsang, 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.

Absent: Ms. Solomon

**EXTRACT FROM THE MINUTES OF THE NORTH YORK DISTRICT
COMMITTEE OF ADJUSTMENT
MEETING HELD ON MARCH 31, 2010
(PANEL B)**

File Number:	A0062/10NY	Zoning	R4 - Single Family Detached Dwelling Zone
Owner(s):	AYJAN KAVEHEI	Ward:	Willowdale (23)
Agent:	FRANCO ROMANO		
Property Address:	35 DON RIVER BLVD	Community:	North York
Legal Description:	PLAN 2069 PT LOT 13 NPT X W PT LOT 13		

PURPOSE OF THE APPLICATION:

This is an application to permit the construction of a new three storey dwelling on the north 14.68m, Part A, of the above noted property. The existing dwelling would be demolished.

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

1. South side yard setback of 1.2m to the proposed dwelling
WHEREAS a minimum setback of 1.8m is required;
2. Proposed dwelling height of 9.8m
WHEREAS a maximum dwelling height of 8.8m is permitted;
3. Finished first floor elevation of 2.5m
WHEREAS a maximum finished first floor elevation of 1.5m is permitted.; and
4. Proposed three storey dwelling
WHEREAS a maximum of two storeys are permitted.

***NOTE** -The property rises in grade from the centreline of the street to the front of the dwelling. Due to the rise in grade, a minimum of 50% of the height of the basement is not located below the centreline of the street, resulting in the dwelling being considered three (3) storeys in height.

The Committee had before it the following communications:

- A staff report dated March 22, 2010, from Thomas C. Keefe, Director, Community Planning, North York District, recommending that the following conditions be imposed if the Committee is too look favourably on this application:
 1. The property being developed essentially in accordance with the front elevation attached to this report.
 2. A maximum of two floor levels (excluding the basement) to be located above grade.
 3. The requirements of the Toronto and Region Conservation Authority.
 4. The requirements of the Urban Forestry Ravine Protection Division.
- A communication dated March 22, 2010, from Robert C. Kindsell, 33 Don River Boulevard, Toronto, Ontario, M2N 2M8, in opposition to this application.

A0062/10NY cont'd:

- A memorandum dated March 30, 2010, from Councillor John Filion, commenting that the applicant has not yet received the approval of either the Toronto and Region Conservation Authority or Urban Forestry Ravine Protection, and therefore the application is premature and should be deferred.
- A communication dated March 30, 2010, from The Toronto and Region Conservation Authority, 5 Shoreham Drive, Toronto, Ontario, M3N 1S4, in opposition to these applications.
- A communication dated March 30, 2010, from Norman DeFraeye, Supervisor, Ravine & Natural Feature Protection, 355 Lesmill Road, Toronto, Ontario, M3B 2W8, outlining their requirements.
- A communication dated March 22, 2010, from Robert C. Lindsell, 33 Don River Boulevard, Toronto, Ontario, M2N 2M8, in opposition to these applications.
- A request for a copy of the Committee's Decision from Vedant Joshi, 39 Don River Boulevard, M2N 2M8.
- Two communications from area residents indicating no objection to this application.

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

- Mr. Franco Romano, 1655 Angela Crescent, Mississauga, Ontario, L5J 1C1, who spoke on behalf of the owners.
- Owner/Occupant, 70 Don River Boulevard, Toronto, Ontario, M2N 2M9, who spoke in opposition to these applications.
- Mr. Mark Rapus, Senior Planner, c/o The Toronto and Region Conservation Authority, 5 Shoreham Drive, Toronto, Ontario, M3N 1S4, who commented that the TRCA has submitted written comments with respect to these applications.
- Mr. Vedant Joshi, 39 Don River Boulevard, Toronto, Ontario, M2N 2M8, who spoke in opposition to these applications.
- Mr. Lindsell, 33 Don River Boulevard, Toronto, Ontario, M2N 2M8, who spoke in opposition to these applications.

A0062/10NY

DECISION: It was moved by Mr. Peacock, seconded by Mr. Tsang, and carried unanimously that the application be REFUSED.

Grounds for refusal are that the variance is not minor, is not within the intent of the Zoning By-law and Official Plan, and is not an appropriate development of the property.

Absent: Ms. Solomon

**EXTRACT FROM THE MINUTES OF THE NORTH YORK DISTRICT
COMMITTEE OF ADJUSTMENT
MEETING HELD ON MARCH 31, 2010
(PANEL B)**

File Number:	A0063/10NY	Zoning	R4 - Single Family Detached Dwelling Zone
Owner(s):	AYJAN KAVEHEI	Ward:	Willowdale (23)
Agent:	FRANCO ROMANO		
Property Address:	35 DON RIVER BLVD	Community:	North York
Legal Description:	PLAN 2069 PT LOT 13 NPT X W PT LOT 13		

PURPOSE OF THE APPLICATION:

This is an application to permit the construction of a new two storey dwelling on the south 14.68m, Part B, of the above noted property. The existing dwelling would be demolished.

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

1. North side yard setback of 1.2m to the proposed dwelling
WHEREAS a minimum setback of 1.8m is required.

The Committee had before it the following communications:

- A staff report dated March 22, 2010, from Thomas C. Keefe, Director, Community Planning, North York District, recommending that the following conditions be imposed should the Committee look favourably on this application.
 1. The requirements of the Toronto and Region Conservation Authority.
 2. The requirements of the Urban Forestry Ravine Protection Division.
- A communication dated March 22, 2010, from Robert C. Kindsell, 33 Don River Boulevard, Toronto, Ontario, M2N 2M8, in opposition to this application.
- A memorandum dated March 30, 2010, from Councillor John Filion, commenting that the applicant has not yet received the approval of either the Toronto and Region Conservation Authority or Urban Forestry Ravine Protection, and therefore the application is premature and should be deferred.
- A communication dated March 30, 2010, from The Toronto and Region Conservation Authority, 5 Shoreham Drive, Toronto, Ontario, M3N 1S4, in opposition to these applications.
- A communication dated March 30, 2010, from Norman DeFraeye, Supervisor, Ravine & Natural Feature Protection, 355 Lesmill Road, Toronto, Ontario, M3B 2W8, outlining their requirements.
- A communication dated March 22, 2010, from Robert C. Lindsell, 33 Don River Boulevard, Toronto, Ontario, M2N 2M8, in opposition to these applications.

A0063/10NY cont'd:

- A request for a copy of the Committee's Decision from Vedant Joshi, 39 Don River Boulevard, M2N 2M8.
- Two communications from area residents indicating no objection to this application.

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

- Mr. Franco Romano, 1655 Angela Crescent, Mississauga, Ontario, L5J 1C1, who spoke on behalf of the owners.
- Owner/Occupant, 70 Don River Boulevard, Toronto, Ontario, M2N 2M9, who spoke in opposition to these applications.
- Mr. Mark Rapus, Senior Planner, c/o The Toronto and Region Conservation Authority, 5 Shoreham Drive, Toronto, Ontario, M3N 1S4, who commented that the TRCA has submitted written comments with respect to these applications.
- Mr. Vedant Joshi, 39 Don River Boulevard, Toronto, Ontario, M2N 2M8, who spoke in opposition to these applications.
- Mr. Lindsell, 33 Don River Boulevard, Toronto, Ontario, M2N 2M8, who spoke in opposition to these applications.

A0063/10NY

DECISION: It was moved by Mr. Peacock, seconded by Mr. Tsang, and carried unanimously that the application be REFUSED.

Grounds for refusal are that the variance is not minor, is not within the intent of the Zoning By-law and Official Plan, and is not an appropriate development of the property.

Absent: Ms. Solomon

FILE COPY

Wednesday, March 31, 2010

NOTICE OF DECISION

CONSENT

(Section 53 of the Planning Act)

File Number:	B0010/10NY	Zoning	R4 - Single Family Detached Dwelling Zone
Owner(s):	AYJAN KAVEHEI	Ward:	Willowdale (23)
Agent:	FRANCO ROMANO		
Property Address:	35 DON RIVER BLVD	Community:	North York
Legal Description:	PLAN 2069 PT LOT 13 NPT X W PT LOT 13		

Notice was given and the application considered on Wednesday, March 31, 2010, as required by the Planning Act.

THE CONSENT REQUESTED:

This is an application for the division of a parcel of residential lands into two parts for conveyance purposes for the creation of a new residential building lot.

The lands concerned are irregular in shape, having 29.36m fronting onto the east side of Don River Boulevard, a depth along the north lot line of 36.92m, a depth along the south lot line of 42.97m and an area of 1663.94m². The lands contain the dwelling known municipally as 35 Don River Boulevard.

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

Part A, would be irregular in shape having 14.68m fronting onto the east side of Don River Boulevard, a lot frontage and width of 15.45m, a depth along the north lot line of 36.92m, a depth along the south lot line of 50.97m and an area of 731.06m².

Part B, would be irregular in shape having 14.68m fronting onto the east side of Don River Boulevard, a lot frontage and width of 16.34m, a depth along the north lot line of 50.97m, a depth along the south lot line of 42.97m and an area of 932.88m².

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.

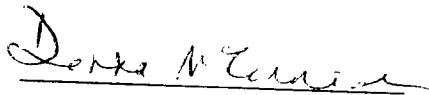
- The proposed land division does not conform to the policies of the official plan.
- The suitability of the land for the purposes for which it is to be subdivided has not been demonstrated.
- The suitability of the dimensions and shapes of the proposed lots has not been demonstrated.
- The adequacy 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: B0010/10NY
Zoning: R4 - Single Family Detached
Owner(s): AYJAN KAVEHEI
Dwelling Zone
Agent: FRANCO ROMANO
Ward: Willowdale (23)
Property Address: 35 DON RIVER BLVD
Community: North York
Legal Description: PLAN 2069 PT LOT 13 NPT X W PT LOT 13



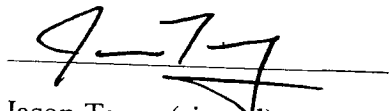
David Peacock (signed)



Donna McCormick
(signed)



Isaac Lallouz (signed)



Jason Tsang (signed)

DATE DECISION MAILED ON: Thursday, April 8, 2010

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, April 27, 2010

CERTIFIED TRUE COPY

Denise Rundle (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.

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.

File Copy

Wednesday, March 31, 2010

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

File Number:	A0062/10NY	Zoning	R4 - Single Family Detached Dwelling Zone
Owner(s):	AYJAN KAVEHEI	Ward:	Willowdale (23)
Agent:	FRANCO ROMANO		
Property Address:	35 DON RIVER BLVD – PART A	Community:	North York
Legal Description:	PLAN 2069 PT LOT 13 NPT X W PT LOT 13		

Notice was given and a Public Hearing was held on Wednesday, March 31, 2010, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

This is an application to permit the construction of a new three storey dwelling on the north 14.68m, Part A, of the above noted property. The existing dwelling would be demolished.

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

1. South side yard setback of 1.2m to the proposed dwelling
WHEREAS a minimum setback of 1.8m is required;
2. Proposed dwelling height of 9.8m
WHEREAS a maximum dwelling height of 8.8m is permitted;
3. Finished first floor elevation of 2.5m
WHEREAS a maximum finished first floor elevation of 1.5m is permitted.; and
4. Proposed three storey dwelling
WHEREAS a maximum of two storeys are 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:	A0062/10NY	Zoning	R4 - Single Family Detached Dwelling Zone
Owner:	AYJAN KAVEHEI	Ward:	Willowdale (23)
Agent:	FRANCO ROMANO	Community:	North York
Property Address:	35 DON RIVER BLVD – PART A		
Legal Description:	PLAN 2069 PT LOT 13 NPT X W PT LOT 13		



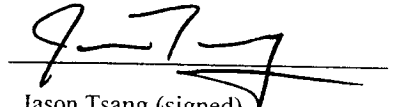
David Peacock (signed)



Donna McCormick
(signed)



Isaac Lallouz (signed)



Jason Tsang (signed)

DATE DECISION MAILED ON: Thursday, April 8, 2010

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, April 20, 2010

CERTIFIED TRUE COPY

Denise Rundle (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.

File Copy

Wednesday, March 31, 2010

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

File Number:	A0063/10NY	Zoning	R4 - Single Family Detached Dwelling Zone
Owner(s):	AYJAN KAVEHEI	Ward:	Willowdale (23)
Agent:	FRANCO ROMANO		
Property Address:	35 DON RIVER BLVD – PART B	Community:	North York
Legal Description:	PLAN 2069 PT LOT 13 NPT X W PT LOT 13		

Notice was given and a Public Hearing was held on Wednesday, March 31, 2010, 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 south 14.68m, Part B, of the above noted property. The existing dwelling would be demolished.

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

1. North side yard setback of 1.2m to the proposed dwelling
WHEREAS a minimum setback of 1.8m is required.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:


The Minor Variance Application is Refused

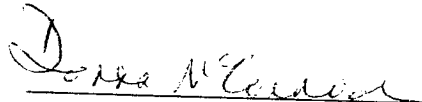
It is the decision of the Committee of Adjustment to **NOT** approve this variance application for the following reasons:


- 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.

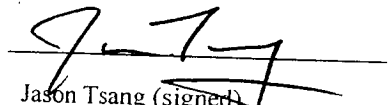
SIGNATURE PAGE

File Number: A0063/10NY Zoning: R4 - Single Family Detached
Owner: AYJAN KAVEHEI Dwelling Zone:
Agent: FRANCO ROMANO Willowdale (23)
Property Address: **35 DON RIVER BLVD –** Community: North York
PART B
Legal Description: PLAN 2069 PT LOT 13 NPT X W PT LOT 13


David Peacock (signed)


Donna McCormick
(signed)


Isaac Lallouz (signed)


Jason Tsang (signed)

DATE DECISION MAILED ON: Thursday, April 8, 2010

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, April 20, 2010

CERTIFIED TRUE COPY

Denise Rundle (signed)
Manager & Deputy Secretary Treasurer
North York Panel

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