

Wednesday, June 15, 2011

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

File Number:	A0542/10NY	Zoning	R3 - Single Family Detached Dwelling Zone; RD - Residential Dwelling Zone (ZZC)
Owner(s):	HOSSEIN AMINI	Ward:	Don Valley West (25)
Agent:	FOROHAR HEJAZI		
Property Address:	238 ST LEONARDS AVE	Community:	North York
Legal Description:	PLAN 1534 PT LOTS 520 TO 522		

Notice was given and a Public Hearing was held on Wednesday, June 15, 2011, 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 above noted property. The existing dwelling would be demolished.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:**North York by-law 7625**

1. Existing lot frontage and width of 13.9m
WHEREAS a minimum lot frontage and width of 18m is required;
2. Existing lot area of 615m²
WHEREAS a minimum lot area of 690m² is required;
3. East side yard setback of 1.2m to the proposed dwelling
WHEREAS a minimum setback of 1.8m is required;
4. West side yard setback of 1.2m to the proposed dwelling
WHEREAS a minimum setback of 1.8m is required;
5. Proposed length of dwelling of 18.9m
WHEREAS a maximum length of dwelling of 16.8m is permitted;
6. The elevation of the floor of the entrance of the garage to be located below the established grade (centre line of the road) on a lot having a frontage of 13.9m
WHEREAS the elevation of the floor of the entrance of the garage shall be located at or above the established grade (centre line of the road) on lots having a frontage greater than 13.7m;

7. Finished first floor elevation of 2m
WHEREAS a maximum finished first floor elevation of 1.5m is permitted;

By-law 1196-2009

8. The proposed opening to an area that may be used for parking of a vehicle to be located lower than the elevation of the street
WHEREAS the elevation of the lowest point of an opening to an area that may be used for parking or storage of a vehicle located inside or abutting the dwelling shall be higher than the elevation of the street the lot abuts measured at its centre line directly across from the driveway leading to the parking space

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance Application is Approved on Condition

It is the decision of the Committee of Adjustment to **APPROVE** the following variance(s):

North York by-law 7625

1. Existing lot frontage and width of 13.9m
WHEREAS a minimum lot frontage and width of 18m is required;
2. Existing lot area of 615m²
WHEREAS a minimum lot area of 690m² is required;
3. East side yard setback of 1.2m to the proposed dwelling
WHEREAS a minimum setback of 1.8m is required;
4. West side yard setback of 1.2m to the proposed dwelling
WHEREAS a minimum setback of 1.8m is required;
5. Proposed length of dwelling of 18.9m
WHEREAS a maximum length of dwelling of 16.8m is permitted;

For the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

It is the decision of the Committee of Adjustment to **REFUSE** the following variance(s):

North York by-law 7625

6. The elevation of the floor of the entrance of the garage to be located below the established grade (centre line of the road) on a lot having a frontage of 13.9m
WHEREAS the elevation of the floor of the entrance of the garage shall be located at or above the established grade (centre line of the road) on lots having a frontage greater than 13.7m;
7. Finished first floor elevation of 2m
WHEREAS a maximum finished first floor elevation of 1.5m is permitted;

By-law 1196-2009

8. The proposed opening to an area that may be used for parking of a vehicle to be located lower than the elevation of the street
WHEREAS the elevation of the lowest point of an opening to an area that may be used for parking or storage of a vehicle located inside or abutting the dwelling shall be higher than the elevation of the street the lot abuts measured at its centre line directly across from the driveway leading to the parking space

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) are not minor

This decision is subject to the following condition(s):

1. The owner shall satisfy the City of Toronto Municipal Code Chapter 813, Article II, with respect to City owned trees, to the satisfaction of the Urban Forestry Division.
2. The owner shall submit a Tree Security Deposit (in the form of a certified cheque or letter of credit only) and sign a Tree Preservation Agreement to the satisfaction of the Urban Forestry Division.

SIGNATURE PAGE

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Isaac Lallouz (signed)

Ronald Forbes (signed)

Donald Di Prospero (signed)

David Peacock (signed)

DATE DECISION MAILED ON: Thursday, June 23, 2011

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Monday, July 4, 2011

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.