

CITY OF TORONTO
COUNCILLOR FILION
or OCCUPANT
NORTH YORK CIVIC CENTRE
5100 YONGE ST
TORONTO ON

Thursday, January 12, 2017

NOTICE OF DECISION

CONSENT

(Section 53 of the Planning Act)

File Number:	B0015/16NY	Zoning:	R6/RD(f12.0;a370)(ZR)
Owner(s):	SEYED AMIR NAGHAVI	Ward:	Willowdale (23)
Agent:	RUBINOFF DESIGN GROUP	Heritage:	Not Applicable
Property Address:	215 ELMHURST AVE	Community:	North York
Legal Description:	PLAN M389 E PT LOT 176 W PT LOT 177		

Notice was given and the application considered on Thursday, January 12, 2017, as required by the Planning Act.

THE CONSENT REQUESTED:

To obtain consent to sever a portion of land for the purpose of a lot addition to create a new building lot.

RETAINED - Part 4

Address to be assigned

Part 4 has a lot frontage of 10.16m and a lot area of 364.34m². The lot will be redeveloped with a new detached two-storey residential dwelling requiring variances to the applicable zoning by-law(s) as outlined in application A0272/16NY.

CONVEYED - Part 3

Address to be assigned

Part 3 has a lot frontage of 5.08m and a lot area of 182.2m². Part 3 will be added to the Part 2 (severed from B0016/16NY) to create a new building lot with a frontage of 10.16m and a lot area of 364.34m². Parts 2 and 3 will be redeveloped with a new detached two-storey residential dwelling requiring variances to the applicable zoning by-law(s) as outlined in A0273/16NY.

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:**

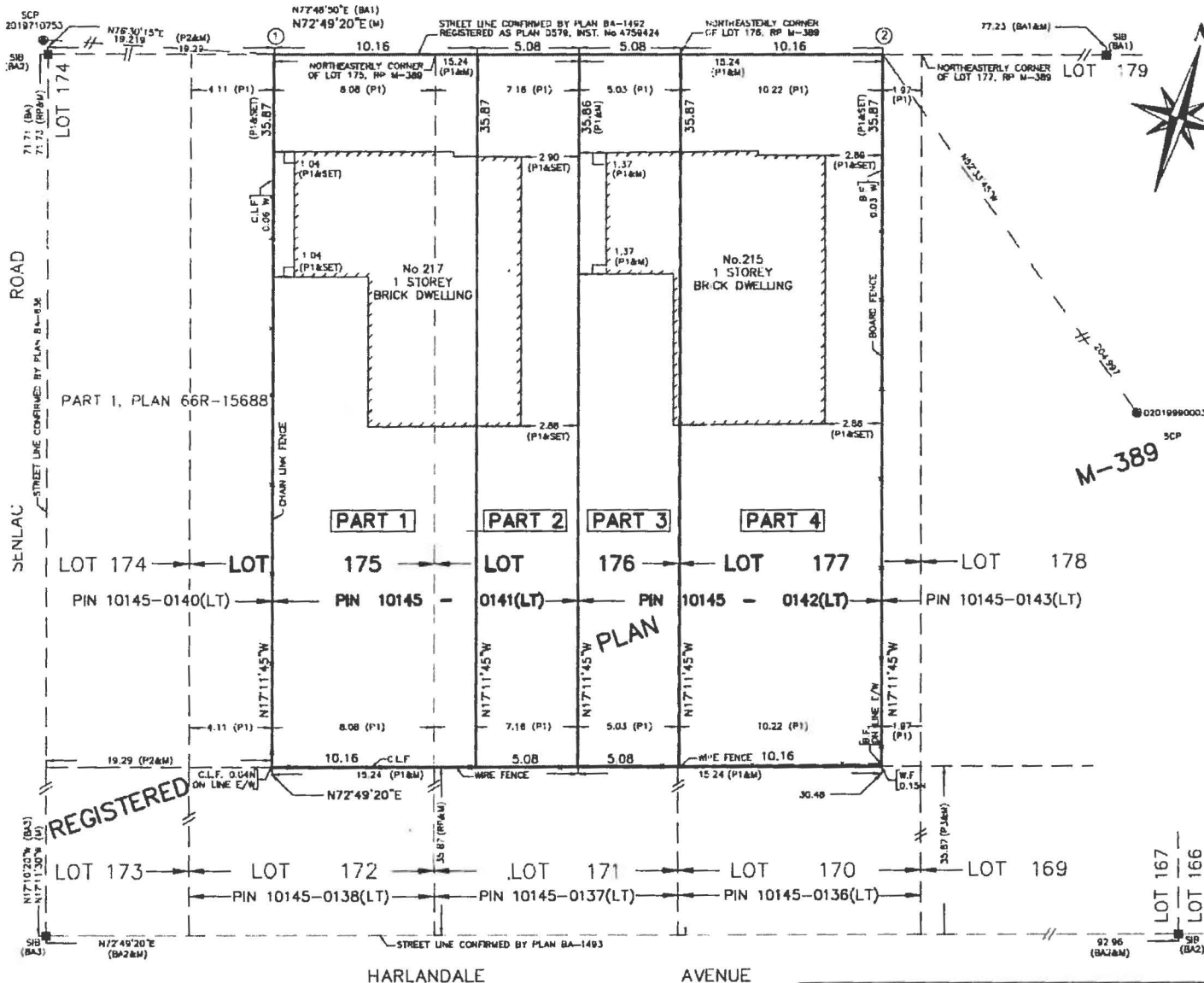
The Consent Application is Refused

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 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.

PIN 10145 - 0499 (LT)
(BY REGISTERED PLAN M-389)
ELMHURST AVENUE

PE _____



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND

PLAN 66R-

RECEIVED AND DEPOSITED

DATE _____, 2016 DATE _____, 2016

Z. ZENG
ONTARIO LAND SURVEYOR

REPRESENTATIVE OF LAND REGISTRAR FOR THE LAND TITLES DIVISION OF THE TORONTO REGISTRY OFFICE (No. 66)

SCHEDULE

PART	PART OF LOT	REGISTERED PLAN	PART OF PIN	AREA (m ²)
1	175 AND 176	M-389	10145-0141(LT)	364.4
2	176		10145-0141(LT)	182.2
3	176 AND 177		10145-0142(LT)	182.2
4	177		10145-0142(LT)	364.4

PLAN OF SURVEY OF LOT 176 AND PART OF LOTS 175 AND 177 REGISTERED PLAN M-389 CITY OF TORONTO (FORMERLY THE CITY OF NORTH YORK)

SCALE 1:200

10m 5 0 10 METRES

MANDARIN SURVEYORS LIMITED, O.L.S. ©

METRIC
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

- LEGEND**
- DENOTES MONUMENT SET
 - DENOTES MONUMENT FOUND
 - IB DENOTES IRON BAR
 - SIB DENOTES STANDARD IRON BAR
 - SSIB DENOTES SHORT STANDARD IRON BAR
 - WT DENOTES WITNESS
 - RP DENOTES REGISTERED PLAN M-389
 - P1 DENOTES PLAN OF SURVEY BY W.S. GIBSON & SONS, O.L.S., DATED DECEMBER 10, 1953
 - P2 DENOTES PLAN 66R-15688
 - P3 DENOTES PLAN OF SURVEY BY W.S. GIBSON & SONS, O.L.S., DATED FEBRUARY 2, 1951
 - BA1 DENOTES PLAN BA-1492
 - BA2 DENOTES PLAN BA-1493
 - BA3 DENOTES PLAN BA-636
 - N DENOTES NOT IDENTIFIABLE
 - N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
 - B.F. DENOTES BOARD FENCE
 - W.F. DENOTES WIRE FENCE
 - C.L.F. DENOTES CHAIN LINK FENCE
 - M DENOTES MEASURED
 - SCP DENOTES SPECIFIED CONTROL POINTS

NOTES

BEARINGS ARE M.T.M. GRID DERIVED FROM SPECIFIED CONTROL POINTS 02019710753 AND 02019990003, M.T.M. ZONE 10, NAD83

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99997224

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYOR'S ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 17th DAY OF JANUARY, 2016

MARCH 30, 2016 DATE

Z. ZENG
ONTARIO LAND SURVEYOR

SPECIFIED CONTROL POINTS (SCP's)
M.T.M. ZONE 10, NAD83
COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG.216/10

POINT ID	NORTHING	EASTING
SCP 02019710753	4846727.415	310994.180
SCP 02019990003	4846616.298	311204.733
1	4846731.90	311012.87
2	4846740.90	311041.98


COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN


MANDARIN SURVEYORS LIMITED
ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR
WWW.MANDARINSURVEYOR.COM

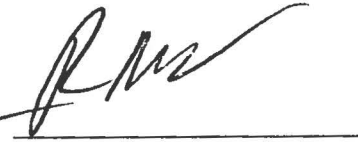
42 RAVENCLIFF CRESCENT PHONE: (647)430-1366 FAX: (647)799-4068
TORONTO, ONTARIO, M1T 1R8 E-MAIL: MANDARINSURVEYOR@GMAIL.COM

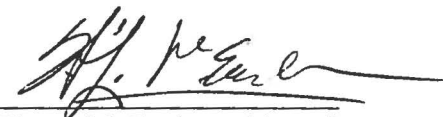
SIGNATURE PAGE

File Number:	B0015/16NY	Zoning	R6/RD(f12.0;a370)(ZR)
Owner(s):	SEYED AMIR NAGHAVI	Ward:	Willowdale (23)
Agent:	RUBINOFF DESIGN GROUP	Heritage:	Not Applicable
Property Address:	215 ELMHURST AVE	Community:	North York
Legal Description:	PLAN M389 E PT LOT 176 W PT LOT 177		


Denise Graham (signed)


Giacomo Tonon (signed)

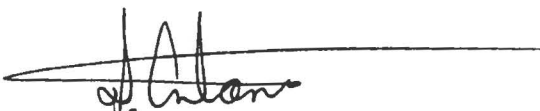

Rick Ross (signed)


Wayne McEachern (signed)

DATE DECISION MAILED ON: Thursday, January 19, 2017

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, February 8, 2017

CERTIFIED TRUE COPY


Dan Antonacci
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 \$300.00, 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.

Thursday, January 12, 2017

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

File Number:	B0016/16NY	Zoning	R6/RD(f12.0;a370)(ZR)
Owner(s):	POORYA BAYANI	Ward:	Willowdale (23)
Agent:	RUBINOFF DESIGN GROUP	Heritage:	Not Applicable
Property Address:	217 ELMHURST AVE	Community:	North York
Legal Description:	PLAN M389 W PT LOT 175 E PT LOT 176		

Notice was given and the application considered on Thursday, January 12, 2017, as required by the Planning Act.

THE CONSENT REQUESTED:

To obtain consent to sever a portion of land for the purpose of a lot addition to create a new building lot.

RETAINED - Part 1**Address to be assigned**

Part 1 has a lot frontage of 10.16m and a lot area of 364.34m². The lot will be redeveloped with a new two-storey detached residential dwelling requiring variances to the applicable zoning by-law(s) as outlined in application A0274/16NY.

CONVEYED - Part 2**Address to be assigned**

Part 2 has a lot frontage of 5.08m and a lot area of 182.2m². Part 2 will be added to the Part 3 (severed from B0015/16NY) to create a new building lot with a frontage of 10.16m and a lot area of 364.34m². Parts 2 and 3 will be redeveloped with a new two-storey detached residential dwelling requiring variances to the applicable zoning by-law(s) as outline in application A0273/16NY.

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

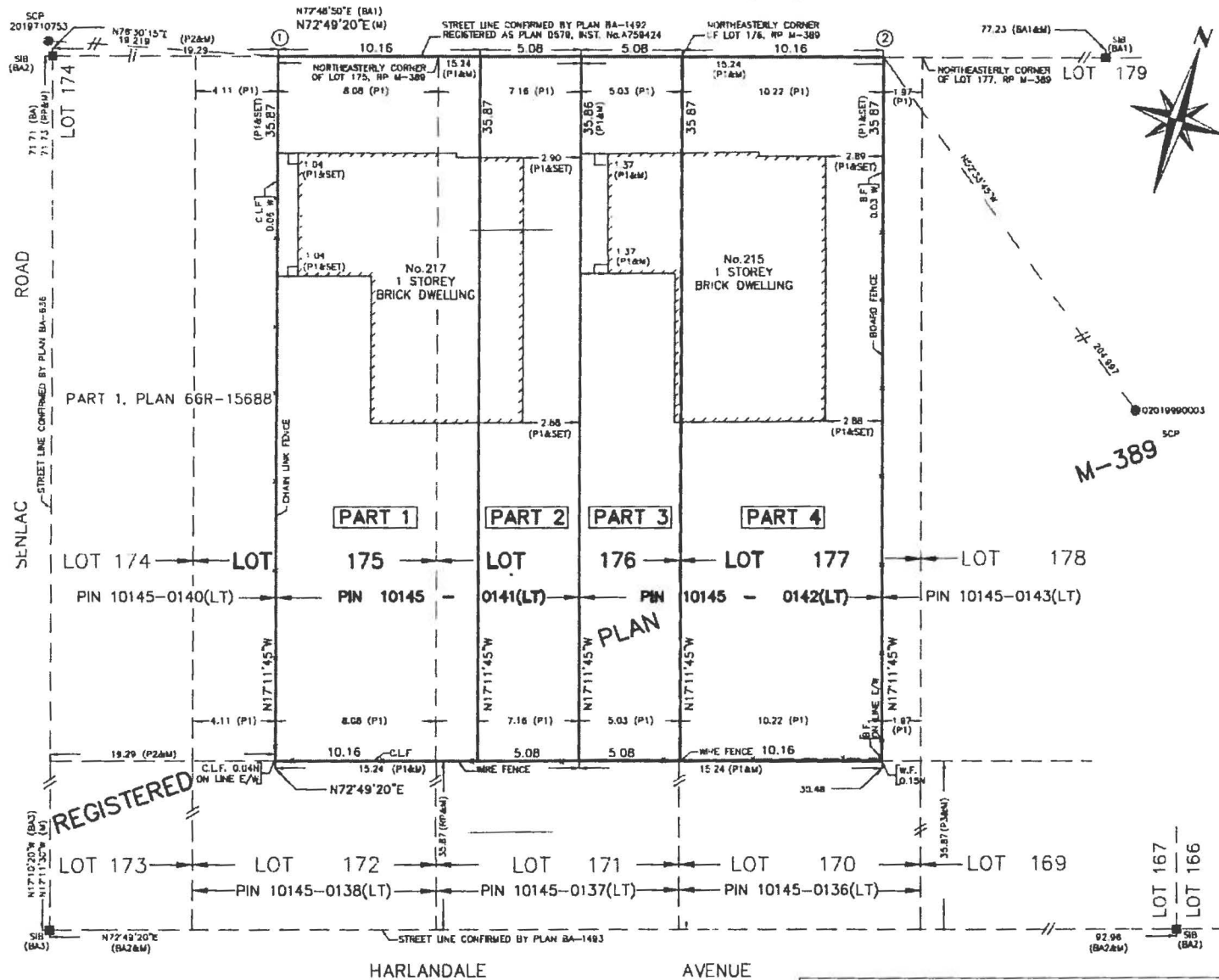
In the opinion of the Committee, the application does not satisfy the requirements of Section 51(24) of the Planning Act and is **NOT** approved for the following reason(s):

-
- The proposed land division 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.

PIN 10145 - 0499 (LT)
(BY REGISTERED PLAN M-389)

PE _____

ELMHURST AVENUE



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND

PLAN 66R-

DATE _____, 2016

RECEIVED AND DEPOSITED

DATE _____, 2016

Z. ZENG
ONTARIO LAND SURVEYOR

REPRESENTATIVE OF LAND REGISTRAR
FOR THE LAND TITLES DIVISION OF
THE TORONTO REGISTRY OFFICE (No. 66)



SCHEDULE

PART	PART OF LOT	REGISTERED PLAN	PART OF PIN	AREA(m ²)
1	175 AND 176	M-389	10145-0141(LT)	364.4
2	176		10145-0141(LT)	182.2
3	176 AND 177		10145-0142(LT)	182.2
4	177		10145-0142(LT)	364.4

PLAN OF SURVEY OF
LOT 176 AND PART OF LOTS 175 AND 177
REGISTERED PLAN M-389
CITY OF TORONTO
(FORMERLY THE CITY OF NORTH YORK)

SCALE 1:200



MANDARIN SURVEYORS LIMITED, O.L.S. ©

METRIC

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND

- DENOTES MONUMENT SET
- DENOTES MONUMENT FOUND
- IB DENOTES IRON BAR
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- WT DENOTES WITNESS
- RP DENOTES REGISTERED PLAN M-389
- P1 DENOTES PLAN OF SURVEY BY W.S. GIBSON & SONS, O.L.S., DATED DECEMBER 10, 1953
- P2 DENOTES PLAN 66R-15688
- P3 DENOTES PLAN OF SURVEY BY W.S. GIBSON & SONS, O.L.S., DATED FEBRUARY 2, 1951
- BA1 DENOTES PLAN BA-1492
- BA2 DENOTES PLAN BA-1493
- BA3 DENOTES PLAN BA-636
- N DENOTES NOT IDENTIFIABLE
- N.S.E.W DENOTES NORTH, SOUTH, EAST, WEST
- B.F. DENOTES BOARD FENCE
- W.F. DENOTES WIRE FENCE
- C.L.F. DENOTES CHAIN LINK FENCE
- M DENOTES MEASURED
- SCP DENOTES SPECIFIED CONTROL POINTS

NOTES

BEARINGS ARE M.T.M. GRID DERIVED FROM SPECIFIED CONTROL POINTS 02019710753 AND 02019990003, M.T.M. ZONE 10, NAD83
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99987224

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 17th DAY OF JANUARY, 2016

MARCH 30, 2016
DATE

Z. ZENG
ONTARIO LAND SURVEYOR


SPECIFIED CONTROL POINTS (SCP's)		
M.T.M. ZONE 10, NAD83		
COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG.216/10		
POINT ID	NORTHING	EASTING
SCP 02019710753	4846727.415	310994.180
SCP 02019990003	4846616.298	311204.733
1	4846731.90	311012.87
2	4846740.90	311041.98


COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

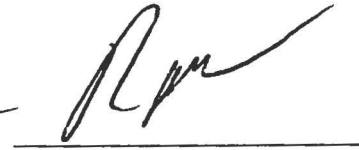
MANDARIN SURVEYORS LIMITED
ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR
WWW.MANDARINSURVEYOR.COM
42 RAVENCLIFF CRESCENT PHONE: (647)430-1366 FAX: (647)799-4068
TORONTO, ONTARIO, M1T 1R8 E-MAIL: MANDARINSURVEYOR@GMAIL.COM
SURVEY BY: S.Z. CAC No: 15-145RPLAN JOB No: 2015-145


SIGNATURE PAGE

File Number:	B0016/16NY	Zoning	R6/RD(f12.0;a370)(ZR)
Owner(s):	POORYA BAYANI	Ward:	Willowdale (23)
Agent:	RUBINOFF DESIGN GROUP	Heritage:	Not Applicable
Property Address:	217 ELMHURST AVE	Community:	North York
Legal Description:	PLAN M389 W PT LOT 175 E PT LOT 176		


Denise Graham (signed)


Giacomo Tonon (signed)

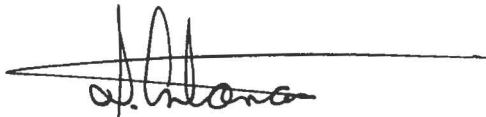

Rick Ross (signed)


Wayne McEachern (signed)

DATE DECISION MAILED ON: Thursday, January 19, 2017

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, February 8, 2017

CERTIFIED TRUE COPY


Dan Antonacci
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 \$300.00, 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.

Thursday, January 12, 2017

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

File Number:	A0272/16NY	Zoning	R6/RD(f12.0;a370)(ZR)
Owner(s):	SEYED AMIR NAGHAVI	Ward:	Willowdale (23)
Agent:	RUBINOFF DESIGN GROUP	Heritage:	Not Applicable
Property Address:	215 ELMHURST AVE (PART 4)	Community:	North York
Legal Description:	PLAN M389 E PT LOT 176 W PT LOT 177		

Notice was given and a Public Hearing was held on Thursday, January 12, 2017, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new detached two-storey dwelling with an integral garage. The existing dwelling would be demolished.

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

- 1. Chapter 10.5.40.10.(5), Zoning By-law No. 569-2013**
A minimum of 10m² of the First Floor area must be within 4m of the front wall.
There is 4.05m² proposed within 4m of the front wall.
- 2. Chapter 10.20.30.10.(1), Zoning By-law No. 569-2013**
The required minimum lot area is 370m².
The proposed lot area is 364.34m².
- 3. Chapter 10.20.30.20.(1), Zoning By-law No. 569-2013**
The required minimum lot frontage is 12.0m.
The proposed lot frontage is 10.16m.
- 4. Chapter 10.20.30.40.(1), Zoning By-law No. 569-2013**
The permitted maximum lot coverage is 30.0 percent of the lot area.
The proposed lot coverage is 32.0 percent of the lot area.
- 5. Chapter 10.20.40.10.(1), Zoning By-law No. 569-2013**
The permitted maximum height of a building or structure is 10.0m.
The proposed height of the building is 10.25m.

6. **Chapter 10.20.40.10.(2), Zoning By-law No. 569-2013**
The permitted maximum height of all side exterior main walls facing a side lot line is 7.5m.
The proposed height of the west side exterior main wall is 8.51m and the proposed height of the east side exterior main wall is 8.51m.
7. **Chapter 10.20.40.10.(6), Zoning By-law No. 569-2013**
The permitted maximum height of the first floor above established grade is 1.2m.
The proposed height of the first floor above established grade is 1.46m.
8. **Chapter 10.20.40.70.(3), Zoning By-law No. 569-2013**
The required minimum side yard setback is 1.2m where the required minimum lot frontage is 12.0m to less than 15.0m.
The proposed west side yard setback is 0.61m.
9. **Section 14-A(3), Zoning By-law No. 7625**
The minimum required lot area is 371m².
The proposed lot area is 364.34m².
10. **Section 14-A(4), Zoning By-law No. 7625**
The minimum required lot frontage is 12.0m .
The proposed lot frontage is 10.16m.
11. **Section 14-A(5)c, Zoning By-law No. 7625**
The minimum required side yard setback is 1.2m.
The proposed west side yard setback is 0.61m.
12. **Section 14-A(6), Zoning By-law No. 7625**
The maximum permitted lot coverage is 30.0% of the lot area.
The proposed lot coverage is 32.0% of the lot area.
13. **Section 14-A(8), Zoning By-law No. 7625**
The maximum permitted building height is 8.8m.
The proposed building height is 9.32m.
14. **Section 6(30)a, Zoning By-law No. 7625**
The maximum finished first floor height is 1.5m.
The proposed finished first floor height is 1.68m.
15. **Section 6(8), Zoning By-law No. 7625**
The minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed. The minimum required lot width is 12.0m.
The proposed lot width is 10.16m.

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.

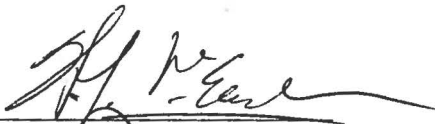
SIGNATURE PAGE

File Number:	A0272/16NY	Zoning	R6/RD(f12.0;a370)(ZR)
Owner:	SEYED AMIR NAGHAVI	Ward:	Willowdale (23)
Agent:	RUBINOFF DESIGN GROUP	Heritage:	Not Applicable
Property Address:	215 ELMHURST AVE (PART 4)	Community:	North York
Legal Description:	PLAN M389 E PT LOT 176 W PT LOT 177		


Denise Graham (signed)


Giacomo Tonon (signed)

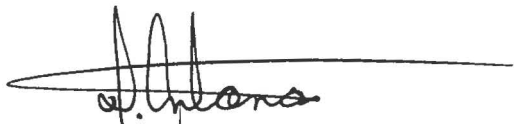

Rick Ross (signed)


Wayne McEachern (signed)

DATE DECISION MAILED ON: Thursday, January 19, 2017

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, February 1, 2017

CERTIFIED TRUE COPY


Dan Antonacci
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 \$300.00, 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.

Thursday, January 12, 2017

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

File Number:	A0273/16NY	Zoning	R6/RD(f12.0;a370)(ZR)
Owner(s):	POORYA BAYANI	Ward:	Willowdale (23)
Agent:	RUBINOFF DESIGN GROUP	Heritage:	Not Applicable
Property Address:	217 ELMHURST AVE (PARTS 2 & 3)	Community:	North York
Legal Description:	PLAN M389 W PT LOT 175 E PT LOT 176		

Notice was given and a Public Hearing was held on Thursday, January 12, 2017, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new detached two-storey dwelling with an integral garage. The existing dwelling would be demolished.

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

- Chapter 10.5.40.10.(5), Zoning By-law No. 569-2013**
A minimum of 10m² of the First Floor area must be within 4m of the front wall.
There is 4.05m² proposed within 4m of the front wall.
- Chapter 10.20.30.10.(1), Zoning By-law No. 569-2013**
The required minimum lot area is 370m².
The proposed lot area is 364.34m².
- Chapter 10.20.30.20.(1), Zoning By-law No. 569-2013**
The required minimum lot frontage is 12.0m.
The proposed lot frontage is 10.16m.
- Chapter 10.20.30.40.(1), Zoning By-law No. 569-2013**
The permitted maximum lot coverage is 30.0 percent of the lot area.
The proposed lot coverage is 32.0 percent of the lot area.
- Chapter 10.20.40.10.(1), Zoning By-law No. 569-2013**
The permitted maximum height of a building or structure is 10.0m.
The proposed height of the building is 10.29m.
- Chapter 10.20.40.10.(2), Zoning By-law No. 569-2013**
The permitted maximum height of all side exterior main walls facing a side lot line is 7.5m.

The proposed height of the west side exterior main wall is 8.55m and the proposed height of the east side exterior main wall is 8.55m.

7. **Chapter 10.20.40.10.(6), Zoning By-law No. 569-2013**
The permitted maximum height of the first floor above established grade is 1.2m.
The proposed height of the first floor above established grade is 1.5m.
8. **Chapter 10.20.40.70.(3), Zoning By-law No. 569-2013**
The required minimum side yard setback is 1.2m where the required minimum lot frontage is 12.0m to less than 15.0m.
The proposed west side yard setback is 0.61m.
9. **Section 14-A(3), Zoning By-law No. 7625**
The minimum required lot area is 371m².
The proposed lot area is 364.34m².
10. **Section 14-A(4), Zoning By-law No. 7625**
The minimum required lot frontage is 12.0m .
The proposed lot frontage is 10.16m.
11. **Section 14-A(6), Zoning By-law No. 7625**
The maximum permitted lot coverage is 30.0% of the lot area.
The proposed lot coverage is 32.0% of the lot area.
12. **Section 14-A(8), Zoning By-law No. 7625**
The maximum permitted building height is 8.8m.
The proposed building height is 9.27m.
13. **Section 6(30)a, Zoning By-law No. 7625**
The maximum finished first floor height is 1.5m.
The proposed finished first floor height is 1.63m.
14. **Section 6(8), Zoning By-law No. 7625**
The minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed. The minimum required lot width is 12.0m.
The proposed lot width is 10.16m.

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:**

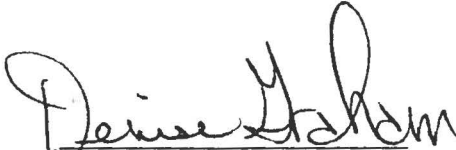
The Minor Variance Application is Refused

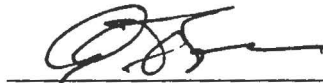
It is the decision of the Committee of Adjustment to **NOT** approve this variance application for the following reasons:

- 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.

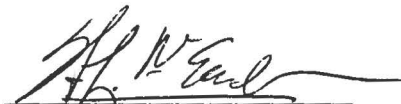
SIGNATURE PAGE

File Number: A0273/16NY Zoning R6/RD(f12.0;a370)(ZR)
Owner: POORYA BAYANI Ward: Willowdale (23)
Agent: RUBINOFF DESIGN GROUP Heritage: Not Applicable
Property Address: 217 ELMHURST AVE Community: North York
(PARTS 2 & 3)
Legal Description: PLAN M389 W PT LOT 175 E PT LOT 176


Denise Graham (signed)


Giacomo Tonon (signed)

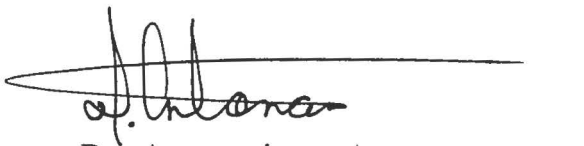

Rick Ross (signed)


Wayne McEachern (signed)

DATE DECISION MAILED ON: Thursday, January 19, 2017

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, February 1, 2017

CERTIFIED TRUE COPY


Dan Antonacci
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 \$300.00, 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.

Thursday, January 12, 2017

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

File Number:	A0274/16NY	Zoning	R6/RD(f12.0;a370)(ZR)
Owner(s):	POORYA BAYANI	Ward:	Willowdale (23)
Agent:	RUBINOFF DESIGN GROUP	Heritage:	Not Applicable
Property Address:	217 ELMHURST AVE (PART 1)	Community:	North York
Legal Description:	PLAN M389 W PT LOT 175 E PT LOT 176		

Notice was given and a Public Hearing was held on Thursday, January 12, 2017, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new detached two-storey dwelling with an integral garage. The existing dwelling would be demolished.

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

- Chapter 10.5.40.10.(5), Zoning By-law No. 569-2013**
A minimum of 10m² of the First Floor area must be within 4m of the front wall.
There is 4.05m² proposed within 4m of the front wall.
- Chapter 10.20.30.10.(1), Zoning By-law No. 569-2013**
The required minimum lot area is 370m².
The proposed lot area is 364.34m².
- Chapter 10.20.30.20.(1), Zoning By-law No. 569-2013**
The required minimum lot frontage is 12.0m.
The proposed lot frontage is 10.16m.
- Chapter 10.20.30.40.(1), Zoning By-law No. 569-2013**
The permitted maximum lot coverage is 30.0 percent of the lot area.
The proposed lot coverage is 32.0 percent of the lot area.
- Chapter 10.20.40.10.(1), Zoning By-law No. 569-2013**
The permitted maximum height of a building or structure is 10.0m.
The proposed height of the building is 10.40m.
- Chapter 10.20.40.10.(2), Zoning By-law No. 569-2013**
The permitted maximum height of all side exterior main walls facing a side lot line is 7.5m.

The proposed height of the west side exterior main wall is 8.66m and the proposed height of the east side exterior main wall is 8.66m.

7. **Chapter 10.20.40.10.(6), Zoning By-law No. 569-2013**
The permitted maximum height of the first floor above established grade is 1.2m.
The proposed height of the first floor above established grade is 1.51m.
8. **Chapter 10.20.40.70.(3), Zoning By-law No. 569-2013**
The required minimum side yard setback is 1.2m where the required minimum lot frontage is 12.0m to less than 15.0m.
The proposed east side yard setback is 0.61m.
9. **Section 14-A(3), Zoning By-law No. 7625**
The minimum required lot area is 371m².
The proposed lot area is 364.34m².
10. **Section 14-A(4), Zoning By-law No. 7625**
The minimum required lot frontage is 12.0m.
The proposed lot frontage is 10.16m.
11. **Section 14-A(5)c, Zoning By-law No. 7625**
The minimum required side yard setback is 1.2m.
The proposed east side yard setback is 0.61m.
12. **Section 14-A(6), Zoning By-law No. 7625**
The maximum permitted lot coverage is 30.0% of the lot area.
The proposed lot coverage is 32.0% of the lot area.
13. **Section 14-A(8), Zoning By-law No. 7625**
The maximum permitted building height is 8.8m.
The proposed building height is 9.25m.
14. **Section 6(30)a, Zoning By-law No. 7625**
The maximum finished first floor height is 1.5m.
The proposed finished first floor height is 1.51m.
15. **Section 6(8), Zoning By-law No. 7625**
The minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed. The minimum required lot width is 12.0m.
The proposed lot width is 10.16m.

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:**

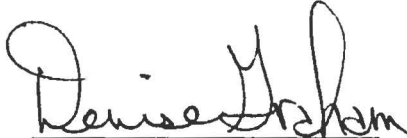
The Minor Variance Application is Refused

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

File Number:	A0274/16NY	Zoning	R6/RD(f12.0;a370)(ZR)
Owner:	POORYA BAYANI	Ward:	Willowdale (23)
Agent:	RUBINOFF DESIGN GROUP	Heritage:	Not Applicable
Property Address:	217 ELMHURST AVE (PART 1)	Community:	North York
Legal Description:	PLAN M389 W PT LOT 175 E PT LOT 176		



Denise Graham (signed)



Giacomo Tonon (signed)



Rick Ross (signed)

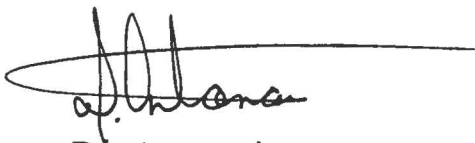


Wayne McEachern (signed)

DATE DECISION MAILED ON: Thursday, January 19, 2017

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, February 1, 2017

CERTIFIED TRUE COPY



Dan Antonacci
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 \$300.00, 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.