

MEMORANDUM

Date: June 19th, 2013

To: Chair and Members of the
Committee of Adjustment, North Panel

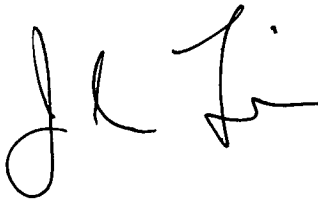
From: Councillor John Filion
Ward 23, Willowdale

Re: 295 Byng Avenue
A361/13NY

I am writing to request that the Committee give consideration to refusing variance 4, requesting a proposed lot coverage of 34%, as it is out of character with the surrounding neighbourhood and does not meet the intent of the the zoning bylaws.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Filion', written in a cursive style.

Councillor John Filion
Ward 23, Willowdale



STAFF REPORT
Committee of Adjustment
Application

Date:	Tuesday, June 11, 2013
To:	Chair and Committee Members of the Committee of Adjustment North York District
From:	Allen Appleby, Director, Community Planning, North York District
Wards:	Ward 23 (Willowdale)
Reference:	File No. A361/13NY Address: 295 BYNG AVENUE Application to be heard: Wednesday, June 19, 2013 at 11:30 a.m.

RECOMMENDATION

Planning recommends that Variance No. 4 for a proposed lot coverage of 34.00% be **reduced** to better fit the neighbourhood character.

APPLICATION

To construct a new two-storey detached dwelling with an integral, at grade, garage. The existing dwelling would be demolished. A previous Committee of Adjustment Decision File A661/12NY APPROVED a variance for lot area, MODIFIED AND APPROVED a variance for lot coverage and REFUSED variances for side yard setbacks.

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

North York By-law 7625

1. Existing lot area of 501.75m²
WHEREAS the minimum required lot area is 550m²;
2. Proposed east side yard setback of 1.219m
WHEREAS the minimum required east side yard setback is 1.8m;
3. Proposed west side yard setback of 1.373m
WHEREAS the minimum required west side yard setback is 1.8m; and
4. Proposed lot coverage of 34% of the lot area
WHEREAS the maximum permitted lot coverage is 30% of the lot area.

COMMENTS

This application was previously heard at the Committee of Adjustment on October 24, 2012, where the Committee approved variances for existing lot area, modified the variance for lot coverage to 32% and refused the variances for a proposed east side yard setback of 1.21m and proposed west side yard setback of 1.37m.

The applicant appealed the Committee's decision on November 14, 2012, to the Ontario Municipal Board. The application was heard at the Ontario Municipal Board on March 27, 2013. At the hearing, the applicant requested a lot coverage of 37.9%. I attended the hearing and gave ~~evidence that the lot coverage did not maintain the existing physical character of the surrounding~~ neighbourhood and did not meet the intent of the Official Plan or Zoning By-law. Although variances for side yards are common in the area, the intent of the lot coverage limitation is to limit mass and scale of new construction to maintain compatibility with the neighbourhood. The proposal presented variances for side yards, rear yard and overall lot area which drives the lot coverage and pushes the building envelope which in itself was not meeting the intent of the Zoning by-law.

~~A Board order was released with regards to this application on April 17, 2013, (see the Board order attached).~~ The Board ordered that the appeal by the applicant of the decision of the City of Toronto Committee of Adjustment (File A661/12NY) be dismissed and the variances are not authorized.

The applicant has returned to the Committee to request a reduced lot coverage of 34%. This request is to accommodate wheel chair accessible spaces within the proposed dwelling.

Planning staff maintain their position that the lot coverage be reduced, as a lot coverage of 34% does not respect and reinforce the character of the neighbourhood.

Respectfully submitted,

CONTACT

Vanessa Covello, Assistant Planner
Tel: 416-395-7104
Fax: 416-395-7200
E-mail: vcovell@toronto.ca

SIGNATURE


Allen Appleby
Director, Community Planning, North York District

A361/13NY - 295 BYNG AVENUE

ISSUE DATE:

April 17, 2013



Ontario

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

PL121428

IN THE MATTER OF subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Nong Gao & Chunlin Zhang
Subject: ~~Minor Variance~~
Variance from By-law No.: 7625
Property Address/Description: 295 Byng Ave.
Municipality: City of Toronto
Municipal File No.: A-661/12NY
OMB Case No.: PL121428
OMB File No.: PL121428

APPEARANCES:

Parties

Counsel*/Agent

Nong Gao and Chunlin Zhang

Terry Mills

City of Toronto

M. Longo* and C. Achkarian*

DECISION DELIVERED BY J. P. ATCHESON AND ORDER OF THE BOARD

[1] This was a hearing in the matter of an appeal by Nong Gao and Chunlin Zhang (Appellants) from a decision of the City of Toronto Committee of Adjustment ("Committee") (File A661/12NY), that refused to authorize all of the minor variances requested for a property known municipally as 295 Byng Ave.

[2] The variances sought are from By-law No. 7625 of the former City of North York now in the City of Toronto ("City") and are required to permit the construction of a new two-storey detached dwelling on the subject property. The existing dwelling on the site is to be demolished.

[3] The variances requested are as follows:

1. existing lot area of 501.75 m² WHEREAS a minimum of 550 m² is required
2. proposed east side yard setback of 1.21 m WHEREAS a minimum of 1.8 m is required
- ~~3. proposed west side yard setback of 1.37 m WHEREAS a minimum of 1.8 m is required and~~
4. proposed lot coverage of 37.9% (190.16 m²) WHEREAS a maximum of 30% (150.5 m²) is permitted

[4] The Committee of Adjustment in its decision approved the following variance:

- ~~1. existing lot area of 501.75 m² WHEREAS a minimum of 550 m² is required~~

[5] The Committee of Adjustment also in its decision modified and subsequently approved the following variance:

1. proposed lot coverage of 32.00% (160.56 m²) WHEREAS a maximum of 30% (150.5 m²) is permitted

[6] The Committee of Adjustment then refused the following variances:

1. proposed east side yard setback of 1.21 m WHEREAS a minimum of 1.8 m is required
2. proposed west side yard setback of 1.37 m WHEREAS a minimum of 1.8 m is required

[7] The decision of the Committee was subject to the following conditions:

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 satisfy the City of Toronto Municipal Code Chapter 813, Article III with respect to privately owned trees to the satisfaction of the Urban Forestry Division.

3. 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.

[8] The agent for the Appellant at the commencement of this hearing advised the Board that the decision of the Committee of Adjustment was in error in that a rear yard variance originally applied for was not considered.

[9] The requested rear yard variance applied for and not considered is as follows:

A proposed rear yard setback of 8.204 m WHEREAS a minimum of 5 m is required

[10] Counsel for the City agrees that this was an error in not considering this rear yard setback variance and that the City had no objections to the application being amended without further notice.

[11] In light of the Committee's published decision the Board must consider the submissions of the parties as a request to amend the application.

[12] The Board's authority to consider an amendment to an application is found at section 45(18.1 and 18.1.1) of the *Planning Act* ("Act"), which states:

Amended application

45(18.1) On an appeal, the Municipal Board may make a decision on an application which has been amended from the original application if, before issuing its order, written notice is given to the persons and public bodies who received notice of the original application under subsection (5) and to other persons and agencies prescribed under that subsection 1993, c. 26, s. 56; 1994, c. 23, s. 26 (7).

Exception

(18.1.1) The Municipal Board is not required to give notice under subsection (18.1) if, in its opinion, the amendment to the original application is minor. 1996, c. 4, s. 25(1).

[13] The Board finds, after considering the submissions of both parties, that the amendment proposed to be minor and consistent with the application originally filed with the Committee and would not affect or alter any other aspect of the development being

proposed. The Board further finds no prejudice would result to any party or persons by granting the amendment without further notice.

[14] Accordingly, and in accordance with the authority granted to the Board by s. 45(181.1) of Act the application is amended by the addition of the rear yard variance noted above.

[15] No further notice is required.

BACKGROUND AND EVIDENCE

[16] The Board during the course of the hearing, heard from two qualified Land Use Planners. Mr. Terry Mills was retained by the Appellant to assist in making his applications to the Committee of Adjustment and subsequently to this Board. Ms.

Vanessa Covello, a planner with the City of Toronto, prepared the planning report on the application to the Committee (Exhibit 2, Tab 5) and does not support the application in its current form.

[17] The Board also heard submissions from Mr. Nong Gao the owner of the subject property. He advised the Board that he and his family have lived at the subject location since 2007, that their current house is too small, and that they wish to build a new home to meet their family's needs so that they can stay in the neighbourhood that they enjoy.

[18] All the planners agree that these applications are governed by the City's OP and that the Official Plan must be considered in its entirety. They all noted that the Official Plan in Chapter Two recognized that:

- a) some physical change will occur overtime as enhancements, additions and in fill housing occurs on individual sites. A cornerstone policy is to ensure that new development in our neighbourhoods respects the existing physical character of the area, reinforcing the stability of the neighbourhood.

[19] The planners also agree that in this case, the Official Plan designates the site and immediate area as "Neighbourhoods" on Land Use Map 16 and that a central principal of the Official Plan is that "Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses," and further that s. 4.1.5 of the City's Official Plan would apply which states that:

5. Development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites
- b) size and configuration of lots
- c) heights, massing, scale and dwelling type of nearby residential properties
- d) prevailing building type(s)
- e) setbacks of buildings from the street or streets
- f) prevailing patterns of rear and side yard setbacks and landscape open space
- g) continuation of special landscape or built-form features that ~~contribute to the unique physical character of a neighbourhood; and~~
- h) conservation of heritage buildings, structures and landscapes.

[20] They further agree that s. 4.1.5 b), c), f) and g) are of particular importance in providing guidance as to how this matter should be considered.

[21] The Board heard no evidence from any of the planners that there were any planning issues with respect to the 2005 Provincial Policy Statement ("PPS") or with the Provincial Growth Plan for the Greater Golden Horseshoe Area. The Board concludes that the matters before the Board in this case are local in nature, and do not affect any provincial interest and should be considered within the context of the City's OP, the zoning currently in place for the area, the character of the neighbourhood and the four tests set out in subsection 45(1) of *the Act*.

[22] The Board then heard from Mr. Mills who provided the Board with an overview of the larger area and more particularly, his study area as set out in Exhibit 2, pages 10 and 11. He also provided a photo study of the immediate areas found at Exhibits 2, pages 12 to 18. It is clear from his evidence that this is a stable, single-family neighbourhood consisting of predominately single-family homes that vary in size, design and character. He pointed out in his evidence that significant reinvestment is occurring to properties in the area through renovations, additions, or the complete demolition and reconstruction of new, larger, single-family homes. Ms. Covello, while providing a larger study area as set out at Exhibit 5 generally agrees with Mr. Mills' characterization of the

character of this neighbourhood and nature of reinvestment that is occurring within the neighbourhood.

[23] Mr. Mills testified that the subject property is currently occupied by a single-storey, detached dwelling (bungalow), which is to be demolished and replaced with a larger two-storey, detached single-family home of a design consistent with many of the new homes found in the neighbourhood. The site plans, elevations and building plans of the proposed home that the Appellant intends to build is set out at Exhibit 2 (Tab 4, pages 18 to 26), being plans prepared by Chun Zhao, B. Arch., dated October 2011. Mr. Mills opined that the elevations of the proposed structure are consistent with other, newer homes found in the immediate area. He sees the design of this home on a lot of lesser lot area to be consistent with the homes that flank the property to the east and west. The subject lot according to the City evidence was created in 1974 by way of consent. The consents authorized at that time created three lots being the subject property, the lot to the east and a flankage lot with frontage on Estelle Avenue that abuts the rear yard of the subject property. Relief for the reduced lot area of the subject lot was granted at that time.

[24] It is the location and configuration of the subject property that according to Mr. Mills makes it an excellent candidate for the relief being sought. Mr. Mills contends that the applications should be viewed as a package and that on this basis, the development resulting would be consistent with existing development in the area, would meet the objectives of the Official Plan to promote stable residential neighbourhoods and would not result in any adverse impacts to abutting properties. He testified that the applicable criteria of s. 4.5.1 of the City's Official Plan would be met as the form of development being proposed was a single family that would not destabilize this part of the neighbourhood. He opined further that the proposed development would fit harmoniously with the development currently found and occurring in the neighbourhood and would reinforce the stable, single-family residential character of the neighbourhood, as required by the City's Official Plan. He opined on this basis that the development scheme, when viewed in its entirety, was in conformity with the planning objective of the municipality and that on this basis, the variances as originally requested should be authorized, subject to the City's conditions, imposed by the Committee. Mr. Mills in proffering his opinion relies on his assessment of the character of the area and the range of side yard setbacks currently in place and his analysis of lot frontages, lot

areas, lot coverages, building sizes and Gross Floor Area ("GFA") found in the immediate area Exhibit 2, pages 20 to 28. In formulating his opinions and in preparing his charts he relies on Municipal Property Assessment Corporation ("MPAC") data, and not Committee decision data for this area.

[25] It is Mr. Mills' opinion that the proposed building is similar to other new, single-family dwellings being developed in the immediate area, albeit on slightly smaller lots of record and that with respect to the Official Plan policies found at s. 4.1.5, the proposed development would respect and reinforce the single-family physical character of the neighbourhood and would meet the policy objectives set out in s. 4.1.5 c) and d). It was his opinion that the applications meet the intent and purpose of the Official Plan for the "Neighbourhoods Designation," would reinforce the stable character of this single-family, detached neighbourhood and would be compatible with the redevelopment presently occurring in the area.

[26] It was also his contention that the development scheme, when viewed as a package, meets the intent and purpose of the Zoning By-law in that the proposed structure when viewed from the street would fit the character of homes now being built in the immediate area and is similar in its built form to what currently exists.

[27] It was Mr. Mills' opinion that the proposed applications, when viewed as a complete package, would result in a development that was appropriate and compatible with the existing character and built form found in the immediate area of Byng and Estelle Avenues (as shown in his study area), that no negative adverse impacts would result from the proposed development and that the variances being sought, both individually and collectively, should be viewed as minor, resulting in appropriate development for the area meeting the four tests set out in s. 45(1) of the Act. He freely admitted under cross-examination that there would be a slight shadow effect on the rear portion of the home to the immediate east.

[28] It was Ms. Covello's position that the proposed development did not respect the historic relationship of lot coverages found in her study area where out of 114 new homes built since 1994, 84 comply with the 30% lot coverage put in place by By-law 32190. This By-law resulted from a lot coverage study conducted in 1993 Exhibit 3, Tab 12 by the former City of North York and informed By-law 32190 passed in 1994. She

freely admitted that of the 114 new homes built in her study area after 1994, 24 had received variances to allow lot coverages ranging up to 32% and that nine homes had been given variances over 32% as shown on Exhibit 5. It was her testimony that lot coverage of 37.9% was one of the largest requested and was not in keeping with the massing and character found in the interior part of her study area. She freely admitted that higher lot coverages (34.2% and 36.9%) had been authorized but that these had ~~occurred along Bayview Avenue on different sized lots and that the higher coverage permissions along Bayview Avenue was consistent with the Official Plan's directions to allow higher density along areas designated as "Avenues" by the Official Plan. It was her opinion that it was this application's request for additional lot coverage of 37.9% was driving the other yard variance requests (side and rear yard variances) and that when the application was viewed as a complete package it results in a development that is not in keeping with what is occurring in this neighbourhood. She contends that the character~~ of the central part of this neighbourhood consists of new development with lot coverages of between 30 and 33%. She freely admitted that if this application had been in that lot coverage range her opinion would have been that this was in keeping with the character of the this part of the neighbourhood. She also freely admitted that the side yard variances were in keeping with the character of development along Byng Avenue and that she was not opposed to such relief if the lot coverage request had been reduced. However it was her opinion that when the complete scheme with all the variances being requested was considered, that the variances when viewed collectively would not conform with the intent of the City's Official Plan and the Zoning By-law regulations that have governed this area since 1994 and would result in a development that was out of keeping with the character of the part of the neighbourhood. She sees the quest for lot coverage on this substandard size lot resulting in a built form not in keeping with the established character of the neighbourhood. It was her opinion that the variances result in a built form that is not appropriate or desirable for this part of Byng Avenue, that the proposed home would result in an over development of the lot that would not reinforce the physical character of the neighbourhood as prescribed by the City of Toronto Official Plan and the policy directions set out in s. 4.1.5.c), e), and f) of that document.

[29] She concluded her remarks by indicating that, in her opinion, the variances when viewed collectively did not meet the intent and purpose of the Official Plan, and Zoning

[35] The request for relief from any provision of the Zoning By-law triggers the requirement for a comprehensive review to determine whether the relief should be sanctioned, as has occurred in the past for other properties in this same area of Byng Avenue. The measure of the appropriateness of the relief sought is the four tests under the Act and the guidance found in the City's planning documents.

[36] The Board, in considering the relief sought, prefers the evidence of Ms. Covello that the proposed development scheme for a new home with a lot coverage of 37.9% will not be compatible with, and will not fit harmoniously into character of the neighbourhood with its larger rear yard areas. This is clearly displayed on the air photograph of the area Exhibit 7 where the current rear yard is much smaller than other rear yards in the immediate area. This issue is only exacerbated by the rear yard setback variance now being requested and required in order that the proposed new dwelling can be built on the property.

[37] The Board would note that the City's own Official Plan, in Chapter Three, provides assistance and context with respect to matters of height and density when it states:

- b) Where there are no height or density limits in the Plan, height and density limits of area zoning that implements the Plan will be benchmarks for assessment of those aspects of the planned context...

[38] It is clear from the evidence that for many years the lot coverage standard for this area has been 30%. It is also equally clear that the City through its Committee has sanctioned increase in lot coverage between 30% and 33% on a consistent basis as reflected on Exhibit 5, Ms. Covello's lot coverage study. Ms. Covello freely admitted that she would generally support an application with a lot coverage in the 30% to 32% range which she opined is characteristic of redevelopment occurring in the area. It is instructive to note that By-law No. 7625 uses only lot coverage and not a GFA ratio as the zoning parameter to regulate density.

[39] The Board has reviewed the data sheets for their respective study areas provided by Mr. Mills and Ms. Covello and finds that data provided by the City to be more accurate in reflecting what has been sanctioned and occurred on the ground since the 1994 By-law amendment.

[40] It is unfortunate that neither party was willing to present an alternative scheme to the Board that would have depicted a building that would meet the 32% coverage sanctioned by the Committee in its decision. The Board, as such, has no way of determining the impact of this part of the Committee decisions. It is also clear from the submissions of the agent for the Appellant that the Appellant wished his application as originally filed to be considered as the development scheme to be approved, which ~~includes the amended application for the rear yard setback variance to 8.204 m where 9.5 m is required by the zoning regulations.~~

[41] The Board's hearing in this appeal is considered to be a (*De Novo* hearing) new hearing and as such the onus to satisfy the four tests falls to the Appellant.

[42] The Board has carefully reviewed all of the drawings that formed the original application (Exhibit 3, Tab 4) and concludes that when all of the variances are considered collectively including the rear yard setback variance, the end result is an over development of the lot that would not meet the intent of the City's Official Plan and particularly the policy directions set out at s. 4.1.5.c), e) and f), and would not meet the intent of the Zoning By-law to govern the density of development through its lot coverage provisions.

[43] The Board upon review and reflection in this regard prefers the more fulsome and candid evidence of Ms. Covello that the quest for lot coverage in this case is driving the variances for the side and rear yards. It is clear to the Board that the variance for lot area has already been granted by a previous consent and while forming part of this application is only determinative in confirming the existing size of the lot and the fact that this is a permitted lot size for this site. It is the Board's determination that nothing turns on the lot area variance. The fundamental concern resulting from this application is the loss of open space on the lot which is substandard in lot area to the provisions of the Zoning By-law and other lots of record in the immediate area.

[44] It is the conclusion of the Board that the proposed development scheme as set out in the building plans (Exhibit 3, Tab 4) would result in a overdevelopment of this smaller lot that would not be in keeping with the character of this part of the municipality, and further when the variances are considered collectively they would result in an over development of the site that was not in keeping with the intent of the

City's Official Plan and Zoning By-law governing this area of the City, and as such the Board will not approve the variances as amended

[45] Furthermore, the Board as indicated earlier in this decision has no way of determining whether the relief granted by the Committee (32% lot coverage) would meet the four tests of the Act as the Board received no compelling submissions in this regard beyond Ms. Covello's candid evidence that lot coverages in this range had been sanctioned in the past in this part of the neighbourhood and was a lot coverage that she could support. It was equally clear from the submissions of the agent for the Appellants that they at this time were not interested in anything beyond the original application.

ORDER

~~[46] The Board orders that the appeal by Nong Gao and Chunlin Zhang from a~~
decision of the City of Toronto Committee of Adjustment (File A661/12NY) is dismissed and the variances are not authorized.

"J. P. Atcheson"

J.P. ATCHESON
MEMBER



14

City Planning Division
Jennifer Keesmaat, MES MCIP RPP
Chief Planner and Executive Director

City Planning

North York Civic Centre
5100 Yonge Street
North York, Ontario
Canada, M2N 5V7
Tel.: (416) 395-7100
Fax: (416) 395-7200

Mailed on/before: Friday, June 7, 2013

PUBLIC HEARING NOTICE
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)

MEETING DATE AND TIME: Wednesday, June 19, 2013 at 11:30 a.m.

LOCATION: Council Chamber, North York Civic Centre, 5100 Yonge St., M2N 5V7

File Number:	A361/13NY	Zoning:	R4 [WAIVER]
Owner(s):	CHUNLIN ZHANG NONG GAO	Ward:	Willowdale (23)
Agent:	NONG GAO		
Property Address:	295 BYNG AVE	Community:	North York
Legal Description:	PLAN 3691 PT LOT 42 RP 64R4185 PART 3		

PURPOSE OF THE APPLICATION:

To construct a new two-storey detached dwelling with an integral, at grade, garage. The existing dwelling would be demolished. A previous Committee of Adjustment Decision File A661/12NY APPROVED a variance for lot area, MODIFIED AND APPROVED a variance for lot coverage and REFUSED variances for side yard setbacks.

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

North York Zoning By-law No. 7625

1. Existing lot area of 501.75m²
WHEREAS the minimum required lot area is 550m²;
2. Proposed east side yard setback of 1.219m
WHEREAS the minimum required east side yard setback is 1.8m;
3. Proposed west side yard setback of 1.373m
WHEREAS the minimum required west side yard setback is 1.8m; and
4. Proposed lot coverage of 34% of the lot area
WHEREAS the maximum permitted lot coverage is 30% of the lot area.

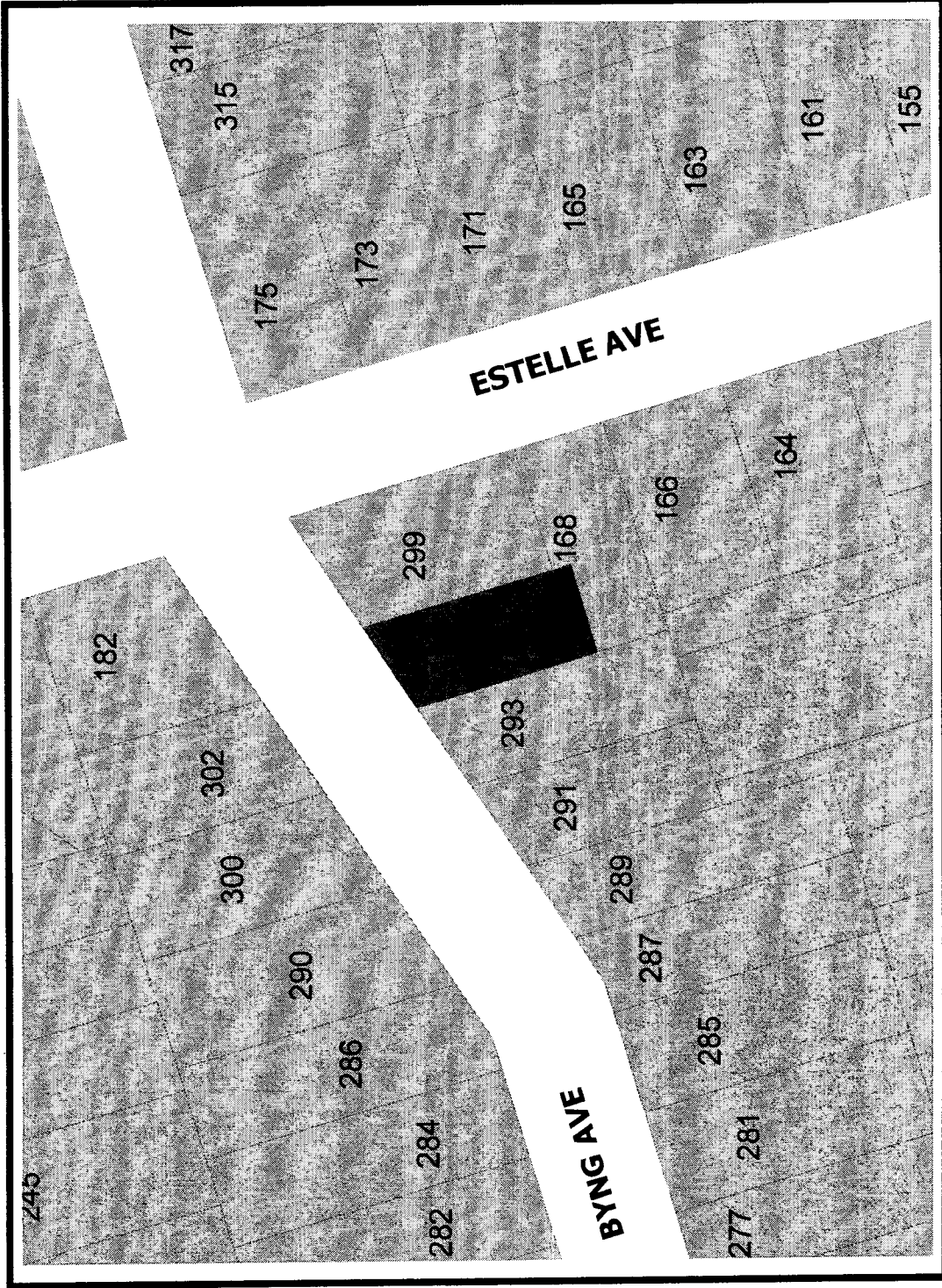
Dan Antonacci (signed)
Manager and Deputy Secretary-Treasurer
North York Panel

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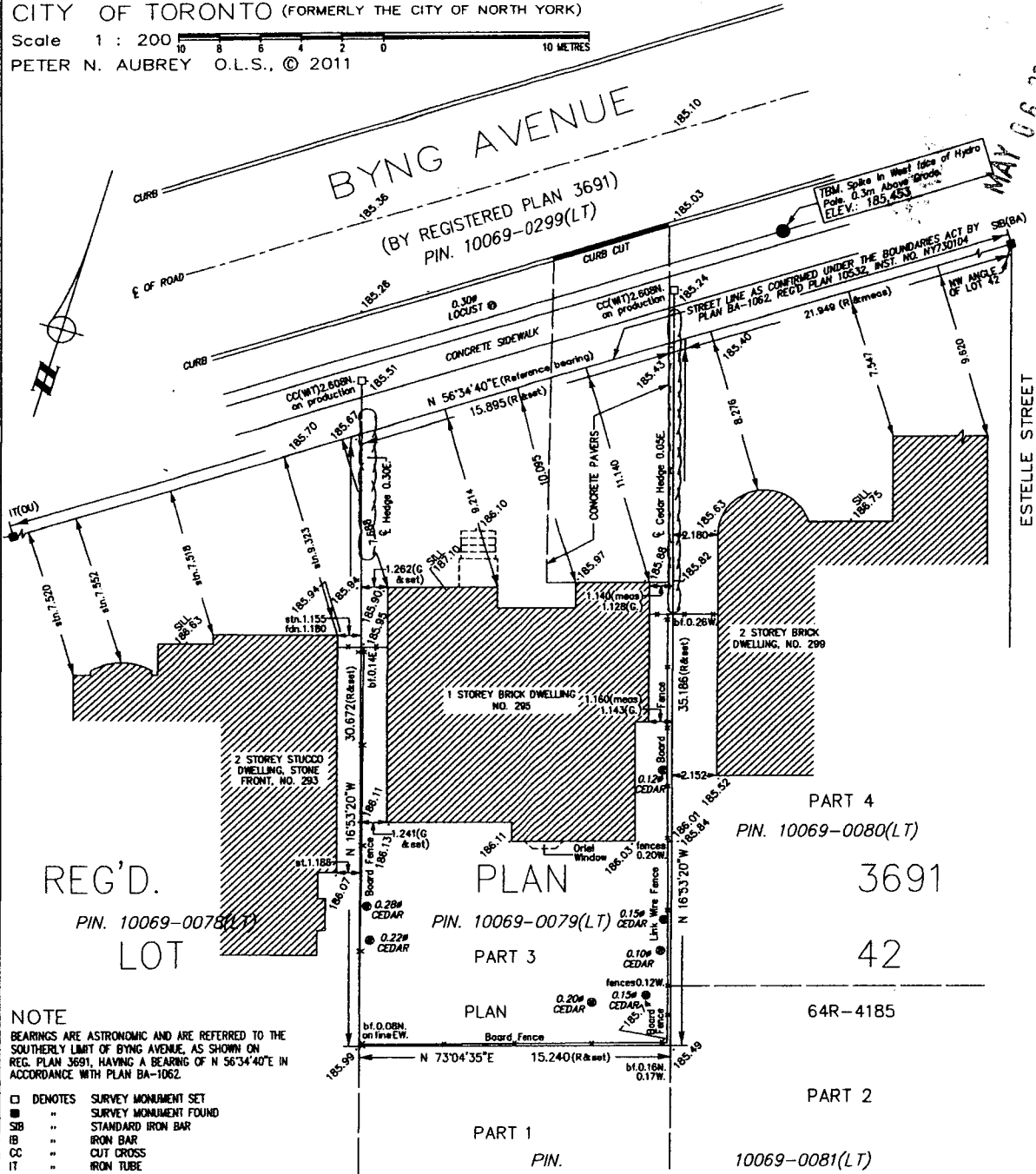
295 BYNG AVENUE

A361/13NY



SURVEYOR'S REAL PROPERTY REPORT
 PART 1) PLAN OF
 PART OF LOT 42, REGISTERED PLAN 3691
 CITY OF TORONTO (FORMERLY THE CITY OF NORTH YORK)
 Scale 1 : 200
 PETER N. AUBREY O.L.S., © 2011

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



NOTE
 BEARINGS ARE ASTROMOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF BYNG AVENUE, AS SHOWN ON REG. PLAN 3691, HAVING A BEARING OF $N 56^{\circ}34'40''E$ IN ACCORDANCE WITH PLAN BA-1062.

- DENOTES SURVEY MONUMENT SET
- " SURVEY MONUMENT FOUND
- SIB " STANDARD IRON BAR
- IB " IRON BAR
- CC " CUT CROSS
- IT " IRON TUBE
- R " PLAN 64R-4185
- BA " PLAN BA-1062
- stn " STONE
- lwf " LINK WIRE FENCE
- bf " BOARD FENCE
- st " STUCCO
- G " W.S. GIBSON O.L.S.
- W- " AERIAL SERVICE WIRE

BUILDING TIES ARE TO BRICK CORNERS EXCEPT AS NOTED.

BENCH MARK

ELEVATIONS ARE GEODETIC AND ARE REFERRED TO B.M. NO. NY 33010 DESCRIPTION: IN THE S. FACE OF GARAGE WHICH IS ATTACHED TO HOUSE NO. 312 BYNG AVE. & BEING 0.457 M W. OF THE SE. CORNER OF GARAGE & 0.259M ABOVE PAVED DRIVEWAY. ELEVATION: 184.467m

ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FORM
 1822354

THIS PLAN IS NOT VALID
 UNLESS IT IS AN EMBOSSED
 ORIGINAL COPY
 ISSUED BY THE SURVEYOR.
 in accordance with
 Regulation 1026, Section 29(3).

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 REGULATIONS MADE UNDER THEM,
 2. THE SURVEY WAS COMPLETED ON THE 18th. DAY OF OCTOBER, 2011.

DATE _____, 2011 _____
 PETER N. AUBREY
 ONTARIO LAND SURVEYOR

© COPYRIGHT 2011 DONALD E. ROBERTS O.L.S.

PART 2:

1. FENCE LOCATIONS ARE SHOWN ON THIS PLAN.
2. THERE ARE NO REGISTERED EASEMENTS OR RIGHTS OF WAY.

THIS SURVEY WAS PREPARED FOR: NICK GAO

DONALD E. ROBERTS LTD., ONTARIO LAND SURVEYORS
 111 RAILSIDE ROAD, SUITE 304, TORONTO, ONTARIO, M3A 1B2, (416) 755-5320

DRAWN J.H.
 CHECKED D.E.R.
 DATE JULY 12, 2001
 SCALE 1 : 200

REF NO.
 11-7554

Do not scale dimensions off drawings. The contractor is responsible to verify all dimensions and existing site conditions. All drawings, specifications and documents are the property of ChunZstudio, shall not be used or reproduced without written permission.

Chun Zhao, B. Arch. | Chun Z studio
27 Shudeil Ave. | Toronto, Ont. | M4J 1C5 | 416 805 8359 | chunzstudio@gmail.com

SITE STATISTICS

ZONING DESIGNATION: M4 (NORTH YORK ZONING BY-LAW 7503)
 LOT SIZE: 5490.83 SQ.FT. (501.75 SQ.M.)
 COVERAGE: 1836.04 SQ.FT. (170.57 SQ.M.) = 34%

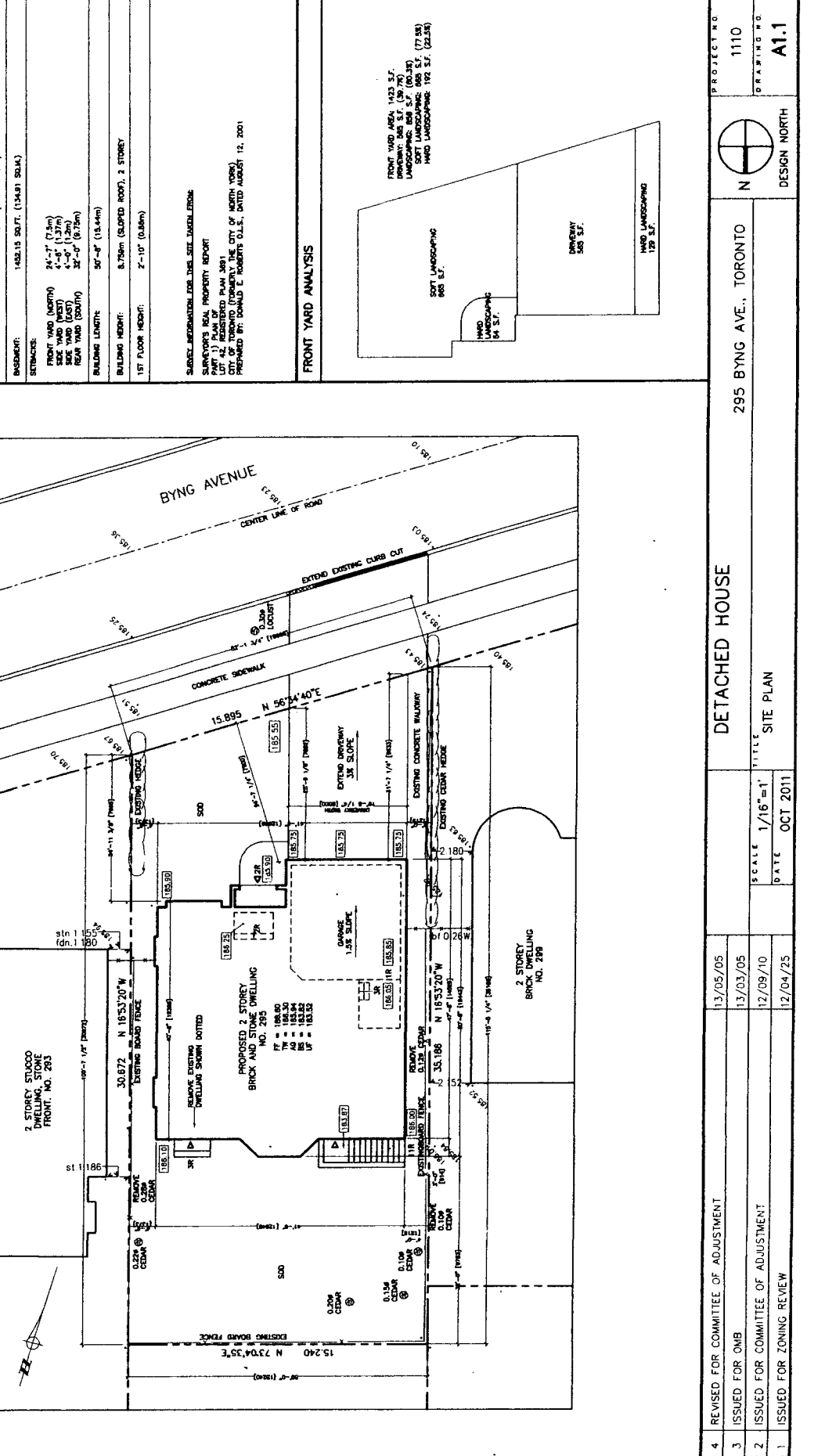
GROSS FLOOR AREA: 2588.33 SQ.FT. (239.49 SQ.M.)
 FIRST FLOOR: 1425.18 SQ.FT. (132.56 SQ.M.)
 SECOND FLOOR: 1163.15 SQ.FT. (106.93 SQ.M.)

BASEMENT: 1432.19 SQ.FT. (134.81 SQ.M.)

SETBACKS:
 FRONT YARD (NORTH) 24'-3" (7.3m)
 SIDE YARD (WEST) 4'-0" (1.2m)
 SIDE YARD (EAST) 4'-0" (1.2m)
 REAR YARD (SOUTH) 32'-0" (9.75m)

BUILDING LENGTH: 50'-0" (15.24m)
 BUILDING HEIGHT: 8.75m (SLOPED ROOF), 2 STOREY
 1ST FLOOR HEIGHT: 2'-10" (0.86m)

SUBJECT INFORMATION FOR THE SITE INDEX: ENGINEER
 SURVEYOR'S REAL PROPERTY REPORT
 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201
 CITY OF TORONTO (TRANSFER), THE CITY OF NORTH YORK
 PREPARED BY: DONALD E. ROBERTS O.L.S., DATED AUGUST 12, 2001

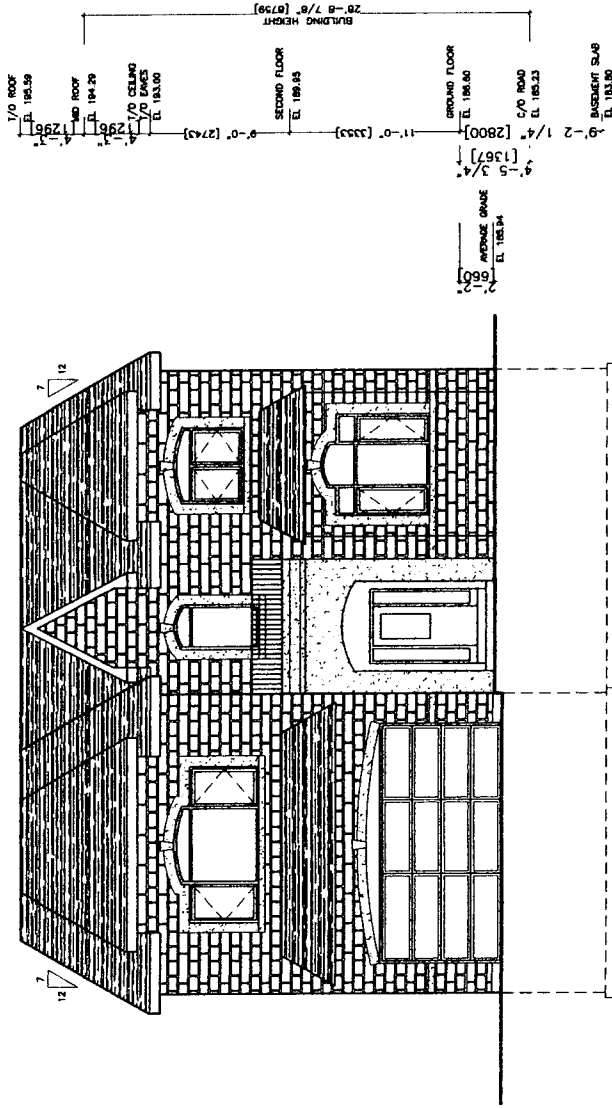


4	REVISED FOR COMMITTEE OF ADJUSTMENT	13/05/05	DETACHED HOUSE	295 BYNG AVE., TORONTO	PROJECTING 1110
3	ISSUED FOR OMB	13/03/05			
2	ISSUED FOR COMMITTEE OF ADJUSTMENT	12/09/10	SITE PLAN		DESIGN NORTH
1	ISSUED FOR ZONING REVIEW	12/04/25			

Chun Zhao, B. Arch. | **chunzstudio**

27 Shudell Ave. | Toronto, Ont. | M4J 1C5 | 416 805 8359 | chunzstudio@gmail.com

Do not scale dimensions off drawings. The contractor is responsible to verify all dimensions and existing site conditions. All drawings, specifications and documents are the property of chunzstudio, shall not be used or reproduced without written permission.



REVISOR		DATE		SCALE		TITLE		PROJECT NO.	
4	REVISED FOR COMMITTEE OF ADJUSTMENT	13/05/05		1/8"=1'		SOUTH ELEVATION		1110	
2	ISSUED FOR COMMITTEE OF ADJUSTMENT	12/09/10						DRAWING NO.	
1	ISSUED FOR ZONING REVIEW	12/04/25						A3.1	
DETACHED HOUSE							295 BYNG AVE., TORONTO		

CITY COUNCILLOR, WARD 23, CITY OF
TORONTO
JOHN FILION
or OCCUPANT
CITY HALL
100 QUEEN ST SUITE W SUITE B36
Wednesday, June 19, 2013

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

File Number:	A361/13NY	Zoning	R4 [WAIVER]
Owner(s):	CHUNLIN ZHANG NONG GAO	Ward:	Willowdale (23)
Agent:	NONG GAO		
Property Address:	295 BYNG AVE	Community:	North York
Legal Description:	PLAN 3691 PT LOT 42 RP 64R4185 PART 3		

Notice was given and a Public Hearing was held on Wednesday, June 19, 2013, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new two-storey detached dwelling with an integral, at grade, garage. The existing dwelling would be demolished. A previous Committee of Adjustment Decision File A661/12NY APPROVED a variance for lot area, MODIFIED AND APPROVED a variance for lot coverage and REFUSED variances for side yard setbacks.

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

North York Zoning By-law No. 7625

- Existing lot area of 501.75m²
WHEREAS the minimum required lot area is 550m²;
- Proposed east side yard setback of 1.219m
WHEREAS the minimum required east side yard setback is 1.8m;
- Proposed west side yard setback of 1.373m
WHEREAS the minimum required west side yard setback is 1.8m; and
- Proposed lot coverage of 34% of the lot area
WHEREAS the maximum permitted lot coverage is 30% of the lot area.

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 Zoning By-law No. 7625

1. Existing lot area of 501.75m²
WHEREAS the minimum required lot area is 550m²;

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

2. Proposed east side yard setback of **1.50m**
WHEREAS the minimum required east side yard setback is 1.8m;
3. Proposed west side yard setback of **1.50m**
WHEREAS the minimum required west side yard setback is 1.8m; and
4. Proposed lot coverage of **32%** of the lot area
WHEREAS the maximum permitted lot coverage is 30% of the lot area.

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.


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 satisfy the City of Toronto Municipal Code Chapter 813, Article III, with respect to privately owned trees, to the satisfaction of the Urban Forestry Division.
3. 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.

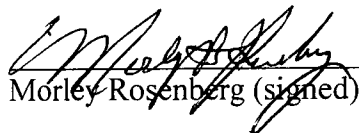
SIGNATURE PAGE

File Number:	A361/13NY	Zoning:	R4 [WAIVER]
Owner:	CHUNLIN ZHANG	Ward:	Willowdale (23)
	NONG GAO		
Agent:	NONG GAO		
Property Address:	295 BYNG AVE	Community:	North York
Legal Description:	PLAN 3691 PT LOT 42 RP 64R4185 PART 3		


Astra Burka (signed)


Nicholas Sion (signed)



Isaac Lallouz (signed)


Morley Rosenberg (signed)

DATE DECISION MAILED ON: Thursday, June 27, 2013

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, July 9, 2013

CERTIFIED TRUE COPY


for
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 \$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.