TORONTO
City Planning Division

Dan Antonacci
Manager & Deputy Secretary Treasurer
North York Panel

North York Civic Centre
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CITY OF TORONTO
COUNCILLOR FILION
or OCCUPANT
NORTH YORK CIVIC CENTRE
5100 YONGE ST
TORONTO ON
Wednesday, July 9, 2014

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

File Number:	A427/14NY	Zoning	RD (f15.0; a550) (x5) / R4 [ZZC]
Owner(s):	SHARON HARRIETHA SANJU MEHTA	Ward:	Willowdale (23)
Agent:	SANJU MEHTA		
Property Address:	**16 ELYNHILL DR**	Community:	North York
Legal Description:	PLAN 5288 LOT 8		

Notice was given and a Public Hearing was held on Wednesday, July 9, 2014, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

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

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

1. **Section 10.20.30.40.(1), By-law No. 569-2013**
   The maximum permitted lot coverage is 30% of the lot area.
   The proposed lot coverage is 32.6% of the lot area.

2. **Section 10.20.40.10.(2), By-law No. 569-2013**
   The maximum permitted height of all side exterior main walls facing a side lot line is 7.5m.
   The proposed height of the side exterior main walls facing a side lot line is 8.07m.

3. **Section 10.20.40.10.(3), By-law No. 569-2013**
   The maximum permitted number of storeys is 2.
   The proposed number of storeys is 3.

4. **Section 10.20.40.10.(6), By-law No. 569-2013**
   The maximum permitted height of the first floor above established grade is 1.2m.
   The proposed height of the first floor above established grade is 2.15m.

5. **Section 10.20.40.70.(1), By-law No. 569-2013**
   The minimum required front yard setback is 8.5m.
   The proposed front yard setback is 6.5m.

6. **Section 10.20.40.70.(3), By-law No. 569-2013**
   The minimum side yard setback is 1.8m.
   The proposed west side yard setback is 1.27m.

7. **Section 10.20.40.70.(3), By-law No. 569-2013**
The minimum side yard setback is 1.8m.
The proposed east side yard setback is 1.27m.

8. **Section 10.20.40.50.(1), By-law No. 569-2013**
The maximum permitted number of platforms at or above the second storey located on each wall of a detached house is 1.
The proposed number of platforms located on the front wall is 2 and the proposed number of platforms located on the rear wall is 2.

9. **Section 10.5.40.60.(1), By-law No. 569-2013**
A platform without main walls, attached to or less than 0.3m from a building, with a floor higher than the first floor of the building above established grade may encroach 1.5m into the required front yard setback, it if is no closer to a side lot line than the required side yard setback.
The proposed third floor front balcony encroaches 1.8m into the required front yard setback.

10. **Section 10.5.40.60.(3), By-law No. 569-2013**
Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no wider than 2.0m.
The proposed front stairs are 2.74m wide.

11. **Section 10.5.50.10.(1), By-law No. 569-2013**
The minimum required front yard soft landscaping is 75%.
The proposed front yard soft landscaping is 73.1%.

12. **Section 10.20.40.50.(1), By-law No. 569-2013**
The maximum permitted area of each platform at or above the second storey is 4.0m^2.
The proposed area of the front second floor balcony is 14.83m^2, the proposed area of the front third floor balcony is 4.7m^2 and the proposed area of the rear second floor balcony is 27.47m^2.

13. **Section 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.8m.
The proposed west side yard setback is 1.27m.

14. **Section 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.8m.
The proposed east side yard setback is 1.27m.

15. **Section 13.2.4, By-law No. 7625**
The maximum permitted lot coverage is 30% of the lot area.
The proposed lot coverage is 32.6% of the lot area.

16. **Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8.8m.
The proposed building height is 10.12m.

17. **Section 13.2.6, By-law No. 7625**
The maximum permitted number of storeys is 2.
The proposed number of storeys is 3.

18. **Section 13.2.6A, By-law No. 7625**
The maximum permitted balcony area is 3.8m^2.

The proposed area of the front second floor balcony is 14.83m², the proposed area of the front third floor balcony is 4.7m² and the proposed area of the rear second floor balcony is 27.47m².

19. **Section 7.4A, By-law No. 7625**
The minimum required soft landscaping is 75%.
The proposed soft landscaping is 73.1%.

20. **Section 14.2.6A, By-law No. 7625**
The maximum number of balconies is one for each side of the building.
There are 2 balconies at the front of the building and 2 balconies at the rear of the building.

21. **Section 6(9)(k), By-law No. 7625**
The maximum permitted projection of a balcony is 1.6m form the wall.
The front 2nd floor balcony projects 1.8m and the front 3rd floor balcony projects 1.8m.

22. **Section 6(9)(b), By-law No. 7625**
The maximum permitted projection of stairs in the front yard is 2.1m from the porch.
The front stairs project 3.05m.

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

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Nicholas Sion (signed) | Edwin (Ted) Shepherd (signed) | Morley Rosenberg (signed)

DATE DECISION MAILED ON: Thursday, July 17, 2014

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, July 29, 2014

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 $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.