

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

File Number:	A0842/14TEY	Zoning	R (d0.6) (x931) & R2 Z0.6 (ZZC)
Owner(s):	ZAHRA MORTAZAVI	Ward:	St. Paul's (22)
Agent:	GLENN RUBINOFF		
Property Address:	169 BELSIZE DR	Community:	Toronto
Legal Description:	PLAN 1789 PT LOT 254		

Notice was given and a Public Hearing was held on **Wednesday, November 19, 2014**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new two-storey detached dwelling with an integral garage.

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

- Chapter 10.10.40.10.(1)(A), By-law 569-2013**
The permitted maximum height of a building or structure is 9.0 m.
The new two-storey detached dwelling will have a height of 9.49 m.
- Chapter 10.10.40.10.(2)(B)(ii), By-law 569-2013**
The permitted maximum height of all side exterior main walls facing side lot line is 7.0 m.
The new two-storey detached dwelling will have a side exterior main walls facing side lot line height of 8.45 m.
- Chapter 10.10.40.10.(6), By-law 569-2013**
The permitted maximum height of the first floor above established grade is 1.2 m.
The new two-storey detached dwelling will have a first floor height above established grade of 1.49 m.
- Chapter 10.10.40.30.(1)(A), By-law 569-2013**
The permitted maximum building depth is 17.0 m.
The new two-storey detached dwelling will have a building depth of 17.53 m.
- Chapter 10.20.40.40.(1), By-law 569-2013**
The permitted maximum floor space index is 0.6 times the lot area (173.76.0 m²).
The new two-storey detached dwelling will have a floor space index equal to 0.71 times the lot area (204.38 m²).

6. **Chapter 10.5.50.10.(1)(B), By-law 569-2013**
A minimum of 50% of the required front yard must be landscaping (24.58 m²).
The front yard will be 34% landscaping (16.93 m²).
7. **Chapter 10.5.40.60.(1)(A)(i), By-law 569-2013**
A platform without main walls, attached to or less than 0.3 m from a building and with a floor no higher than the first floor of the building above established grade, may encroach into the required rear yard setback 2.5 m if it is no closer to a side lot line than 1.25 m.
The rear deck of the new dwelling will encroach 1.22 m into the required rear yard setback and is 1.09 m from the west side lot line.
8. **Chapter 10.5.50.10.(1)(D), By-law 569-2013**
A minimum of 75% (18.36 m²) of the required front yard landscaping must be soft landscaping.
In this case, 64% (15.67 m²) of the front yard will be soft landscaping.
1. **Section 6(3) Part I 1, By-law 438-86**
The maximum permitted gross floor area is 0.6 times the area of the lot (173.76 m²).
The new two-storey detached dwelling will have a residential gross floor area equal to 0.71 times the lot area (204.38 m²).
2. **Section 6(3) Part II 3.B(II), By-law 438-86**
The minimum required side lot line setback for the portion of the building exceeding a depth of 17.0 m is 7.5 m.
The 0.53 m portion of the new two-storey dwelling, exceeding the 17 m depth, will be setback 0.46 m from the east side lot line and 1.09 m from the west side lot line.
3. **Section 6(3) Part II 3(I), By-law 438-86**
The minimum required side lot line setback from the side wall of an adjacent building that does not contain any openings is 0.9 m.
The new two-storey detached dwelling will be setback 0.6 m from the side wall of the adjacent building at 171 Belsize Drive.
4. **Section 6(3) Part II 8 D (I), By-law 438-86**
The maximum permitted height of an uncovered platform which projects into the required setbacks is 1.2 m above grade.
The new porch at the front projects into the required front yard setback and will have a height of 1.46 m above grade and the new deck at the rear projects into the required rear yard setback and will have a height of 3.31 m above grade.
5. **Section 6(3) Part III 3(A), By-law 438-86**
A minimum of 50% (24.58 m²) of the required front yard must be landscaping.
In this case, 34% (16.93 m²) of the required front yard will be landscaped.
6. **Section 6(3) Part III 3(d)(i) D, By-law 438-86**
A minimum of 75% of the required front yard landscaping must be soft landscaping (18.36 m²).
In this case, 64% (15.67 m²) of the front yard will be soft landscaping.

7. **Section 6(3) Part IV 3(I), By-law 438-86**

No person shall erect or use a building or structure having an integral private garage on a lot having a lot frontage less than 7.62 m and where vehicle access to the garage is located in a wall of the building facing the front lot line.

The new integral garage will be in a wall that faces the front lot line.

8. **Section 4(2)(a), By-law 438-86**

The maximum permitted building height is 9 m.

The new two-storey detached dwelling will have a height of 9.89 m.

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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Barbara Leonhardt (signed)

Donna McCormick (signed)

Robert Brown (signed)

DATE DECISION MAILED ON: **Tuesday, November 25, 2014**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, December 9, 2014**

CERTIFIED TRUE COPY

Anita M. MacLeod
Manager & Deputy Secretary-Treasurer
Toronto and East 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.