

**Committee of Adjustment Toronto and East York District** 

100 Queen Street West, 1st Floor Toronto, Ontario M5H 2N2 Tel: 416-392-7565 Fax: 416-392-0580

# **NOTICE OF DECISION**

# **CONSENT** (Section 53 of the Planning Act)

File Number:

B0078/14TEY

Zoning

R (d1.0) (x745) & R2 Z1.0

(Waiver)

Owner(s):

CLAYTON PLACE ESTATES INC

St. Paul's (22)

625893 ONTARIO LIMITED

Ward:

Agent:

**RAY KASHANI** 

Property Address:

123 - 129 WALKER AVE

Community:

Toronto

Legal Description:

PLAN 415 PT LOT A PLAN 289 PT LOT 7 E AVENUE RD

Notice was given and a Public Hearing was held on Wednesday, January 14, 2015, as required by the Planning Act.

#### THE CONSENT REQUESTED:

To obtain consent to sever the property into two residential lots.

#### Conveyed - Part 1, Draft R Plan

#### Address to be assigned

The lot will have a frontage of 10.39 m, and the lot area will be 158.9 m<sup>2</sup>. A portion of the existing two-storey detached house will be maintained as a semi-detached house and a new third-floor addition will be constructed and will require variances to the Zoning By-law, as outlined in application A1070/14TEY.

#### Retained - Part 2, Draft R Plan

#### Address to be assigned

The lot will have a frontage of 8.84 m, and the lot area will be 134.2 m<sup>2</sup>. A portion of the existing two-storey detached house will be maintained as a semi-detached house and a new third-floor addition will be constructed and will require variances to the Zoning By-law, as outlined in application A1071/14TEY.

File Numbers B0078/14TEY, A1070/14TEY & A1071/14TEY were considered jointly.

#### 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 is premature.
- 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.

#### SIGNATURE PAGE

File Number:

B0078/14TEY

Zoning

R (d1.0) (x745) & R2 Z1.0

(Waiver)

Owner(s):

CLAYTON PLACE ESTATES INC

Ward:

St. Paul's (22)

Agent:

625893 ONTARIO LIMITED RAY KASHANI

Property Address:

123 - 129 WALKER AVE

Community:

Toronto

Legal Description:

PLAN 415 PT LOT A PLAN 289 PT LOT 7 E AVENUE RD

# DISSENTED

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Barbara Leonhardt (signed)	Donna McCormick	Mary Pitsitikas (signed)
	No constitution of the con	<u></u>
Christian Chan (signed)	Robert Brown (signed)	

DATE DECISION MAILED ON: Tuesday, January 20, 2015

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Monday, February 9, 2015

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 <a href="https://www.omb.gov.on.ca">www.omb.gov.on.ca</a>.

**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.



Committee of Adjustment Toronto and East York District

100 Queen Street West, 1<sup>st</sup> Floor Toronto, Ontario M5H 2N2 Tel: 416-392-7565 Fax: 416-392-0580

# NOTICE OF DECISION

MINOR VARIANCE/PERMISSION

(Section 45 of the Planning Act)

File Number:

A1070/14TEY

Zoning

R (d1.0) (x745) & R2 Z1.0

(Waiver)

Owner(s):

CLAYTON PLACE ESTATES

Ward:

St. Paul's (22)

INC

625893 ONTARIO LIMITED

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RAY KASHANI

Agent:
Property Address:

123 - 125 WALKER AVE

Community:

Toronto

(PART 1)

Legal Description:

PLAN 415 PT LOT A PLAN 289 PT LOT 7 E AVENUE RD

Notice was given and a Public Hearing was held on **Wednesday**, **January 14**, **2015**, as required by the Planning Act.

#### PURPOSE OF THE APPLICATION:

A portion of the existing two-storey detached house will be maintained as a semi-detached house, as outlined in Application B0078/14TEY, and a new third-floor addition will be constructed.

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

### 1. Chapter 10.10.40.40.(1), By-law 569-2013

The permitted maximum floor space index is 1.0 times the lot area (158.9 m<sup>2</sup>). The altered three-storey semi-detached house will have a floor space index equal to **1.48** times the lot area (234.97 m<sup>2</sup>).

#### 2. 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 front yard setback 0.2 m, if it is no closer to a side lot line than the required side yard setback.

The front porch will encroach 0.39 m into the required front yard setback.

#### 3. Chapter 10.5.40.60.(3)(A)(iii), By-law 569-2013

Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no closer to a lot line than 0.6 m.

The stairs of the front porch will be 0.0 m from the east front lot line.

## 4. Chapter 10.5.40.60.(7), By-law 569-2013

Roof eaves may project a maximum of 0.9 m into the required building setback provided they are no closer to a lot line than 0.3 m.

The roof eaves will be 0.0 m from the east front lot line.

#### SIGNATURE PAGE

File Number:

A1070/14TEY

Zoning

R (d1.0) (x745) & R2 Z1.0

(Waiver)

Owner(s):

CLAYTON PLACE ESTATES

Ward:

St. Paul's (22)

INC

625893 ONTARIO LIMITED

Agent:

**RAY KASHANI** 

Property Address:

123 - 125 WALKER AVE

Community:

Toronto

roperty Address.

(PART 1)

DIANIA

Legal Description:

PLAN 415 PT LOT A PLAN 289 PT LOT 7 E AVENUE RD

#### DISSENTED

Barbara Leonhardt (signed)

Donna McCormick

Mary Pitsitikas (signed)

Christian Chan (signed)

Robert Brown (signed)

DATE DECISION MAILED ON: Tuesday, January 20, 2015

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, February 3, 2015

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 <a href="https://www.omb.gov.on.ca">www.omb.gov.on.ca</a>.

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# 5. Chapter 10.5.50.10.(1)(D), By-law 569-2013

A minimum of 75% of the required front yard landscaping must be soft landscaping (1.68 m<sup>2</sup>). The front yard will have 65.6% soft landscaping (1.47 m<sup>2</sup>).

# 1. Section 6(3) Part I 1, By-law 438-86

The maximum permitted gross floor area is 1.0 times the lot area (158.9  $m^2$ ). The altered three-storey semi-detached house will have a residential gross floor area equal to 1.48 times the lot area (234.97  $m^2$ ).

# 2. Section 6(3) Part II 4, By-law 438-86

The minimum required rear yard setback is 7.5 m. The altered three-storey semi-detached house is located 0.9 m from the west rear lot line.

# 3. Section 6(3) Part III 3(D), By-law 438-86

A minimum of 75% of the required front yard landscaping must be soft landscaping (1.68 m<sup>2</sup>). The front yard will have 65.6% soft landscaping (1.47 m<sup>2</sup>).

#### 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 <u>NOT</u> 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.



Committee of Adjustment **Toronto and East York District** 

100 Queen Street West, 1st Floor Toronto, Ontario M5H 2N2 Tel: 416-392-7565 Fax: 416-392-0580

# NOTICE OF DECISION

# MINOR VARIANCE/PERMISSION

(Section 45 of the Planning Act)

File Number:

A1071/14TEY

Zoning

R (d1.0) (x745) & R2 Z1.0

(Waiver)

Owner(s):

CLAYTON PLACE ESTATES INC

Ward:

St. Paul's (22)

625893 ONTARIO LIMITED

Agent:

**RAY KASHANI** 

Property Address:

127 - 129 WALKER AVE

Community:

**Toronto** 

(PART 2)

Legal Description:

PLAN 415 PT LOT A PLAN 289 PT LOT 7 E AVENUE RD

Notice was given and a Public Hearing was held on Wednesday, January 14, 2015, as required by the Planning Act.

#### PURPOSE OF THE APPLICATION:

A portion of the existing two-storey detached house will be maintained as a semi-detached house, as outlined in Application B0078/14TEY, and a new third-floor addition will be constructed.

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

#### 1. Chapter 10.10.40.40.(1), By-law 569-2013

The permitted maximum floor space index is 1.0 times the lot area (134.2 m<sup>2</sup>). The altered three-storey semi-detached house will have a floor space index equal to 1.76 times the lot area  $(235.51 \text{ m}^2).$ 

#### 2. 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 front yard setback 0.2 m, if it is no closer to a side lot line than the required side yard setback. The front porch will encroach 0.39 m into the required front yard setback.

#### 3. Chapter 10.5.40.60.(3)(A)(iii), By-law 569-2013

Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no closer to a lot line than 0.6 m.

The stairs of the front porch will be 0.0 m from the east front lot line.

#### 4. Chapter 10.5.40.60.(7), By-law 569-2013

Roof eaves may project a maximum of 0.9 m into the required building setback provided they are no closer to a lot line than 0.3 m.

The roof eaves will be 0.0 m from the east front lot line

A1071/14TEY 2

# 5. Chapter 10.5.50.10.(1)(D), By-law 569-2013

A minimum of 75% of the required front yard landscaping must be soft landscaping (0.975 m<sup>2</sup>). The front yard will have 31% soft landscaping (0.4 m<sup>2</sup>).

# 6. Chapter 200.5.1.10.(2)(A), By-law 569-2013

A parking space must have a width of 3.2 m if one or both sides of the parking space are obstructed. The new parking pad will have a width of 2.9 m.

# 1. Section 6(3) Part I 1, By-law 438-86

The maximum permitted gross floor area is 1.0 times the lot area (134.2 m<sup>2</sup>).

The altered three-storey semi-detached house will have a residential gross floor area equal to 1.89 times the lot area (253.21 m<sup>2</sup>).

# 2. Section 6(3) Part II 4, By-law 438-86

The minimum required rear yard setback is 7.5 m.

The altered three-storey semi-detached house is located 0.9 m from the west rear lot line.

# 3. Section 6(3) Part III 3(D), By-law 438-86

A minimum of 75% of the required front yard landscaping must be soft landscaping  $(0.975 \text{ m}^2)$ . The front yard will have 31% soft landscaping  $(0.4 \text{ m}^2)$ .

## 4. Section 4(17), By-law 438-86

A parking space must have a width of 3.2 m if one or both sides of the parking space are obstructed. The new parking pad will have a width of 2.9 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 <u>NOT</u> 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.