

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

Dan Antonacci
Manager & Deputy Secretary Treasurer
North York Panel

North York Civic Centre
5100 Yonge Street
North York, Ontario
Canada, M2N 5V7
Tel: (416) 395-7000
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Wednesday, May 27, 2015

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

File Number:	A0385/15NY	Zoning:	RD/R4 [ZZC]
Owner(s):	ELHAM HAJARIAN	Ward:	Willowdale (23)
Agent:	BAHRAM AMIRNEZHAD		
Property Address:	97 ELMWOOD AVE	Community:	North York
Legal Description:	PLAN 1801 PT LOT 342		

Notice was given and a Public Hearing was held on Wednesday, May 27, 2015, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a two-storey addition to the south portion and a new second storey addition over the existing dwelling, in conjunction with a new front porch and driveway.

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

- Chapter 10.20.40.10.(4), By-law No. 569-2013**
The maximum permitted building height is 7.20m for a flat or shallow roof.
The proposed building height is 10.38m.
- Chapter 10.5.40.70.(4), By-law No. 569-2013**
The minimum required side yard setback for an addition or extension to the rear of a dwelling is 0.90m
The proposed east side yard setback is 0.859m.
- Chapter 10.5.80.10(3), By-law No. 569-2013**
A parking space may not be located in a front yard or a side yard abutting a street.
The proposed parking space is located in the front yard.
- Chapter 10.50.80.10.(6), By-law No. 569-2013**
On a corner lot, a parking space must be in a building, in a rear yard, or in a side yard that does not abut a street.
The proposed parking space is located in the front yard.
- Chapter 10.5.80.40.(3), By-law No. 569-2013**
Vehicle access to a parking space on a corner lot must be from a flanking street that is not a major street.
The proposed vehicle access to a parking space is from the front street.
- Chapter 10.20.30.40.(1), By-law No. 569-2013**
The maximum permitted lot coverage is 30.00% of the lot area.
The proposed lot coverage is 34.90% of the lot area.

7. **Chapter 13.2.3(a), By-law No. 7625**
The minimum required front yard setback is 5.85m.
The proposed front yard setback is 5.38m.
8. **Chapter 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.50m.
The proposed east side yard setback is 0.859m.
9. **Chapter 13.2.4, By-law No. 7625**
The maximum permitted lot coverage is 30.00% of the lot area.
The proposed lot coverage is 34.90% of the lot area.
10. **Chapter 13.2.5A, By-law No. 7625**
The maximum permitted building length is 16.80m.
The proposed building length is 16.99m.
11. **Chapter 13.2.6, By-law No. 7625**
The maximum permitted building height is 8.80m.
The proposed building height is 10.41m.

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):

2. **Chapter 10.5.40.70.(4), By-law No. 569-2013**
The minimum required side yard setback for an addition or extension to the rear of a dwelling is 0.90m
The proposed east side yard setback is 0.859m.
3. **Chapter 10.5.80.10(3), By-law No. 569-2013**
A parking space may not be located in a front yard or a side yard abutting a street.
The proposed parking space is located in the front yard.
4. **Chapter 10.50.80.10.(6), By-law No. 569-2013**
On a corner lot, a parking space must be in a building, in a rear yard, or in a side yard that does not abut a street.
The proposed parking space is located in the front yard.
5. **Chapter 10.5.80.40.(3), By-law No. 569-2013**
Vehicle access to a parking space on a corner lot must be from a flanking street that is not a major street.
The proposed vehicle access to a parking space is from the front street.
7. **Chapter 13.2.3(a), By-law No. 7625**
The minimum required front yard setback is 5.85m.
The proposed front yard setback is 5.38m.
8. **Chapter 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.50m.
The proposed east side yard setback is 0.859m.

10. **Chapter 13.2.5A, By-law No. 7625**
The maximum permitted building length is 16.80m.
The proposed building length is 16.99m.

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

6. **Chapter 10.20.30.40.(1), By-law No. 569-2013**
The maximum permitted lot coverage is 30.00% of the lot area.
The proposed lot coverage is 32.00% of the lot area.
9. **Chapter 13.2.4, By-law No. 7625**
The maximum permitted lot coverage is 30.00% of the lot area.
The proposed lot coverage is 32.00% 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.

It is the decision of the Committee of Adjustment to **REFUSE** the following variance(s):

1. **Chapter 10.20.40.10.(4), By-law No. 569-2013**
The maximum permitted building height is 7.20m for a flat or shallow roof.
The proposed building height is 10.38m.
11. **Chapter 13.2.6, By-law No. 7625**
The maximum permitted building height is 8.80m.
The proposed building height is 10.41m.

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.

This decision is subject to the following condition(s):

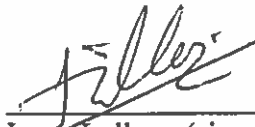
- 1) City of Toronto Municipal Code Chapter 813, Article II, City-owned trees
(www.toronto.ca/trees/city_trees.htm)
- 2) City of Toronto Municipal Code Chapter 813, Article III, Privately-owned trees
(www.toronto.ca/trees/private_trees.htm)


SIGNATURE PAGE

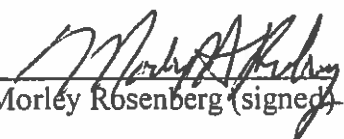
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Ward: Willowdale (23)
Community: North York


Richard Ross (signed)


Isaac Lallouz (signed)

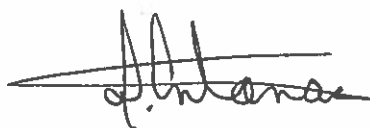

Edwin (Ted) Shepherd
(signed)


Morley Rosenberg (signed)

DATE DECISION MAILED ON: Wednesday, June 3, 2015

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, June 16, 2015

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.