

Thursday, February 5, 2015

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

File Number:	A955/14NY	Zoning	RD (f12.0; a370; d0.6) / R1B [ZZC]
Owner(s):	MUHAMMAD ABID ZAMAN	Ward:	Don Valley West (26)
Agent:	RUBINOFF DESIGN GROUP		
Property Address:	438 BROADWAY AVE	Community:	East York
Legal Description:	PLAN 3110 LOT 463 PT LOT 462 PT LOT 464		

Notice was given and a Public Hearing was held on Thursday, February 5, 2015, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new two-storey detached dwelling with an integral, at grade, one car garage. The existing dwelling would be demolished.

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

- Chapter 10.20.30.40.(1), By-law No. 569-2013**
The maximum permitted lot coverage is 35% of the lot area.
The proposed lot coverage is **35.2%** of the lot area.
- Chapter 10.20.40.10.(1), By-law No. 569-2013**
The maximum permitted building height is 8.50m.
The proposed building height is 8.79m.
- Chapter 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 7.0m.
The proposed height of the side exterior main walls facing a side lot line is 7.49m.
- Chapter 10.20.40.20.(1), By-law No. 569-2013**
The maximum permitted building length is 17.0m.
The proposed building length is **17.45m**.
- Chapter 10.20.40.40.(1), By-law No. 569-2013**
The maximum permitted floor space index (F.S.I.) is 0.6 times the area of the lot.
The proposed floor space index (F.S.I.) is **0.65** times the area of the lot.
- Chapter 10.20.40.70.(3), By-law No. 569-2013**
The minimum required side yard setback is 1.2m.

The proposed east side yard setback is 0.61m **for the first 5.6m portion of the dwelling only. The proposed east side yard setback for the portion beyond 5.6m of the dwelling is 0.91m.**

7. Chapter 10.20.40.70.(3), By-law No. 569-2013

The minimum required side yard setback is 1.2m.
The proposed west side yard setback is 0.61m.

8. Section 6.3.3, By-law No. 1916

The maximum permitted building height is 8.5m.
The proposed building height is 8.79m.

9. Section 6.3.3, By-law No. 1916

The maximum permitted building length is 16.75m.
The proposed building length is **17.45m.**

10. Section 6.3.3, By-law No. 1916

The maximum permitted floor space index (F.S.I.) is 0.60 times the area of the lot.
The proposed floor space index (F.S.I.) is **0.65** times the area of the lot.

11. Section 6.3.3, By-law No. 1916

The maximum permitted lot coverage is 35% of the lot area.
The proposed lot coverage is **35.2%** of the lot area.

12. Section 6.3.3, By-law No. 1916

The minimum required side yard setback is 0.90m.
The proposed east side yard setback is 0.61m **for the first 5.6m portion of the dwelling only. The proposed east side yard setback for the portion beyond 5.6m of the dwelling is 0.91m.**

13. Section 6.3.3, By-law No. 1916

The minimum required side yard setback is 0.90m.
The proposed west side yard setback is 0.61m.

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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Douglas S. Colbourne
(signed)

Astra Burka (signed)

Nicholas Sion (signed)

Richard Ross (signed)

DATE DECISION MAILED ON: Thursday, February 12, 2015

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, February 25, 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.