

Thursday, October 15, 2015

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

File Number:	A0789/15NY	Zoning	RD/R3 [ZZC]
Owner(s):	MOHSEN SABERYGHOMY HOMA JALILZADEHGHOLAMI	Ward:	Willowdale (24)
Agent:	DONYA SABERYGHOMY	Heritage:	Not Applicable
Property Address:	30 FLEMING DR	Community:	North York
Legal Description:	CON 2 EY PT LOT 23 PLAN 66M2304 BLK 96		

Notice was given and a Public Hearing was held on Thursday, October 15, 2015, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new three-storey dwelling with an integral garage. The existing dwelling would be demolished.

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

- 1. Chapter 10.5.100.1.(1)(c)(i), By-law No. 569-2013**
The maximum permitted driveway width is 6.00m.
The proposed driveway width is 9.30m.
- 2. Chapter 10.5.40.60.(3), By-law No. 569-2013**
Exterior stairs providing access to a building may encroach into a required building setback if the stairs are no wider than 2.00m.
The proposed front stairs are 3.30m wide.
- 3. Chapter 12.7, By-law No. 7625**
The maximum permitted building height is 8.80m.
The proposed building height is 10.26m.
- 4. Chapter 12.5A, By-law No. 7625**
The maximum permitted building length is 16.80m.
The proposed building length is 22.70m.
- 5. Chapter 12.7, By-law No. 7625**
The maximum permitted number of storeys is two (2).
The proposed number of storeys is three (3).

6. **Chapter 6(9)(f), By-law No. 7625**
Porches shall be permitted to project into the minimum front yard setback not more than 2.10m.
The proposed front porch projects 2.44m.
7. **Chapter 6A(5)(a)(ii)(C), By-law No. 7625**
The maximum permitted driveway width is 6.00m.
The proposed driveway width is 9.30m.

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):

1. **Chapter 10.5.100.1.(1)(c)(i), By-law No. 569-2013**
The maximum permitted driveway width is 6.00m.
The proposed driveway width is 9.30m.
2. **Chapter 10.5.40.60.(3), By-law No. 569-2013**
Exterior stairs providing access to a building may encroach into a required building setback if the stairs are no wider than 2.00m.
The proposed front stairs are 3.30m wide.
4. **Chapter 12.5A, By-law No. 7625**
The maximum permitted building length is 16.80m.
The proposed building length is 22.70m.
6. **Chapter 6(9)(f), By-law No. 7625**
Porches shall be permitted to project into the minimum front yard setback not more than 2.10m.
The proposed front porch projects 2.44m.
7. **Chapter 6A(5)(a)(ii)(C), By-law No. 7625**
The maximum permitted driveway width is 6.00m.
The proposed driveway width is 9.30m.

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

3. **Chapter 12.7, By-law No. 7625**
The maximum permitted building height is 8.80m.
The proposed building height is **9.50m**.

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):

5. **Chapter 12.7, By-law No. 7625**
The maximum permitted number of storeys is two (2).
The proposed number of storeys is three (3).

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) The requirements of the Urban Forestry, Ravine Protection Division.

SIGNATURE PAGE

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Beth Levy (signed)

Bruce Mullock (signed)

Denise Graham (signed)

Giacomo Tonon (signed)

Rick Ross (signed)

DATE DECISION MAILED ON: Thursday, October 22, 2015

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, November 4, 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.