

Thursday, April 14, 2016

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

File Number:	A494/15EYK	Zoning	RD & R2
Owner(s):	PALWASHA BAQI MAHMOOD WALI	Ward:	Etobicoke North (01)
Agent:	ANTHONY CESARIO	Heritage:	Not Applicable
Property Address:	<b>39 BARKER AVE – PART 2</b>	Community:	
Legal Description:	PLAN M433 PT LOT 150		

Notice was given and a Public Hearing was held on Thursday, April 14, 2016, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new detached dwelling with an attached garage.

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

**1. Section 10.20.30.20.(1)(A), By-law 569-2013 & Section 1(a), By-law 1980-249**

The minimum required lot frontage is 16.5 m.

The lot frontage is 11.43 m.

**2. Section 10.20.30.10.(1)(A), By-law 569-2013 & Section 1(b), By-law 1980-249**

The minimum required lot area is 650 m<sup>2</sup>.

The lot area is 386.68 m<sup>2</sup>.

**3. Section 900.3.10(9)(C)(i), By-law 569-2013 & Section 1(g), By-law 1980-249**

The maximum permitted floor space index is 0.33 times the lot area (127.6 m<sup>2</sup>).

The proposed dwelling will have a floor space index of 0.5 times the lot area (192.59 m<sup>2</sup>).

**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 authorize this variance application 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.

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

1. The applicant shall comply with the conditions imposed in the Committee of Adjustment's **Consent Decision Number B56/15EYK**.
2. Submission of a complete application for a permit to injure or destroy a City-owned tree(s). A *Contractor's Agreement to Perform Work on City-owned Trees* will be required prior to the removal/injure of the subject tree(s). Form located at [www.toronto.ca/trees/pdfs/contractor\\_services\\_agreement\\_information.pdf](http://www.toronto.ca/trees/pdfs/contractor_services_agreement_information.pdf).  
  
Submission of a tree protection guarantee security deposit to guarantee the protection of City-owned trees according to the *Tree Protection Policy and Specifications for Construction Near Trees* or as otherwise approved by Urban Forestry. Accepted methods of payment include debit or card, certified cheque or money order payable to the *Treasurer of the City of Toronto*, or Letter of Credit.
3. Submission of a complete application for permit to injure or destroy privately owned trees.
4. The following conditions shall be fulfilled to the satisfaction of the Engineering and Construction Services Division:
  - a. The applicant shall submit one revised site plan (scale of 1:200 or 1:250) illustrating the requirements specified in following points to the satisfaction of Transportation Services, at no cost to the City;
    - i. The applicant is required to reduce the proposed driveway width on each of the proposed severed lots to a maximum of 3.0m, measured uniformly from the pavement edge of Barker Avenue to the proposed integral single-car garage door entrance;
    - ii. The applicant is required to restore the redundant section of the existing driveway within the municipal boulevard with sod, except at the two proposed driveway access points;
    - iii. The current submitted site plan illustrates an existing mature tree straddling the east side of the proposed Part 2 driveway located on the conveyed lot. The applicant is required to obtain written approval/documentation from the City's Parks, Forestry and Recreation Division as it relates to tree protection requirements;
    - iv. Insert an advisory notation on the site plan stating that, "The applicant shall obtain the necessary authorizations and permits from the City's Right-of-Way Management Unit before excavating within or encroaching into the municipal road allowance. The applicant shall also submit a Municipal Road Damage Deposit prior to obtaining a Building Permit." The applicant is advised to contact Ms. Joanne Vecchiarelli of the Right-of-Way Management Section at (416) 398-1045 regarding municipal road damage deposit requirements.

**SIGNATURE PAGE**

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\_\_\_\_\_  
Allan Smithies (signed)

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Nathan Muscat (signed)

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Megan McIver (signed)

DATE DECISION MAILED ON: Friday, April 22, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, May 4, 2016

CERTIFIED TRUE COPY

Susanne Pringle  
Manager & Deputy Secretary Treasurer  
Etobicoke 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](http://www.omb.gov.on.ca).

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

- Section 10.20.30.20.(1)(A), By-law 569-2013 & Section 1(a), By-law 1980-249**  
The minimum required lot frontage is 16.5 m.  
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