

Thursday, May 12, 2016

**NOTICE OF DECISION**  
**CONSENT**  
**(Section 53 of the Planning Act)**

File Number:	B006/16SC	Zoning	Single Family (S) & Residential Detached (RD) Zone [ZR]
Owners:	NILUFA CHOWDHURY ABU HASNAT CHOWDHURY	Ward:	Scarborough Southwest (35)
Agent:	ARC DESIGN GROUP	Heritage:	Not Applicable
Property Address:	<b>123 DONSIDE DR</b>	Community:	Clairlea Community
Legal Description:	PLAN M464 LOT 10		

Notice was given and the application considered on Thursday, May 12, 2016, as required by the Planning Act.

**THE CONSENT REQUESTED:**

This application is for consent to sever the land into two lots. The proposed lots would each have a frontage of 7.62 m on Donside Drive and a lot area of approximately 328 m<sup>2</sup>. The proposed lots are shown as Parts 1 and 2 on the attached Lot Division Plan. The owner is proposing to demolish the existing house and build two new detached houses.

**IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:****The Consent Application is Refused**

The Committee has considered the application for consent to the creation of new lots as shown on the attached Lot Division Plan. The Committee is not satisfied that the dimensions of the proposed lots would maintain the character of the established residential neighbourhood. The Committee is not satisfied that the application meets the criteria set out in the provisions of Section 51(24) of the *Planning Act*.



**SIGNATURE PAGE**

File Number:	B006/16SC	Zoning	Single Family (S) & Residential Detached (RD) Zone [ZR]
Owners:	NILUFA CHOWDHURY ABU HASNAT CHOWDHURY	Ward:	Scarborough Southwest (35)
Agent:	ARC DESIGN GROUP	Heritage:	Not Applicable
Property Address:	<b>123 DONSIDE DR</b>	Community:	Clairlea Community
Legal Description:	PLAN M464 LOT 10		

\_\_\_\_\_  
Alexandra Flynn (signed)

\_\_\_\_\_  
David Peacock (signed)

\_\_\_\_\_  
Eden Gajraj (signed)

\_\_\_\_\_  
Hena Kabir (signed)

\_\_\_\_\_  
Sean Karmali (signed)

DATE DECISION MAILED ON: Tuesday, May 17, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Monday, June 6, 2016

CERTIFIED TRUE COPY

Denise Rundle  
Manager & Deputy Secretary Treasurer  
Scarborough 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).

**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.

Thursday, May 12, 2016

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

File Number:	A020/16SC	Zoning	Single Family (S) & Residential Detached (RD) Zone [ZR]
Owner:	NILUFA CHOWDHURY ABU HASNAT CHOWDHURY	Ward:	Scarborough Southwest (35)
Agent:	ARC DESIGN GROUP	Heritage:	Not Applicable
Property Address:	<b>123 DONSIDE DR</b> <b>PART 1</b>	Community:	Clairlea Community
Legal Description:	PLAN M464 LOT 10		

Notice was given and a Public Hearing was held on Thursday, May 12, 2016, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

The owner is requesting consent to sever the land at 123 Donside Drive into two lots, and has applied for variances for the proposed west lot, shown as Part 1 on the attached Lot Division Plan. The owner is proposing to demolish the existing dwelling and build a new single family dwelling.

**REQUESTED VARIANCES TO THE ZONING BY-LAW:**

**By-law No. 569-2013:**

- 1) The proposed west side yard setback is 0.5 m  
Whereas the minimum required side yard setback is 0.9 m
- 2) A floor area of 4.4 m<sup>2</sup> on the first floor is proposed to be located within 4.0 m of the main front wall  
Whereas a minimum of 10 m<sup>2</sup> of the first floor must be within 4.0 m of the main front wall
- 3) The proposed roof overhang and eavestrough would be located 0.19 m from the west side lot line  
Whereas the eaves of a roof may encroach into a required minimum building setback a maximum of 0.9 m, if they are no closer to the lot line than 0.3 m
- 4) The proposed house would be a three storey dwelling  
Whereas the by-law permits a maximum of two stories
- 5) For the front main wall, 53% of the main wall is at or below 7 m in height  
For the rear main wall, 51% of the main wall is at or below 7 m in height  
Whereas a minimum of 60% of the total width of the front and rear main walls must be below 7 m in height
- 6) The proposed height of the first floor above established grade is 1.5 m  
Whereas the maximum height of the first floor above established grade is 1.2 m
- 7) The proposed lot area is 328 m<sup>2</sup>  
Whereas the minimum required lot area is 371 m<sup>2</sup>
- 8) The proposed lot frontage is 7.62 m  
Whereas the minimum required lot frontage is 12 m

- 9) The proposed building height is 9 m  
Whereas the maximum permitted building height is 7.2 m
- 10) The proposed building depth is 19.3 m  
Whereas the maximum permitted building depth, measured between the required front yard setback and the main rear wall of the dwelling, is 19 m
- 11) The proposed area of a platform at the rear of the second storey is 7.5 m<sup>2</sup>  
Whereas the maximum permitted area of each platform at or above the second storey is 4 m<sup>2</sup>

**By-law No. 8978:**

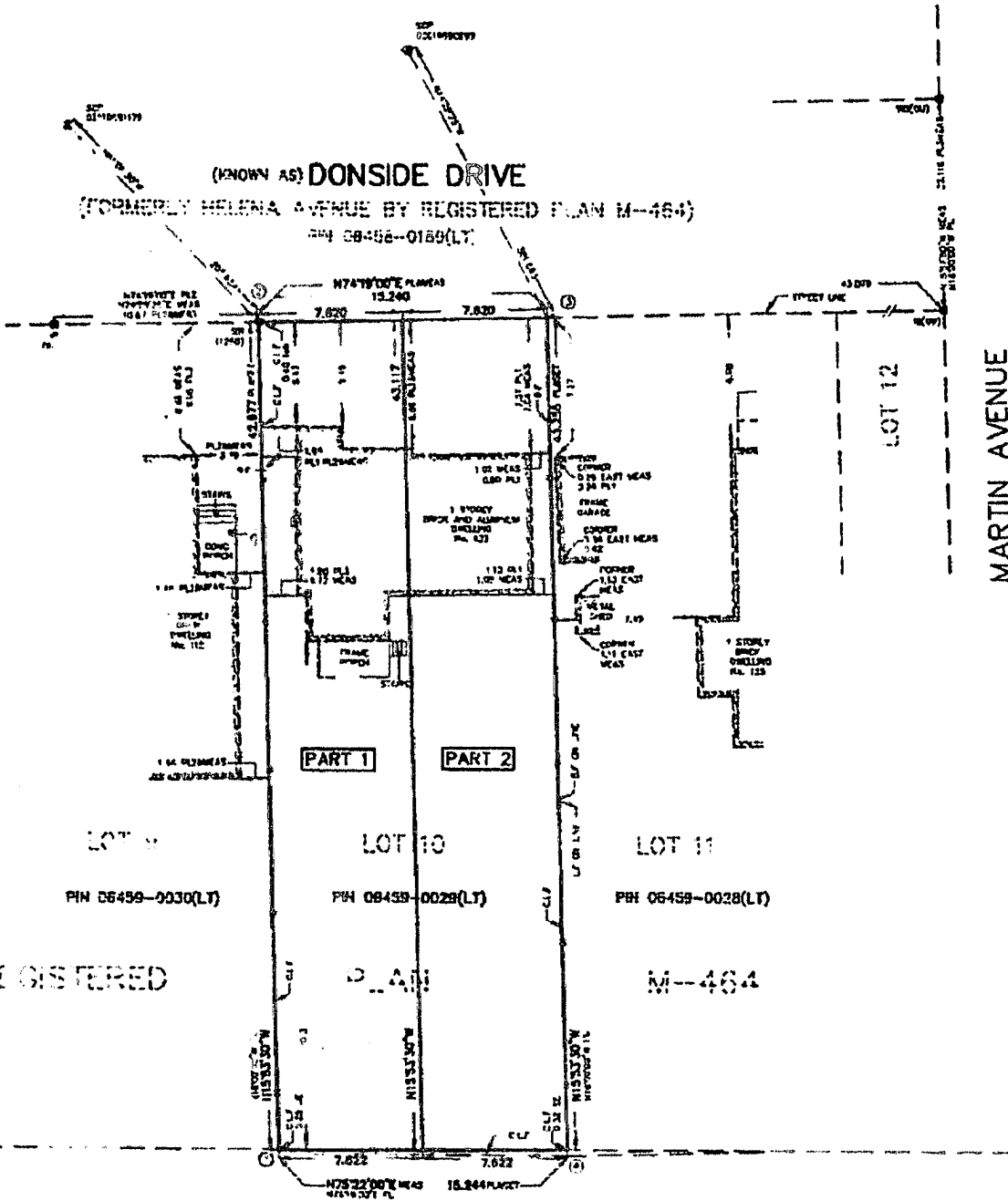
- 12) The proposed lot frontage is 7.62 m and the proposed lot area is 328 m<sup>2</sup>  
Whereas the by-law requires a minimum frontage of 12 m and a minimum lot area of 371 m<sup>2</sup>
- 13) The proposed west side yard setback is 0.5 m  
Whereas the minimum required side yard setback is 0.9 m
- 14) The proposed lot coverage is 33.7%  
Whereas the maximum permitted lot coverage is 33%
- 15) The proposed house would be a three storey dwelling  
Whereas the by-law permits a maximum of two stories

**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 refuse 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 variances are not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variances are not minor.



**Lot Division Plan**  
 Applicant's Submitted Drawing  
 Not to Scale

**123 Donside Drive (Part 1)**  
 File #A020/16SC

12/05/2016

Attachment 1

**SIGNATURE PAGE**

File Number:	A020/16SC	Zoning	Single Family (S) & Residential Detached (RD) Zone [ZR]
Owner:	NILUFA CHOWDHURY ABU HASNAT CHOWDHURY	Ward:	Scarborough Southwest (35)
Agent:	ARC DESIGN GROUP	Heritage:	Not Applicable
Property Address:	123 DONSIDE DR PART 1	Community:	Clairlea Community
Legal Description:	PLAN M464 LOT 10		

\_\_\_\_\_  
Alexandra Flynn (signed)

\_\_\_\_\_  
David Peacock (signed)

\_\_\_\_\_  
Eden Gajraj (signed)

\_\_\_\_\_  
Hena Kabir (signed)

\_\_\_\_\_  
Sean Karmali (signed)

DATE DECISION MAILED ON: Tuesday, May 17, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, June 1, 2016

CERTIFIED TRUE COPY

Denise Rundle  
Manager & Deputy Secretary Treasurer  
Scarborough 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).

Thursday, May 12, 2016

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

File Number:	A021/16SC	Zoning	Single Family (S) & Residential Detached (RD) Zone [ZR]
Owner:	NILUFA CHOWDHURY ABU HASNAT CHOWDHURY	Ward:	Scarborough Southwest (35)
Agent:	ARC DESIGN GROUP	Heritage:	Not Applicable
Property Address:	<b>123 DONSIDE DR PART 2</b>	Community:	Clairlea Community
Legal Description:	PLAN M464 LOT 10		

Notice was given and a Public Hearing was held on Thursday, May 12, 2016, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

The owner is requesting consent to sever the land at 123 Donside Drive into two lots, and has applied for variances for the proposed east lot, shown as Part 2 on the attached Lot Division Plan. The owner is proposing to demolish the existing dwelling and build a new single family dwelling.

**REQUESTED VARIANCES TO THE ZONING BY-LAW:**

**By-law No. 569-2013:**

- 1) The proposed west side yard setback is 0.5 m  
Whereas the minimum required side yard setback is 0.9 m
- 2) The proposed roof overhang and eaves trough would be located 0.19 m from the west side lot line  
Whereas the eaves of a roof may encroach into a required minimum building setback a maximum of 0.9 m, if they are no closer to the lot line than 0.3 m
- 3) A floor area of 4.4 m<sup>2</sup> on the first floor is proposed to be located within 4.0 m of the main front wall  
Whereas a minimum of 10 m<sup>2</sup> of the first floor must be within 4.0 m of the main front wall
- 4) The proposed house would be a three storey dwelling  
Whereas the by-law permits a maximum of two stories
- 5) For the front main wall, 53% of the main wall is at or below 7 m in height  
For the rear main wall, 51% of the main wall is at or below 7 m in height  
Whereas a minimum of 60% of the total width of the front and rear main walls must be below 7 m in height
- 6) The proposed height of the first floor above established grade is 1.4 m  
Whereas the maximum height of the first floor above established grade is 1.2 m
- 7) The proposed lot area is 329 m<sup>2</sup>  
Whereas the minimum required lot area is 371 m<sup>2</sup>
- 8) The proposed lot frontage is 7.62 m  
Whereas the minimum required lot frontage is 12 m



- 9) The proposed building height is 9 m  
Whereas the maximum permitted building height is 7.2 m
- 10) The proposed building depth is 19.3m  
Whereas the maximum permitted building depth, measured between the required front yard setback and the main rear wall of the dwelling, is 19 m
- 11) The proposed area of a platform at the rear of the second storey is 7.5 m<sup>2</sup>  
Whereas the maximum permitted area of each platform at or above the second storey is 4 m<sup>2</sup>

**By-law No. 8978:**

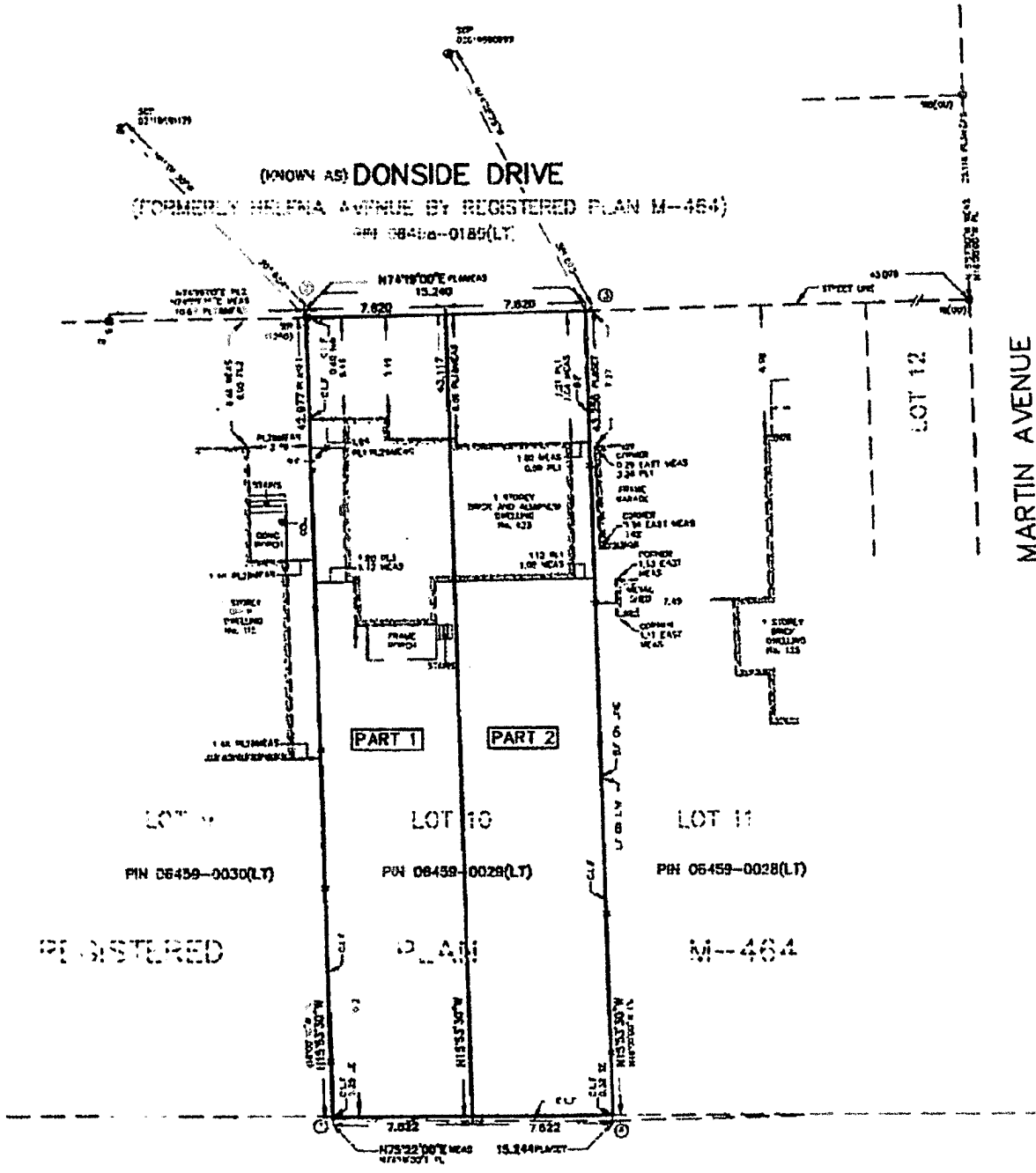
- 12) The proposed lot frontage is 7.62 m and the proposed lot area is 329 m<sup>2</sup>  
Whereas the by-law requires a minimum frontage of 12 m and a minimum lot area of 371 m<sup>2</sup>
- 13) The proposed west side yard setback is 0.5 m  
Whereas the minimum required side yard setback is 0.9 m
- 14) The proposed lot coverage is 33.7%  
Whereas the maximum permitted lot coverage is 33%
- 15) The proposed house would be a three storey dwelling  
Whereas the by-law permits a maximum of two stories

**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 refuse 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 variances are not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variances are not minor.



**Lot Division Plan**

Applicant's Submitted Drawing  
Not to Scale

12/05/2016

**123 Donside Drive (Part 2)**

File #A021/16SC

Attachment 1

**SIGNATURE PAGE**

File Number:	A021/16SC	Zoning	Single Family (S) & Residential Detached (RD) Zone [ZR]
Owner:	NILUFA CHOWDHURY ABU HASNAT CHOWDHURY	Ward:	Scarborough Southwest (35)
Agent:	ARC DESIGN GROUP	Heritage:	Not Applicable
Property Address:	<b>123 DONSIDE DR PART 2</b>	Community:	Clairlea Community
Legal Description:	PLAN M464 LOT 10		

\_\_\_\_\_  
Alexandra Flynn (signed)

\_\_\_\_\_  
David Peacock (signed)

\_\_\_\_\_  
Eden Gajraj (signed)

\_\_\_\_\_  
Hena Kabir (signed)

\_\_\_\_\_  
Sean Karmali (signed)

DATE DECISION MAILED ON: Tuesday, May 17, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, June 1, 2016

CERTIFIED TRUE COPY

Denise Rundle  
Manager & Deputy Secretary Treasurer  
Scarborough 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).