

Thursday, December 10, 2015

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

File Number:	A622/14NY	Zoning	R3 / RD (f18.0; a690) (x871)(ZR)
Owner(s):	TOURAJ MIRZAKHANI	Ward:	Don Valley West (25)
Agent:	RICHARD WENGLE ARCHITECT INC	Heritage:	Not Applicable
Property Address:	29 DONWOODS DR	Community:	North York
Legal Description:	PLAN 2343 LOT 62 PT LOTS 61 63 74 AND 75 RP 66R23762 PART 1		

Notice was given and a Public Hearing was held on Thursday, December 10, 2015, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new detached dwelling with an integral garage, as well as a new cabana in the rear. The existing dwelling and detached garage would be demolished.

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

- 1. Section 10.20.40.20.(1), Zoning By-law No. 569-2013**
The permitted maximum building length for a detached house is 17.0m.
The proposed building length is 21.06m.
- 2. Section 10.20.40.70.(1), 900.3.10(871) - Exceptions for RD Zone, Zoning By-law No. 569-2013**
The minimum required front yard setback is 12.0m.
The proposed front yard setback is 9.92m.
- 3. Section 10.5.40.60.(1), Zoning By-law No. 569-2013**
(A)(i) A platform without main walls, attached to or less than 0.3m from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required front yard setback 2.5m if it is no closer to a side lot line than the required side yard setback.
The proposed platform encroaches 4.88m into the required front yard setback.
(NOTE: Should a variance not be granted for front yard setback the proposed platform will encroach 6.96m into the required front yard setback.
NOTE: The platform which this deficiency is relating to is the first landing from the front porch stairs).
- 4. Chapter 7.3.3, Zoning By-law No. 7625**
The minimum required front yard setback is 12.0m.
The proposed front yard setback is 9.92m.

5. **Chapter 12.5A, Zoning By-law No. 7625**
The maximum permitted building length is 16.8m.
The proposed building length is 21.06m.
6. **Chapter 12.7, Zoning By-law No. 7625**
The maximum permitted building height is 8.8m.
The proposed building height is 14.25m.
7. **Chapter 12.7, Zoning By-law No. 7625**
The maximum permitted number of storeys is 2.
The proposed number of storeys is 4.
8. **Chapter 12.7A, Zoning By-law No. 7625**
The maximum permitted balcony area is 3.8m².
The proposed front porch balcony area is **17.81m²**.
(NOTE: The proposed front porch and first landing is considered a balcony as the proposed dwelling is considered a 4 storey and as such the main floor is considered the 3rd storey).
9. **Chapter 6(23)(a), Zoning By-law No. 7625**
The maximum permitted height of an accessory building is 3.7m.
The proposed height of the rear yard cabana is 4.0m.
10. **Chapter 6(9)(k), Zoning By-law No. 7625**
The maximum permitted projection of a balcony is 1.6m from the wall.
The front balcony projects 4.88m.
(NOTE: Should a variance not be granted for front yard setback the proposed balcony will project 6.96 metres into the required front yard setback.
NOTE: The platform which this deficiency is relating to is the first landing from the front porch stairs).
11. **Chapter 6(9)(b), By-law No. 7625**
Exterior stairways and wheelchair ramps shall be permitted to project into the minimum front yard setback not more than 2.1m.
The proposed front porch stairway projects 4.88m into the front yard setback.

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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Rick Ross (signed) Wayne McEachern (signed) Giacomo Tonon (signed)

DATE DECISION MAILED ON: Thursday, December 17, 2015
LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, December 30, 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.