

Thursday, September 22, 2016

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

File Number:	A0499/16NY	Zoning:	RD/R4 [ZZC]
Owner(s):	HADI SAKI SIMONA SAKI	Ward:	Willowdale (24)
Agent:	HOSSEINI HOMES CORPORATION	Heritage:	Not Applicable
Property Address:	<b>3079 BAYVIEW AVE</b> <b>(PART 1)</b>	Community:	North York
Legal Description:	PLAN 5099 LOT 62		

Notice was given and a Public Hearing was held on Thursday, September 22, 2016, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

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

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

- Chapter 10.5.40.10.(5), By-law No. 569-2013**  
A minimum of 10.00m<sup>2</sup> of the first floor area must be within 4.00m of the main front wall.  
The proposed first floor area is 8.54m<sup>2</sup> within 4.00m of the main front wall.
- Chapter 10.5.40.60.(7), By-law No. 569-2013**  
Roof eaves may project a maximum of 0.90m provided that they are no closer than 0.30m to a lot line.  
The proposed eaves are 0.113m from the south lot line.
- Chapter 10.5.100.1.(1), By-law No. 569-2013**  
The maximum permitted driveway width is 3.23m.  
The proposed driveway width is 3.81m.
- Chapter 10.20.30.20.(1), By-law No. 569-2013**  
The minimum required lot frontage is 15.00m.  
The proposed lot frontage is 7.62m.
- Chapter 10.20.30.40.(1), By-law No. 569-2013**  
The maximum permitted lot coverage is 30.00% of the lot area.  
The proposed lot coverage is 36.60% of the lot area.

6. **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 7.50m.  
The proposed height of the north side exterior main wall facing a side lot line is 7.98m.
7. **Chapter 10.20.40.20.(1), By-law No. 569-2013**  
The maximum permitted building length is 17.00m.  
The proposed building length is 17.07m.
8. **Chapter 900.3.10.(5), By-law No. 569-2013**  
The minimum required side yard setback is 1.80m.  
The proposed north side yard setback is 0.91m.
9. **Chapter 900.3.10.(5), By-law No. 569-2013**  
The minimum required side yard setback is 1.80m.  
The proposed south side yard setback is 0.61m.
10. **Chapter 10.20.30.10.(1), By-law No. 569-2013**  
The minimum required lot area is 550.00m<sup>2</sup>.  
The proposed lot area is 278.99m<sup>2</sup>.
11. **Section 13.2.1, By-law No. 7625**  
The minimum required lot frontage is 15.00m.  
The proposed lot frontage is 7.62m.
12. **Section 13.2.2, By-law No. 7625**  
The minimum required lot area is 550.00m<sup>2</sup>.  
The proposed lot area is 278.99m<sup>2</sup>.
13. **Section 13.2.3(b), By-law No. 7625**  
The minimum required side yard setback is 1.80m.  
The proposed north side yard setback is 0.91m.
14. **Section 13.2.3(b), By-law No. 7625**  
The minimum required side yard setback is 1.80m.  
The proposed south side yard setback is 0.61m.
15. **Section 13.2.4, By-law No. 7625**  
The maximum permitted lot coverage is 30.00% of the lot area.  
The proposed lot coverage is 36.60% of the lot area.
16. **Section 13.2.5A, By-law No. 7625**  
The maximum permitted building length is 16.80m.  
The proposed building length is 17.07m.
17. **Section 6(8), By-law No. 7625**  
The minimum lot width is not be less than the lot frontage for the zone in which the building is to be constructed; 15.00m.  
The proposed lot width is 7.62m.

**18. Section 6(9)(n), By-law No. 7625**

The maximum permitted cumulative width of bay windows is 50.00% of the width of the wall.

The proposed cumulative width of the front first and second storey bay windows is 52.50% width of the wall.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **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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Bruce Mullock (signed)

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Giacomo Tonon (signed)

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Nadini Sankar (signed)

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Rick Ross (signed)

DATE DECISION MAILED ON: Thursday, September 29, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, October 12, 2016

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 \$300.00, 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).