



City Planning Division

Committee of Adjustment  
Toronto and East York District

100 Queen Street West, 1<sup>st</sup> Floor  
Toronto, Ontario M5H 2N2  
Tel: 416-392-7565  
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**NOTICE OF DECISION  
MINOR VARIANCE/PERMISSION  
(Section 45 of the Planning Act)**

File Number:	A0877/16TEY	Zoning	RM (f12.0; u2; d0.8)(x252) & R2 (ZZC)
Owner(s):	ABBAS BAGHI	Ward:	St. Paul's (21)
Agent:	MEHDY AJVAND	Heritage:	Not Applicable
Property Address:	633 RUSHTON RD	Community:	York
Legal Description:	PLAN 1527 W PT LOT 106		

Notice was given and a Public Hearing was held on **Wednesday, November 30, 2016**, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new three-storey detached dwelling with integral garage, front porch, rear ground floor deck, rear basement walkout, rear second floor balcony, rear third floor roof deck, and front third floor roof deck.

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

- Chapter 10.5.40.10.(5), By-law 569-2013**  
A minimum of 10.0 m<sup>2</sup> of the first floor must be within 4.0 m of the front main wall.  
In this case, less than 10.0 m<sup>2</sup> of the first floor will be within 4.0 m of the front main wall.
- Chapter 10.80.40.10.(2)(A), By-law 569-2013**  
The maximum permitted height of all front exterior main walls is 8.5 m.  
The height of the front exterior main walls will be **9.71 m**.  
  
The maximum permitted height of all rear exterior main walls is 8.5 m.  
The height of the rear exterior main walls will be **9.71 m**.
- Chapter 10.80.40.40.(1)(A), By-law 569-2013**  
The maximum permitted floor space index of a detached dwelling is 0.8 times the area of the lot (212.96 m<sup>2</sup>).  
The new detached dwelling will have a floor space index equal to 0.984 times the area of the lot (261.99 m<sup>2</sup>).
- Chapter 10.80.40.70.(3)(A), By-law 569-2013**  
The minimum required side yard setback is 1.2 m.  
The new detached dwelling will be located 0.45 m from the east side lot line, and 0.45 m from the west side lot line.

**5. Chapter 10.80.40.70.(3)(A), By-law 569-2013**

The minimum required side yard setback is 1.2 m.

The new detached dwelling will be located 0.92 m from the east side lot line, measured to the rear ground floor deck.

**1. Section 8(3)(a), By-law 1-83**

The maximum permitted floor space index of a detached dwelling is 0.8 times the area of the lot (212.96 m<sup>2</sup>).

The new detached dwelling will have a floor space index equal to 1.084 times the area of the lot (288.64 m<sup>2</sup>).

**2. Section 8(3)(a), By-law 1-83**

The minimum required side yard setback is 0.5 m and 1.2 m.

The new detached dwelling will be located 0.45 m from the east side lot line, and 0.45 m from the west side lot line.

**The Committee of Adjustment considered any written and oral submissions in making its decision. For a list of submissions, please refer to the minutes.**

**IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

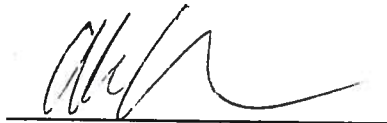
**The Minor Variance Application is Refused**

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 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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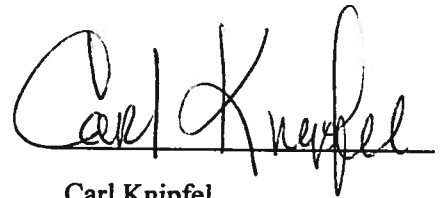


Alex Bednar

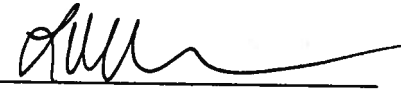
**DISSENTED**



Donald Granatstein



Carl Knipfel



Lisa Valentini

**DATE DECISION MAILED ON: TUESDAY, DECEMBER 6, 2016**

**LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: TUESDAY, DECEMBER 20, 2016**

**CERTIFIED TRUE COPY**



Sylvia Mullaste  
Acting Deputy Secretary-Treasurer  
Toronto and East 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