

CITY COUNCILLOR, WARD 26, CITY OF
TORONTO
JON BURNSIDE
or OCCUPANT
CITY HALL
100 QUEEN ST SUITE W SUITE A13
Thursday, November 24, 2016

City of Toronto
North York Civic Centre
5100 Yonge Street
Toronto, ON M2N 5Y7
Tel: 416 395-7000
Fax: 416 395-720

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

File Number:	A0876/16NY	Zoning:	RD/R1B [ZZC]
Owner(s):	SEYED ARASH AMINI MARYAM MALEKI	Ward:	Don Valley West (26)
Agent:	ARTA ARCHITECTS INC	Heritage:	Not Applicable
Property Address:	310 RUMSEY RD	Community:	East York
Legal Description:	PLAN 3110 LOT 361		

Notice was given and a Public Hearing was held on Thursday, November 24, 2016, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new two-storey dwelling. The existing dwelling would be demolished.

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

- Chapter 10.20.40.10.(1), By-law No. 569-2013**
The maximum permitted building height is 8.50m.
The proposed building height is 8.80m.
- 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 7.00m.
The proposed height of the side exterior main walls facing a side lot line is 7.36m.
- Chapter 10.20.40.70.(3), By-law No. 569-2013**
The minimum required side yard setback is 1.20m.
The proposed north side yard setback is 0.75m.
- Chapter 10.20.40.70.(3), By-law No. 569-2013**
The minimum required side yard setback is 1.20m.
The proposed south side yard setback is 0.90m.
- Chapter 10.20.40.40.(1), By-law No. 569-2013**
The maximum permitted floor space index is 0.60 times the lot area.
The proposed floor space index is 0.65 times the lot area.
- Section 6.3.3, By-law No. 1916**
The maximum permitted building height is 8.50m.
The proposed building height is 9.35m.

7. **Section 6.3.3, By-law No. 1916**

The maximum permitted building length is 16.75m.
The proposed building length is 16.96m.

8. **Section 6.3.3, By-law No. 1916**

The maximum permitted floor space index is 0.60 times the lot area.
The proposed floor space index is 0.66 times the lot area.

9. **Section 6.3.3, By-law No. 1916**

The minimum required side yard setback is 0.90m.
The proposed north side yard setback is 0.75m.

10. **Section 6.1.2, By-law No. 1916**

The by-law does not permit the entrance to a garage to be located below finished grade (as defined).
The garage is located below finished grade.

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 Approved on Condition

It is the decision of the Committee of Adjustment to **APPROVE** the following variance(s):

1. **Chapter 10.20.40.10.(1), By-law No. 569-2013**

The maximum permitted building height is 8.50m.
The proposed building height is 8.80m.

2. **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 7.00m.
The proposed height of the side exterior main walls facing a side lot line is 7.36m.

3. **Chapter 10.20.40.70.(3), By-law No. 569-2013**

The minimum required side yard setback is 1.20m.
The proposed north side yard setback is 0.75m.

4. **Chapter 10.20.40.70.(3), By-law No. 569-2013**

The minimum required side yard setback is 1.20m.
The proposed south side yard setback is 0.90m.

5. **Chapter 10.20.40.40.(1), By-law No. 569-2013**

The maximum permitted floor space index is 0.60 times the lot area.
The proposed floor space index is 0.65 times the lot area.

6. **Section 6.3.3, By-law No. 1916**

The maximum permitted building height is 8.50m.
The proposed building height is 9.35m.

7. **Section 6.3.3, By-law No. 1916**

The maximum permitted building length is 16.75m.
The proposed building length is 16.96m.

8. Section 6.3.3, By-law No. 1916

The maximum permitted floor space index is 0.60 times the lot area.
The proposed floor space index is 0.66 times the lot area.

9. Section 6.3.3, By-law No. 1916

The minimum required side yard setback is 0.90m.
The proposed north side yard setback is 0.75m.

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.

It is the decision of the Committee of Adjustment to **REFUSE** the following variance(s):

10. Section 6.1.2, By-law No. 1916

The by-law does not permit the entrance to a garage to be located below finished grade (as defined).
The garage is located below finished grade.

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.

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

- 1) Where there are no existing street trees, the owner shall provide payment in lieu of planting one street tree on the City road allowance abutting each of the sites involved in the application. The current cost of planting a tree is \$583.

SIGNATURE PAGE

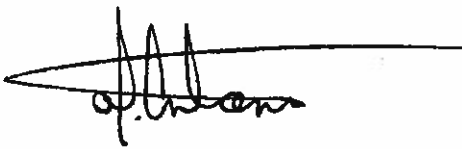
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Bruce Mullock (signed)
Derek Lett (signed)
Giacomo Tonon (signed)
Rick Ross (signed)

DATE DECISION MAILED ON: Thursday, December 1, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, December 14, 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.