

Thursday, March 9, 2017

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

File Number:	A1131/16NY	Zoning	R/R2 Z0.6 [ZZC]
Owner(s):	ROOZBEH SEPEHRI-RAAD	Ward:	Eglinton-Lawrence (16)
Agent:	PAMAK AZIZI MAGHADDAM	Heritage:	Not Applicable
Property Address:	235 DELORAINE AVE	Community:	Toronto
Legal Description:	PLAN 1627 PT LOT 23		

Notice was given and a Public Hearing was held on Thursday, March 9, 2017, 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:

1. Chapter 10.5.40.10.(5), By-law No. 569-2013

A minimum of 10.00m² of the first floor area must be within 4.00m of the main front wall.
The proposed first floor area is 4.45m² within 4.00m of the main front wall.

2. 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 0.653 times the lot area.

3. Chapter 10.5.40.60.(1), By-law No. 569-2013

A platform without main walls, attached to or less than 0.30m 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 2.50m if it is no closer to a side lot line than the required side yard setback.
The proposed platform encroaches 3.34m into the required front yard setback.

4. Chapter 10.20.40.30.(1), By-law No. 569-2013

The maximum permitted building depth is 17.00m.
The proposed building depth is **18.22m**.

5. 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 side exterior main walls facing a side lot line is 8.63m.

6. Section 6(3) Part I 1, By-law No. 438-86

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

7. Section 6(3) Part II 3.B(II), By-law No. 438-86

The minimum required side yard setback is 7.50m for the portion of the dwelling exceeding 17.00m in depth. The proposed west side yard setback is 0.45m for the **1.21m** portion of the dwelling exceeding 17.00m in depth.

8. Section 6(3) Part II 3.B(II), By-law No. 438-86

The minimum required side yard setback is 7.50m for portion of the dwelling exceeding 17.00m in depth. The proposed east side yard setback is 1.06m for the **1.21m** for the portion of the dwelling exceeding 17.00m in depth.

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

File Number:	A1131/16NY	Zoning	R/R2 Z0.6 [ZZC]
Owner:	ROOZBEH SEPEHRI-RAAD	Ward:	Eglinton-Lawrence (16)
Agent:	PAMAK AZIZI MAGHADDAM	Heritage:	Not Applicable
Property Address:	235 DELORAINE AVE	Community:	Toronto
Legal Description:	PLAN 1627 PT LOT 23		

Wayne McEachern (signed)

Denise Graham (signed)

Giacomo Tonon (signed)

Rick Ross (signed)

DATE DECISION MAILED ON: Thursday, March 16, 2017

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, March 29, 2017

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.