

COUNCILLOR J. FILION  
North York Civic Centre

WARD 23 - WILLOWDALE

Thursday, May 18, 2017

**NOTICE OF DECISION****CONSENT****(Section 53 of the Planning Act)**

File Number:	B0080/16NY	Zoning	R6/RD (f12.0; a370)
Owner(s):	GUISOU DANESHMAND TOURAJ MALAKIAN	Ward:	Willowdale (23)
Agent:	MEHDI MARZYARI	Heritage:	Not Applicable
Property Address:	2968 BAYVIEW AVE	Community:	North York
Legal Description:	PLAN 1609 PT LOT 346		

Notice was given and the application considered on Thursday, May 18, 2017, as required by the Planning Act.

**THE CONSENT REQUESTED:**

To obtain consent to sever the property into two undersized residential lots and to create/grant an easement for access.

**Conveyed - Part 5**

Address to be assigned

The frontage is 7.01m and the lot area is 248.4m<sup>2</sup>. A new residential single detached dwelling is proposed and requires variances to the applicable Zoning By-law(s).

**Retained - Parts 4, 6**

Address to be assigned

The frontage is 6.70m and the lot area is 237.6m<sup>2</sup>. A new residential single detached dwelling is proposed and requires variances to the applicable Zoning By-law(s).

**Easement - Part 6**

Part 6 has a lot area of 1.6m<sup>2</sup> will be subject to an easement in favour of PART 5 for vehicular access (ingress and egress).

Files B0080/16NY(2968 Bayview), A0938/16NY(2968A) A0939/16NY(2968B) and B0081/16NY(2970 Bayview), A0940/16NY(2970A), A0941/16NY(2970B) will be considered jointly.

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 Consent Application is Refused**

In the opinion of the Committee, the application does not satisfy the requirements of Section 51(24) of the Planning Act and is **NOT** approved for the following reason(s):

- The proposed land division does not conform to the policies of the official plan.
- The suitability of the land for the purposes for which it is to be subdivided has not been demonstrated.
- The suitability of the dimensions and shapes of the proposed lots has not been demonstrated.

PLAN OF SURVEY OF  
PART OF LOT 346 & 119 & 118  
REGISTERED PLAN 1609  
CITY OF TORONTO  
FORMERLY CITY OF NORTH YORK

SCALE 1 : 150

AKSAN PILLER CORPORATION LTD.

RECEIVED  
DECEMBER 1 2016  
CITY OF TORONTO  
PLANNING

PLAN 66R-

RECEIVED AND DEPOSITED:

DATE:

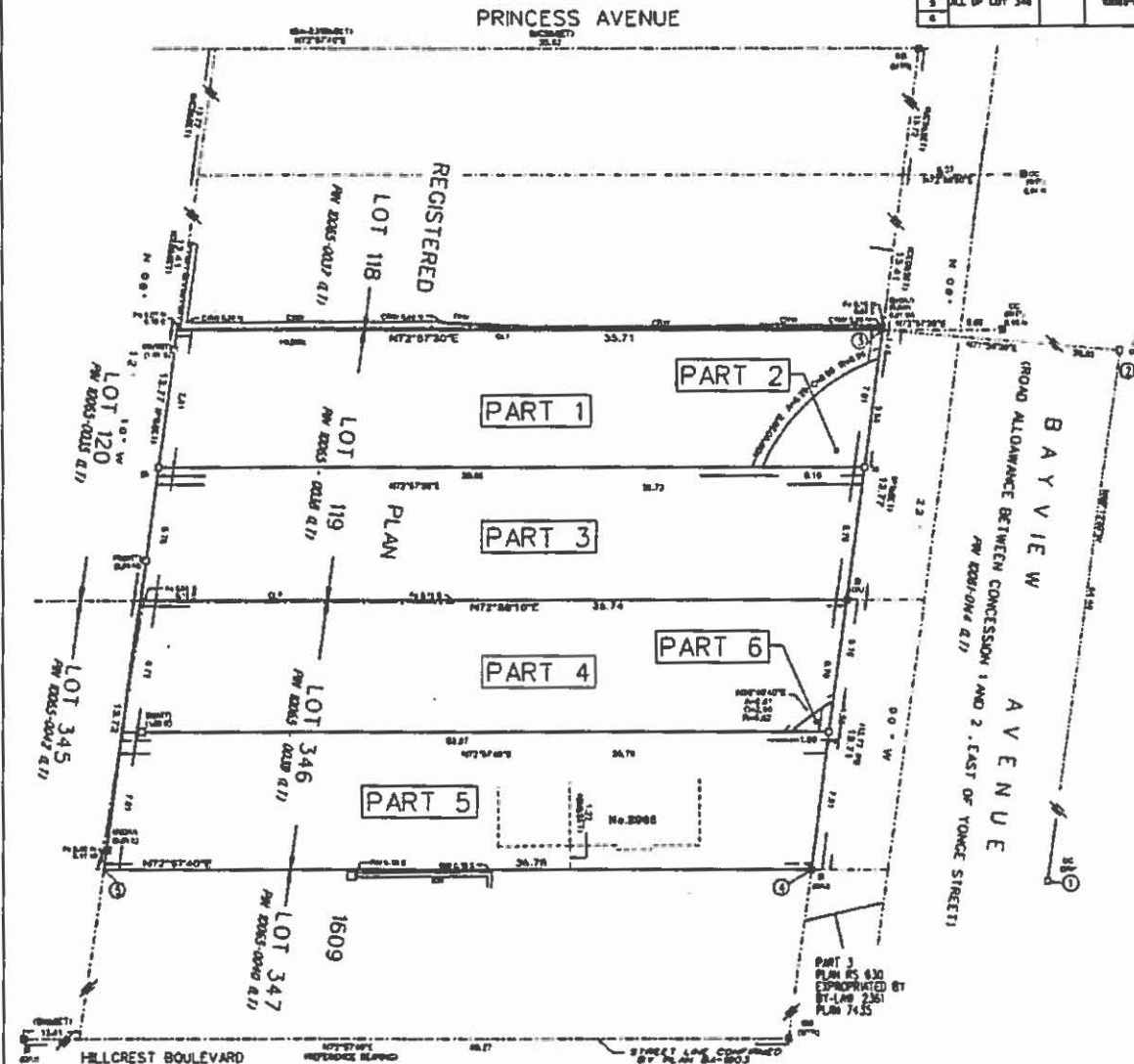
DATE:

Drawn by Land Surveyor

FOR THE LAND TITLES DIVISION OF THE  
TORONTO REGISTRY OFFICE No. 66

SCHEDULE

PART	LOT	PLAN	ALL OF PM	AREA (m <sup>2</sup> )
1				228.2
2	ALL OF LOT 118		2005-0016 C.T.	10.9
3		1609		339.3
4			1005-0039 C.T.	236.0
5	ALL OF LOT 346			248.8
6				1.6



METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND:

1	NOTES
2	NOTES
3	NOTES
4	NOTES
5	NOTES
6	NOTES
7	NOTES
8	NOTES
9	NOTES
10	NOTES
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99	NOTES
100	NOTES

BEARING NOTE:  
BEARINGS ARE WITH ONE CORNER FROM ONE OBSERVATION.  
USING A BEA. THE BEARING SERVICE ON BEARINGS IS 2.  
BORN RECORDS HAVING A BEARING OF 100° 0' 0" 0".  
AND ARE REFERRED TO THE CENTRAL MERRIDIAN OF 100° 0' 0" 0".  
ZONE 10 (17° 30' WEST LONGITUDE) NAD83 (1983).

NOTES:  
DISTANCES ARE SHOWN AND CAN BE  
CONVERTED TO METERS BY MULTIPLYING  
BY THE CORRECT SCALE FACTOR OF 0.3048

POINT	NORTHING	EASTING
1	4848075.74	313765.28
2	4848075.74	313765.28
3	4848075.74	313765.28
4	4848075.74	313765.28
5	4848075.74	313765.28

COORDINATES ARE TO 10MM ACCURACY AS IN SEC. 4(2) OF  
O.A.C. 2015 AND CANNOT BE USED TO  
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

ELEVATION NOTE:  
ELEVATIONS SHOWN HEREIN ARE GEOTID AND ARE DERIVED  
FROM THE CITY OF TORONTO BENCH MARK 1023522.  
ELEVATION = 179.85m

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH  
THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES  
ACT AND THE REGULATIONS MADE UNDER THEM

2. THE SURVEY WAS COMPLETED ON THE 23rd DAY OF SEPTEMBER, 2016



DATE: 23 SEP 2016  
HELMUT PILLER  
Ontario Land Surveyor

AKSAN PILLER CORPORATION LTD  
ONTARIO LAND SURVEYORS  
1111 DUNDAS STREET WEST, SUITE 1000  
TORONTO, ONTARIO M6J 1B5  
CANADA  
TEL: 416-593-1111 FAX: 416-593-1112  
WWW.AKSAPI.COM

## SIGNATURE PAGE

File Number: B0080/16NY  
Owner(s): GUIYOU DANESHMAND  
TOURAJ MALAKIAN  
Agent: MEHDI MARZYARI  
Property Address: 2968 BAYVIEW AVE  
Legal Description: PLAN 1609 PT LOT 346

Zoning: R6/RD (f12.0; a370)  
Ward: Willowdale (23)  
Heritage: Not Applicable  
Community: North York

  
Bruce Mullock (signed)  
Derek Lett (signed)  
Isaac Lallouz (signed)

DATE DECISION MAILED ON: Thursday, May 25, 2017

LAST DATE OF APPEAL: Wednesday, June 14, 2017

CERTIFIED TRUE COPY



Dan Antonacci  
Manager & Deputy Secretary Treasurer  
North York Panel

## Appeal Information

All appeals must be filed with the Deputy Secretary Treasurer, Committee of Adjustment by the last date of appeal as shown above.

Your appeal to the **Toronto Local Appeal Body (TLAB)** should be submitted in accordance with the instructions below unless there is a related appeal\* to the Ontario Municipal Board (OMB) for the same matter.

### TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

To appeal this decision to the TLAB you need the following:

- ☐ a completed TLAB Notice of Appeal (Form 1) in **digital format** on a CD/DVD
- ☐ \$300 for each appeal filed regardless if related and submitted by the same appellant
- ☐ Fees are payable to the **City of Toronto** by cash, certified cheque or money order (Canadian funds)

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB web site at [www.toronto.ca/tlab](http://www.toronto.ca/tlab).

### ONTARIO MUNICIPAL BOARD (OMB) APPEAL INSTRUCTIONS

To appeal this decision to the OMB you need the following:

- ☐ a completed OMB Appellant Form (A1) in **paper format**
- ☐ \$300.00 with an additional reduced fee of \$25.00 for each connected appeal filed by the same appellant
- ☐ Fees are payable to the **Minister of Finance** by certified cheque or money order (Canadian funds).

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).

\*A **related appeal** is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the Application Information Centre and contact the assigned planner if necessary. If there is a related appeal, your appeal to the **Ontario Municipal Board** should be submitted in accordance with the instructions above.

**NOTE:** Only individuals, corporations and public agencies may appeal a decision. The appeal may not be filed by an unincorporated association or group. However, the appeal may be filed in the name of an individual who is a member of the association or group on its behalf.



Thursday, May 18, 2017

**NOTICE OF DECISION**  
**CONSENT**  
**(Section 53 of the Planning Act)**

File Number:	B0081/16NY	Zoning	R6/RD(f12.0;a370)
Owner(s):	GUISO DANESHMAND TOURAJ MALAKIAN	Ward:	Willowdale (23)
Agent:	MEHDI MARZYARI ARCHITECTS INC	Heritage:	Not Applicable
Property Address:	2970 BAYVIEW AVE	Community:	North York
Legal Description:	PLAN 1609 LOT 119		

Notice was given and the application considered on Thursday, May 18, 2017, as required by the Planning Act.

**THE CONSENT REQUESTED:**

To obtain consent to sever the property into two undersized residential lots and to create/grant an easement for access.

**Conveyed - Part 3**

Address to be assigned

The frontage is 6.76m and the lot area is 239.3m<sup>2</sup>. A new single detached residential dwelling is proposed and requires variances to the applicable Zoning By-law(s).

**Retained - Parts 1, 2**

Address to be assigned

The frontage is 7.01m and the lot area is 248.0m<sup>2</sup>. A new single detached residential dwelling is proposed and requires variances to the applicable Zoning By-law(s).

**Easement Part 2**

Part 2 measures 18.8m<sup>2</sup> and will be subject to an easement in favour of Part 3 for vehicular access (ingress and egress).

**Files B0080/16NY(2968 Bayview), A0938/16NY(2968A) A0939/16NY(2968B) and B0081/16NY(2970 Bayview), A0940/16NY(2970A), A0941/16NY(2970B) will be considered jointly.**

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 Consent Application is Refused**

In the opinion of the Committee, the application does not satisfy the requirements of Section 51(24) of the Planning Act and is **NOT** approved for the following reason(s):

- The proposed land division does not conform to the policies of the official plan.
- The suitability of the land for the purposes for which it is to be subdivided has not been demonstrated.
- The suitability of the dimensions and shapes of the proposed lots has not been demonstrated.



PLAN OF SURVEY OF  
PART OF LOT 346 & 119 & 118  
REGISTERED PLAN 1609  
CITY OF TORONTO  
FORMERLY CITY OF NORTH YORK

SCALE 1 : 150

AKSAN PILLER CORPORATION LTD.

I HEREBY THIS PLAN TO BE  
DEPOSITED UNDER THE LAND  
TITLES ACT

DATE

PLAN 56R-

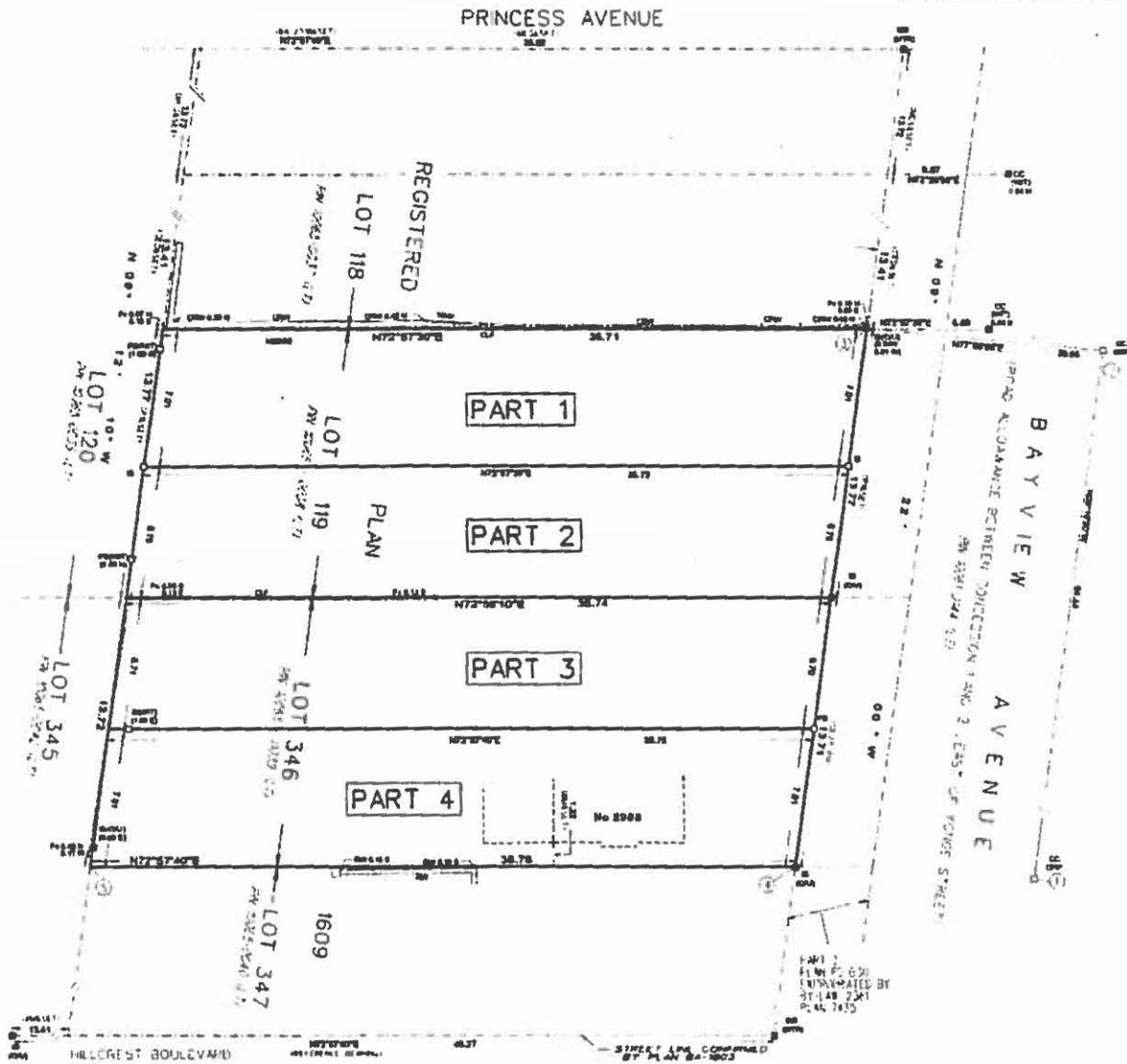
RECEIVED AND DEPOSITED

**DRAFT**

APPROVAL  
Ontario Land Surveyor

SCHEDULE

PART	LOT	PLAN	ALL OF OR	AREA (m <sup>2</sup> )
1	ALL OF LOT 119	1609	10065-0538 (1.7)	248.0
2	ALL OF LOT 118		10065-0538 (1.7)	239.3
3	ALL OF LOT 346		10065-0538 (1.7)	237.5
4				248.4



METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND:

- 1 SURVEY MONUMENT FOUND
- 2 BENCH MARK
- 3 IRON BAR
- 4 STANDARD IRON BAR
- 5 SHORT STANDARD IRON BAR
- 6 PLASTIC BAR
- 7 CLIP CROSS
- 8 CONCRETE PIN
- 9 WITNESS MONUMENT
- 10 ORIGIN UNKNOWN
- 11 NORTH
- 12 SOUTH
- 13 EAST
- 14 WEST
- 15 FENCE
- 16 CHAIN LINK FENCE
- 17 BOUND LINE
- 18 POST AND RAIL FENCE
- 19 BOUND & MIDDLESTONE LAUG 23 1948
- 20 METRO TRANSPORTATION DEPARTMENT
- 21 W. S. CROSBY & SONS (LAKE 23 1951)
- 22 THINER SETTING BAIL
- 23 CONCRETE SETTING BAIL
- 24 ELEVATIONS
- 25 METROGRAPHIC QLS (MAY 21 1990)
- 26 EXPROPRIATION PLAN 1123
- 27 C. F. DOTTENILL QLS (MAY 11 1963)

BEARING NOTE:

BEARINGS ARE WITH GRAD DERIVED FROM OBSERVATIONS USING A REAL TIME KINETIC SERVICE ON MONUMENTS 1 & 2, WHICH HEREON, HAVING A BEARING OF NORTH 0° 00' 00" AND ARE REFERRED TO THE CENTRAL MERIDIAN OF 119° 30' WEST LONGITUDE) NAD83 (GPR) 1987 ON.

NOTES:

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE CORRECTION FACTOR OF 0.9999

POINT ID	NORTHING	EASTING
1	4848075.79	30715.26
2	4848075.79	30715.26
3	4848075.79	30715.26
4	4848075.79	30715.26

COORDINATES ARE TO UTM ACCURACY AS IN SEC. 40(1) OF THE SURVEY ACT AND CANNOT BE USED TO RE-ESTABLISH CORNERS ON BOUNDARIES SHOWN ON THIS PLAN.

ELEVATIONS NOTE:

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE DERIVED FROM THE CITY OF TORONTO BENCH MARK HY33033. ELEVATION = 178.8m.

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYOR ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 27th DAY OF SEPTEMBER 2008.

28 SEP 2008

DATE

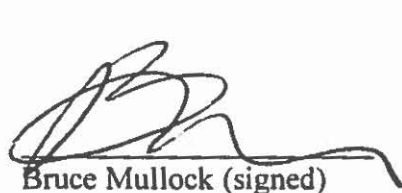


AKSAN PILLER CORPORATION LTD.

ONTARIO LAND SURVEYORS  
1111 BAYVIEW AVE. (SUITE 200) SCARBOROUGH, ON M1B 2Y7  
TEL: (416) 291-1111 FAX: (416) 291-1112  
E-MAIL: info@aksanpiller.com

## SIGNATURE PAGE

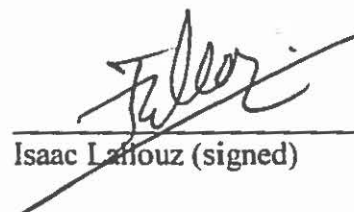
File Number:	B0081/16NY	Zoning	R6/RD(f12.0;a370)
Owner(s):	GUISO DANESHMAND TOURAJ MALAKIAN	Ward:	Willowdale (23)
Agent:	MEHDI MARZYARI ARCHITECTS INC	Heritage:	Not Applicable
Property Address:	2970 BAYVIEW AVE	Community:	North York
Legal Description:	PLAN 1609 LOT 119		



Bruce Mullock (signed)



Derek Lett (signed)

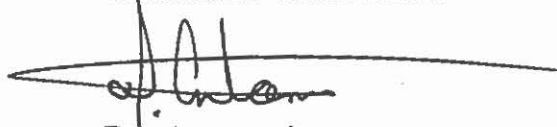


Isaac Laffouz (signed)

DATE DECISION MAILED ON: Thursday, May 25, 2017

LAST DATE OF APPEAL: Wednesday, June 14, 2017

CERTIFIED TRUE COPY



Dan Antonacci  
Manager & Deputy Secretary Treasurer  
North York Panel

## Appeal Information

All appeals must be filed with the Deputy Secretary Treasurer, Committee of Adjustment by the last date of appeal as shown above.

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### TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

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**NOTE:** Only individuals, corporations and public agencies may appeal a decision. The appeal may not be filed by an unincorporated association or group. However, the appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

Thursday, May 18, 2017

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

File Number:	A0938/16NY	Zoning	R6/RD (f12.0; a370)(waiver)
Owner(s):	TOURAJ MALAKIAN TOURAJ MALAKIAN	Ward:	Willowdale (23)
Agent:	MEHDI MARZYARI	Heritage:	Not Applicable
Property Address:	2968(A) BAYVIEW AVE (PART 5)	Community:	North York
Legal Description:	PLAN 1609 PT LOT 346		

Notice was given and a Public Hearing was held on Thursday, May 18, 2017, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new detached 4-storey dwelling. Files B0080/16NY(2968 Bayview), A0938/16NY(2968A) A0939/16NY(2968B) and B0081/16NY(2970 Bayview), A0940/16NY(2970A), A0941/16NY(2970B) will be considered jointly.

**REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:****1. Chapter 10.5.50.10.(1), Zoning By-law No. 569-2013**

On a lot with a detached house with a lot frontage of 6.0 m to less than 15.0 m, a minimum of 50 percent of the front yard must be landscaping.

The proposed front yard landscaping area is 45.3 percent.

**2. Chapter 10.20.30.10.(1), Zoning By-law No. 569-2013**

The required minimum lot area is 370 m<sup>2</sup>.

The proposed lot area is 248.13 m<sup>2</sup>.

**3. Chapter 10.20.30.20.(1), Zoning By-law No. 569-2013**

The required minimum lot frontage is 12.0 m.

The proposed lot frontage is 7.01 m.

**4. Chapter 10.20.30.40.(1), Zoning By-law No. 569-2013**

The permitted maximum lot coverage is 30 percent of the lot area: 74.44 m<sup>2</sup>.

The proposed lot coverage is 41.3 percent of the lot area: 102.42 m<sup>2</sup>.

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

The permitted maximum height of a building or structure is 10.0 m.

The proposed height of the building is 11.37 m.

**6. Chapter 10.20.40.10.(2), Zoning By-law No. 569-2013**

The permitted maximum height of all side exterior main walls facing a side lot line is 7.5 m.

The proposed height of the side exterior main walls facing a side lot line is 10.75 m.

**7. Chapter 10.20.40.10.(3), Zoning By-law No. 569-2013**

The permitted maximum number of storeys is 2.

The proposed number of storeys is 4.

**8. Chapter 10.20.40.50.(1), Zoning By-law No. 569-2013**

The permitted maximum area of each platform at or above the second storey of a detached house is 4.0 m<sup>2</sup> and the permitted maximum number of platforms at or above the second storey located on the (front/rear) wall of a detached house is 1.

The proposed area of each platform at or above the second storey is 10.15 m<sup>2</sup> (rear second storey) and 9.42 m<sup>2</sup> (rear fourth storey) and the proposed number of platforms located on the rear wall is 2.,

**9. Chapter 10.5.40.70.(1), Zoning By-law No. 569-2013**

The required minimum front yard setback is 7.05 m.

The proposed front yard setback is 6.0 m.

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

The required minimum side yard setback is 1.2 m.

The proposed North side yard setback is 0.62 m.

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

The required minimum side yard setback is 1.2 m.

The proposed South side yard setback is 0.91 m.

**12. Chapter 10.5.40.10.(5), Zoning By-law No. 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.

The proposed area of the first floor within 4.0 m of the front wall is 2.45 m<sup>2</sup>.

**13. Chapter 10.20.40.20(1), Zoning By-law No. 569-2013**

The permitted maximum building length for a detached house is 17.0 m.

The proposed building length is 20.0 m.

**14. Chapter 10.20.40.30.(1), Zoning By-law No. 569-2013**

The permitted maximum building depth for a detached house is 19.0 m.

The proposed building depth is 19.49 m.

**15. Section 14-A(3), Zoning By-law No. 7625**

The minimum required lot area is 370m<sup>2</sup>.

The proposed lot area is 248.13m<sup>2</sup>

**16. Section 14-A(4), Zoning By-law No. 7625**

The minimum required lot frontage is 12.0m.

The proposed lot frontage is 7.01m.

**17. Section 14-A(5)c, Zoning By-law No. 7625**

The minimum required side yard setback is 1.2m.

The proposed North side yard setback is 0.62m

**18. Section 14-A(5)c, Zoning By-law No. 7625**

The minimum required side yard setback is 1.2m.

The proposed South side yard setback is 0.91m.

**19. Section 14-A(6), Zoning By-law No. 7625**

The maximum permitted lot coverage is 30% of the lot area.

The proposed lot coverage is 41.3% of the lot area.

**20. Section 14-A(8), Zoning By-law No. 7625**

The maximum permitted building height is 8.8m.

The proposed building height is 12.27m.

**21. Section 14-A(8), Zoning By-law No. 7625**

The maximum permitted number of storeys is 2.

The proposed number of storeys is 4

**22. Section 14-A(9), Zoning By-law No. 7625**

The maximum permitted building length is 15.3m.

The proposed building length is 20.54m.

**23. Section 6(8), Zoning By-law No. 7625**

The minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed.

**24. Section 7.4A, Zoning By-law No. 7625**

The minimum required landscaping is 50%.

The proposed landscaping is 45.3%.

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: A0938/16NY  
Owner: TOURAJ MALAKIAN  
TOURAJ MALAKIAN  
Agent: MEHDI MARZYARI  
Property Address: 2968(A) BAYVIEW AVE  
(PART 5)  
Legal Description: PLAN 1609 PT LOT 346

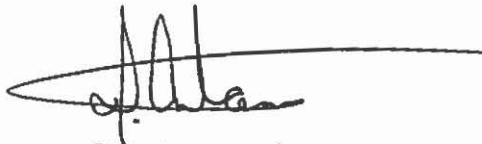
Zoning: R6/RD (f12.0; a370)(waiver)  
Ward: Willowdale (23)  
Heritage: Not Applicable  
Community: North York

  
Bruce Mullock (signed)  
Derek Lett (signed)  
Isaac Lallouz (signed)

DATE DECISION MAILED ON: Thursday, May 25, 2017

LAST DATE OF APPEAL: Wednesday, June 7, 2017

CERTIFIED TRUE COPY



Dan Antonacci  
Manager & Deputy Secretary Treasurer  
North York Panel

## Appeal Information

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To appeal this decision to the TLAB you need the following:

- ☐ a completed TLAB Notice of Appeal (Form 1) in **digital format** on a CD/DVD
- ☐ \$300 for each appeal filed regardless if related and submitted by the same appellant
- ☐ Fees are payable to the **City of Toronto** by cash, certified cheque or money order (Canadian funds)

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB web site at [www.toronto.ca/tlab](http://www.toronto.ca/tlab).

### ONTARIO MUNICIPAL BOARD (OMB) APPEAL INSTRUCTIONS

To appeal this decision to the OMB you need the following:

- ☐ a completed OMB Appellant Form (A1) in **paper format**
- ☐ \$300.00 with an additional reduced fee of \$25.00 for each connected appeal filed by the same appellant
- ☐ Fees are payable to the **Minister of Finance** by certified cheque or money order (Canadian funds).

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).

\*A **related appeal** is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the Application Information Centre and contact the assigned planner if necessary. If there is a related appeal, your appeal to the **Ontario Municipal Board** should be submitted in accordance with the instructions above.



Thursday, May 18, 2017

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

File Number:	A0939/16NY	Zoning	R6/RD (f12.0; a370)(waiver)
Owner(s):	TOURAJ MALAKIAN TOURAJ MALAKIAN	Ward:	Willowdale (23)
Agent:	MEHDI MARZYARI	Heritage:	Not Applicable
Property Address:	2968(B) BAYVIEW AVE (PARTS 4 and 6)	Community:	North York
Legal Description:	PLAN 1609 PT LOT 346		

Notice was given and a Public Hearing was held on Thursday, May 18, 2017, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new detached 4-storey dwelling. Files B0080/16NY(2968 Bayview), A0938/16NY(2968A) A0939/16NY(2968B) and B0081/16NY(2970 Bayview), A0940/16NY(2970A), A0941/16NY(2970B) will be considered jointly.

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

**1. Chapter 10.5.50.10.(1), Zoning By-law No. 569-2013**

On a lot with a detached house with a lot frontage of 6.0 m to less than 15.0 m, a minimum of 50 percent of the front yard must be landscaping.

The proposed front yard landscaping area is 44.2 percent.

**2. Chapter 10.20.30.10.(1) , Zoning By-law No. 569-2013**

The required minimum lot area is 370 m<sup>2</sup>.

The proposed lot area is 237.6 m<sup>2</sup>.

**3. Chapter 10.20.30.20.(1), Zoning By-law No. 569-2013**

The required minimum lot frontage is 12.0 m.

The proposed lot frontage is 6.7 m.

**4. Chapter 10.20.30.40.(1), Zoning By-law No. 569-2013**

The permitted maximum lot coverage is 30 percent of the lot area: 71.28 m<sup>2</sup>.

The proposed lot coverage is 41.3 percent of the lot area.

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

The permitted maximum height of a building or structure is 10.0 m.  
The proposed height of the building is 11.75 m.

**6. Chapter 10.20.40.10.(2), Zoning By-law No. 569-2013**

The permitted maximum height of all side exterior main walls facing a side lot line is 7.5 m.  
The proposed height of the side exterior main walls facing a side lot line is 11.13 m.

**7. Chapter 10.20.40.10.(3), Zoning By-law No. 569-2013**

The permitted maximum number of storeys is 2.  
The proposed number of storeys is 4.

**8. Chapter 10.20.40.50.(1), Zoning By-law No. 569-2013**

The permitted maximum area of each platform at or above the second storey of a detached house is 4.0 m<sup>2</sup> and the permitted maximum number of platforms at or above the second storey located on the (front/rear) wall of a detached house is 1.

The proposed area of each platform at or above the second storey is 10.15 m<sup>2</sup> (rear second storey) and 9.42 m<sup>2</sup> (rear fourth storey) and the proposed number of platforms located on the rear wall is 2.

**9. Chapter 10.5.40.70.(1), Zoning By-law No. 569-2013**

The required minimum front yard setback is 7.05 m.  
The proposed front yard setback is 6.0 m.

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

The required minimum side yard setback is 1.2 m.  
The proposed North side yard setback is 0.60 m.

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

The required minimum side yard setback is 1.2 m.  
The proposed South side yard setback is 0.60 m.

**12. Chapter 10.5.40.10.(5), Zoning By-law No. 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.  
The proposed area of the first floor within 4.0 m of the front wall is 2.45 m<sup>2</sup>.

**13. Chapter 10.20.40.20(1), Zoning By-law No. 569-2013**

The permitted maximum building length for a detached house is 17.0 m.  
The proposed building length is 20.0 m.

**14. Chapter 10.20.40.30.(1), Zoning By-law No. 569-2013**

The permitted maximum building depth for a detached house is 19.0 m.  
The proposed building depth is 20.95 m.

**15. Section 14-A(10), Zoning By-law No. 7625**

The maximum permitted balcony area is 3.8m<sup>2</sup>.  
The proposed balcony (rear, fourth floor) is 9.42m<sup>2</sup>, and the proposed balcony (front, third storey) is 4.0m<sup>2</sup>.

**16. Section 14-A(3), Zoning By-law No. 7625**

The minimum required lot area is 370m<sup>2</sup>.  
The proposed lot area is 237.6 m<sup>2</sup>

**17. Section 14-A(4), Zoning By-law No. 7625**

The minimum required lot frontage is 12.0m.  
The proposed lot frontage is 6.70 m.

**18. Section 14-A(5)c, Zoning By-law No. 7625**

The minimum required side yard setback is 1.2m.  
The proposed North side yard setback is 0.60m

**19. Section 14-A(5)c, Zoning By-law No. 7625**

The minimum required side yard setback is 1.2m.  
The proposed South side yard setback is 0.60m.

**20. Section 14-A(6), Zoning By-law No. 7625**

The maximum permitted lot coverage is 30% of the lot area.  
The proposed lot coverage is 41.3% of the lot area.

**21. Section 14-A(8), Zoning By-law No. 7625**

The maximum permitted building height is 8.8m.  
The proposed building height is 12.27m.

**22. Section 14-A(8), Zoning By-law No. 7625**

The maximum permitted number of storeys is 2.  
The proposed number of storeys is 4.

**23. Section 14-A(9), Zoning By-law No. 7625**

The maximum permitted building length is 15.3m.  
The proposed building length is 20.3m.

**24. Section 6(8), Zoning By-law No. 7625**

The minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed.

**25. Section 7.4A, Zoning By-law No. 7625**

The minimum required landscaping is 50%.  
The proposed landscaping is 44.2%.

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: A0939/16NY  
Owner: TOURAJ MALAKIAN  
TOURAJ MALAKIAN  
Agent: MEHDI MARZYARI  
Property Address: 2968(B) BAYVIEW AVE  
(PARTS 4 and 6)  
Legal Description: PLAN 1609 PT LOT 346

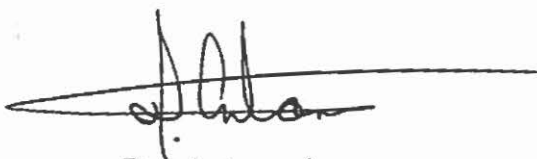
Zoning: R6/RD (f12.0; a370)(waiver)  
Ward: Willowdale (23)  
Heritage: Not Applicable  
Community: North York

  
Bruce Mullock (signed)  
Derek Lett (signed)  
Isaac Lallouz (signed)

DATE DECISION MAILED ON: Thursday, May 25, 2017

LAST DATE OF APPEAL: Wednesday, June 7, 2017

CERTIFIED TRUE COPY



Dan Antonacci  
Manager & Deputy Secretary Treasurer  
North York Panel

## Appeal Information

All appeals must be filed with the Deputy Secretary Treasurer, Committee of Adjustment by the last date of appeal as shown above.

Your appeal to the **Toronto Local Appeal Body (TLAB)** should be submitted in accordance with the instructions below unless there is a related appeal\* to the Ontario Municipal Board (OMB) for the same matter.

### **TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS**

To appeal this decision to the TLAB you need the following:

- ☐ a completed TLAB Notice of Appeal (Form 1) in **digital format** on a CD/DVD
- ☐ \$300 for each appeal filed regardless if related and submitted by the same appellant
- ☐ Fees are payable to the **City of Toronto** by cash, certified cheque or money order (Canadian funds)

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB web site at [www.toronto.ca/tlab](http://www.toronto.ca/tlab).

### **ONTARIO MUNICIPAL BOARD (OMB) APPEAL INSTRUCTIONS**

To appeal this decision to the OMB you need the following:

- ☐ a completed OMB Appellant Form (A1) in **paper format**
- ☐ \$300.00 with an additional reduced fee of \$25.00 for each connected appeal filed by the same appellant
- ☐ Fees are payable to the **Minister of Finance** by certified cheque or money order (Canadian funds).

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).

\*A **related appeal** is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the [Application Information Centre](#) and contact the assigned planner if necessary. If there is a related appeal, your appeal to the **Ontario Municipal Board** should be submitted in accordance with the instructions above.

Thursday, May 18, 2017

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

File Number:	A0940/16NY	Zoning	R6/RD(f12.0;a370)(ZR)
Owner(s):	TOURAJ MALAKIAN TOURAJ MALAKIAN	Ward:	Willowdale (23)
Agent:	MEHDI MARZYARI ARCHITECTS INC	Heritage:	Not Applicable
Property Address:	2970(A) BAYVIEW AVE (PART 3)	Community:	North York
Legal Description:	PLAN 1609 LOT 119		

Notice was given and a Public Hearing was held on Thursday, May 18, 2017, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new detached 4-storey dwelling. Files B0080/16NY(2968 Bayview), A0938/16NY(2968A) A0939/16NY(2968B) and B0081/16NY(2970 Bayview), A0940/16NY(2970A), A0941/16NY(2970B) will be considered jointly.

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

**1. Chapter 10.5.50.10.(1), Zoning By-law No. 569-2013**

A minimum of 50 percent of the front yard must be landscaping.  
The proposed front yard landscaping area is 45.7 percent.

**2. Chapter 10.5.100.1.(1)iii, Zoning By-law No. 569-2013**

For a detached house, a driveway that is located in or passes through the front yard may be for lots with a lot frontage of 6.0 m to 23.0 m inclusive, a maximum of 3.44 m wide.  
The proposed driveway is 4.31 m wide.

**3. Chapter 10.20.30.10.(1), Zoning By-law No. 569-2013**

The required minimum lot area is 370 m<sup>2</sup>.  
The proposed lot area is 239.51 m<sup>2</sup>.

**4. Chapter 10.20.30.20.(1), Zoning By-law No. 569-2013**

The required minimum lot frontage is 12.0 m.  
The proposed lot frontage is 6.70 m.

**5. Chapter 10.20.30.40.(1), Zoning By-law No. 569-2013**

The permitted maximum lot coverage is 30 percent of the lot area: 71.85 m<sup>2</sup>.

The proposed lot coverage is 42.8 percent of the lot area: 102.42 m<sup>2</sup>.

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

The permitted maximum height of a building or structure is 10.0 m.

The proposed height of the building is 11.75 m.

**7. Chapter 10.20.40.10.(2), Zoning By-law No. 569-2013**

The permitted maximum height of all side exterior main walls facing a side lot line is 7.5 m.

The proposed height of the side exterior main walls facing a side lot line is 11.13 m.

**8. Chapter 10.20.40.10.(3), Zoning By-law No. 569-2013**

The permitted maximum number of storeys is 2.

The proposed number of storeys is 4.

**9. Chapter 10.20.40.50.(1), Zoning By-law No. 569-2013**

The permitted maximum number of platforms at or above the second storey located on the (front/rear) wall of a detached house is 1 and the permitted maximum area of each platform at or above the second storey of a detached house is 4.0 m<sup>2</sup>.

The proposed number of platforms located on the rear wall is 2 and the proposed area of the platform at the rear second storey is 10.15 m<sup>2</sup>, and at the rear fourth storey is 9.42 m<sup>2</sup>.

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

The required minimum side yard setback is 1.2 m.

The proposed North side yard setback is 0.62 m.

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

The required minimum side yard setback is 1.2 m.

The proposed South side yard setback is 0.67 m.

**12. Chapter 10.5.40.10.(5), Zoning By-law No. 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.

The proposed area of the first floor within 4.0 m of the front wall is 2.45 m<sup>2</sup>.

**13. Chapter 10.20.40.20(1), Zoning By-law No. 569-2013**

The permitted maximum building length for a detached house is 17.0 m.

The proposed building length is 20.0 m.

**14. Chapter 10.20.40.30.(1), Zoning By-law No. 569-2013**

The permitted maximum building depth for a detached house is 19.0 m.

The proposed building depth is 21.29 m.

**15. Chapter 10.20.40.70.(2), Zoning By-law No. 569-2013**

The required minimum rear yard setback is 8.94 m.

The proposed rear yard setback is 7.07 m.

**16. Section 14-A(10), Zoning By-law No. 7625**



The maximum permitted balcony area is 3.8m<sup>2</sup> and the maximum number of balconies permitted on a building (one per side) is 4.

The proposed balcony (rear, second storey) area is 10.15m<sup>2</sup>, the proposed balcony (rear, fourth storey) is 9.42m<sup>2</sup>, and the proposed balcony (front, third storey) is 4.0m<sup>2</sup>, and the proposed number of balconies is 2 in the rear.

**17. Section 14-A(3), Zoning By-law No. 7625**

The minimum required lot area is 370m<sup>2</sup>.

The proposed lot area is 239.51m<sup>2</sup>.

**18. Section 14-A(4), Zoning By-law No. 7625**

The minimum required lot frontage is 12.0m.

The proposed lot frontage is 6.70m.

**19. Section 14-A(5)c, Zoning By-law No. 7625**

The minimum required side yard setback is 1.2m.

The proposed North side yard setback is 0.62m.

**20. Section 14-A(5)c, Zoning By-law No. 7625**

The minimum required side yard setback is 1.2m.

The proposed South side yard setback is 0.67m.

**21. Section 14-A(6), Zoning By-law No. 7625**

The maximum permitted lot coverage is 30% of the lot area.

The proposed lot coverage is 42.8% of the lot area.

**22. Section 14-A(8), Zoning By-law No. 7625**

The maximum permitted building height is 8.8m.

The proposed building height is 12.23m.

**23. Section 14-A(8), Zoning By-law No. 7625**

The maximum permitted number of storeys is 2.

The proposed number of storeys is 4.

**24. Section 14-A(9), Zoning By-law No. 7625**

The maximum permitted building length is 15.3m.

The proposed building length is 20.54m.

**25. Section 6(8), Zoning By-law No. 7625**

The minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed.

**26. Section 7.4A, Zoning By-law No. 7625**

The minimum required landscaping is 50 percent.

The proposed landscaping is 45.7 percent.

**27. Section 14-A(5)(b), Zoning By-law No. 7625**

The minimum required rear yard setback is 9.5m.

The proposed rear yard setback is 7.07m.

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:**

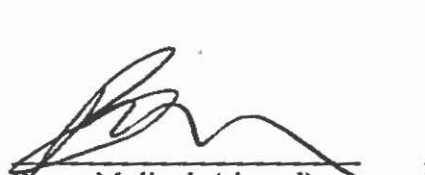
**The Minor Variance Application is Refused**

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:	A0940/16NY	Zoning	R6/RD(f12.0;a370)(ZR)
Owner:	TOURAJ MALAKIAN	Ward:	Willowdale (23)
Agent:	MEHDI MARZYARI	Heritage:	Not Applicable
	ARCHITECTS INC		
Property Address:	2970(A) BAYVIEW AVE	Community:	North York
	(PART 3)		
Legal Description:	PLAN 1609 LOT 119		



Bruce Mullock (signed)



Derek Lett (signed)

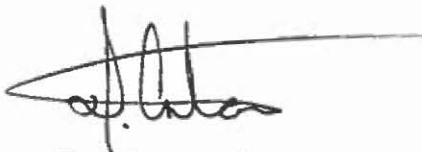


Isaac Lallouz (signed)

DATE DECISION MAILED ON: Thursday, May 25, 2017

LAST DATE OF APPEAL: Wednesday, June 7, 2017

CERTIFIED TRUE COPY



Dan Antonacci  
Manager & Deputy Secretary Treasurer  
North York Panel

## Appeal Information

All appeals must be filed with the Deputy Secretary Treasurer, Committee of Adjustment by the last date of appeal as shown above.

Your appeal to the **Toronto Local Appeal Body (TLAB)** should be submitted in accordance with the instructions below unless there is a related appeal\* to the Ontario Municipal Board (OMB) for the same matter.

### **TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS**

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- ☐ a completed TLAB Notice of Appeal (Form 1) in **digital format** on a CD/DVD
- ☐ \$300 for each appeal filed regardless if related and submitted by the same appellant
- ☐ Fees are payable to the **City of Toronto** by cash, certified cheque or money order (Canadian funds)

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB web site at [www.toronto.ca/tlab](http://www.toronto.ca/tlab).

### **ONTARIO MUNICIPAL BOARD (OMB) APPEAL INSTRUCTIONS**

To appeal this decision to the OMB you need the following:

- ☐ a completed OMB Appellant Form (A1) in **paper format**
- ☐ \$300.00 with an additional reduced fee of \$25.00 for each connected appeal filed by the same appellant
- ☐ Fees are payable to the **Minister of Finance** by certified cheque or money order (Canadian funds).

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).

**\*A related appeal** is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the Application Information Centre and contact the assigned planner if necessary. If there is a related appeal, your appeal to the **Ontario Municipal Board** should be submitted in accordance with the instructions above.

Thursday, May 18, 2017

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

File Number:	A0941/16NY	Zoning	R6/RD(f12.0;a370)(ZR)
Owner(s):	TOURAJ MALAKIAN TOURAJ MALAKIAN	Ward:	Willowdale (23)
Agent:	MEHDI MARZYARI ARCHITECTS INC	Heritage:	Not Applicable
Property Address:	2970(B) BAYVIEW AVE (PARTS 1 and 2)	Community:	North York
Legal Description:	PLAN 1609 LOT 119		

Notice was given and a Public Hearing was held on Thursday, May 18, 2017, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new detached 4-storey dwelling. Files B0080/16NY(2968 Bayview), A0938/16NY(2968A) A0939/16NY(2968B) and B0081/16NY(2970 Bayview), A0940/16NY(2970A), A0941/16NY(2970B) will be considered jointly.

**REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:****1. Chapter 10.5.40.10.(5), Zoning By-law No. 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.  
The proposed area of the first floor within 4.0 m of the front wall is 2.45 m<sup>2</sup>.

**2. Chapter 10.5.50.10.(1), Zoning By-law No. 569-2013**

A minimum of 50 percent of the front yard must be landscaping.  
The proposed front yard landscaping area is 38.4 percent.

**3. Chapter 10.5.100.1.(1)iii, Zoning By-law No. 569-2013**

For a detached house, a driveway that is located in or passes through the front yard may be for lots with a lot frontage of 6.0 m to 23.0 m inclusive, a maximum of 3.44 m wide.  
The proposed driveway is 4.31 m wide.

**4. Chapter 10.20.30.10.(1), Zoning By-law No. 569-2013**

The required minimum lot area is 370 m<sup>2</sup>.  
The proposed lot area is 248.05 m<sup>2</sup>.

**5. Chapter 10.20.30.20.(1), Zoning By-law No. 569-2013**

The required minimum lot frontage is 12.0 m.

The proposed lot frontage is 7.10 m.

**6. Chapter 10.20.30.40.(1), Zoning By-law No. 569-2013**

The permitted maximum lot coverage is 30 percent of the lot area: 71.85 m<sup>2</sup>.

The proposed lot coverage is 41.3 percent of the lot area: 102.42 m<sup>2</sup>.

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

The permitted maximum height of a building or structure is 10.0 m.

The proposed height of the building is 11.44 m.

**8. Chapter 10.20.40.10.(2), Zoning By-law No. 569-2013**

The permitted maximum height of all side exterior main walls facing a side lot line is 7.5 m.

The proposed height of the side exterior main walls facing a side lot line is 10.82 m.

**9. Chapter 10.20.40.10.(3), Zoning By-law No. 569-2013**

The permitted maximum number of storeys is 2.

The proposed number of storeys is 4.

**10. Chapter 10.20.40.50.(1), Zoning By-law No. 569-2013**

The permitted maximum number of platforms at or above the second storey located on the (front/rear) wall of a detached house is 1 and the permitted maximum area of each platform at or above the second storey of a detached house is 4.0 m<sup>2</sup>.

The proposed number of platforms located on the rear wall is 3 and the proposed area of the platform at the second storey is 10.15 m<sup>2</sup> (rear, second storey), and 9.42 m<sup>2</sup> (rear, fourth storey).

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

The required minimum side yard setback is 1.2 m.

The proposed North side yard setback is 0.91 m.

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

The required minimum side yard setback is 1.2 m.

The proposed South side yard setback is 0.62 m.

**13. Chapter 10.20.40.20(1), Zoning By-law No. 569-2013**

The permitted maximum building length for a detached house is 17.0 m.

The proposed building length is 20.0 m.

**14. Chapter 10.20.40.30.(1), Zoning By-law No. 569-2013**

The permitted maximum building depth for a detached house is 19.0 m.

The proposed building depth is 21.05 m.

**15. Chapter 10.20.40.70.(2), Zoning By-law No. 569-2013**

The required minimum rear yard setback is 8.94 m.

The proposed rear yard setback is 7.31 m.

**16. Section 14-A(10), Zoning By-law No. 7625**

The maximum permitted balcony area is 3.8m<sup>2</sup> and the by-law permits a total of 4 balconies, one on each side of the building.

The proposed balcony (rear, second storey) area is 10.15 m<sup>2</sup>, the proposed balcony (rear, fourth storey) area is 9.42m<sup>2</sup>, and the proposed balcony (front, third storey) is 4.0m<sup>2</sup> and the proposed number of balconies is 2 on the rear side.

**17. Section 14-A(3), Zoning By-law No. 7625**

The minimum required lot area is 370m<sup>2</sup>.

The proposed lot area is 248.05 m<sup>2</sup>.

**18. Section 14-A(4), Zoning By-law No. 7625**

The minimum required lot frontage is 12.0m.

The proposed lot frontage is 7.10 m.

**19. Section 14-A(5)c, Zoning By-law No. 7625**

The minimum required side yard setback is 1.2m.

The proposed North side yard setback is 0.91m.

**20. Section 14-A(5)c, Zoning By-law No. 7625**

The minimum required side yard setback is 1.2m.

The proposed South side yard setback is 0.62m.

**21. Section 14-A(6), Zoning By-law No. 7625**

The maximum permitted lot coverage is 30% of the lot area.

The proposed lot coverage is 41.3% of the lot area.

**22. Section 14-A(8), Zoning By-law No. 7625**

The maximum permitted building height is 8.8m.

The proposed building height is 12.23m.

**23. Section 14-A(8), Zoning By-law No. 7625**

The maximum permitted number of storeys is 2.

The proposed number of storeys is 4.

**24. Section 14-A(9), Zoning By-law No. 7625**

The maximum permitted building length is 15.3m.

The proposed building length is 20.3m.

**25. Section 6(8), Zoning By-law No. 7625**

The minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed.

**26. Section 7.4A, Zoning By-law No. 7625**

The minimum required landscaping is 50 percent.

The proposed landscaping is 38.4 percent.

**27. Section 6(9)l, Zoning By-law No. 7625**

The bylaw permits a balcony to project a maximum of 1.6 m.

The proposed balcony (rear, second storey) projects 3.0m.

**28. Section 14-A(5)(b), Zoning By-law No. 7625**

The minimum required rear yard setback is 9.5m.

The proposed rear yard setback is 7.31m.

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**

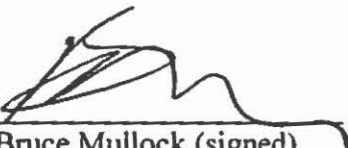
It is the decision of the Committee of Adjustment to **NOT** approve this variance application for the following reasons:

- 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:	A0941/16NY	Zoning	R6/RD(f12.0;a370)(ZR)
Owner:	TOURAJ MALAKIAN TOURAJ MALAKIAN	Ward:	Willowdale (23)
Agent:	MEHDI MARZYARI ARCHITECTS INC	Heritage:	Not Applicable
Property Address:	2970(B) BAYVIEW AVE (PARTS 1 and 2)	Community:	North York
Legal Description:	PLAN 1609 LOT 119		



Bruce Mullock (signed)



Derek Lett (signed)

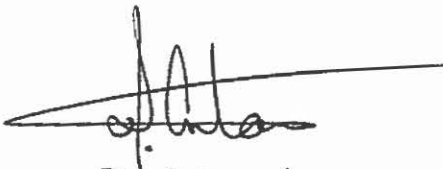


Isaae Lallouz (signed)

DATE DECISION MAILED ON: Thursday, May 25, 2017

LAST DATE OF APPEAL: Wednesday, June 7, 2017

CERTIFIED TRUE COPY



Dan Antonacci  
Manager & Deputy Secretary Treasurer  
North York Panel

## Appeal Information

All appeals must be filed with the Deputy Secretary Treasurer, Committee of Adjustment by the last date of appeal as shown above.

Your appeal to the **Toronto Local Appeal Body (TLAB)** should be submitted in accordance with the instructions below unless there is a related appeal\* to the Ontario Municipal Board (OMB) for the same matter.

### **TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS**

To appeal this decision to the TLAB you need the following:

- ☐ a completed TLAB Notice of Appeal (Form 1) in digital format on a CD/DVD
- ☐ \$300 for each appeal filed regardless if related and submitted by the same appellant
- ☐ Fees are payable to the **City of Toronto** by cash, certified cheque or money order (Canadian funds)

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB web site at [www.toronto.ca/tlab](http://www.toronto.ca/tlab).

### **ONTARIO MUNICIPAL BOARD (OMB) APPEAL INSTRUCTIONS**

To appeal this decision to the OMB you need the following:

- ☐ a completed OMB Appellant Form (A1) in paper format
- ☐ \$300.00 with an additional reduced fee of \$25.00 for each connected appeal filed by the same appellant
- ☐ Fees are payable to the **Minister of Finance** by certified cheque or money order (Canadian funds).

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).

\*A **related appeal** is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the Application Information Centre and contact the assigned planner if necessary. If there is a related appeal, your appeal to the **Ontario Municipal Board** should be submitted in accordance with the instructions above.