

CITY OF TORONTO
COUNCILLOR JOHN FILION
or OCCUPANT
NORTH YORK CIVIC CENTRE -
COUNCILLOR
5100 YONGE ST

North York Civic Centre
5100 Yonge Street
North York, Ontario
Canada, M2N 5V7
Tel: (416) 397-5330
Fax: (416) 395-7200

Thursday, October 26, 2017

NOTICE OF DECISION

CONSENT

(Section 53 of the Planning Act)

| | | | |
|--------------------|-------------------------------|------------|-----------------|
| File Number: | B0047/17NY | Zoning | RD (x5)/R4[ZZC] |
| Owner(s): | NAMITA SHARMA RONIT SHARMA | Ward: | Willowdale (23) |
| Agent: | RUBINOFF DESIGN GROUP | Heritage: | Not Applicable |
| Property Address: | 106 POYNTZ AVE | Community: | North York |
| Legal Description: | PLAN 1743 LOT 806 TO 807 | | |

Notice was given and the application considered on Thursday, October 26, 2017, as required by the Planning Act.

THE CONSENT REQUESTED:

To obtain consent to sever the property into two undersized residential lots.

Conveyed - Part 2

The frontage is 7.64m and the lot area is 255.8m². The lot will be redeveloped with a new detached residential dwelling requiring variances to the applicable zoning by-law(s) as outlined in application A0673/17NY.

Retained - Part 1

The frontage is 7.64m and the lot area is 255.7m². The lot will be redeveloped with a new detached residential dwelling requiring variances to the applicable zoning by-law(s) as outlined in application A0672/17NY.

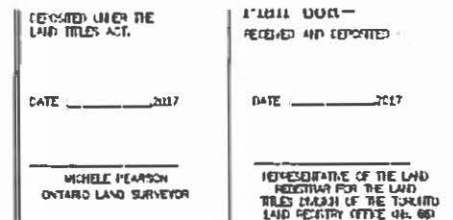
The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

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.

BEAMAN ROAD



| PART | ALL OF LOT | HEIGHTEH PLAN | ALL OF 191 | AREAS |
|------|------------|---------------|------------|-------|
| 1 | LOT 806 | 3743 | 12183-0122 | 253.5 |
| 2 | LOT 807 | | | 251.7 |

RESULTS SHOW THAT THE (RD) DERIVED FROM OBSERVED
REFERENCE POINTS (COMPS) A, B, C & D BY REAL TIME NETWORK
OBSERVATIONS, WITH LOW 12, 140 & 150 Kbps VS (Epoch 72) 1000

DISTANCES SHOWN ON THE PLAN ARE ADJUSTED GROUND DISTANCES AND CAN BE USED TO COMPUTE TRUE DISTANCES BY MULTIPLYING BY A CORRECTION SCALE FACTOR OF 0.99975

(RESERVED REFERENCE POINTS (RPPS) DERIVED FROM OPS OBSERVATIONS USING THE SMARTNET NETWORK SERVICE AND ARE REFERRED TO NTR Zone 10, RAD 01 (COPS V0) (Epoch 2010.00).

COORDINATE VALUES ARE TO BEHOLD ACCURACY IN ACCORDANCE WITH SECTION 14-7) OF DRED, 218/12, AND CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

| POINT ID | NORTHING | EASTING |
|----------|------------|-----------|
| TPP A | 4846534.79 | 311594.48 |
| TPP B | 4846536.03 | 311594.76 |
| TPP C | 4846591.33 | 311599.16 |
| TPP D | 4846559.27 | 311600.98 |

| | | |
|---------|--------|--------------------------------------|
| B | COPIES | SURVEY INSTRUMENT FOUND |
| Q | COPIES | SURVEY INSTRUMENT SET |
| 20 | COPIES | STANDARD POLE BAR |
| 500 | COPIES | SHORT STANDARD IRON BAR |
| | | ORIED WERE BLIND UTILITY COULD BE OF |
| | | CONCERN |
| 11 | COPIES | POLE BAR |
| P | COPIES | POLE PIPE |
| Q1 | COPIES | CRACK IN BRICKWORK |
| 5 | COPIES | SET |
| W1 | COPIES | WITNESS |
| M | COPIES | HEADBUD |
| CP | COPIES | CRACKS REFERENCE POINT |
| N/S/E/W | COPIES | NORTH/SOUTH/EAST/WEST |
| HP | COPIES | REINFORCED PLAN 1743 |
| BA | COPIES | PLAN BA-104 |
| BA1 | COPIES | PLAN BA-104 |
| BA2 | COPIES | PLAN BA-843 |
| VH | COPIES | TIES TO VINH |
| FR | COPIES | TIES TO FRAME |
| FR | COPIES | TIES TO BRICK |
| BT | COPIES | BEHOLD REUSE |
| CPH | COPIES | CONCRETE RETAINS WALL |

1. I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE
SURVEYS ACT, THE LAND TITLES ACT AND THE SURVEYORS ACT AND THE
REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE _____ DAY OF _____, 2017.

January 20, 2017
Date

Private Property
United Land Survey

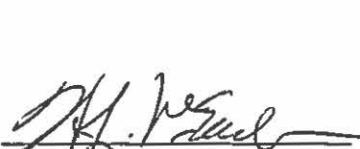


12833 JANE STREET, SECOND FLOOR, NADLE
OFFICE, LOS ANGELES
CA 90046-1428
E. 1428 977-7777

PEARSON
PEARSON

1994年11月15日

SIGNATURE PAGE

| | | | |
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| Property Address: | 106 POYNTZ AVE | Community: | North York |
| Legal Description: | PLAN 1743 LOT 806 TO 807 | | |


| | | |
|---|--|---|
|  |  |  |
| Wayne McEachern (signed) | Denise Graham (signed) | Giacomo Tonon (signed) |


Rick Ross (signed)

DATE DECISION MAILED ON: Thursday, November 2, 2017

LAST DATE OF APPEAL: Wednesday, November 22, 2017

CERTIFIED TRUE COPY


for 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 on the signature page.

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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- ☐ \$300 for each appeal filed regardless if related and submitted by the same appellant
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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, October 26, 2017

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

| | | | |
|--------------------|-------------------------------|------------|-----------------|
| File Number: | A0672/17NY | Zoning | RD (x5)/R4[ZZC] |
| Owner(s): | NAMITA SHARMA RONIT SHARMA | Ward: | Willowdale (23) |
| Agent: | RUBINOFF DESIGN GROUP | Heritage: | Not Applicable |
| Property Address: | 106A POYNTZ AVE - PART 1 | Community: | North York |
| Legal Description: | PLAN 1743 LOT 806 TO 807 | | |

Notice was given and a Public Hearing was held on Thursday, October 26, 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 900.6.10(5), By-law No. 569-2013**

The minimum side yard setback is 1.8m

The proposed west side yard setback is 0.59m

2. Chapter 900.6.10(5), By-law No. 569-2013

The minimum side yard setback is 1.8m

The proposed east side yard setback is 1.2m

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

The minimum required driveway width is 6m.

The proposed driveway width is 3.51m and the width of the parking space behind the front main wall is 3.3m.

4. Chapter 10.5.40.50.(2), By-law No. 569-2013

In the Residential Zone category, a platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3m of a building, must comply with the required minimum building setback is 1.8m.

The proposed front porch and rear deck is setback from the west side lot line by 0.59m.

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

An area of 10m² of the first floor must be within 4m of the front main wall.

The proposed is 3m² of the first floor (sunken foyer) is within 4m of the front main wall.

6. Chapter 10.20.30.10.(1), By-law No. 569-2013

The required minimum lot area is 550m²

The proposed lot area is 255.8m².

7. Chapter 10.20.30.20.(1), By-law No. 569-2013

The required minimum lot frontage is 15m.

The proposed lot frontage is 7.615m.

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

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

The proposed height of the side exterior main walls facing a side lot line is 8.47m.

9. Chapter 10.20.30.40.(1), By-law No. 569-2013

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

The proposed lot coverage is 32% of the lot area.

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

A platform without main walls, attached to or less than 0.3m 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 by 2.5m if it is no closer to a side lot line than the required side yard setback.

The proposed platform encroaches 1.22m into the required front yard setback and is setback from the west side lot line by 0.59m whereas the required setback is 1.8m.

11. Chapter 10.5.40.60.(2), By-law No. 569-2013

A canopy, awning or similar structure above a platform may encroach into a required building setback to the same extent as the platform it is covering.

The proposed canopy above the platform is setback 0.59m from the west side lot line whereas the required setback is 1.8m.

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

Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no closer to a lot line than 0.6m.

The proposed rear deck stairs are setback 0.59m from the west side lot line.

13. Chapter 10.5.40.60.(7), By-law No. 569-2013

Roof eaves may project a maximum of 0.9m provided that they are no closer than 0.30m to a lot line.

The proposed eaves project 0.305m and are 0.28m from the west side lot line.

14. Section 13.2.1, By-law No. 7625

The minimum required lot frontage is 15m

The proposed lot frontage is 7.615m

15. Section 13.2.2, By-law No. 7625

The minimum required lot area is 550m².

The proposed lot area is 255.8m²

16. Section 13.2.3(a), By-law No. 7625

The minimum required front yard setback is 6.5m.

The proposed front yard setback is 6.01m.

17. Section 13.2.3(b), By-law No. 7625

The minimum required side yard setback is 1.5m.

The proposed west side yard setback is 0.59m

18. Section 13.2.3(b), By-law No. 7625

The minimum required side yard setback is 1.5m.

The proposed east side yard setback is 1.2m.

19. Section 13.2.6, By-law No. 7625

The maximum permitted building height is 8.8m

The proposed building height is 9.38m

20. Section 6(30)a, By-law No. 7625

The maximum finished first floor height is 1.5m.

The proposed finished first floor height is 1.57m.

21. Section 6(8), By-law No. 7625

The minimum required lot width is 15m

The proposed lot width is 7.615m

22. Section 6(24)(d), By-law No. 7625

In the rear yard, unexcavated porches or decks attached to or detached from the main building shall not be located closer to the side lot lines than the minimum side yard setback for the main building.

The proposed rear deck is setback 0.59m from the west side lot line, whereas the required side yard setback is 1.5m.

23. Section 6(9)(f), By-law No. 7625

Porches and decks, either excavated or unexcavated, and canopies shall be permitted to project into the minimum front yard setback not more than 2.1m but no closer to the side lot line than the minimum side yard setback for the main building is 1.5m.

The proposed front porch and canopy above projects 1.22m and is setback from the west side lot line by 0.59 m.

24. Section 6(f)(c), By-law No. 7625

Exterior stairs shall be permitted to project into one minimum side yard setback only, not more than 1.6m, but no closer to than 0.6m from any side lot line.

The rear deck stairs is setback from the west side lot line by 0.59m.

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:**


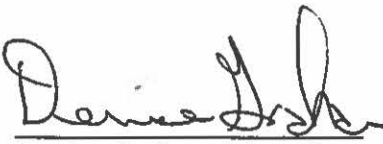


The Minor Variance Application is Refused

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

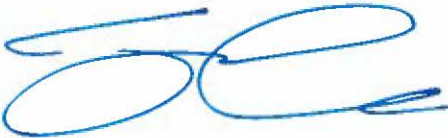
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| Property Address: | 106A POYNTZ AVE - PART 1 | Community: | North York |
| Legal Description: | PLAN 1743 LOT 806 TO 807 | | |


Wayne McEachern (signed)
Denise Graham (signed)
Giacomo Tonon (signed)
Rick Ross (signed)

DATE DECISION MAILED ON: Thursday, November 2, 2017

LAST DATE OF APPEAL: Wednesday, November 15, 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 on the signature page.

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| File Number: | A0673/17NY | Zoning | RD (x5)/R4[ZZC] |
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| Agent: | RUBINOFF DESIGN GROUP | Heritage: | Not Applicable |
| Property Address: | 106B POYNTZ AVE – PART 2 | Community: | North York |
| Legal Description: | PLAN 1743 LOT 806 TO 807 | | |

Notice was given and a Public Hearing was held on Thursday, October 26, 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 900.6.10(5), By-law No. 569-2013

The minimum side yard setback is 1.8m

The proposed west side yard setback is 1.2m

2. Chapter 900.6.10(5), By-law No. 569-2013

The minimum side yard setback is 1.8m

The proposed east side yard setback is 0.295m

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

The minimum required driveway width is 6m.

The proposed driveway width is 4.39m and the width of the parking space behind the front main wall is 3.3m

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

An area of 10m² of the first floor must be within 4m of the front main wall.

The proposed is 3m² of the first floor (sunken foyer) is within 4m of the front main wall.

5. Chapter 10.5.40.50.(2), By-law No. 569-2013

In the Residential Zone category, a platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3m of a building, must comply with the required minimum building setback is 1.8m.

The proposed front porch and rear deck is setback from the west side lot line by 1.2m.

6. Chapter 10.20.30.10.(1), By-law No. 569-2013

The required minimum lot area is 550m²

The proposed lot area is 255.7m².

7. Chapter 10.20.30.20.(1), By-law No. 569-2013

The required minimum lot frontage is 15m.

The proposed lot frontage is 7.615m.

8. Chapter 10.20.30.40.(1), By-law No. 569-2013

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

The proposed lot coverage is 32% of the lot area.

9. Chapter 10.20.40.10.(2), By-law No. 569-2013

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

The proposed height of the side exterior main walls facing a side lot line is 8.13m.

10. Chapter 10.5.80.40.(3), By-law No. 569-2013

Vehicle access to a parking space on a corner lot must be from a flanking street that is not a major street. The proposed vehicle access to a parking space is from Poyntz Avenue and not from the flanking street (Beaman Road).

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

A platform without main walls, attached to or less than 0.3m 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 by 2.5m if it is no closer to a side lot line than the required side yard setback of 1.8m.

The proposed platform encroaches 1.22m into the required front yard setback and is setback from the west side lot line by 1.2m.

12. Chapter 10.5.40.60.(2), By-law No. 569-2013

A canopy, awning or similar structure above a platform may encroach into a required building setback to the same extent as the platform it is covering of 1.8m.

The proposed canopy above the platform is setback 1.2m from the west side lot line.

13. Chapter 10.5.40.60.(7), By-law No. 569-2013

Roof eaves may project a maximum of 0.9m provided that they are no closer than 0.30m to a lot line.

The proposed eaves project 0.305m and are 0.29m from the east side lot line.

14. Section 13.2.1, By-law No. 7625

The minimum required lot frontage is 15m

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15. Section 13.2.2, By-law No. 7625

The minimum required lot area is 550m².

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16. Section 13.2.3(a), By-law No. 7625

The minimum required front yard setback is 6.5m.

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17. Section 13.2.3(b), By-law No. 7625

The minimum required side yard setback is 1.5m.

The proposed west side yard setback is 1.2m

18. Section 13.2.3(b), By-law No. 7625

The minimum required side yard setback is 1.5m.

The proposed east side yard setback is 0.295m.

19. Section 13.2.6, By-law No. 7625

The maximum permitted building height is 8.8m

The proposed building height is 9.69m

20. Section 6(30)a, By-law No. 7625

The maximum finished first floor height is 1.5m.

The proposed finished first floor height is 2.23m.

21. Section 6(8), By-law No. 7625

The minimum required lot width is 15m

The proposed lot width is 7.615m

22. Section 6A(2)a, By-law No. 7625

The minimum required number of parking spaces is 2.

The proposed number of parking spaces is 1.

23. Section 6(24)(d), By-law No. 7625

In the rear yard, unexcavated porches or decks attached to or detached from the main building shall not be located closer to the side lot lines than the minimum side yard setback for the main building of 1.5m.

The proposed rear deck is setback 1.2m from the west side lot line.

24. Section 6(9)(f), By-law No. 7625

Porches and decks, either excavated or unexcavated, and canopies shall be permitted to project into the minimum front yard setback not more than 2.1m but no closer to the side lot line than the minimum side yard setback for the main building is 1.5m.

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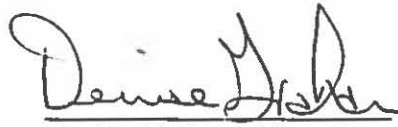
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Wayne McEachern (signed)
Denise Graham (signed)
Giacomo Tonon (signed)
Rick Ross (signed)

DATE DECISION MAILED ON: Thursday, November 2, 2017

LAST DATE OF APPEAL: Wednesday, November 15, 2017

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