

Thursday, April 12, 2018

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

File Number:	A0790/17EYK	Zoning:	RD & RS
Owner(s):	HAMED ISMAILZADEH	Ward:	Etobicoke-Lakeshore (06)
Agent:	GLENN RUBINOFF DESIGN GROUP	Heritage:	Not Applicable
Property Address:	<b>80 THIRTY NINTH ST – PART 2</b>	Community:	
Legal Description:	PLAN 2155 LOT 18		

Notice was given and a Public Hearing was held on Thursday, April 12, 2018, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new detached dwelling with an attached garage.

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

- 1. Section 10.20.30.10.(1)(A), By-law 569-2013**  
The minimum required lot area is 370 m<sup>2</sup>.  
The new lot area will be 317.7 m<sup>2</sup>.
- 2. Section 10.20.30.20.(1)(A), By-law 569-2013**  
The minimum required lot frontage is 12 m.  
The new lot frontage will be 7.62 m.
- 3. Section 10.20.40.40.(1)(A), By-law 569-2013**  
The maximum permitted gross floor area is 0.35 times the area of the lot (111.2 m<sup>2</sup>).  
The new dwelling will have a gross floor area of 0.62 times the area of the lot (196.9 m<sup>2</sup>).
- 4. Section 10.20.40.70.(3)(C), By-law 569-2013**  
The minimum required side yard setback is 1.2 m.  
**Section 330-23.A.(7)**  
The minimum required side yard setback is 0.9 m.  
**Section 10.20.40.70.(3)(C), By-law 569-2013 and Section 330-23.A.(7)**  
The new dwelling will be located 0.9 m from the north side lot line and 0.6 m from the south side lot line.
- 5. Section 10.20.40.10.(2)(B)(ii), By-law 569-2013**  
The maximum permitted height of all side exterior main walls facing a side lot line is 7 m.  
The new dwelling will have a side exterior main wall height of 7.49 m facing a side lot line.

**6. Section 10.5.40.10.(5), By-law 569-2013**

A minimum of 10 m<sup>2</sup> of the first floor must be within 4 m of the front main wall.  
A total of 6 m<sup>2</sup> of the first floor will be located within 4 m of the front main wall.

**7. Section 10.5.40.60.(7), By-law 569-2013**

The minimum required side yard setback for eaves is 0.3 m.  
The eaves of the new dwelling will be located 0.19 m from the south side lot line.

**8. Section 10.5.40.60.(1)(A)(i), By-law 569-2013**

A platform without main walls, attached to or less than 0.3 m from a building, with a floor higher than the first floor of the building above established grade may encroach 2.5 m into the required front yard setback, if it is no closer to a side lot line than the required side yard setback.  
The proposed platform will encroach 0.96 m into the required front yard setback and will be located 0.6 m to the south side lot line than the required setback.

**File Numbers B0079/17EYK, A0789/17EYK AND A0790/17EYK 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 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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\_\_\_\_\_  
Allan Smithies (signed)

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Douglas Colbourne (signed)

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Denise Graham (signed)

DATE DECISION MAILED ON: Friday, April 20, 2018

LAST DATE OF APPEAL: Wednesday, May 2, 2018

CERTIFIED TRUE COPY

Barbara Bartosik  
Manager & Deputy Secretary Treasurer  
Etobicoke 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.