

Thursday, January 24, 2019

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

File Number: A0137/18EYK
Property Address: 65 FORTIETH ST- PART 1
Legal Description: PLAN 2172 LOT 140
Agent: RUBINOFF DESIGN GROUP
Owner(s): SARVIN MAYSAMI
Zoning: RM & RM1
Ward: Etobicoke-Lakeshore (03)
Community:
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, January 24, 2019, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new detached dwelling with an integral garage.

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

- 1. Section 900.6.10.(2)(B)(i), By-law 569-2013**
The minimum required lot frontage is 12 m.
The new lot will have a frontage of 7.62 m.
- 2. Section 900.6.10.(2)(A)(i), By-law 569-2013**
The minimum required lot area is 370 m².
The new lot will have an area of 271.6 m².
- 3. Section 900.6.10.(2)(D)(i), By-law 569-2013**
The maximum permitted floor space index is 0.35 times the area of the lot (94.06 m²).
The new dwelling will have a floor space index equal to 0.65 times the area of the lot (176.63 m²).
- 4. Section 900.6.10.(2)(F)(i), By-law 569-2013**
The minimum required side yard setback is 0.9 m.
The new dwelling will be located 0.61 m from the south side lot line.

5. 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 no higher than the first floor of the building above established grade may encroach into the required front yard setback 2.5 m if it is no closer to a side lot line than the required side yard setback.

The proposed front platform will be located 0.29 m closer to the south side lot line than the required side yard setback.

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

The minimum required side yard setback for an eaves overhang is 0.3 m.

The eaves overhang of the new dwelling will be located 0.24 m from the south side lot line.

File Numbers B0016/18EYK, A0127/18EYK AND A0137/18EYK 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 Approved on Condition

It is the decision of the Committee of Adjustment to authorize this variance application 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.

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

1. The applicant shall comply with the conditions imposed in the Committee of Adjustment's **Consent Decision Number B0016/18EYK**
2. Submission of a complete application for a permit to injure or remove a privately owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article III Private Tree Protection.
3. The applicant shall submit revised site plan with the following revisions and notations to the satisfaction of the Engineering and Construction Services Division at no cost to the City;
 - a. Illustrate the existing and proposed grades along the boundary limit and within the propose site;

- b. Revise site plan to illustrate a positive slope of minimum 2% to 4% that will be maintained on each of the proposed driveways, as measured between the proposed garage door entrance to the curb line of Fortieth Street;
- c. The site plans must be revised to clearly indicate the restoration of the redundant portion of curb cuts for the former driveway with sod and raised concrete curb, and new curb cuts for the proposed dwellings, all of which shall be designed to City of Toronto Design Standard T-600.11-1;
- d. Add the following notations to the Site Plan:
 - i. *"The applicant is required to restore any redundant section of the existing driveway and curb cut that is being closed with sod and a poured concrete curb within the municipal boulevard according to City of Toronto Design Standard;*
 - ii. *"The proposed new driveways and curb cuts shall be constructed to the applicable City of Toronto Design Standards at no cost to the municipality";*
 - iii. *"The applicant shall also submit a Municipal Road Damage Deposit (MRDD) prior to obtaining a Building Permit." The applicant is advised to contact Ms. Joanne Vecchiarelli of our Right-of-Way Management Section at (416) 338-1045 regarding municipal road damage deposit requirements; and,*
 - iv. *"The applicant shall obtain the necessary authorizations and permits from the City's Right-of-Way Management Section of the Transportation Services before excavating within or encroaching into the municipal road allowance";*

SIGNATURE PAGE

File Number: A0137/18EYK
Property Address: 65 FORTIETH ST - PART 1
Legal Description: PLAN 2172 LOT 140
Agent: RUBINOFF DESIGN GROUP
Owner(s): SARVIN MAYSAMI
Zoning: RM & RM1
Ward: Etobicoke-Lakeshore (03)
Community:
Heritage: Not Applicable

Allan Smithies (signed)
(signed)

Dominic Gulli (signed)

Douglas Colbourne

Denise Graham (signed)

DATE DECISION MAILED ON: Friday, February 1, 2019

LAST DATE OF APPEAL: Wednesday, February 13, 2019

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 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 Local Planning Appeal Tribunal (LPAT) 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 or USB;
- \$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.

LOCAL PLANNING APPEAL TRIBUNAL (LPAT) INSTRUCTIONS

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

- a completed LPAT 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 Environmental & Lands Tribunals Ontario (ELTO) website at <http://elto.gov.on.ca/tribunals/lpat/forms/>.

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Thursday, January 24, 2019

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

File Number: A0127/18EYK
Property Address: 65 FORTIETH ST – PART 2
Legal Description: PLAN 2172 LOT 140
Agent: RUBINOFF DESIGN GROUP
Owner(s): SARVIN MAYSAMI
Zoning: RM & RM1
Ward: Etobicoke-Lakeshore (03)
Community:
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, January 24, 2019, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new detached dwelling with an integral garage.

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

- 1. Section 900.6.10.(2)(B)(i), By-law 569-2013**
The minimum required lot frontage is 12 m.
The new lot will have a frontage of 7.62 m.
- 2. Section 900.6.10.(2)(A)(i), By-law 569-2013**
The minimum required lot area is 370 m².
The new lot will have an area of 271.3 m².
- 3. Section 900.6.10.(2)(D)(i), By-law 569-2013**
The maximum permitted floor space index is 0.35 times the area of the lot (94.95 m²).
The new dwelling will have a floor space index equal to 0.65 times the area of the lot (176.63 m²).

4. Section 900.6.10.(2)(F)(i), By-law 569-2013

The minimum required side yard setback is 0.9 m.
The new dwelling will be located 0.61 m from the north side lot line.

5. 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 no higher than the first floor of the building above established grade may encroach into the required front yard setback 2.5 m if it is no closer to a side lot line than the required side yard setback.

The proposed front platform will be 0.29 m closer to the north side lot line than the required side yard setback.

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

The minimum required side yard setback for an eaves overhang is 0.3 m.
The eaves overhang of the new dwelling will be located 0.24 m from the north side lot line.

File Numbers B0016/18EYK, A0127/18EYK AND A0137/18EYK 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 Approved on Condition

It is the decision of the Committee of Adjustment to authorize this variance application 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.

This decision is subject to the following condition:

1. The applicant shall comply with the conditions imposed in the Committee of Adjustment's **Consent Decision Number B0016/18EYK**
2. The applicant shall submit revised site plan with the following revisions and notations to the satisfaction of the Engineering and Construction Services Division at no cost to the City;
 - a. Illustrate the existing and proposed grades along the boundary limit and within the propose site;

- b. Revise site plan to illustrate a positive slope of minimum 2% to 4% that will be maintained on each of the proposed driveways, as measured between the proposed garage door entrance to the curb line of Fortieth Street;
- c. The site plans must be revised to clearly indicate the restoration of the redundant portion of curb cuts for the former driveway with sod and raised concrete curb, and new curb cuts for the proposed dwellings, all of which shall be designed to City of Toronto Design Standard T-600.11-1;
- d. Add the following notations to the Site Plan:
 - i. *"The applicant is required to restore any redundant section of the existing driveway and curb cut that is being closed with sod and a poured concrete curb within the municipal boulevard according to City of Toronto Design Standard;*
 - ii. *"The proposed new driveways and curb cuts shall be constructed to the applicable City of Toronto Design Standards at no cost to the municipality";*
 - iii. *"The applicant shall also submit a Municipal Road Damage Deposit (MRDD) prior to obtaining a Building Permit." The applicant is advised to contact Ms. Joanne Vecchiarelli of our Right-of-Way Management Section at (416) 338-1045 regarding municipal road damage deposit requirements; and,*
 - iv. *"The applicant shall obtain the necessary authorizations and permits from the City's Right-of-Way Management Section of the Transportation Services before excavating within or encroaching into the municipal road allowance";*

SIGNATURE PAGE

File Number: A0127/18EYK
Property Address: 65 FORTIETH ST - PART 2
Legal Description: PLAN 2172 LOT 140
Agent: RUBINOFF DESIGN GROUP
Owner(s): SARVIN MAYSAMI
Zoning: RM & RM1
Ward: Etobicoke-Lakeshore (03)
Community:
Heritage: Not Applicable

Allan Smithies (signed)
(signed)

Dominic Gulli (signed)

Douglas Colbourne

Denise Graham (signed)

DATE DECISION MAILED ON: Friday, February 1, 2019

LAST DATE OF APPEAL: Wednesday, February 13, 2019

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 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 Local Planning Appeal Tribunal (LPAT) for the same matter.

TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

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

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

- a completed LPAT Appellant Form (A1) in **paper format**;
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Thursday, January 24, 2019

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

File Number: B0016/18EYK
Property Address: 65 FORTIETH ST
Legal Description: PLAN 2172 LOT 140
Agent: RUBINOFF DESIGN GROUP
Owner(s): SARVIN MAYSAMI
Zoning: RM & RM1
Ward: Etobicoke-Lakeshore (03)
Community:
Heritage: Not Applicable

Notice was given and the application considered on Thursday, January 24, 2019, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

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

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

Retained - Part 2

Address to be assigned

The lot frontage is 7.62 m and the lot area is 271.3 m². The existing dwelling will be demolished and the property will be developed as the site of a new detached dwelling with an integral garage, requiring variances to the Zoning By-law, as outlined in Application A0127/18EYK.

Conveyed - Part 1

Address to be assigned

The lot frontage is 7.62 m and the lot area is 271.6 m². The existing dwelling will be demolished and the property will be developed as the site of a new detached dwelling with an integral garage, requiring variances to the Zoning By-law, as outlined in Application A0137/18EYK.

File Numbers B0016/18EYK, A0127/18EYK AND A0137/18EYK 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 Approved on Condition

The Committee has considered the provisions of Section 51(24) of the Planning Act and is satisfied that a plan of subdivision is not necessary. The Committee therefore consents to the creation of new lots as shown on the attached plan on the condition that before a Certificate of Consent is issued, as required by Section 53(42) of the Planning Act, the applicant is to file the following with the Committee office within ONE YEAR of the date of this Decision:

1. Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.
2. Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of Survey and Mapping Services, Engineering Services, Engineering and Construction Services. Contact: John Fligg @ (416) 338-5031 or Elizabeth Machynia @ (416) 338-5029.
3. The applicant shall satisfy all conditions concerning City/Private owned trees, to the satisfaction of Urban Forestry Services.
4. Where no street trees exist, the owner shall provide payment in an amount to cover the cost of planting a street tree abutting each new lot created, to the satisfaction of Urban Forestry Services.
5. **Two copies of the registered reference plan of survey** integrated to NAD 83 CSRS (3 degree Modified Transverse Mercator projection), delineating by separate Parts the lands and their respective areas, shall be filed with the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services. Contact: John House, Supervisor, of Property Records, at 416 392-8338; jhouse@toronto.ca
6. **An electronic copy of the registered reference plan of survey** satisfying the requirements of the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services, shall be filed with the Committee of Adjustment.
7. Within **ONE YEAR** of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions and prepare and submit for electronic submission to the Deputy Secretary-Treasurer, the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) or subsection 53(42) of the *Planning Act*, as it pertains to the conveyed land and/or consent transaction.

SIGNATURE PAGE

File Number: B0016/18EYK
Property Address: 65 FORTIETH ST
Legal Description: PLAN 2172 LOT 140
Applicant: RUBINOFF DESIGN GROUP
Owner(s): SARVIN MAYSAMI
Zoning: RM & RM1
Ward: Etobicoke-Lakeshore(03)
Community:
Heritage: Not Applicable

Allan Smithies (signed)
(signed)

Dominic Gulli (signed)

Douglas Colbourne

Denise Graham (signed)

DATE DECISION MAILED ON: Friday, February 1, 2019

LAST DATE OF APPEAL: Thursday, February 21, 2019

CERTIFIED TRUE COPY

Barbara Bartosik
Manager & Deputy Secretary Treasurer
Etobicoke York Panel

Appeal Information

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LOCAL PLANNING APPEAL TRIBUNAL (LPAT) INSTRUCTIONS

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

- a completed LPAT 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
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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.