

Thursday, February 7, 2019

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

File Number: A0713/18NY
Property Address: 88 NIPIGON AVE
Legal Description: PLAN 2560 PT LOT 22
Agent: EDEN ENGINEERING & DESIGN INC
Owner(s): SAYYED MAHDI ARAM SAYYED AREF ARAM
Zoning: RD(x5)[ZZC]
Ward: Willowdale (18)
Community: North York
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, February 7, 2019, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To legalize and maintain the rear gazebo.

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

- 1. Chapter 10.20.30.40.(1), By-law 569-2013**
The maximum permitted lot coverage is 30 % of the lot area.
The proposed lot coverage is 43.4 % of the lot area.
- 2. Chapter 10.5.60.70.(1), By-law 569-2013**
The total area on a lot covered by ancillary buildings or structures may not exceed 10 % of the lot area.
The proposed ancillary buildings or structures cover 11.4 % of the lot area.
- 3. Chapter 10.5.60.20.(11), By-law 569-2013**
The minimum required side yard setback for a platform, such as a deck or similar structure, is 0.3m.
The proposed platform is 0m from the rear lot line.
- 4. Chapter 10.5.60.20.(11), By-law 569-2013**
The minimum required side yard setback for a platform, such as a deck or similar structure, is 0.3m.

The proposed platform is 0m from the east side lot line.

5. Chapter 10.5.60.20.(11), By-law 569-2013

The minimum required side yard setback for a platform, such as a deck or similar structure, is 0.3m.

The proposed platform is 0m from the west side lot line.

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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Beth Levy (signed)

Denise Graham (signed)

Giacomo Tonon (signed)

Rick Ross (signed)

DATE DECISION MAILED ON: Thursday, February 14, 2019

LAST DATE OF APPEAL: Wednesday, February 27, 2019

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.

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/>.

*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 **Local Planning Appeal Tribunal (LPAT)** should be submitted in accordance with the instructions above.