

Thursday, May 23, 2019

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

File Number: A0797/18NY
Property Address: 16 KENRAE RD – PART 1
Legal Description: PLAN 2120 PT LOT 581
Agent: MPLAN INC
Owner(s): BITA MEHRIN RAJAE MOHAMMAD REZA HAJIGHAZI
Zoning: RD (f9.0; a275; d0.45)/R1A
Ward: Don Valley West (15)
Community: East York
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, May 23, 2019, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new semi-detached dwelling.

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

- 1. Section 10.5.40.50(2), Zoning 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 0.3 m of a building, must comply with the required minimum building setbacks for the zone. The required east side yard setback is 0.9 m.
The proposed east side yard setback to the deck is 0 m and 0 m to the lot line.
- 2. Section 10.20.20.10.(1) , Zoning By-law No. 569-2013**
The proposed use, Semi-Detached, is not permitted in the Residential Zone.
A semi-detached is proposed.
- 3. Section 10.20.30.10.(1), Zoning By-law No. 569-2013**
A) The required minimum lot area is 275 m².
The proposed lot area is 170.08 m².

4. **Section 10.20.30.20.(1), Zoning By-law No. 569-2013**
A) The required minimum lot frontage is 9 m.
The proposed lot frontage is 6.09 m.
5. **Section 10.20.30.40.(1), Zoning By-law No. 569-2013**
A) The permitted maximum lot coverage is 35 % of the lot area.
The proposed lot coverage is 48.32 % of the lot area.
(Note that the deck is included in coverage).
6. **Section 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 m.
The proposed height of the side exterior main walls facing a side lot line is 7.2 m.
7. **Section 10.20.40.40.(1), Zoning By-law No. 569-2013**
The permitted maximum floor space index is 0.45 times the area of the lot.
The proposed floor space index is 0.85 times the area of the lot.
8. **Section 10.20.40.70.(1), Zoning By-law No. 569-2013**
The required minimum front yard setback is 6.56 m.
The proposed front yard setback is 7 m.
9. **Section 10.20.40.70.(3), Zoning By-law No. 569-2013**
The required minimum side yard setback is 0.9 m where the required minimum lot frontage is 6.0 m to less than 12.0 m.
The proposed east side yard setback is 0 m.
10. **Section 10.5.80.10.(3), Zoning By-law No. 569-2013**
A parking space may not be located in a front yard or a side yard abutting a street.
The proposed parking spot is located in a front yard.
11. **Chapter 6.9, Zoning By-law No. 1916**
A parking space may not be located in a front yard and must be behind the main front wall.
The proposed parking spot is located in a front yard.

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 requirements of the Parks and Recreation, Urban Forestry Division;

i)Where there is no existing street tree, the owner shall provide payment in lieu of planting of one street tree on the City road allowance abutting each of the sites involved in the application. The current cash-in-lieu payment is \$583/tree.

2) The applicant to satisfy the requirements of the Transportation Services Division;

i) the existing access must be removed and restored to soft landscaping.

SIGNATURE PAGE

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Ward: Don Valley West (15)
Community: East York
Heritage: Not Applicable

Beth Levy (signed)

Giacomo Tonon (signed)

Rick Ross (signed)

DATE DECISION MAILED ON: Thursday, May 30, 2019

LAST DATE OF APPEAL: Wednesday, June 12, 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.

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**NOTICE OF DECISION
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File Number: A0796/18NY
Property Address: 16 KENRAE RD - PART 2
Legal Description: PLAN 2120 PT LOT 581
Agent: MPLAN INC
Owner(s): BITA MEHRIN RAJAE MOHAMMAD REZA HAJIGHAZI
Zoning: RD (f9.0; a275; d0.45)/R1A
Ward: Don Valley West (15)
Community: East York
Heritage: Not Applicable

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PURPOSE OF THE APPLICATION:

To construct a new semi-detached dwelling.

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

- 1. Section 10.5.40.50(2), Zoning 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 0.3 m of a building, must comply with the required minimum building setbacks for the zone. The required west side yard setback is 0.9 m.
The proposed west side yard setback to the deck is 0 m and 0 m to the lot line.
- 2. Section 10.20.20.10.(1), Zoning By-law No. 569-2013**
The proposed use, Semi-Detached, is not permitted in the Residential Zone. A semi-detached is proposed.
- 3. Section 10.20.30.10.(1), Zoning By-law No. 569-2013**
A) The required minimum lot area is 275 m².
The proposed lot area is 161.32 m².

4. **Section 10.20.40.70.(1), Zoning By-law No. 569-2013**
The required minimum front yard setback is 6.56 m.
The proposed front yard setback is 6.44 m.
5. **Section 10.20.30.20.(1), Zoning By-law No. 569-2013**
A) The required minimum lot frontage is 9 m.
The proposed lot frontage is 6.09 m.
6. **Section 10.20.30.40.(1), Zoning By-law No. 569-2013**
A) The permitted maximum lot coverage is 35 % of the lot area.
The proposed lot coverage is 50 % of the lot area.
(Note that the deck is included in coverage).
7. **Section 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 m.
The proposed height of the side exterior main walls facing a side lot line is 7.2 m.
8. **Section 10.20.40.40.(1), Zoning By-law No. 569-2013**
A) The permitted maximum floor space index is 0.45 times the area of the lot.
The proposed floor space index is 0.9 times the area of the lot.
9. **Section 10.20.40.70.(3), Zoning By-law No. 569-2013**
The required minimum west side yard setback is 0.9 m where the required minimum lot frontage is 6.0 m to less than 12.0 m.
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10. **Section 10.5.80.10.(3), Zoning By-law No. 569-2013**
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