

Michael Mizzi
Director, Zoning and Secretary-Treasurer
Committee of Adjustment
City Planning Division

Committee of Adjustment
2 Civic Centre Crt, 4th Fl
Toronto, ON M9C 5A3
T: 416-394-8060
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416-394-8060
coa.ey@toronto.ca

Thursday, August 27, 2020

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

File Number: B0073/19EYK
Property Address: 75 THIRTY EIGHTH ST
Legal Description: PLAN 2155 LOT 142
Agent: CULTIVATE GROUP
Owner(s): REZA SEDIGHFAR
Zoning: RD & RS
Ward: Etobicoke-Lakeshore (03)
Community:
Heritage: Not Applicable

Notice was given and the application considered on Thursday, August 27, 2020, as required by the Planning Act.

THE CONSENT REQUESTED:

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

Conveyed- Part 1

Address to be assigned

The lot frontage will be 7.62 m and the lot area will be 319.55 m². The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling with an attached garage, requiring variances to the Zoning By-law, as outlined in Application A0647/19EYK.

Retained- Part 2

Address to be assigned

The lot frontage will be 7.62 m and the lot area will be 320.32 m². The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling with an attached garage, requiring variances to the Zoning By-law, as outlined in Application A0648/19EYK.

File numbers B0073/19EYK, A0647/19EYK & A0648/19EYK 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 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 is premature.
- 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.

SIGNATURE PAGE

File Number: B0073/19EYK
Property Address: 75 THIRTY EIGHTH ST
Legal Description: PLAN 2155 LOT 142
Applicant: CULTIVATE GROUP
Owner(s): REZA SEDIGHFAR
Zoning: RD & RS
Ward: Etobicoke-Lakeshore(03)
Community:
Heritage: Not Applicable



Laura Alderson (signed)



Neil Palmer (signed)

DATE DECISION MAILED ON: Friday, September 4, 2020

LAST DATE OF APPEAL: Thursday, September 24, 2020

CERTIFIED TRUE COPY

Barbara Bartosik
Manager and Deputy Secretary-Treasurer

Appeal Information

All appeals must be filed by email with the Deputy Secretary-Treasurer, Committee of Adjustment to coa.ey@toronto.ca and Barbara.Bartosik@toronto.ca 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).
- \$300 for each appeal filed regardless if related and submitted by the same appellant.
- Fees are payable to the **City of Toronto**. Once your appeal has been received by e-mail by the Deputy Secretary –Treasurer you will receive payment instructions.
- Due to the Covid-19 Emergency please contact the Deputy Secretary-Treasurer to make arrangements in submitting the appeal.

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB website 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 digital format on a USB stick and in paper format.
- \$400 with an additional reduced fee of \$25 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).
- Due to the Covid-19 Emergency please contact the Deputy Secretary-Treasurer to make arrangements in submitting the appeal.

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.

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.

Michael Mizzi
Director, Zoning and Secretary-Treasurer
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City Planning Division

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Thursday, August 27, 2020

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

File Number: A0647/19EYK
Property Address: 75 THIRTY EIGHTH ST – PART 1
Legal Description: PLAN 2155 LOT 142
Agent: CULTIVATE GROUP
Owner(s): REZA SEDIGHFAR
Zoning: RD & RS
Ward: Etobicoke-Lakeshore (03)
Community:
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, August 27, 2020, 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 10.20.30.20.(1), By-law 569-2013**
The minimum required lot frontage is 12 m.
The lot will have a frontage of 7.62 m.
- 2. Section 10.20.30.10.(1), By-law 569-2013**
The minimum required lot area is 370 m².
The lot will have a lot area of 319.55 m².
- 3. Section 10.20.40.40.(1), By-law 569-2013**
The maximum permitted floor space index is 0.35 times the area of the lot (111.72 m²).
The new dwelling will have a floor space index of 0.56 times the area of the lot (178.4 m²).

4. Section 10.20.4.70.(3), By-law 569-2013

The minimum required side yard setback is 1.2 m.

The new dwelling will be located 0.6 m from the south side lot line.

File numbers B0073/19EYK, A0647/19EYK & A0648/19EYK 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

File Number: A0647/19EYK
Property Address: 75 THIRTY EIGHTH ST – PART 1
Legal Description: PLAN 2155 LOT 142
Agent: CULTIVATE GROUP
Owner(s): REZA SEDIGHFAR
Zoning: RD & RS
Ward: Etobicoke-Lakeshore (03)
Community:
Heritage: Not Applicable



Laura Alderson (signed)



Neil Palmer (signed)

DATE DECISION MAILED ON: Friday, September 4, 2020

LAST DATE OF APPEAL: Wednesday, September 16, 2020

CERTIFIED TRUE COPY

Barbara Bartosik
Manager and Deputy Secretary-Treasurer

Appeal Information

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Thursday, August 27, 2020

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

File Number: A0648/19EYK
Property Address: 75 THIRTY EIGHTH ST – PART 2
Legal Description: PLAN 2155 LOT 142
Agent: CULTIVATE GROUP
Owner(s): REZA SEDIGHFAR
Zoning: RD & RS
Ward: Etobicoke-Lakeshore (03)
Community:
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, August 27, 2020, 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:

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Property Address: 75 THIRTY EIGHTH ST – PART 2
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Agent: CULTIVATE GROUP
Owner(s): REZA SEDIGHFAR
Zoning: RD & RS
Ward: Etobicoke-Lakeshore (03)
Community:
Heritage: Not Applicable



Laura Alderson (signed)



Neil Palmer (signed)

DATE DECISION MAILED ON: Friday, September 4, 2020

LAST DATE OF APPEAL: Wednesday, September 16, 2020

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