

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

Committee of Adjustment
North York
North York Civic Centre
5100 Yonge Street
Toronto, Ontario M2N 5V7

416-395-6446
coa.ny@toronto.ca

Tuesday, July 7, 2020

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

File Number: B0001/20NY
Property Address: 186 ELLERSLIE AVE
Legal Description: PLAN 2097 W PT LOT 6
Agent: AMIR HOSSEIN FARROKHKISH
Owner(s): HASSAN JALILIAN RUTH TRAINOR
Zoning: RD/R4 (ZZC)
Ward: Willowdale (18)
Community: North York
Heritage: Not Applicable

Notice was given and the application considered on Tuesday, July 7, 2020, as required by the Planning Act.

THE CONSENT REQUESTED:

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

Conveyed - Part 1

Address to be assigned

The lot frontage is 10.06m and has a lot area of 401.62m².

The property will be redeveloped as the site of a new detached dwelling, requiring variances to the Zoning By-law(s), as outlined in application # A0039/20NY.

Retained - Part 2

Address to be assigned

The lot frontage is 10.06m and has a lot area of 401.62m².

The property will be redeveloped as the site of a new detached dwelling, requiring variances to the Zoning By-law(s), as outlined in application # A0038/20NY.

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**
Decision Notice - CO.doc

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):

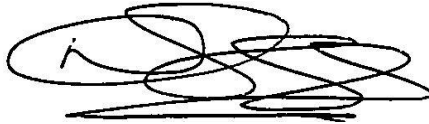
- The proposed land division is premature.
- The proposed land division does not conform to the policies of the official plan.
- The suitability of the land for the purposes for which it is to be subdivided has not been demonstrated.
- The suitability of the dimensions and shapes of the proposed lots has not been demonstrated.
- The adequacy of roads, vehicular access, parking and loading facilities has not been demonstrated.
- The adequacy of utilities and municipal services has not been demonstrated.

SIGNATURE PAGE

File Number: B0001/20NY
Property Address: 186 ELLERSLIE AVE
Legal Description: PLAN 2097 W PT LOT 6
Applicant: AMIR HOSSEIN FARROKHKISH
Owner(s): HASSAN JALILIAN RUTH TRAINOR
Zoning: RD/R4 (ZZC)
Ward: Willowdale(18)
Community: North York
Heritage: Not Applicable



Allan Smithies (signed)



Nadini Sankar (signed)



Giuseppe Bartolo (signed)



Thomas Klassen (signed)

DATE DECISION MAILED ON: Tuesday, July 14, 2020

LAST DATE OF APPEAL: Monday, August 3, 2020

CERTIFIED TRUE COPY

Daniel Antonacci
Manager and Deputy Secretary-Treasurer

Appeal Information

All appeals must be filed by email with the Deputy Secretary-Treasurer, Committee of Adjustment to coa.ny@toronto.ca and Daniel.Antonacci@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.

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
Committee of Adjustment
City Planning Division

Committee of Adjustment
North York
North York Civic Centre
5100 Yonge Street
Toronto, Ontario M2N 5V7

416-395-6446
coa.ny@toronto.ca

Tuesday, July 7, 2020

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

File Number: A0039/20NY
Property Address: 186 ELLERSLIE AVE
Legal Description: PLAN 2097 W PT LOT 6
Agent: AMIR HOSSEIN FARROKHKISH
Owner(s): HASSAN JALILIAN RUTH TRAINOR
Zoning: RD/R4 (ZZC)
Ward: Willowdale (18)
Community: North York
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Tuesday, July 7, 2020, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new dwelling on PART 1. File Numbers B0001/20NY, A0038/20NY & A0039/20NY will be considered jointly.

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

- 1. Chapter 900.3.10(5), By-law No. 569-2013**
The minimum required west side yard setback is 1.8m.
The proposed west side yard setback is 0.91m.
- 2. Chapter 900.3.10(5), By-law No. 569-2013**
The minimum required east side yard setback is 1.8m.
The proposed east side yard setback is 1.22m.
- 3. Chapter 10.5.40.50(2), 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 0.3m of a building, must comply with the required minimum building setbacks for the zone.
The minimum required side yard setback is 1.8m.
The proposed rear deck is setback 1.56m from the west side lot.

4. **Chapter 10.20.30.10.(1), By-law No. 569-2013**
The required minimum lot area is 550m².
The proposed lot area is 401.62m².
5. **Chapter 10.20.30.20.(1), By-law No. 569-2013**
The required minimum lot frontage is 15.0m.
The proposed lot frontage is 10.06m.
6. **Chapter 10.20.30.40.(1), By-law No. 569-2013**
The permitted maximum lot coverage is 30% of the lot area.
The proposed lot coverage is 31.02% of the lot area.
7. **Chapter 10.20.40.10.(2), By-law No. 569-2013**
The permitted maximum height of all side exterior main walls facing a side lot line is 7.5m.
The proposed height of the side exterior main walls facing a side lot line is 7.82m.
8. **Chapter 10.5.40.60.(1), By-law No. 569-2013**
A platform without main walls, attached to or less than 0.3m 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 2.5m if it is no closer to a side lot line than the required side yard setback.
The minimum required side yard setback is 1.8m.
The proposed platform is 1.51m from the west side lot line.
9. **Chapter 10.5.40.60.(2), By-law No. 569-2013**
A roof, canopy, awning or similar structure above a platform meeting the requirements of regulation 10.5.40.60(1) may encroach into a required minimum building setback to the same extent as the platform it is covering.
The required minimum side yard setback is 1.8m.
The proposed side yard setback is 1.51m.
10. **Section 13.2.6., By-law No. 7625**
The maximum permitted building height is 8.8m.
The proposed building height is 9.76m.
11. **Section 6(30)a, By-law No. 7625**
The maximum permitted finished first floor height is 1.5m.
The proposed finished first floor height is 2.02m.

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:

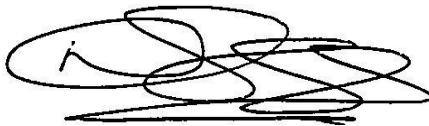
- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

SIGNATURE PAGE

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Owner(s): HASSAN JALILIAN RUTH TRAINOR
Zoning: RD/R4 (ZZC)
Ward: Willowdale (18)
Community: North York
Heritage: Not Applicable



Allan Smithies (signed)



Nadini Sankar (signed)



Giuseppe Bartolo (signed)



Thomas Klassen (signed)

DATE DECISION MAILED ON: Tuesday, July 14, 2020

LAST DATE OF APPEAL: Monday, July 27, 2020

CERTIFIED TRUE COPY

Daniel Antonacci
Manager and Deputy Secretary-Treasurer

Appeal Information

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Tuesday, July 7, 2020

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

File Number: A0038/20NY
Property Address: 186 ELLERSLIE AVE
Legal Description: PLAN 2097 W PT LOT 6
Agent: AMIR HOSSEIN FARROKHKISH
Owner(s): HASSAN JALILIAN RUTH TRAINOR
Zoning: RD/R4 (ZZC)
Ward: Willowdale (18)
Community: North York
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Tuesday, July 7, 2020, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new dwelling on PART 2. File Numbers B0001/20NY, A0038/20NY & A0039/20NY will be considered jointly.

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

- 1. Chapter 900.3.10(5), By-law No. 569-2013**
The minimum required side yard setback is 1.80m.
The proposed west side yard setback is 1.22m.
- 2. Chapter 900.3.10(5), By-law No. 569-2013**
The minimum required side yard setback is 1.8 m.
The proposed east side yard setback is 0.91m.
- 3. Chapter 10.5.40.50(2), 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 0.3m of a building, must comply with the required minimum building setbacks for the zone.
The minimum required setback is 1.8m.
The proposed rear deck is setback from the east side lot line by 1.54m.

4. **Chapter 10.20.30.10.(1), By-law No. 569-2013**
The required minimum lot area is 550m².
The proposed lot area is 401.62m².
5. **Chapter 10.20.30.20.(1), By-law No. 569-2013**
The required minimum lot frontage is 15.0m.
The proposed lot frontage is 10.06m.
6. **Chapter 10.20.30.40.(1), By-law No. 569-2013**
The permitted maximum lot coverage is 30% of the lot area.
The proposed lot coverage is 31.02% of the lot area.
7. **Chapter 10.5.40.60.(1), By-law No. 569-2013**
A platform without main walls, attached to or less than 0.3m 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 2.5m if it is no closer to a side lot line than the required side yard setback.
The minimum required setback is 1.8 m.
The proposed platform encroaches into the required front yard setback and is 1.54m from the east side lot line.
8. **Chapter 10.5.40.60.(2), By-law No. 569-2013**
A roof, canopy, awning or similar structure above a platform meeting the requirements of regulation 10.5.40.60(1) may encroach into a required minimum building setback to the same extent as the platform it is covering.
The proposed canopy is above a platform which does not meet regulation 10.5.40.60(1)(A) as the proposed canopy does not meet the required side yard setback of 1.8m with 1.54m proposed.
9. **Chapter 10.20.40.10.(2), By-Law No. 569-2013**
The permitted maximum height of all side exterior main walls facing a side lot line is 7.5m.
The proposed height of the side exterior main walls facing a side lot line is 8.59m.
10. **Section 13.2.6., By-law No. 7625**
The maximum permitted building height is 8.8m.
The proposed building height is 9.86m.
11. **Chapter 6(30)a, By-law No. 7625**
The maximum permitted finished first floor height is 1.5m.
The proposed finished first floor height is 1.75m.

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:**

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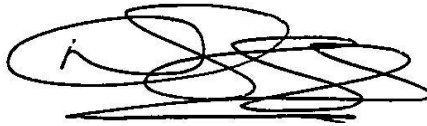
- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

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Community: North York
Heritage: Not Applicable



Allan Smithies (signed)



Nadini Sankar (signed)



Giuseppe Bartolo (signed)



Thomas Klassen (signed)

DATE DECISION MAILED ON: Tuesday, July 14, 2020

LAST DATE OF APPEAL: Monday, July 27, 2020

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Daniel Antonacci
Manager and Deputy Secretary-Treasurer

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