



Anita MacLeod
Manager and Deputy Secretary-Treasurer

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

Committee of Adjustment
Toronto and East York
Toronto City Hall
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Toronto, Ontario M5H 2N2

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

File Number: A0403/20TEY
Property Address: 37 BOUSTEAD AVE
Legal Description: PLAN 485 PT LOT 5
Agent: ALI MALEK-ZADEH
Owner(s): FATEMEH NOURIAN
REZA MOHYADINI BENAB
Zoning: R (d0.6) (x290)(ZZC)
Ward: Parkdale-High Park (04)
Community: Toronto
Heritage: Not Applicable

Notice was given and a Virtual Public Hearing was held on **Thursday, December 10, 2020**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To alter the existing two-storey, two-unit, detached dwelling into a three-unit dwelling by constructing: a rear three-storey addition, full third storey addition; a rear second storey balcony; and a front yard parking pad.

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

- 1. Chapter 10.10.40.40.(1)(A) Bylaw 569-2013**
The maximum permitted floor space index is 0.6 times the area of the lot (221.96 m²).
The three-unit detached dwelling will have a floor space index of 0.9 times the area of the lot (332.6 m²).
- 2. Chapter 10.10.40.30.(1)(A) Bylaw 569-2013**
The maximum permitted building depth for a detached dwelling is 17.0 m.
The building depth of the three-unit detached dwelling will be 17.85 m.
- 3. Chapter 10.5.80.10.(3) Bylaw 569-2013**
A parking space may not be located in a front yard or a side yard abutting a street.
In this case, a front yard parking pad, located wholly on the subject property will be installed.

4. Chapter 150.10.40.1.(2)(A) Bylaw 569-2013

An addition or exterior alteration to an existing building to accommodate a secondary suite is permitted if it does not alter or add to a front wall, or roof that faces a street.

In this case, the front main wall and roof are being altered to accommodate the secondary suites at the upper levels.

5. Chapter 150.10.40.40.(1) Bylaw 569-2013

The interior floor area of a secondary suite, or all secondary suites where more than one is permitted, must be no more than 45% of the interior floor area of the dwelling unit within which it is located.

In this case, the interior floor area of all secondary suites is 73% of the interior floor area of the dwelling unit within which they are located (274 m²).

6. Chapter 200.5.10.1.(1) Bylaw 569-2013

A minimum of three zoning compliant on-site parking spaces are required to be provided for the three dwelling units.

In this case, one parking space will be provided in the front yard (which is not zoning compliant).

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 approve 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.

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

The front yard parking pad and driveway shall be constructed with permeable pavers, to the satisfaction of Toronto Building Inspection Services, Toronto and East York District and the Manager, Permits and Enforcement Parking, Transportation Services, Toronto and East York District (with respect to the portion on the municipal boulevard).

SIGNATURE PAGE

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LARRY CLAY



PETER REED



LISA VALENTINI



NANCY OOMEN (CHAIR)

DATE DECISION MAILED ON: **Wednesday, December 16, 2020**

LAST DATE OF APPEAL: **Wednesday, December 30, 2020**

CERTIFIED TRUE COPY



Anita M. MacLeod
Manager & Deputy Secretary-Treasurer
Committee of Adjustment, Toronto and East York District

Appeal Information

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