

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

Committee of Adjustment
Scarborough
Scarborough Civic Centre
150 Borough Drive
Toronto, Ontario M1P 4N7

416-396-3223
coa.sc@toronto.ca

Tuesday, November 24, 2020

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

File Number: A0134/20SC
Property Address: 89-91 MCCOWAN RD (PARTS 2 & 3)
Legal Description: PLAN M612 LOT 3
Agent: ARC DESIGN GROUP
Owner(s): FATEH ALAMGIR, MOHAMMAD MAHMUDUL ISLAM
Zoning: Residential Detached (RD) & Single Family (S) Zone [ZR]
Ward: Scarborough Southwest (20)
Community: Cliffcrest Community
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Tuesday, November 24, 2020, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new two-storey detached dwelling on the Parts 2 and 3. This proposal is subject to the approval of Consent applications B0022/20SC and B0029/20SC which seek to convey the rear portions of 89 and 91 McCowan Road to create a new lot with frontage on Martindale Road.

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

- Chapter 10.20.30.10.(1)(A), By-law 569-2013**
The minimum required lot area is 557 m².
The proposed lot area is 525.48 m².
- Chapter 10.20.30.40.(1)(A), By-law 569-2013**
The maximum permitted lot coverage is 33% of the lot area.
The proposed lot coverage is 33.6% of the lot area.
- Exception RD 187 & Exception RD 1462, By-law 569-2013**
The maximum permitted floor area is 0.5 times the lot area.
The proposed floor area is 0.6 times the lot area.

4. **Exception RD 187, By-law 569-2013**
The minimum required building setback from a front lot line is 9 m.
The proposed building setback from the front lot line is 8 m.
5. **Chapter 10.20.40.10.(1)(A), By-law 569-2013 & Clause VI, Section 16.1, By-law 9396**
The maximum permitted building height is 9 m.
The proposed building height is 9.99 m.
6. **Chapter 10.20.40.10.(2)(B)(ii), By-law 569-2013**
The maximum permitted 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 7.48 m.
7. **Chapter 10.20.40.10.(6), By-law 569-2013**
The maximum height of the lowest point of a main pedestrian entrance through the front main wall may be no higher than 1.2 m above established grade.
The proposed height of the main pedestrian entrance through the front main wall is 1.39 m.
8. **Chapter 10.5.50.10.(1)(C), By-law 569-2013**
A minimum of 60% of the front yard must be landscaping.
The proposed front yard landscaping area is 57%.
9. **Chapter 10.5.40.60.(1)(A)(i), By-law 569-2013**
A platform without main walls, with a floor no higher than the first floor, may encroach into the required front yard setback a maximum of 2.5 m.
The proposed front porch encroaches 2.98 m into the required front yard setback.
10. **Chapter 10.5.40.60.(1)(B), By-law 569-2013**
A platform without main walls, with a floor higher than the first floor, may encroach into the required front yard setback a maximum of 1.5 m.
The proposed front balcony encroaches 2.98 metres into the required front yard setback.
11. **Chapter 10.20.40.50.(1)(B), By-law 569-2013**
The maximum permitted area of each platform at or above the second storey 4 m².
The proposed front balcony has an area of 7.5 m², and the proposed rear balcony has an area of 20.8 m².

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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Table 1, Panel Member Digital Signatures

 _____ Amy Emm	 _____ Anne McCauley	 _____ Gary McKay
 _____ Hena Kabir	 _____ Muhammad Saeed	

DATE DECISION MAILED ON: Friday, November 27, 2020

LAST DATE OF APPEAL: Tuesday, December 15, 2020

CERTIFIED TRUE COPY


Colin Ramdial
Manager and Deputy Secretary-Treasurer

Appeal Information

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