

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

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Wednesday, April 28, 2021

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

File Number: A0156/21NY
Property Address: 62 NORDEN CRES
Legal Description: PLAN 4332 LOT 146
Agent: BABAK GHASSEMI
Owner(s): FARIBA TOUSINEJAD
Zoning: R5/RD (f15.0; a550) (x5) [ZZC]
Ward: Don Valley East (16)
Community: North York
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Wednesday, April 28, 2021, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new dwelling.

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

- 1. Chapter 10.5.40.50 (4)(A), By-law 569-2013**
For a platform attached to or within 0.3m of a front main wall, the floor of the platform may be no higher than 1.2m above established grade.
The proposed front platform height above established grade is 1.37m.
- 2. Chapter 10.5.40.50, By-law 569-2013**
The minimum required side yard setback for the front platform is 1.8m.
The proposed front yard platform's west side yard setback is 1.18m.
- 3. Chapter 5.10.40.70(1), By-law 569-2013**
The minimum required east side yard setback for the canopy is 1.8m.
The front canopy's east side yard setback is 1.21m.

4. **Chapter 10.20.40.10.(2)(i), By-law 569-2013**
The maximum permitted height of the main walls is 7.5m above established grade for no less than 60% of the total width of all front main walls.
The proposed height of the front main walls is **8.66m** for 100% of the total width of all front main walls.
5. **Chapter 10.20.40.10.(2)(ii), By-law 569-2013**
The maximum permitted height of the main walls is 7.5m above established grade for no less than 60% of the total width of all rear main walls.
The proposed height of the rear main walls is **8.48m** for 100% of the total width of all rear main walls.
6. **Chapter 10.20.40.10.(6), By-law 569-2013**
The elevation of the lowest point of a main pedestrian entrance through the front wall or a side main wall may be no higher than 1.2m above established grade.
The proposed height of the main pedestrian entrance above established grade is 1.50m.
7. **Chapter 900.3.10(5)(A), By-law 569-2013**
The minimum required side yard setback is 1.8m.
The proposed west side yard setback is 1.30m.
8. **Chapter 10.20.30.40.(1)(A), By-law 569-2013**
The maximum permitted lot coverage is 25% of the lot area.
The proposed lot coverage is 29.99% of the lot area.
9. **Chapter 10.5.40.60.(3)A(ii), By-law 569-2013**
Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no wider than 2.0m.
The proposed front stair's width is 2.44m.
10. **Chapter 10.5.40.60.(7), By-law 569-2013**
Roof eaves may project a maximum of 0.9m provided that they are no closer than 0.30m to a lot line.
The eaves encroach 1.11m into the west side yard setback.
11. **Chapter 10.5.40.60.(2)(A), By-law 569-2013**
A canopy, awning or similar structure above a platform may encroach into a required building setback to the same extent as the platform it is covering.
The proposed canopy over the front porch encroaches 0.65m beyond the platform it is covering into the west side yard setback.
12. **Section 14.2.6, By-law 7625**
The maximum permitted building height is 8.8m.
The proposed building height is **9.26m**.

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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Allan Smithies (signed)



Nadini Sankar (signed)



Paul Kidd (signed)



Ron Hunt (signed)

DATE DECISION MAILED ON: Wednesday, May 5, 2021

LAST DATE OF APPEAL: Tuesday, May 18, 2021

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.
- 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.