

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

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

Thursday, October 21, 2021

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

**File Number:** A0600/21NY  
**Property Address:** 122 ROCHESTER AVE  
**Legal Description:** PLAN 1534 LOT 677  
**Agent:** LORNE ROSE ARCHITECT  
**Owner(s):** HAMI EBRAHIMI SARA YARMAND  
**Zoning:** RD / R3 [ZZC]  
**Ward:** Don Valley West (15)  
**Community:** North York  
**Heritage:** Not Applicable

Notice was given and a Public Hearing was held on Thursday, October 21, 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.(2), By-law No. 569-2013**  
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; in this case 1.8m.  
The proposed east side setback to the rear deck is 1.22m.
- 2. Chapter 10.20.40.10.(4), By-law No. 569-2013**  
The maximum permitted building height is 7.2m for a flat or shallow roof.  
The proposed building height is 8.48m.
- 3. Chapter 10.20.40.20.(1), By-law No. 569-2013**  
The maximum permitted building length is 17.00m.  
The proposed building length is 21.3m.

4. **Chapter 10.20.40.30.(1), By-law No. 569-2013**  
The maximum permitted building depth is 19.00m.  
The proposed building depth is 21.3m.
5. **Chapter 10.20.40.70.(3)(E), By-law No. 569-2013**  
The minimum required side yard setback is 1.80m.  
The proposed east side yard setback is 0.9m.
6. **Chapter 10.20.40.70.(3)(E), By-law No. 569-2013**  
The minimum required side yard setback is 1.80m.  
The proposed west side yard setback is 1.22m.
7. **Chapter 10.20.40.50.(1), By-law No. 569-2013**  
The maximum permitted area of each platform at or above the second storey is 4.00m<sup>2</sup>.  
The proposed platform at or above the second storey is 8.8m<sup>2</sup>.
8. **Chapter 10.5.100.1.(1), By-law No. 569-2013**  
The maximum permitted driveway width is 5.79m.  
The proposed driveway width is 5.99m.
9. **Section 12.7, By-law No. 7625**  
The maximum permitted building height is 8.0m.  
The proposed building height is 8.64m.

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:

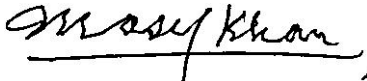
- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

**SIGNATURE PAGE**

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Allan Smithies (signed)



Asif A. Khan (signed)



Nadini Sankar (signed)



Paul Kidd (signed)



Ron Hunt (signed)

DATE DECISION MAILED ON: Thursday, October 28, 2021

LAST DATE OF APPEAL: Wednesday, November 10, 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](mailto:coa.ny@toronto.ca) and [Daniel.Antonacci@toronto.ca](mailto: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](http://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.