

Kyle Knoeck
Acting-Director, Zoning and Secretary-Treasurer
Committee of Adjustment
City Planning Division

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

Tuesday, March 15, 2022

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

File Number: A0898/21NY
Property Address: 9 DONWOODS DR
Legal Description: PLAN 2343 E PT LOT 53 W PT LOT 54
Agent: BEHZAD AFSHARIAN
Owner(s): BEHZAD AFSHARIAN
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 Tuesday, March 8, 2022, 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 10.20.30.40.(1), By-law No. 569-2013**
The permitted maximum lot coverage is 30% of the lot area.
The proposed lot coverage is **43.9%** of the lot area.
- 2. Chapter 10.20.40.70.(2), By-law No. 569-2013**
The required minimum rear yard setback is 7.5 m.
The proposed rear yard setback is **4.22 m**.
- 3. Chapter 10.5.40.60.(1)(A)(i), By-law No. 569-2013**
A platform without main walls, attached to or less than 0.3 m 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 2.5 m if it is no closer to a side lot line than the required side yard setback of 1.8 m.
The proposed platform encroaches 1.485 m into the required front yard setback and has a west side yard setback of 0.58 m.

4. **Chapter 10.5.40.60.(1)(C), By-law No. 569-2013**
A platform without main walls, attached to or less than 0.3 m from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required rear yard setback 2.5 m.
The proposed platform encroaches **2.92 m** into the required rear yard setback.
5. **Chapter 10.5.40.60.(1)(D), By-law No. 569-2013**
A platform without main walls, attached to or less than 0.3 m from a building, with a floor higher than the first floor of the building above established grade may encroach into the required rear yard setback 1.5 m.
The proposed platform encroaches **3.59 m** into the required rear yard setback.
6. **Chapter 10.5.40.60.(3), By-law No. 569-2013**
Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no closer to a lot line than 0.6 m.
The proposed stairs are 0 m from the front lot line and encroach 0.87 m into the public right of way.
7. **Chapter 10.20.40.10.(1), By-law No. 569-2013**
The permitted maximum height of all side exterior main walls facing a side lot line is 7.5 m.
The proposed height of the side exterior main walls facing a side lot line is **9.72 m**.
8. **Chapter 10.20.40.10.(3), By-law No. 569-2013**
The permitted maximum number of storeys is 2.
The proposed number of storeys is 3.
9. **Section 12.7, By-law No. 7625**
The maximum permitted building height is 8 m.
The proposed building height is **14.12 m**.

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

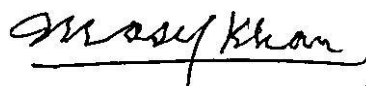
It is the decision of the Committee of Adjustment to **NOT** approve this variance application for the following reasons:


- 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: Tuesday, March 15, 2022

LAST DATE OF APPEAL: Monday, March 28, 2022

CERTIFIED TRUE COPY

Daniel Antonacci
Manager and Deputy Secretary-Treasurer

Appeal Information

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 Ontario Land Tribunal (OLT) for the same matter.

TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

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.

To appeal this decision, you must submit 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.

ONTARIO LAND TRIBUNAL (OLT) INSTRUCTIONS

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.

To appeal this decision, you must submit the following:

- A completed OLT 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 Ontario Land Tribunal (OLT) website at <https://olt.gov.on.ca/appeals-process/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 **Ontario Land Tribunal (OLT)** should be submitted in accordance with the instructions above.