

**Kyle Knoeck, M.Sc.Pl., MCIP, RPP**  
Director, Zoning and Secretary-Treasurer  
Committee of Adjustment  
City Planning Division

Committee of Adjustment  
Etobicoke York  
Etobicoke Civic Centre  
2 Civic Centre Court  
Toronto, Ontario M9C 5A3

416-394-8060  
coa.ey@toronto.ca

Thursday, November 10, 2022

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

**File Number:** A0275/22EYK  
**Property Address:** 51 WESTROYAL RD  
**Legal Description:** PLAN M1128 LOT 36  
**Agent:** STUDIO FOUR INC  
**Owner(s):** AZHAR ASGHAR AZHAR ASGHAR  
**Zoning:** RD & R2 (ZR)  
**Ward:** Etobicoke Centre (02)  
**Community:**  
**Heritage:** Not Applicable

Notice was given and a Public Hearing was held on Thursday, November 10, 2022, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a second storey addition above the existing dwelling and a new rear deck.

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

- 1. Section 10.20.40.40.(1)(A), By-law 569-2013**  
The maximum permitted floor space index is 0.45 times the area of the lot (247.73 m<sup>2</sup>).  
The altered dwelling will have a floor space index of 0.6 times the area of the lot (328.1 m<sup>2</sup>).
- 2. Section 10.20.40.10.(2)(A)(i)(ii), By-law 569-2013**  
The maximum permitted height of all front and rear main walls is 7 m.  
The proposed front exterior main walls will have a height of 7.63 m and the proposed rear exterior main walls will have a height of 7.63 m.
- 3. Section 320-42.1.B.(2)**  
The maximum permitted soffit height is 6.5 m.  
The altered dwelling will have a soffit height of 7.47 m.

**4. Section 10.5.40.50.(4)(C), By-law 569-2013**

The level of the floor of a platform, such as a deck or balcony, may be no higher than 1.2 m above the ground except where the platform is to attached or within 0.3 m of a rear main wall, any part of the floor located 2.5 m or less from the rear main wall may be no higher than the level of the floor from which it gains access.

The portion of the proposed rear deck beyond 2.5 m from the wall is 1.52 m from the ground.

**5. Section 10.5.40.60.(1)(C), By-law 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 if it is no closer to a side lot line than 1.52 m.

The proposed platform will encroach 2.99 m into the required rear yard setback.

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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Michael Clark (signed)



Michi McCloskey (signed)



Neil Palmer (signed)



Sophia Ruddock (signed)



Stan Kumorek (signed)

DATE DECISION MAILED ON: Friday, November 18, 2022

LAST DATE OF APPEAL: Wednesday, November 30, 2022

CERTIFIED TRUE COPY

**Barbara Bartosik**  
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.ey@toronto.ca](mailto:coa.ey@toronto.ca) and [Barbara.Bartosik@toronto.ca](mailto:Barbara.Bartosik@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](http://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.ey@toronto.ca](mailto:coa.ey@toronto.ca) and [Barbara.Bartosik@toronto.ca](mailto:Barbara.Bartosik@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.