

DECISION AND ORDER

Decision Issue Date Wednesday, December 18, 2019

PROCEEDING COMMENCED UNDER Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): HOSSEIN KHAJEHEI

Applicant: PARISA AMIRI

Property Address/Description: 24 DERWYN RD

Committee of Adjustment Case File: 19 127932 STE 14 MV (A0280/19TEY)

TLAB Case File Number: 19 195338 S45 14 TLAB

Hearing date: Thursday, November 21, 2019

DECISION DELIVERED BY D. LOMBARDI

APPEARANCES

NAME	ROLE	REPRESENTATIVE
PARISA AMIRI	Applicant	
TAE RYUCK	Expert Witness	
JOHN KARAPOSTOLAKIS	Participant	

INTRODUCTION

This is an appeal in respect of 24 Derwyn Road (subject property) from a decision of the Toronto and East York Panel of the City of Toronto (City) Committee of Adjustment (COA). The COA refused the four variances sought for the subject property as set out in **Attachment 1** to this decision to permit the construction of a new two-storey detached dwelling with an integral garage, rear first floor deck and rear second floor balcony.

The subject property is located on the west side of Derwyn Road, south of Plains Road, in the former municipality of East York. It is mid-neighbourhood, between

O'Connor Drive to the north and Cosburn Avenue to the south. It is currently improved with a modest one-storey detached bungalow of original construction with driveway access via Derwyn Road.

The subject property is designated '*Neighbourhoods*' in the City Official Plan and is zoned RD in the new, harmonized City-wide Zoning By-law No. 569-2013 (new By-law).

Mr. Tae Ryuck, a land use planner, and Ms. Parisi Amiri, an architect and the Applicant, appeared on behalf of the owner, Hossein Khajehei, who was out of the country and was not able to attend.

Mr. John Karapostolakis, who elected Participant status filing a Participant Witness Statement (Form 13), appeared in opposition to the proposal.

BACKGROUND

Prior to the COA hearing on July 11, 2019, the Applicant corresponded with neighbours adjacent to the subject property and City Planning staff to discuss the proposal and respond to concerns and opinions expressed by both regarding the application.

In particular, City Planning staff, in their staff memorandum dated July 5, 2019, expressed some concerns related to the massing and design of the proposed front elevation specifically concerning the manner in which the architectural design emphasized vertical fenestration elements that connected the main and 2nd floors.

As a result of these discussions the applicant revised the front elevation to satisfy the concerns raised by Planning staff resulting in a design more reflective of, and consistent with the existing front elevations of dwellings in the immediate neighbourhood.

In their July 5th memorandum, Planning staff recommended that should the Committee approve the application the following condition be imposed:

1. *The front elevation of the proposed dwelling be constructed in accordance with Drawing A-6 (East (Main) Elevation) date stamped by City Planning on July 5, 2019.*

That revised elevation is attached to this decision as **Attachment 2**.

City Urban Forestry also provided comments to the COA, dated July 4, 2019, expressing no objections to the application but recommending the following standard condition be imposed if the Committee approved the application:

1. *Submission of a completed application for a permit to injure or remove a City-owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article II Trees on City Streets.*

On July 11, 2019, the COA refused the application and the owner subsequently appealed that decision to the Toronto Local Appeal Body (TLAB). A Hearing date to hear the appeal was set for November 21, 2019.

MATTERS IN ISSUE

The major issue on the appeal was whether the four variances sought, individually and collectively, met the policy considerations and the four statutory tests below recited. The issues to be determined are whether the proposed development is consistent in terms of built form and massing reflecting the existing neighbourhood context, and whether the proposal represents 'over development' of the subject property.

JURISDICTION

Provincial Policy – S. 3

A decision of the Toronto Local Appeal Body ('TLAB') must be consistent with the 2014 Provincial Policy Statement ('PPS') and conform to the Growth Plan for the Greater Golden Horseshoe for the subject area ('Growth Plan').

Minor Variance – S. 45(1)

In considering the applications for variances from the Zoning By-laws, the TLAB Panel must be satisfied that the applications meet all of the four tests under s. 45(1) of the Act. The tests are whether the variances:

- maintain the general intent and purpose of the Official Plan;
- maintain the general intent and purpose of the Zoning By-laws;
- are desirable for the appropriate development or use of the land; and
- are minor.

EVIDENCE

In the absence of the owner of the subject property or an authorized representative at the Hearing, the Applicant advised that Mr. Ryuck would be the only person providing evidence at the Hearing on the owner's behalf.

Mr. Ryuck is a Registered Professional Planner (RPP) and a full Member of the Canadian Institute of Planners (MCIP) and has an extensive Curriculum Vitae having been before the TLAB and the former Ontario Municipal Board (OMB) on many occasions. As such, I qualified Mr. Ryuck to give opinion evidence in the area of land use planning.

I found his evidence and competence to be precise, thorough and well researched and he proved alert to the issues, the neighbourhood and assessment

criteria and I found his Witness Statement (Exhibit 1) and Visual Photo Book (Exhibit 2) detailed and comprehensive.

I advised that pursuant to Council's direction, I had attended the site and surrounding area and had reviewed the pre-filed materials but that matters of significance to individual variances needed to be brought forward in the evidence.

Noting the '*Neighbourhoods*' designation and policy framework, Mr. Ryuck demonstrated neighbourhood familiarity and details of the consideration of the variance types sought and related these all in respect of a Study Area reflective of what a person would experience in their day-to-day lives as one walks the streets.

He highlighted what I would term a rather generous neighbourhood Study Area bounded O'Connor Drive to the north, Coxwell Avenue to the east, Cosburn Avenue to the south and Greenwood Avenue to the west.

Mr. Ryuck described the study area as reflective of a stable residential neighbourhood consisting primarily of single-detached and semi-detached residential dwellings of one to three storeys, a neighbourhood he characterized as illustrative of a typical urban condition with little separation between houses.

He asserted that the area was experiencing regeneration in the form of redevelopment and additions, which he demonstrated through the 29 photographs contained in his Photo Book (Exhibit 2). Those photographs illustrated examples of existing dwellings on adjacent streets including the subject street, Derwyn Road, and Northbridge Avenue, and Linsmore Crescent, the latter two parallel streets proximate to and immediately east and west of the subject street.

He asserted that to the east and the south towards Coxwell and Cosburn Avenues, respectively, there is a mixture of commercial uses, parks, schools, and public transit all within walking distances from the subject property, submitting that the Study Area is very well served by complementary land uses and by public transit.

The Proposal

The application proposes the construction of a new two-storey single detached residential dwelling with an integral 2-car garage, rear first floor deck and rear second floor balcony; the dimensions of the proposed dwelling are as follows:

- *A total Gross Floor Area (GFA) of 228.90 m²;*
- *A proposed building height of 9.0 m;*
- *A proposed building length of 14.38 m; and*
- *A proposed Floor Space Index (FSI) of 0.63 times the area of the lot.*

In order to accommodate this proposal, the Applicant is seeking the following four variances to By-law 569-2013 (collectively known as the 'Variances'):

1. Chapter 10.20.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index of a detached dwelling is 0.45 times the area of the lot (162.01 m²).

The new detached dwelling will have a floor space index equal to 0.63 times the area of the lot (228.90 m²).

2. Chapter 10.20.40.70.(3)(B), By-law 569-2013

The minimum required side yard setback is 0.9 m where the required minimum lot frontage is 6.0 m to less than 12.0 m.

The new detached dwelling will be located 0.60 m from the north and south side lot lines.

3. Chapter 10.20.40.10.(1)(A), By-law 569-2013

The maximum permitted building height is 8.50 m.

The new detached dwelling will have a height of 9.00 m.

4. Chapter 10.20.40.10.(2)(B)(i), By-law 569-2013

The maximum permitted height of all side exterior main walls facing a side lot line is 7.00 m.

The height of the side exterior main walls facing a side lot line will be 8.30 m.

In describing the proposal, he reviewed the Site Plan (Exhibit 4) emphasizing that the proposed dwelling has been designed to provide a larger home with more living space for the owner's family, while at the same time recognizing the tight urban characteristics of the neighbourhood and the subject property. He advised that the new dwelling is to be built within both the existing south and north side yard setbacks while submitting that the proposed side yard setback variance (variance #3) is generally reflective of the existing neighbourhood context where reduced side yards are common and form part of the general pattern of development of the area.

He provided a brief overview of the proposal confirming that the proposed dwelling does not require variances for building length or depth, and that the proposed dwelling length of 14.38 m is, in fact, compliant and 2.62 m less than the maximum permitted by the new By-law.

He also noted that the proposed 2-car, integral garage is common within the neighbourhood and no variance is required.

Furthermore, he submitted that design considerations have also been given to the proposed structure to ensure that the height of the dwelling fits within the predominant heights of the adjacent homes and other dwellings in the neighbourhood. He emphasized that the proposed 9.0 m building height will result in a similar height to surrounding dwellings as well as maintaining a consistent roofline evident in the neighbouring streetscape.

Mr. Ryuck opined that the proposal provides for modest intensification of the subject property in a manner that is appropriate and does not cause adverse impacts to the area or neighbouring properties and, therefore, is consistent with the applicable policies of the PPS and conforms to the Growth Plan.

He then addressed the four statutory tests and the requested variances, their description and import, as follows.

Test 1 – Intent and purpose of the OP

With respect to whether the variances meet the intent and purpose of the Official Plan, Mr. Ryuck stated that the OP directs intensification to designated growth areas in the City but notes that “Neighbourhoods shall be stable but not static.” Highlighting Policy 2.3.1, he submitted that the OP acknowledges that:

“A cornerstone policy is to ensure that new development in our neighbourhoods respects the existing physical character of the area, reinforcing the stability of the neighbourhood.” (Exhibit 1, para. 45)

In this regard, he opined that the proposed single detached dwelling does just that; the application proposes a modest home both in height and massing and introduces a building envelope that is in keeping with the neighbourhood context as evidenced by the photos in Exhibit 2.

Referring to the development criteria used to assess whether new development meets the test of ‘respecting and reinforcing the physical character of the area’ as enumerated in (a) through (h) of Policy 4.1.5, he opined that the following criteria are applicable to the proposed development:

(c) the proposal will be consistent with other dwellings in the neighbourhood in terms of comparable heights, massing and scale.

(d) the proposed 2-storey detached dwelling is consistent in form with the predominant building typology.

(e) the proposed 2-car, integral garage is consistent with the existing character and design of the streetscape and the immediate and overall neighbourhood.

(f) the proposed design will incorporate a compliant front yard setback standard and maintain a consistent setback with adjacent dwellings.

(g) with respect to the prevailing patterns of rear and side yard setbacks and landscaped open space, the proposed side yard setbacks will reflect a pattern of development characteristic of existing dwellings in the neighbourhood where the side yards of existing homes do not meet the By-law requirement of 1.2 m.

Test 2 – Intent and Purpose of the Zoning By-law

Mr. Ryuck addressed each requested variance individually.

Variance 1 – FSI: He undertook an analysis of COA decisions over the past 10-year period utilizing City property data and documented the results in his Area Context Map (Exhibit 1, Appendix C). The 31 properties highlighted in light green on the Map represent variance approvals for properties in the neighbourhood ranging from 0.63 times the area of the lot, which is the proposed variance, to 0.75 times the area of the lot. He submitted that the proposed FSI variance of 0.63 represents for the most part an ‘as-of-right’ building envelope that is not indicative of over development of the site

Variance 2 – Side Yard Setback: The Applicant seeks variances for both the north and south side yards permitting a setback of 0.60 m whereas 1.20 m is the By-law standard. He reiterated that the pattern of development in the neighbourhood reflects one that can be characterized as a ‘tightly knit urban’ (Exhibit 1, para. 57) context where dwellings do not meet the by-law requirements for side yard setbacks.

Variance 3 & 4 – Building Height & Side Exterior Main Wall Height: At a height of 9 m Mr. Ryuck opined that the proposed dwelling maintains a similar roofline of adjacent dwellings thereby achieving a consistent streetscape that respects and reinforces the character of the neighbourhood. Additionally, he asserted that the variances for building and side main wall heights will be quantitatively and, more importantly, qualitatively very minor resulting in an acceptable built form.

Test 3 – Desirable and Appropriate: He opined that the proposal represents reinvestment and modest intensification of the subject property. The scale, massing and size of the proposed dwelling has been designed with sensitivity to its relationship with adjacent properties, specifically, and the neighbourhood, in general, and does not create any additional or excessive shadows or overlook impacts that are uncharacteristic of the existing context.

Test 4 – Minor: He posited that the test of minor is not whether there is no impact but whether the impact of the development is considered unacceptable and opined that the proposal has been designed in a manner that “*does NOT test the limits of ‘unacceptable’.*” (Exhibit 1, para. 70) Therefore, he opined that the variances are minor in nature.

In concluding his testimony, Mr. Ryuck submitted that the proposal and associated variances, individually and cumulatively, meet the four tests of the *Planning Act*, are consistent with the PPS and conform to the Growth Plan and represent good planning. He requested that the TLAB approve the variances subject to the conditions recommended to the COA City Planning and Urban Forestry staff.

On a request from the Participant, Mr. Karapostolakis to ask clarifying questions of the witness, I granted him latitude to ask a few follow-up questions relating only to the evidence provided during the witness’ testimony. The focus of Mr. Karapostolakis’ queries related to the proposed relocation of the driveway to the south side of the subject property adjacent to his existing driveway and the need for, and appropriateness of the proposed two car, integral garage given, in his opinion, the existing character of the neighbourhood.

Referencing Photo 2 in the witness’ Photo Book (Exhibit 2), Mr. Karapostolakis raised a concern regarding whether the applicant’s intent was to create a ‘mutual

driveway' situation since the driveway was being relocated immediately adjacent his existing driveway.

Mr. Ryuck clarified the reorientation of the new driveway was not to create a shared driveway scenario. Responding to a second question from Mr. Karapostolakis regarding clarification of a statement made during his testimony that the design of the proposed dwelling does not impact the overall width of the proposed new structure and its impact on Mr. Karapostolakis' north property line, Mr. Ryuck explained that the south side yard setback is actually being increased from approximately 0.45 m to 0.6 m.

In responding to a follow-up question as to why a side yard setback variance is required if the setback is being increased, Mr. Ryuck clarified that the proposed setback would still not comply with the 0.9 m By-law standard, *ipso facto*, a variance is required.

Mr. Karapostolakis thanked the witness for this additional information noting that the supplementary clarification provided had addressed a number of the concerns he had raised in his Participant Witness Statement and the Addendum he intended to read as part of his testimony.

At this point, I questioned Mr. Karapostolakis as to whether he had filed the Addendum he alluded to and I was advised that he wanted to raise it as part of his evidence. Following a brief review of the document by both myself and Mr. Ryuck I noted that the contents were similar to and included issues analogous to those contained in his Participant Statement which had been properly filed and disclosed as per the TLAB Rules.

In ruling on this permission, I allowed the Participant to read from the Addendum, but I took the opportunity to admonish him for raising it at this late juncture in the Hearing. In providing my ruling, I noted that the TLAB Rules discourage late filing of documents and filings that occur 'at the last minute' in order to avoid 'trial by ambush'. Although I was prepared to allow the document, I advised Mr. Karapostolakis that at the very least, the Addendum should have been submitted at the outset of the Hearing and not as part of his testimony.

While I acknowledged and accepted his apology that as a lay person, he was unfamiliar with the TLAB process I also addressed statements made in his Addendum relating to the witness, Mr. Ryuck. I specifically highlighted paragraph 6, also flagged by Mr. Ryuck as objectionable, in which Mr. Karapostolakis alleges that a search of the prior Witness Statements from Mr. Ryuck for a number of other TLAB Hearings, including the subject Hearing, clearly shows that "*he (Mr. Ryuck) has effectively advocated for his Clients to have Variances accepted.*"

I interpreted this assertion to mean that he was questioning Mr. Ryuck's independence as an expert witness and duty to the TLAB in filing an Acknowledgement of Expert's Duty (Exhibit 1, Appendix B). Upon asking for clarification from Mr. Karapostolakis as to whether this was what he was contending, he answered yes.

In addressing this matter and expounding on the responsibilities of an expert witness, I noted that the fundamental purpose of acknowledging and admitting the testimony of a recognized expert is to assist the Tribunal in its function of deliberating

on the issues before it. That assistance is not to tell the Tribunal what it should do, but rather to provide qualified opinion evidence in support of an assessment, direction or other element relevant to the decision making process.

Furthermore, in providing that assistance, the expert is required to be independent, hold the public interest as paramount, and swear on oath or affirmation to confirm such and be of assistance to the Tribunal in matters within the area of competence and expertise expressed.

Mr. Karapostolakis then provided his testimony. Prior to this he expressed genuine remorse for some of the statements included in his Addendum and confirmed that, as a result of previous clarifications made by Mr. Ryuck, he was prepared to strike the following paragraphs from the Addendum as being no longer relevant or of issue: 1a); 4b), 4b1), and 4b2); and 9). I note that paragraph 6 is the offending paragraph that questions the independence of Mr. Ryuck.

In reading from the Addendum, Mr. Karapostolakis was very eloquent in expressing his concerns regarding the proposal. In brief, his concerns can be distilled into three primary issues: the number of variances being requested; the location of the new driveway adjacent to his existing driveway and associated impacts such as snow storage and the elimination of one on-street parking spot; and his assertion that the integral 2-car garage and driveway orientation is *"simply incongruous to all the other properties of my neighbourhood"* (Addendum, p. 1) and does not 'fit' the character of the area.

In rebuttal, Mr. Ryuck asserted that there is no variance required to relocate the driveway and there are no City policies preventing a reorientation of the driveway if it is self-contained on the subject property.

Mr. Ryuck also addressed Mr. Karapostolakis' specific concerns regarding the proposed relocated driveway being immediately adjacent to his and the lack of snow storage capabilities as a result, in essence a concern of 'impact' on his property. Mr. Ryuck confirmed that there is a 1.2 m separation distance which provides adequate opportunities for snow storage, which seemed to allay Mr. Karapostolakis' concern.

He further submitted that the 'as-of-right' building envelope for the subject property would allow a 17 m building length and result in a 0.77 FSI whereas the applicant is requesting an FSI of 0.63 times the area of the lot.

ANALYSIS, FINDINGS, REASONS

Having listened carefully to the evidence, reviewed the materials filed and attended on the site and surrounding area, I find myself in complete agreement with the planner that requested that the variances, individually and collectively, should be approved.

The only professional planning assessment evidence heard on this appeal came from Mr. Ryuck, an accredited land use planner. I found that assessment to be reasonably thorough and credible and accept the generated opinion evidence on

compliance with applicable policy and statutory tests above canvassed in the extensive evidence, above recited.

I agree that in this instance the increase in FSI coupled with the orientation, scale and massing of the proposed dwelling is consistent with many other homes within the neighbourhood and will result in a consistent streetscape reinforcing the physical character. I am confident that the lot can accommodate the additional space and that the location is appropriate for the size of the dwelling contemplated and that the variances requested are modest, reasonable, minor and desirable.

Although the only challenge to Mr. Ryuck's evidence was Mr. Karapostolakis, the abutting neighbour who elected Participant status, I am obliged to give considerable weight to the evidence supplied by Mr. Ryuck and do so, but not to the exclusion of the consideration of those elements raised by the Participant or in the Tribunal's own deliberations.

I find nothing unique, offensive to the streetscape or that fails to 'fit', in the proposed dwelling which would make it out of character to the existing physical character of the neighbourhood. That is the reference being the test of the design and assessment criteria in Policy 4.1.5 of the Official Plan, as referenced extensively by Mr. Ryuck in his evidence.

I agree with Mr. Ryuck that the proposed dwelling is completely consistent with other homes in the area and that the proposal will contribute to the diversity of the neighbourhood with a built form that is appropriate and will maintain the stability of the area. I also find that the proposed dwelling will achieve a consistent roofline and, from a streetscape perspective will seamlessly integrate into the neighbourhood and not create an adverse impact on the streetscape.

I find that the proposal is not 'over-development' of the subject property and that the dwelling will not result in a building form that will change the existing physical character. I agree that the front and rear walls of the proposed dwelling are consistent with those of newer dwellings in the area, and will not result in adverse impacts on neighbouring properties in terms of views, privacy, shadows and massing that would be deemed to be unacceptable or unexpected within a 'tight' urban context.

I agree that the proposal represents modest intensification and appropriate reinvestment of the subject property and that the dwelling's scale, massing and size has been designed with sensitivity to, and its relationship with the adjacent properties.

I agree that the proposed dwelling will not destabilize the neighbourhood as the setbacks, massing and height are characteristic of the streetscape and surrounding area.

For the reasons articulated above, I accept that the proposal and associated variances sought, individually and cumulatively, meet the intent and purposes of the OP policy and zoning permissions, and maintain and enhance their purpose on the subject property within the relevant ranges all the while being quantitatively and qualitatively minor and desirable.

DECISION AND ORDER

The appeal herein is allowed; the decision of the Committee of Adjustment is set aside, and the following variances are approved, subject to the conditions of approval that follow.

REQUESTED VARIANCES

Chapter 10.20.40.40.(1)(A), By-law 569-2013

1. The maximum permitted floor space index of a detached dwelling is 0.45 times the area of the lot (162.01 m²).

The new detached dwelling will have a floor space index equal to 0.63 times the area of the lot (228.90 m²).

2. Chapter 10.20.40.70.(3)(B), By-law 569-2013

The minimum required side yard setback is 0.9 m where the required minimum lot frontage is 6.0 m to less than 12.0 m.

The new detached dwelling will be located 0.60 m from the north and south side lot lines.

3. Chapter 10.20.40.10.(1)(A), By-law 569-2013

The maximum permitted building height is 8.50 m.

The new detached dwelling will have a height of 9.00 m.

4. Chapter 10.20.40.10.(2)(B)(i), By-law 569-2013

The maximum permitted height of all side exterior main walls facing a side lot line is 7.00 m. The height of the side exterior main walls facing a side lot line will be 8.30 m.

CONDITIONS OF VARIANCE APPROVAL.

1. The proposed development shall be constructed substantially in accordance with the site and elevation drawings dated March 7, 2019, identified as Drawings A-1 (Site Plan), A-7 (South Elevation), A-8 (West Elevation), A-9 (North Elevation) attached as **Attachment 3** to this Decision. Any other variances that may appear on these plans but are not listed in this written decision are **NOT** authorized.
2. The front elevation of the proposed dwelling will be constructed in accordance with Drawing A-6 (East Elevation) date stamped received by City Planning on July 5, 2019 and attached as **Attachment 2**.
3. Submission of a complete application for a permit to injure or remove a City owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article II Trees on City Streets.

X 

Dino Lombardi
Panel Chair, Toronto Local Appeal Body



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

Committee of Adjustment
Toronto and East York District

100 Queen Street West, 1st Floor
Toronto, Ontario M5H 2N2
Tel: 416-392-7565
Fax: 416-392-0580

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

File Number: A0280/19TEY
Property Address: 24 DERWYN RD
Legal Description: PLAN 3181 LOT 85
Agent: PARISA AMIRI
Owner(s): HOSSEIN KHAJEHEI
Zoning: RD (f9.0; a280; d0.45) (ZZC)
Ward: Toronto-Danforth (14)
Community: East York
Heritage: Not Applicable

Notice was given and a Public Hearing was held on **Thursday, July 11, 2019**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new two-storey detached dwelling with an integral garage, rear first floor deck and rear second floor balcony.

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

- 1. Chapter 10.20.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index of a detached dwelling is 0.45 times the area of the lot (162.01 m²).
The new detached dwelling will have a floor space index equal to 0.63 times the area of the lot (228.90 m²).
- 2. Chapter 10.20.40.70.(3)(B), By-law 569-2013**
The minimum required side yard setback is 0.9 m where the required minimum lot frontage is 6.0 m to less than 12.0 m.
The new detached dwelling will be located 0.60 m from the north and south side lot lines.
- 3. Chapter 10.20.40.10.(1)(A), By-law 569-2013**
The maximum permitted building height is 8.50 m.
The new detached dwelling will have a height of 9.00 m.

4. Chapter 10.20.40.10.(2)(B)(i), By-law 569-2013

The maximum permitted height of all side exterior main walls facing a side lot line is 7.00 m.

The height of the side exterior main walls facing a side lot line will be 8.30 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

File Number: A0280/19TEY
Property Address: 24 DERWYN RD
Legal Description: PLAN 3181 LOT 85
Agent: PARISA AMIRI
Owner(s): HOSSEIN KHAJEHEI
Zoning: RD (f9.0; a280; d0.45) (ZZC)
Ward: Toronto-Danforth (14)
Community: East York
Heritage: Not Applicable

Carl Knipfel (signed)

Michael Clark (signed)

Donald Granatstein (signed)

Lisa Valentini (signed)

DATE DECISION MAILED ON: **WEDNESDAY, JULY 17, 2019**

LAST DATE OF APPEAL: **WEDNESDAY, JULY 31, 2019**

CERTIFIED TRUE COPY

Sylvia Mullaste
Acting Deputy Secretary-Treasurer
Committee of Adjustment, Toronto and East York District

Appeal Information

All appeals must be filed with the Deputy Secretary-Treasurer, Committee of Adjustment 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) in **digital format** on a CD/DVD or USB;
- \$300 for each appeal filed regardless if related and submitted by the same appellant;
- Fees are payable to the **City of Toronto** by cash, certified cheque or money order (Canadian funds).

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB web site at www.toronto.ca/tlab.

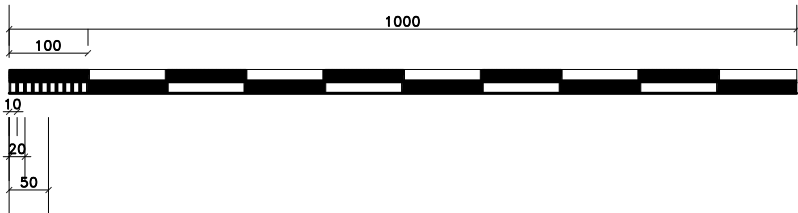
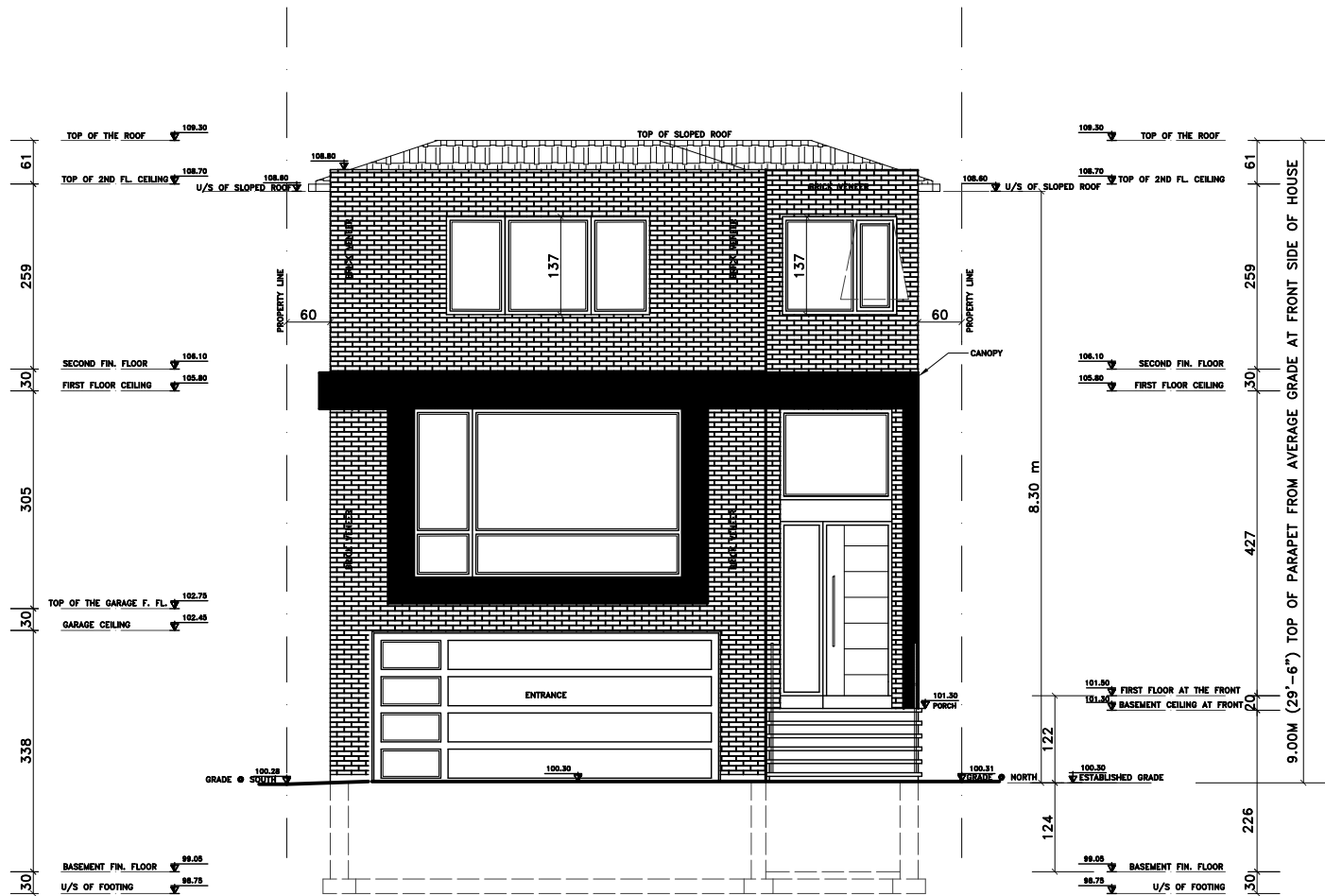
LOCAL PLANNING APPEAL TRIBUNAL (LPAT) INSTRUCTIONS

To appeal this decision to the LPAT you need the following:

- a completed LPAT Appellant Form (A1) in **paper format**;
- \$300.00 with an additional reduced fee of \$25.00 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).

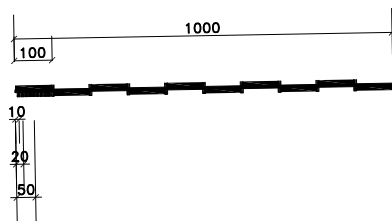
To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Environmental & Lands Tribunals Ontario (ELTO) website at <http://elto.gov.on.ca/tribunals/lpat/forms/>.

*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.



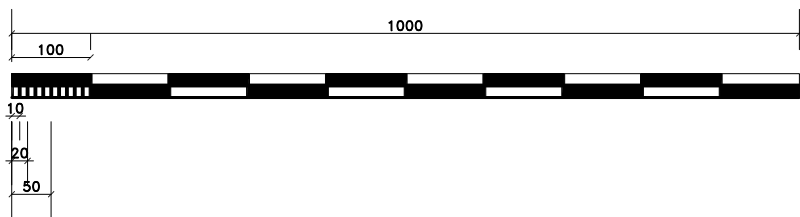
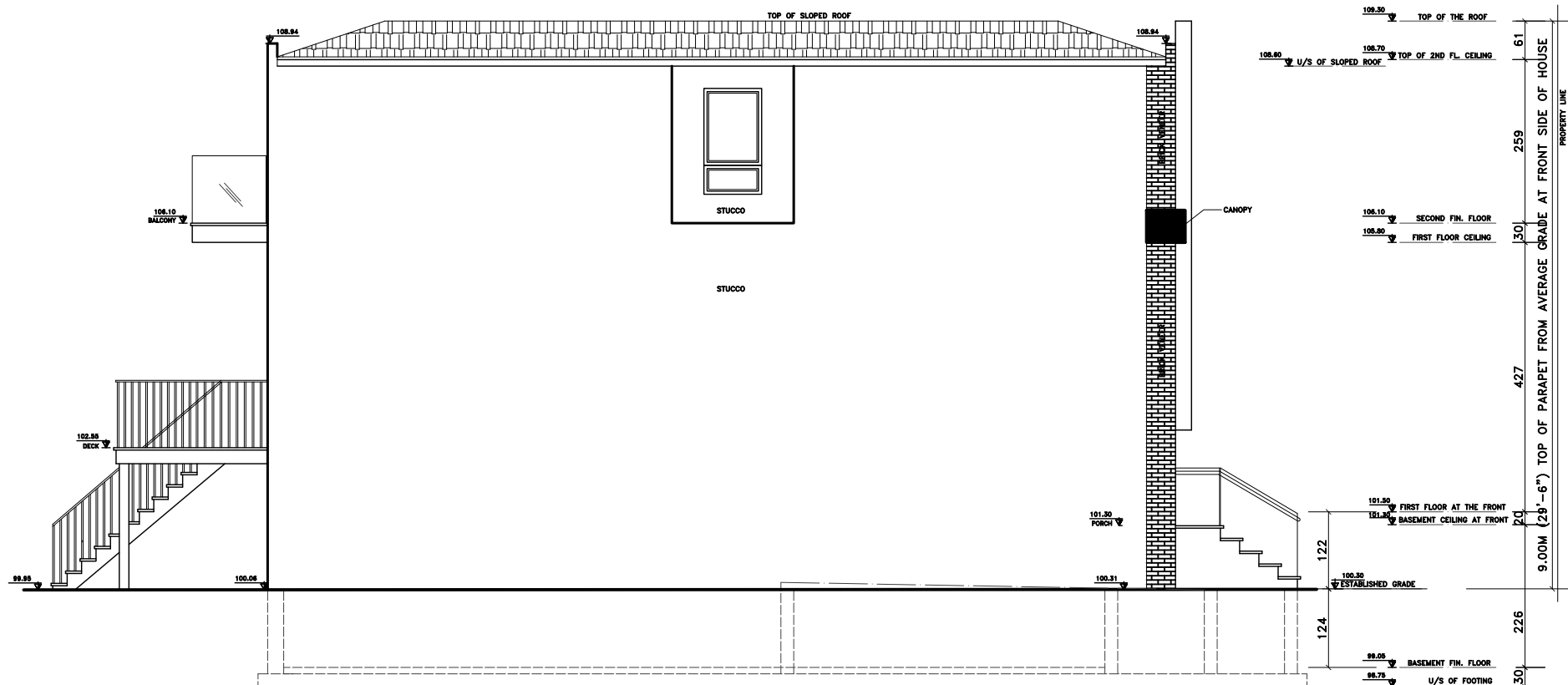
1 EAST (MAIN) ELEVATION
A-6 TYPE (2) SCALE 1:100

Project Name		
24 DERWYNE RD. TORONTO, ON.		
Drawing Title		
EAST ELEVATION		
A	ISSUED FOR COMMITTEE OF ADJUSTMENT	MARCH, 07, 2019
No.	Description	Date



1 SITE PLAN

A	ISSUED FOR COMMITTEE OF ADJUSTMENT	MARCH, 07, 2019
No.	Description	Date



1
A-7

SOUTH ELEVATION

SCALE 1:100

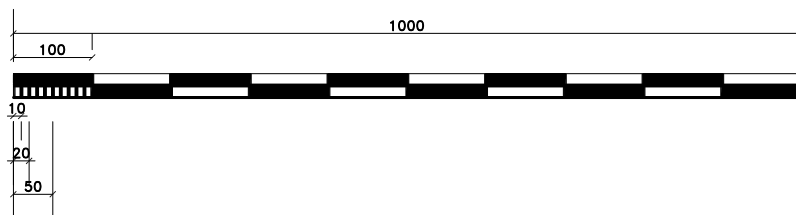
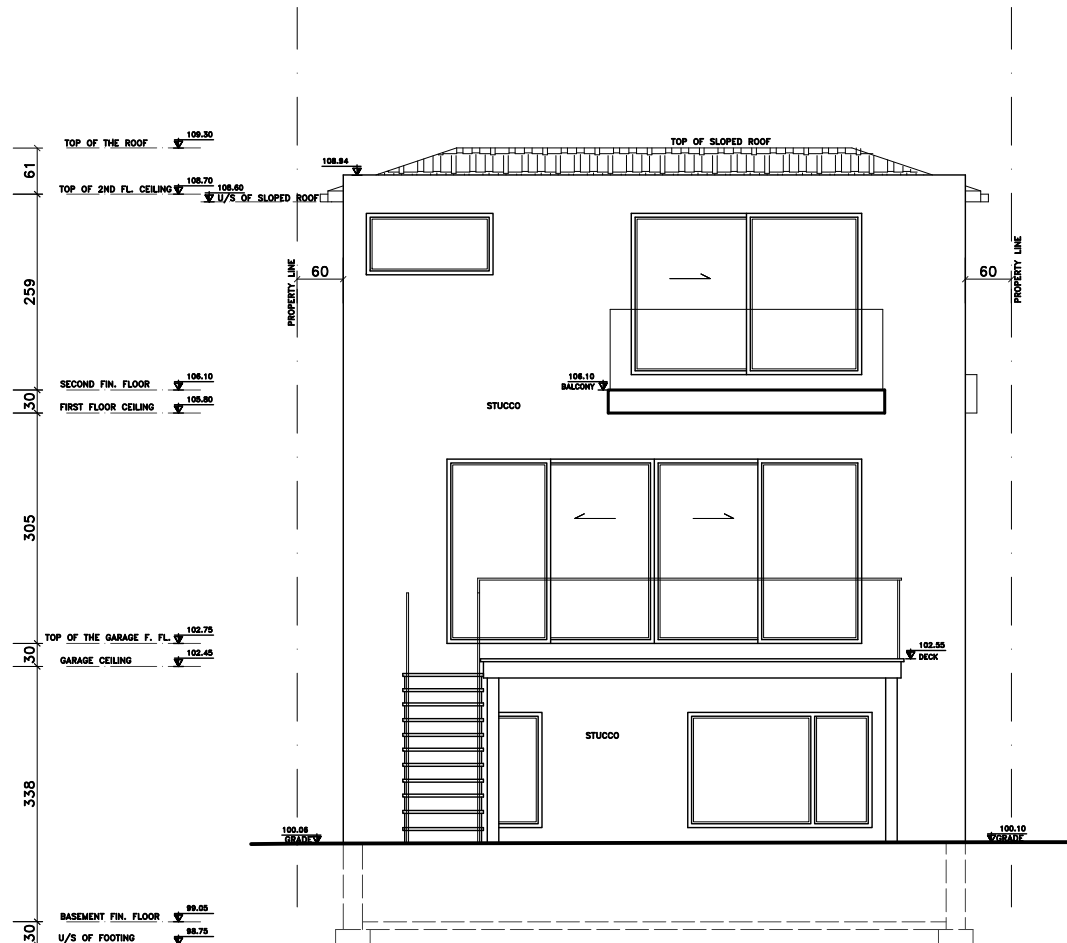
Project Name

24 DERWYNE RD.
TORONTO, ON.

Drawing Title

SOUTH ELEVATION

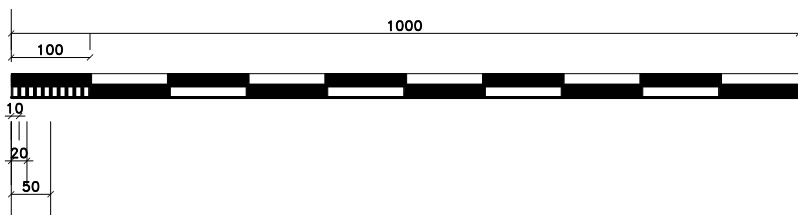
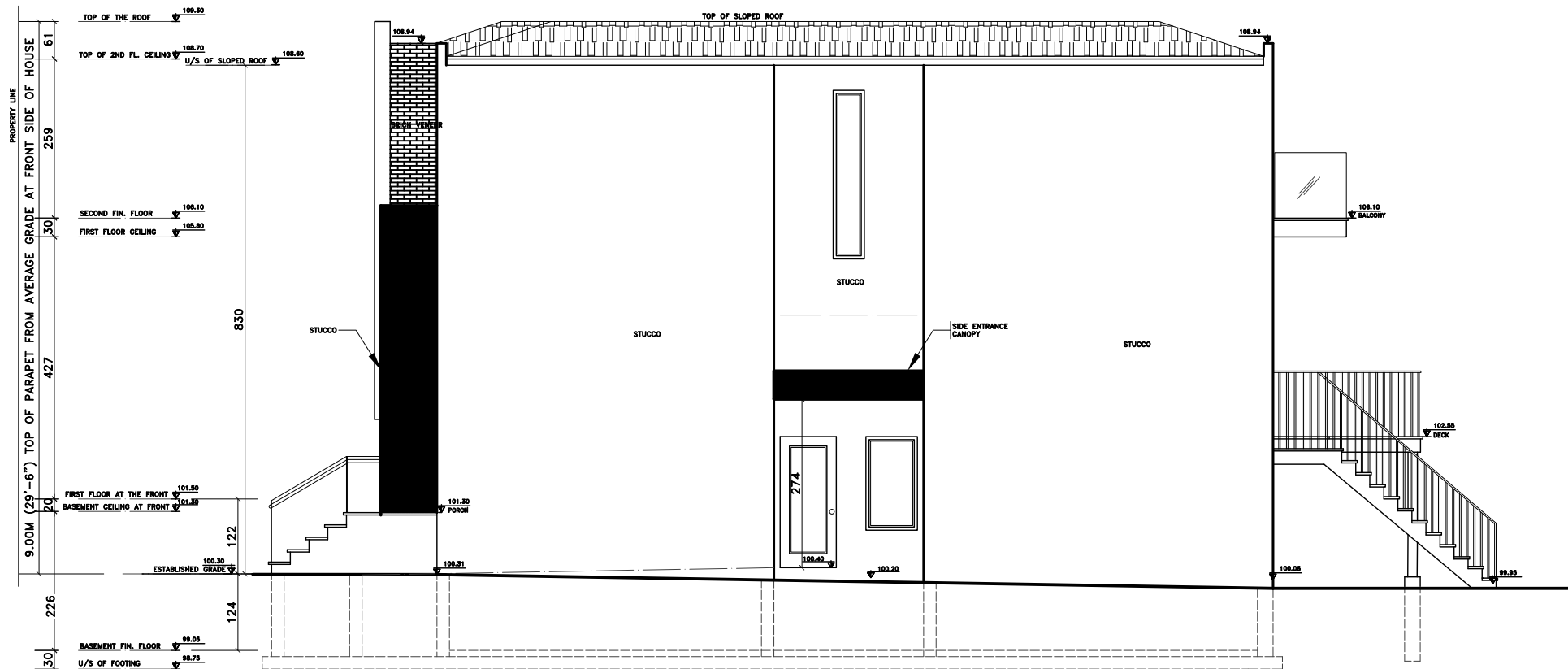
No.	Description	Date
A	ISSUED FOR COMMITTEE OF ADJUSTMENT	MARCH, 07, 2019



1 WEST ELEVATION

SCALE 1:100

Project Name		
24 DERWYNE RD. TORONTO, ON.		
Drawing Title		
WEST ELEVATION		
A	ISSUED FOR COMMITTEE OF ADJUSTMENT	MARCH, 07, 2019
No.	Description	Date



1
A-9

NORTH ELEVATION

SCALE 1:100

Project Name

24 DERWYNE RD.
TORONTO, ON.

Drawing Title

NORTH ELEVATION

No.	Description	Date
A	ISSUED FOR COMMITTEE OF ADJUSTMENT	MARCH, 07, 2019