

Wednesday, April 14, 2010

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

File Number:	A0067/10NY	Zoning	R2 Z0.6 (Waiver)
Owner(s):	MELINA ANGELA BRUZZESE	Ward:	Eglinton-Lawrence (16)
Agent:	FRANCO ROMANO		
Property Address:	<b>96 GLENGARRY AVE</b>	Community:	Toronto
Legal Description:	PLAN 1645 PT LOT 678		

Notice was given and a Public Hearing was held on Wednesday, April 14, 2010, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

The is an application to permit access to the third floor in order to be used for habitable space. The applicants were before Committee twice previously (A108/09NY and A0321/09NY) and were granted variances to the Gross Floor Area of 80% (196.89 square metres) and a west side yard setback of 0.31m. The applications were approved with the conditions that no living or habitable space be located on the third floor, no stairs leading to the third floor and the dormer windows in the roof be non-operational. The intention of these conditions was to limit the future possibility of conversion of the third floor into habitable space which would increase the Gross Floor Area significantly. The applicants are before committee once again to seek permission for increased GFA which would be a result of the third floor space being converted to livable or habitable space.

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

1. Proposed west side yard setback of 0.31m  
WHEREAS a minimum side yard setback of 0.45m is required;
2. Proposed Gross Floor Area of 0.94 time the area of the lot (231.3m<sup>2</sup>)  
The existing dwelling maintains a Gross Floor Area of 0.8 times the area of the lot (196.89m<sup>2</sup>)  
WHEREAS a maximum Gross Floor Area of 0.60 times the area of the lot (147.67m<sup>2</sup>) is permitted.

**IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:****The Minor Variance Application is Approved on Condition**

It is the decision of the Committee of Adjustment to **APPROVE** the following variance(s):

1. Proposed west side yard setback of 0.31m  
WHEREAS a minimum side yard setback of 0.45m is required;

For the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

It is the decision of the Committee of Adjustment to **REFUSE** the following variance(s):

2. Proposed Gross Floor Area of 0.94 time the area of the lot (231.3m<sup>2</sup>)  
The existing dwelling maintains a Gross Floor Area of 0.8 times the area of the lot (196.89m<sup>2</sup>)  
WHEREAS a maximum Gross Floor Area of 0.60 times the area of the lot (147.67m<sup>2</sup>) is permitted.

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.

This decision is subject to the following condition(s):

1. The owner shall satisfy the City of Toronto Municipal Code Chapter 813, Article II, with respect to City owned trees, to the satisfaction of the Urban Forestry Division.
2. The owner shall submit a Tree Security Deposit (in the form of a certified cheque or letter of credit only) and sign a Tree Preservation Agreement to the satisfaction of the Urban Forestry Division.

**SIGNATURE PAGE**

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David Gurin (signed)

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Donald Di Prospero  
(signed)

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Robert Pletsch (signed)

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Ronald Forbes (signed)

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Shima Mirkarimi (signed)

DATE DECISION MAILED ON: Thursday, April 22, 2010

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, May 4, 2010

CERTIFIED TRUE COPY

Denise Rundle (signed)  
Manager & Deputy Secretary Treasurer  
North York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$125.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at [www.omb.gov.on.ca](http://www.omb.gov.on.ca).