

**MOTION****Appeal of Committee of Adjustment Decision and Request for City Legal Staff attendance and planning assistance at the OMB  
A0028/10NY – 65 BUCKINGHAM AVENUE****Moved by: Councillor Jenkins****SUMMARY:**

An application to the Committee of Adjustment, North York Panel, to permit the construction of a new two-storey detached dwelling and a detached garage in the rear yard, was **MODIFIED** by the committee on April 14, 2010. The owner sought variances for Gross Floor Area of 0.56 times the area of the lot, whereas a maximum of 0.35 times the area of the lot is permitted. The Committee modified this variance to 0.50 times the area of the lot.

The owner has appealed the Committee decision to the Ontario Municipal Board. No hearing has been scheduled.

Planning staff did not report on this application.

The City's new Official Plan speaks directly to this issue in **Policy 4.1.5** which states:

*"Development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood."*

As the local Councillor I request Council authorize the City Solicitor and outside Planning staff, if required, to attend the Ontario Municipal Board Hearing **to uphold the decision of the Committee of Adjustment.**

**RECOMMENDATIONS:**

That Council authorize the City Solicitor and outside Planning assistance, if required, to attend the Ontario Municipal Board Hearing to uphold the decision of the Committee of Adjustment.

May 25, 2010

Wednesday, April 14, 2010

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

|                    |                                |            |                      |
|--------------------|--------------------------------|------------|----------------------|
| File Number:       | A0028/10NY                     | Zoning     | R1Z0.35 (WAIVER)     |
| Owner(s):          | GREGORY HABER<br>MICHELE HABER | Ward:      | Don Valley West (25) |
| Agent:             | MICHELE HABER                  |            |                      |
| Property Address:  | <b>65 BUCKINGHAM AVE</b>       | Community: | Toronto              |
| Legal Description: | PLAN 1534 LOT 807              |            |                      |

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

**PURPOSE OF THE APPLICATION:**

This is an application to permit the construction of a new two storey dwelling on the above noted property. Also proposed is the construction of a detached garage in the rear yard. The existing dwelling and detached garage would be demolished.

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

1. Proposed Gross Floor Area of 390.19m<sup>2</sup> (0.56 times the area of the lot)  
WHEREAS a maximum Gross Floor Area of 242.61m<sup>2</sup> (0.35 times the area of the lot) 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 **MODIFY AND APPROVE** the following variance(s):

1. Proposed Gross Floor Area of **346.58m<sup>2</sup>** (0.5 times the area of the lot)  
WHEREAS a maximum Gross Floor Area of 242.61m<sup>2</sup> (0.35 times the area of the lot) is permitted.

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.

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 satisfy the City of Toronto Municipal Code Chapter 813, Article III, with respect to privately owned trees, to the satisfaction of the Urban Forestry Division.
3. 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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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).