

CITY OF TORONTO
JOHN FILION
or OCCUPANT
COUNCILLOR
5100 YONGE ST
TORONTO ON

North York Civic Centre
5100 Yonge Street
North York, Ontario
Canada, M2N 5V7
Tel: (416) 397-5330
Fax: (416) 395-7200

Thursday, August 31, 2017

NOTICE OF DECISION

CONSENT

(Section 53 of the Planning Act)

File Number:	B0024/17NY	Zoning:	RD (f15.0; a550) (x5)/R4[ZZC]
Owner(s):	LILIANA HALPERN RICHARD REINHART	Ward:	Willowdale (23)
Agent:	GLENN RUBINOFF	Heritage:	Not Applicable
Property Address:	116 BOGERT AVE	Community:	North York
Legal Description:	PLAN 1743 LOT 1088 LOT 1089		

Notice was given and the application considered on Thursday, August 31, 2017, as required by the Planning Act.

THE CONSENT REQUESTED:

To obtain consent to sever the property into two undersized lots.

CONVEYED - Part 3

Part 3 has a proposed lot area of 255.8 m². The proposed lot frontage is 7.62 m. The property will be redeveloped as the site of a new detached dwelling requiring variances to the applicable zoning By-law(s) as outlined in application A0299/17NY

RETAINED - Part 1 & Part 2

Part 1 and Part 2 have a proposed lot area of 255.8 m². The proposed lot frontage is 7.62 m. The property will be redeveloped as the site of a new detached dwelling requiring variances to the applicable zoning By-law(s) as outlined in application A0300/17NY

File Numbers B0024/17NY, A0299/17NY, A0300/17NY will be considered jointly.

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 Consent Application is Refused


In the opinion of the Committee, the application does not satisfy the requirements of Section 51(24) of the Planning Act and is **NOT** approved for the following reason(s):

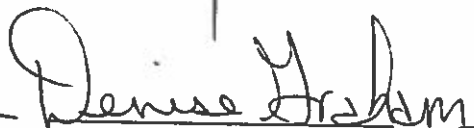
- The proposed land division does not conform to the policies of the official plan.

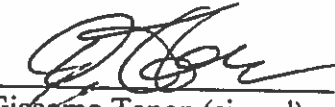
- The suitability of the land for the purposes for which it is to be subdivided has not been demonstrated.
- The suitability of the dimensions and shapes of the proposed lots has not been demonstrated.


SIGNATURE PAGE

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Agent:	GLENN RUBINOFF	Heritage:	Not Applicable
Property Address:	116 BOGERT AVE	Community:	North York
Legal Description:	PLAN 1743 LOT 1088 LOT 1089		


Wayne McEachern (signed)


Denise Graham (signed)

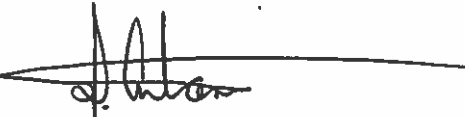

Giacomo Tonon (signed)


Rick Ross (signed)

DATE DECISION MAILED ON: Thursday, September 7, 2017

LAST DATE OF APPEAL: Wednesday, September 27, 2017

CERTIFIED TRUE COPY


Dan Antonacci
Manager & Deputy Secretary Treasurer
North York Panel

Appeal Information

All appeals must be filed with the Deputy Secretary Treasurer, Committee of Adjustment by the last date of appeal as shown above.

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 Municipal Board (OMB) for the same matter.

TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

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- ☐ \$300 for each appeal filed regardless if related and submitted by the same appellant
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ONTARIO MUNICIPAL BOARD (OMB) APPEAL INSTRUCTIONS

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

- ☐ a completed OMB 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).

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NOTE: Only individuals, corporations and public agencies may appeal a decision. The appeal may not be filed by an unincorporated association or group. However, the appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

Thursday, August 31, 2017

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

File Number:	A0299/17NY	Zoning	RD (f15.0; a550) (x5)/R4[ZZC]
Owner(s):	LILIANA HALPERN RICHARD REINHART	Ward:	Willowdale (23)
Agent:	GLENN RUBINOFF	Heritage:	Not Applicable
Property Address:	116 BOGERT AVE – Part A	Community:	North York
Legal Description:	PLAN 1743 LOT 1088 LOT 1089		

Notice was given and a Public Hearing was held on Thursday, August 31, 2017, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct new detached dwelling with integral garage. The existing dwelling will be demolished.

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

- Chapter 10.5.4.010.(5), By-law No. 569-2013**
A minimum of 10 m² of the first floor area must be within 4 m of the front wall.
There is 4.2 m² proposed within 4 m of the front wall.
- Chapter 10.5.40.60.(1), 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 height 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 1.36 m.
The proposed platform encroaches 2.1 m into the required rear yard setback and is 0.9 m from the west side lot line.
- Chapter 10.20.30.10.(1), By-law No. 569-2013**
The required minimum lot area is 550 m².
The proposed lot area is 255.8 m².
- Chapter 10.20.30.20.(1), By-law No. 569-2013**
The required minimum lot frontage is 15 m.
The proposed lot frontage is 7.62 m.
- 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 32 % of the lot area.

6. **Chapter 900.3.10(5), By-law No. 569-2013**
The required minimum side yard setback is 1.8 m.
The proposed east side yard setback is 1.2 m.
7. **Chapter 900.3.10(5), By-law No. 569-2013**
The required minimum side yard setback is 1.8 m.
The proposed west side yard setback is 0.9 m.
8. **Section 13.2.1, By-law No. 7625**
The minimum required lot frontage is 15 m.
The proposed lot frontage is 7.62 m.
9. **Section 13.2.2, By-law No. 7625**
The minimum required lot area is 550 m².
The proposed lot area is 255.8 m².
10. **Section 13.2.3(a), By-law No. 7625**
The minimum required front yard setback is 7.5 m.
The proposed front yard setback is 4.57 m.
11. **Section 13.2.4, By-law No. 7625**
The maximum permitted lot coverage is 30% of the lot area.
The proposed lot coverage is 32% of the lot area.
12. **Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8.8 m.
The proposed building height is 9.17 m.
13. **Section 6(30)a, By-law No. 7625**
The maximum finished first floor height is 1.5 m.
The proposed finished first floor height is 2.06 m.
14. **Section 6(8), By-law No. 7625**
The minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed.
15. **Section 6A(2)a, By-law No. 7625**
The minimum required number of parking spaces is 2 spaces.
The proposed number of parking spaces is 1 space.
16. **Section 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.8 m.
The proposed east side yard setback is 1.2 m.
17. **Section 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.8 m.
The proposed west side yard setback is 0.9 m.
18. **Section 6(24)(d), By-law No. 7625**
In the rear yard, unexcited porches and decks attached to or detached from the main building shall be located no closer to the side lot lines than the minimum side yard setback for the main building. The minimum side yard setback is 1.8 m.

The proposed deck is located **0.9 m** from the side lot line.

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:**

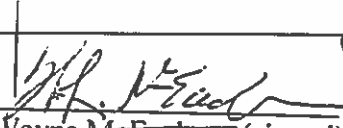
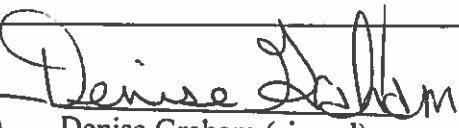
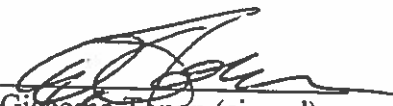
The Minor Variance Application is Refused

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:	A0299/17NY	Zoning	RD (f15.0; a550) (x5)/R4[ZZC]
Owner:	LILIANA HALPERN RICHARD REINHART	Ward:	Willowdale (23)
Agent:	GLENN RUBINOFF	Heritage:	Not Applicable
Property Address:	116 BOGERT AVE - Part A	Community:	North York
Legal Description:	PLAN 1743 LOT 1088 LOT 1089		

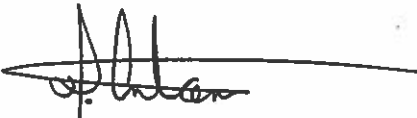
 Wayne McEachern (signed)  Denise Graham (signed)  Giacomo Tonon (signed)


Rick Ross (signed)

DATE DECISION MAILED ON: Thursday, September 7, 2017

LAST DATE OF APPEAL: Wednesday, September 20, 2017

CERTIFIED TRUE COPY


Dan Antonacci
Manager & Deputy Secretary Treasurer
North York Panel

Appeal Information

All appeals must be filed with the Deputy Secretary Treasurer, Committee of Adjustment by the last date of appeal as shown above.

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 Municipal Board (OMB) for the same matter.

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Thursday, August 31, 2017

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

File Number:	A0300/17NY	Zoning	RD (f15.0; a550) (x5)/R4[ZZC]
Owner(s):	LILIANA HALPERN RICHARD REINHART	Ward:	Willowdale (23)
Agent:	GLENN RUBINOFF	Heritage:	Not Applicable
Property Address:	116 BOGERT AVE + Part B	Community:	North York
Legal Description:	PLAN 1743 LOT 1088 LOT 1089		

Notice was given and a Public Hearing was held on Thursday, August 31, 2017, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct new detached dwelling with integral garage. The existing dwelling will be demolished.

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

- Chapter 10.5.4.010.(5), By-law No. 569-2013**
A minimum of 10 m² of the first floor area must be within 4 m of the front wall.
There is 3.44 m² proposed within 4 m of the front wall.
- Chapter 10.5.40.60.(1), 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 height 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 2.2 m.
The proposed platform encroaches 2.1 m into the required rear yard setback and is 0.9 m from the west side lot line.
- Chapter 10.5.50.10.(1), By-law No. 569-2013**
A minimum of 75% of the required front yard landscaping must be soft landscaping.
The proposed front yard soft landscaping area is 52%.
- Chapter 10.20.30.10.(1), By-law No. 569-2013**
The required minimum lot area is 550 m².
The proposed lot area is 255.8 m².
- Chapter 10.20.30.20.(1), By-law No. 569-2013**
The required minimum lot frontage is 15 m.
The proposed lot frontage is 7.62 m.

6. **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 32 % of the lot area.
7. **Chapter 900.3.10(5), By-law No. 569-2013**
The required minimum side yard setback is 1.8 m.
The proposed east side yard setback is 0.9 m.
8. **Chapter 900.3.10(5), By-law No. 569-2013**
The required minimum side yard setback is 1.8 m.
The proposed west side yard setback is 1.2 m.
9. **Chapter 10.20.40.10.(2), 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 the west side lot line is 8.53 m.
10. **Section 13.2.1, By-law No. 7625**
The minimum required lot frontage is 15 m.
The proposed lot frontage is 7.62 m.
11. **Section 13.2.2, By-law No. 7625**
The minimum required lot area is 550 m².
The proposed lot area is 255.8 m².
12. **Section 13.2.3(a), By-law No. 7625**
The minimum required front yard setback is 7.5 m.
The proposed front yard setback is 4.57 m.
13. **Section 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.8 m.
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14. **Section 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.8 m.
The proposed west side yard setback is 1.2 m.
15. **Section 13.2.4, By-law No. 7625**
The maximum permitted lot coverage is 30% of the lot area.
The proposed lot coverage is 32% of the lot area.
16. **Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8.8 m.
The proposed building height is 9.43 m.
17. **Section 6(30)a, By-law No. 7625**
The maximum finished first floor height is 1.5 m.
The proposed finished first floor height is 1.77 m.
18. **Section 6(30)a, By-law No. 7625**
The maximum finished first floor height is 1.5 m.
The proposed finished first floor height is 1.77 m.

19. **Section 6A(2)a, By-law No. 7625**
The minimum required number of parking spaces is 2 spaces.
The proposed number of parking spaces is 1 space.
20. **Section 7.4A, By-law No. 7625**
The minimum required soft landscaping is 75%.
The proposed soft landscaping is 52%.
21. **Section 6(24)(d), By-law No. 7625**
In the rear yard, unexcited porches and decks attached to or detached from the main building shall be located no closer to the side lot lines than the minimum side yard setback for the main building. The minimum side yard setback is 1.8 m.
The proposed deck is located 0.9 m from the side lot line.

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:	A0300/17NY	Zoning	RD (f15.0; a550) (x5)/R4[ZZC]
Owner:	LILIANA HALPERN RICHARD REINHART	Ward:	Willowdale (23)
Agent:	GLENN RUBINOFF	Heritage:	Not Applicable
Property Address:	116 BOGERT AVE – Part B	Community:	North York
Legal Description:	PLAN 1743 LOT 1088 LOT 1089		


Wayne McEachern (signed)
Denise Graham (signed)
Giacomo Tonon (signed)
Rick Ross (signed)

DATE DECISION MAILED ON: Thursday, September 7, 2017

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