

Thursday, June 23, 2022

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

File Number: A0297/21NY
Property Address: 98 BOGERT AVE - PART 1
Legal Description: PLAN 1743 LOT 1084 LOT 1085
Agent: DESIGN PLAN SERVICES
Owner(s): REZA PASAND
Zoning: RD (f15.0; a550) (x5)/R4 [ZZC]
Ward: Willowdale (18)
Community: North York
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, June 23, 2022, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new dwelling.

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

- 1. Chapter 10.20.30.10(1)(A), By-law No. 569-2013**
The required minimum lot area is 550m².
The proposed lot area is 255.48m².
- 2. Chapter 10.20.30.20(1)(A), By-law No. 569-2013**
The required minimum lot frontage is 15m.
The proposed lot frontage is 7.62m
- 3. Chapter 10.20.30.40(1)(A), By-law No. 569-2013**
The permitted maximum lot coverage is 30%.
The proposed lot coverage is 32%.
- 4. Chapter 900.3.10(5)(A), By-law No. 569-2013**
The minimum side yard setback is 1.8m.
The proposed east side yard setback is 1.22m.

5. **Chapter 900.3.10(5)(A), By-law No. 569-2013**
The minimum side yard setback is 1.8m.
The proposed west side yard setback is 1.22m.
6. **Chapter 10.5.40.50(2), By-law No. 569-2013**
The minimum required side yard setback for a non-encroaching platform is 1.8m.
The proposed east side yard setback for the non-encroaching rear yard platform is 1.22m.
7. **Chapter 10.5.40.50(2), By-law No. 569-2013**
The minimum required side yard setback for a non-encroaching platform is 1.8m.
The proposed east side yard setback for the non-encroaching front yard platform is 1.22m.
8. **Chapter 10.5.40.70(1), By-law No. 569-2013**
The minimum required front yard setback is 5.75m.
The proposed front yard setback is 5.63m.
9. **Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8.8m.
The proposed building height is 10.1m.

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.

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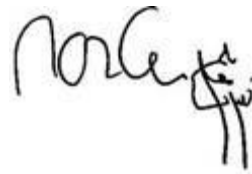
File Number: A0297/21NY
Property Address: 98 BOGERT AVE – PART 1
Legal Description: PLAN 1743 LOT 1084 LOT 1085
Agent: DESIGN PLAN SERVICES
Owner(s): REZA PASAND
Zoning: RD (f15.0; a550) (x5)/R4 [ZZC]
Ward: Willowdale (18)
Community: North York
Heritage: Not Applicable



Isaac Lallouz (signed)



Natasha Manning (signed)



Nazila Atarodi (signed)



Giuseppe Bartolo (signed)

DATE DECISION MAILED ON: Thursday, June 30, 2022

LAST DATE OF APPEAL: Wednesday, July 13, 2022

CERTIFIED TRUE COPY

Sai-Man Lam
Acting 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.ny@toronto.ca and Daniel.Antonacci@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.

ONTARIO LAND TRIBUNAL (OLT) INSTRUCTIONS

All appeals must be filed by email with the Deputy Secretary-Treasurer, Committee of Adjustment to coa.ny@toronto.ca and Daniel.Antonacci@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/>

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Thursday, June 23, 2022

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

File Number: A0296/21NY
Property Address: 98 BOGERT AVE - PART 2
Legal Description: PLAN 1743 LOT 1084 LOT 1085
Agent: DESIGN PLAN SERVICES
Owner(s): REZA PASAND
Zoning: RD (f15.0; a550) (x5)/R4 [ZZC]
Ward: Willowdale (18)
Community: North York
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, June 23, 2022, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new dwelling.

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

- 1. Chapter 10.20.30.10(1)(A), By-law No. 569-2013**
The required minimum lot area is 550m².
The proposed lot area is 255.42m².
- 2. Chapter 10.20.30.20(1)(A), By-law No. 569-2013**
The required minimum lot frontage is 15m.
The proposed lot frontage is 7.62m
- 3. Chapter 10.20.30.40(1)(A), By-law No. 569-2013**
The permitted maximum lot coverage is 30%.
The proposed lot coverage is 32%.
- 4. Chapter 900.3.10(5)(A), By-law No. 569-2013**
The minimum side yard setback is 1.8m.
The proposed east side yard setback is 1.22m.

5. **Chapter 900.3.10(5)(A), By-law No. 569-2013**
The minimum side yard setback is 1.8m.
The proposed west side yard setback is 1.22m.
6. **Chapter 10.5.40.50(2), By-law No. 569-2013**
The minimum required side yard setback for a non-encroaching platform is 1.8m.
The proposed west side yard setback for the rear yard non-encroaching platform is 1.22m.
7. **Chapter 10.5.40.50(2), By-law No. 569-2013**
The minimum required side yard setback for a non-encroaching platform is 1.8m.
The proposed west side yard setback for the front yard non-encroaching platform is 1.22m.
8. **Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8.8m.
The proposed building height is 9.97m.

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.

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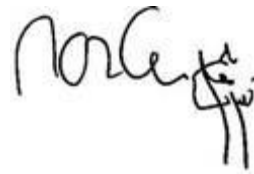
File Number: A0296/21NY
Property Address: 98 BOGERT AVE – PART 2
Legal Description: PLAN 1743 LOT 1084 LOT 1085
Agent: DESIGN PLAN SERVICES
Owner(s): REZA PASAND
Zoning: RD (f15.0; a550) (x5)/R4 [ZZC]
Ward: Willowdale (18)
Community: North York
Heritage: Not Applicable



Isaac Lallouz (signed)



Natasha Manning (signed)



Nazila Atarodi (signed)



Giuseppe Bartolo (signed)

DATE DECISION MAILED ON: Thursday, June 30, 2022

LAST DATE OF APPEAL: Wednesday, July 13, 2022

CERTIFIED TRUE COPY

Sai-Man Lam

Acting Manager and Deputy Secretary-Treasurer

Appeal Information

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TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

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ONTARIO LAND TRIBUNAL (OLT) INSTRUCTIONS

All appeals must be filed by email with the Deputy Secretary-Treasurer, Committee of Adjustment to coa.ny@toronto.ca and Daniel.Antonacci@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/>

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Thursday, June 23, 2022

**NOTICE OF DECISION
CONSENT
(Section 53 of the Planning Act)**

File Number: B0022/21NY
Property Address: 98 BOGERT AVE
Legal Description: PLAN 1743 LOT 1084 LOT 1085
Agent: DESIGN PLAN SERVICES
Owner(s): REZA PASAND
Zoning: RD (f15.0; a550) (x5)/R4 [ZZC]
Ward: Willowdale (18)
Community: North York
Heritage: Not Applicable

Notice was given and the application considered on Thursday, June 23, 2022, as required by the Planning Act.

THE CONSENT REQUESTED:

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

Conveyed (PART 2):

Lot frontage of 7.62m and a lot area of 255.42m².

A new residential dwelling is proposed requiring variances to the applicable zoning By-law(s) as outlined in application # A0296/21NY.

Retained (PART 1):

Lot frontage of 7.62m and a lot area of 255.48m².

A new residential dwelling is proposed requiring variances to the applicable zoning By-law(s) as outlined in application # A0297/21NY.

File numbers B0022/21NY, A0296/21NY, A0297/21NY will be jointly considered.

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 is premature.
- 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.
- The adequacy of roads, vehicular access, parking and loading facilities has not been demonstrated.
- The adequacy of utilities and municipal services has not been demonstrated.

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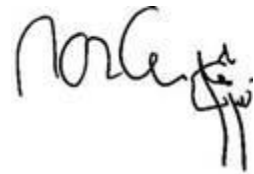
File Number: B0022/21NY
Property Address: 98 BOGERT AVE
Legal Description: PLAN 1743 LOT 1084 LOT 1085
Applicant: DESIGN PLAN SERVICES
Owner(s): REZA PASAND
Zoning: RD (f15.0; a550) (x5)/R4 [ZZC]
Ward: Willowdale(18)
Community: North York
Heritage: Not Applicable



Isaac Lallouz (signed)



Natasha Manning (signed)



Nazila Atarodi (signed)



Giuseppe Bartolo (signed)

DATE DECISION MAILED ON: Thursday, June 30, 2022

LAST DATE OF APPEAL: Wednesday, July 20, 2022

CERTIFIED TRUE COPY

Sai-Man Lam
Acting Manager and Deputy Secretary-Treasurer

Appeal Information

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LOCAL PLANNING APPEAL TRIBUNAL (LPAT) INSTRUCTIONS

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

- A completed LPAT 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 Environmental & Lands Tribunals Ontario (ELTO) website at <http://elto.gov.on.ca/tribunals/lpat/forms/>

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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

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may be filed in the name of an individual who is a member of the association or group on its behalf.