

# DECISION AND ORDER

**Decision Issue Date** Monday, March 09, 2020; Re-issued June 22, 2020

PROCEEDING COMMENCED UNDER Section 53, subsection 53(19), and Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): Eaglewood Development Group Limited

Applicant: Eaglewood Development Group Limited

Property Address/Description: 34 Bellman Ave

Committee of Adjustment Case File: 19 124951 WET 03 CO (B0009/19EYK), 19 124963 WET 03 MV (A0127/19EYK), 19 124972 WET 03 MV (A0126/19EYK)

**TLAB Case File Number: 19 201688 S53 03 TLAB, 19 201689 S45 03 TLAB, 19 201690 S45 03 TLAB**

**Telephone conference date:** Thursday, February 06, 2020

**DECISION DELIVERED BY Ted Yao**

## REGISTERED PARTIES AND PARTICIPANTS

Appellant Eaglewood Development Group Limited

Appellant's Legal Rep. Amber Stewart

Expert Witness TJ Cieciora

On January 10, 2020 I issued an interim decision authorizing a consent and variances to Eaglewood Development Group Limited on the basis it would construct new secondary suites in each of the proposed new buildings. The decision was interim because both Eaglewood and I wanted to ensure no new variances would be necessary.

Eaglewood has learned that development charges would be applicable if it goes forward with secondary suites which makes my proposal uneconomical. It agrees to honour the terms of its offer insofar as basement walkout doors etc. are built so that the buildings are "secondary suite-ready" should a new owner wish to go forward with this idea.

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On this basis I am releasing Eaglewood from this condition and authorize the consent and variances which I reproduce for convenience as follows:

<b>Table 1. Variances sought for the two proposed buildings at 34 Bellman Ave.</b>			
		Required	Proposed
Variances from Zoning By-law 569-2013			
1	Frontage	12 m	Both lots 7.64 m
2	Lot Area	465 m <sup>2</sup>	Both lots 232.56 m <sup>2</sup>
3	Coverage	33%	Part 1 41.8%; Part 2 41.5%
4	Floor Space Index	0.45 times the lot area (By-law 569-2013)	Part 1 0.76; Part 2 0.765
		0.45 times the lot area (s. 1a, By-law 1979-67)	
5	Front Yard Setback	7.83 m	For both lots, 6 m
6	Side Yard Setbacks	1.2 m	For both lots, 0.92 from the north side lot line and .06 from the south side lot line
7	<del>Rear yard setback</del>	<del>7.62 m</del>	Formerly 7.49 m; this variance is no longer needed because the buildings have been shortened by modification to the plans after the COA refused the application.
8	Height	<del>6.5 m</del>	Part 1 7.67 m; Part 2 7.77 m

**DECISION AND ORDER**

The severance is granted, and certain variances are authorized as set out above, subject to the following:

Conditions of Consent Approval

- (1) Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.

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- (2) Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of Survey and Mapping Services, Technical Services.
- (3) Prior to the issuance of a building permit, the applicant shall satisfy all conditions concerning City owned trees, to the satisfaction of the Director, Parks, Forestry & Recreation, Urban Forestry Services.
- (4) Where no street trees exist, the owner shall provide payment in an amount to cover the cost of planting a street tree abutting each new lot created, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- (5) Two copies of the registered reference plan of survey integrated with the Ontario Coordinate System and listing the Parts and their respective areas, shall be filed with City Surveyor, Survey & Mapping, and Technical Services.
- (6) Three copies of the registered reference plan of survey satisfying the requirements of the City Surveyor, shall be filed with the Committee of Adjustment.
- (7) Within ONE YEAR of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions and prepare for electronic submission to the Deputy Secretary-Treasurer, the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) or subsection 53(42) of the Planning Act, as it pertains to the conveyed land and/or consent transaction.

Conditions of variances

The buildings will be constructed in substantial compliance with the plans 2020 and reviewed by Bitu Majouubi, dated Jan 20 under file 19 120249 ZZC 00ZR Folder RSN 45 30444.

**X**



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Ted Yao  
Panel Chair, Toronto Local Appeal Body