

# Notice of Appeal Form 1

Questions or concerns about this form or process can be directed to the Toronto Local Appeal Body by telephone 416-392-4697 or by email at [tlab@toronto.ca](mailto:tlab@toronto.ca).

Information, including completed forms, disclosure documents and statements, you disclose to the Toronto Local Appeal Body (TLAB) in relation to a TLAB appeal is an adjudicative record that is a public record available to parties, participants and the general public. The legal authority to make the information public is section 1.0.1. of the Planning Act. As stated in Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, the provisions protecting individual privacy in Part 2 of that Act do not apply to any information collected in the TLAB's prescribed forms and associated filings for appeals.

Questions of this collection can be directed to the Manager of Planning & Liaison, Court Services, 137 Edward Street, 2nd Floor, Toronto, Ontario M5G 2P1 or by telephone at 416-338-7320.

## Part 1: Appeal Type: A separate Notice of Appeal and additional appeal fee is required for each Subject of Appeal.

Subject of Appeal (check only one)	Type of Appeal (check only the boxes related to your appeal)	Planning Act Reference
<input checked="" type="checkbox"/> <b>Planning Act Section 45 (12)</b>	<input checked="" type="checkbox"/> Appeal a decision on minor variance from the provisions of any bylaw passed under section 34 or 38.	45(1)
	<input type="checkbox"/> Appeal a decision on enlargement or extension of a building or structure that is legal non-conforming	45 (2) (a) (i)
	<input type="checkbox"/> Appeal a decision on enlargement or extension of a building or structure that is legal non-conforming for a purpose that is similar or more compatible to a permitted use	
	<input type="checkbox"/> Appeal the decision on a request to permit or refuse the use of land, building or structure that is legal non-conforming and that is similar to the purpose or more compatible to a permitted use	45 (2) (a) (ii)
	<input type="checkbox"/> Appeal the decision on a request to permit or refuse a use of land, building or structure that is generally defined for any purpose that conforms with the uses permitted in the bylaw	45(2)(b)
<input type="checkbox"/> <b>Planning Act Section 53</b>	<input type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Appeal for failure to make a decision on the application within 90 days	53(14)

# Notice of Appeal Form 1

## Part 2: Location Information

Address and/or legal description of property subject to the appeal		
Part of Lot 13 - registered plan 738Y		
Street Number	Street Name	Postal Code
68	Winona Drive	M6G 3S6

## Part 3: Estimated Hearing Time

Number of <b>days</b> you anticipate needed for the hearing
.7 (i.e. 1 hour)

## Part 4: Appellant Information

First Name	Last Name	
Robert	von Bitter	
<input type="checkbox"/> Check this box if First Name and Last Name do not apply to you because you have either a registered Birth Certificate or Change of Name Certificate bearing a Single Name. Provide your name below.		
Single Name		
Corporation Name or Association Name (Association must be incorporated), if applicable		
-----		
Position Title (if applicable)	Email	
	robertvonbitter@gmail.com	
Street Number	Street Name	Suite/Unit Number
72	Winona Drive	
City/Town	Province	Postal Code
Toronto	Ontario	M6G 3S6
Telephone Number	Mobile Number	
	(647) 302-1822	
Date (yyyy-mm-dd)		
2020-10-22		
<b>Please note: You must notify the Toronto Local Appeal Body for each appeal filed of any change of email, address or telephone number in writing via email to <a href="mailto:tlab@toronto.ca">tlab@toronto.ca</a> and include your TLAB Case File Number(s) in the subject line of the email after the Case File Number(s) has been assigned.</b>		

# Notice of Appeal Form 1

## Part 5: Representative Information (if applicable)

<b>I hereby authorize the named lawyer, law firm, corporation and/or individual(s) to represent me</b>			
First Name		Last Name	
<input type="checkbox"/> Check this box if First Name and Last Name do not apply to you because you have either a registered Birth Certificate or Change of Name Certificate bearing a Single Name. Provide your name below.			
Single Name			
Corporation Name or Association Name (Association must be incorporated), if applicable			
Position Title (if applicable)		Email	
Street Number	Street Name		Suite/Unit Number
City/Town	Province		Postal Code
Telephone Number		Mobile Number	
<p>Please note: If you are representing the appellant and are not a solicitor, please confirm that you have authority as required by the TLAB's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box and signing below.</p> <p><input type="checkbox"/> I certify that I have authority to act as a representative with respect to this appeal on behalf of the appellant and I understand that I may be asked to produce this authorization at any time.</p>			
Representative Signature		Date (yyyy-mm-dd)	

## Part 6: Accessibility

<p>We are committed to providing services as set out in the Accessibility for Ontarians with Disabilities Act, 2005. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible at <a href="mailto:tribunalaccess@toronto.ca">tribunalaccess@toronto.ca</a>.</p>
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# Notice of Appeal Form 1

## Part 7: Appeal Specific Information

Provide specific information about what you are appealing using numbered paragraphs and include the Committee of Adjustment File Number(s).

Provide the nature of your appeal and the reasons and grounds for your appeal. Be specific and provide only land-use planning reasons. Include the specific provisions, sections and/or policies of the Official Plan or By-law(s) which are the subject of your appeal as applicable.

Please see the attached letter of appeal plus appendices 1, 2, 3a and 3b

# Notice of Appeal Form 1

## Part 7: Appeal Specific Information (Continued)

☐ Yes ☒ No For this property are there other appeals existing or to be filed with the City of Toronto?

☐ Yes ☒ No For this property are there other approvals applied for under the Planning Act or any other Act?

If you answered 'Yes' to any of the above, please provide Committee of Adjustment and City File Numbers, and the TLAB Case File Number(s), if any.

NOTE: Only decisions of the Committee of Adjustment under s.45 (12), s. 53 of the Planning Act are appealable to the Toronto Local Appeal Body.

NOTE: If there are any related appeals filed with the Local Planning Appeal Tribunal, you must complete the LPAT prescribed Appellant Form (A1 Appeal Form) within any applicable appeal limitation period.

## Part 8: Other Applicable Information

The file # for the associated variance application is A0353/20TEY

## Part 9: Required Fee

Total Fee Submitted (\$)

300

Payment Date (yyyy-mm-dd)

2020-10-22

**RECEIVED**

By COMMITTEE OF ADJUSTMENT at 12:24 pm, Sep 25, 2020

To the members of the Committee of Adjustment,

I am the current owner of 70 Winona Ave. where I have lived for more than 10 years. I am writing to state my opposition to the minor variance application file no. A0353/20TEY for 68 Winona Ave.

The zoning variance sought goes against the density allowance laid out in the City of Toronto's Official Plan which "is prepared in consultation with city residents and reflects a community vision for future change and development."

Sticking to the Official Plan is extremely important in this long-settled neighbourhood. The pending sale and redevelopment of the variety of properties owned by the estate of Manny Gomes makes this a fragile pocket. Each minor variance permitted chips away at the Official Plan.

While the requested change at 68 Winona may appear small on paper (.84 times the area of the lot to .95 times), its effects on 70 Winona loom large. It is precedent setting.

The location of the proposed addition will unequivocally impact my enjoyment of and the value of my property as it will change the view from my kitchen window, backdoor and second floor sunporch from sky and trees to a solid wall (see photo 1).

These houses were built less than one metre (3 feet) apart (see photo 2). At present, my house gets no light on the north and south sides of the main house. This addition will darken it even more. And it effectively boxes in that side of my property (see photo 6, 7).

The backdoor will literally open onto a wall. It is too close (see photo 5).

Like many people in this time of COVID when low-grade depression looms, I am working at home -- the sunporch is my home office. It is a bright and airy space and gets a pleasant cross-breeze when the windows are cracked open. A wall will interfere with the natural light and kill the atmosphere. (See photo 3).

Also there is an easement in place between the houses. It ends about one metre from the west end of the main part of the houses (see photo 4). If the proposed addition is permitted, outdoor access to the backyard and to make outside repairs at 68 Winona will require walking on to my property. There is no back laneway access.

The applicants suggested that the addition they seek is the same as 66 Winona Dr. While the idea is similar, the situation is different. That add-on was built before the current Official Plan came into play, there is a greater distance -- a driveway -- separating these two houses and the neighbouring backdoor does not face the addition.

With regards,

Kate Robertson,  
70 Winona Drive

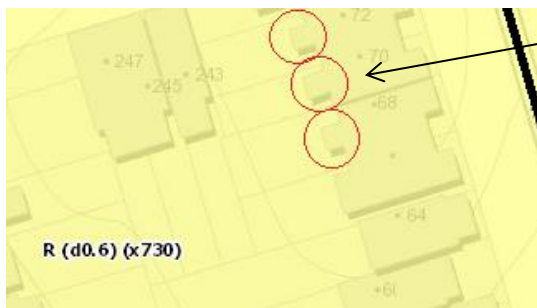
**RECEIVED**

By Committee of Adjustment at 12:36 pm, Sep 25, 2020

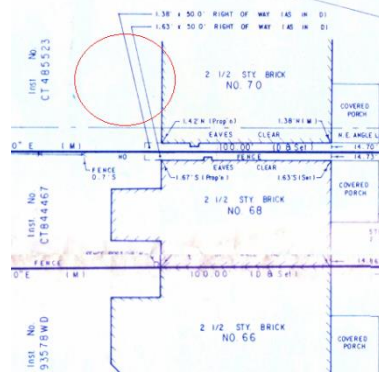
To the Committee of Adjustment,

I have lived at 72 Winona Drive for close to 20 years and would like to put forth the following points of concern in regards to the application for a minor variance at 68 Winona Drive with file number A0353/20TEY.

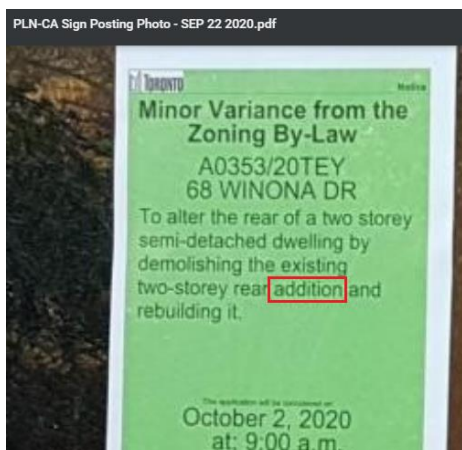
- This application is misleading. It describes demolishing an addition and building a new one. The owners of 68 Winona Drive are not demolishing an addition. It is part of the original house. Houses at 68 Winona, 70 Winona and 72 Winona Drive were all built with the same main floor summer kitchen and second floor sunroom layout. The plan included in this application doesn't show this feature at 70 Winona, but it is there. Also the survey attached to the application is stamped "Not an official copy." so the application it appears is relying on an unofficial document to have a zoning bylaw changed. The application should be thrown out on these points alone.



City of Toronto maps



Survey attached to application

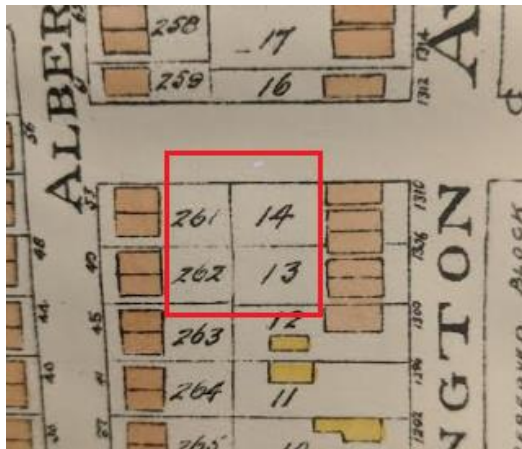


Due to the info provided in the application, misleading info was carried forward on the public notice. Not only is the back not an addition, it is also a three storey dwelling, not two.



- Chapter 10.5.40.41(l) of the City of Toronto zoning By-Law 569-2013 states the ratio of building should not be more than .84. This application to build an extra 11% (to .95) goes beyond the density allowed under the City of Toronto's Official Plan. The official plan was designed in consultation with community residents to reflect their desires for the future of their neighbours regarding density and development. This proposal does not live up to the Official Plan. A re-build to a maximum ratio of .84 does.

- The density of the immediate area already seems very high because sometime after 1924 66 Winona Drive to 74 Winona Drive had their yards truncated to make room for what is now 243 to 247 Tyrell Ave. Please compare maps below and notice how the Winona Drive houses seem to have lost more yard space than the Alberta Drive houses. If ever there is a time to allow the ratio to be exceeded, it shouldn't be when lot sizes have been truncated.



1924 Goads Insurance Map



Current City of Toronto AIC Mapping

- I feel bad for my neighbour who owns 70 Winona Drive. If this application is allowed to proceed, she will face a wall as she comes out her back door. The owners of 68 Winona Drive have obtained some support from a few neighbours after stating they are hoping to do just the same as 66 Winona Drive. They have not, however, pointed out the situation there is different as there is a driveway between the homes so there is much more space on that side. I'm positive that most neighbours that gave their support to the 66 Winona Drive application would change their mind if given a complete picture. Secondly, the addition done to the rear of 66 Winona Drive was done by Mike when he lived with his father-in-law Alex (two owners ago) and I am pretty sure they did not obtain a permit. Should we really be allowing un-permitted work to set precedent and influence how we live in our city?

Thank you for your consideration,

Robert von Bitter





**RECEIVED**

By COMMITTEE OF ADJUSTMENT at 12:23 pm, Sep 25, 2020

Sept. 21. 2020

To the Committee of Adjustment.

As a nearby neighbour of 68 Winona Drive, I do not support the application for a minor variance (file number: A0353/20TEY) to build a two-storey addition, .45 metres (1.5 feet) from the property line at the back end of the house.  
 Permitting an extension so close to the property line in a neighbourhood where homes are already tightly situated will set an unwanted precedent which will have a negative impact on the future enjoyment of our properties.

GM Baillargeon @ 60 Winona Dr. 416-651-2102

Lisa Roman @ 58 Winona Dr. 647-971-5860

Paula @ 50 Winona Dr. 416-843-0853

Paige @ 64 Winona Dr. 416-658-6329

Robert @ 72 Winona Drive 416-652-7583

243 MYRIE AVE 416-949-8705

18 Winona Dr 416-658-9149

24 Winona Dr 416-658-8788

24 Winona Dr 647-592-3297

44 Winona Ave, 416-258-1088

70 Winona Dr. 647-667-4276

Cathrin Winkelman

**RECEIVED**

By COMMITTEE OF ADJUSTMENT at 12:23 pm, Sep 25, 2020

Sept. 21. 2020

To the Committee of Adjustment,

As a nearby neighbour of 68 Winona Drive, I do not support the application for a minor variance (file number: A0353/20TEY) to build a two-storey addition, .45 metres (1.5 feet) from the property line at the back end of the house.

Permitting an extension so close to the property line in a neighbourhood where homes are already tightly situated will set an unwanted precedent which will have a negative impact on the future enjoyment of our properties.

Name

Address

Signature

① GORDON  
McCLELLAN / CATHERINE  
DUNNE

47 ALBERTA  
AVE.  
TORONTO



② Rosemary  
Fine

45 Alberta Ave.  
Toronto

R. Fine

③

④

## Appeal of minor variance file no. A0353/20TEY for 68 Winona Ave.

While a bump of 11% over the maximum floor space index of the City of Toronto's Official Plan might seem minor, there are historical reasons why such an extension in this specific situation will have a huge negative impact. The appeal committee is asked to carefully consider these specific existing conditions when making its decision.

Sometime after 1924 the backyards of 66 to 74 Winona Drive were truncated to make space for 3 houses and yards on Tyrrell Ave. For this reason, the 70 and 72 Winona backyards face a brick

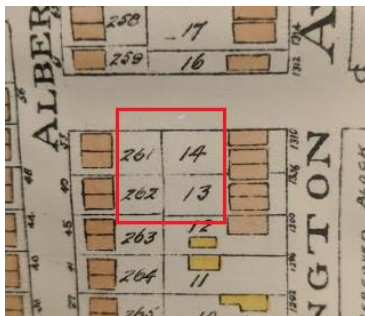


Figure A - Goads 1924 Insurance Map



Figure B – showing 3 new houses on Tyrrell Ave.

wall that is surprisingly close. Furthermore, a carriage house was constructed at the back of 74 Winona Drive. This is built on the back of what the applicants at 68 Winona describe as an addition but is common to 66 to 74 Winona Drive so is an original summer kitchen and not an addition. The carriage house constructed at the back of the summer kitchen at 74 Winona Drive effectively creates a wall on the north side. An earlier owner of 74 Winona Drive built a 7-foot high fenced hot tub on top of the carriage house in recent years. Please see Figures C, D and E showing obstructed views to W and N and the small distances present. For historical reasons then the owners of 70 and 72 Winona Drive are blocked in on the west and north sides.





Figure C –West view



Figure D - View northwest

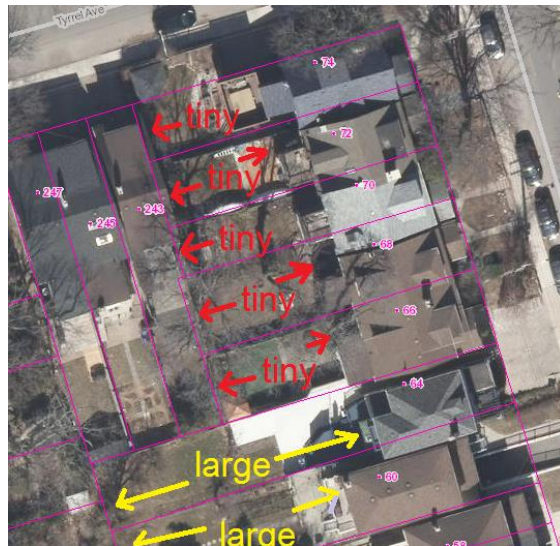


Figure E – showing how small backyard size. Source – City of Toronto Interactive Mapping.

Please compare figures F and G. This is not an application to go back 2 feet for the whole back of the building - this is an application to go back 8 + feet on one side. The house at 70 Winona Drive will bear the full negative impact of that design. Windows and doors where light and a view of backyards is now possible will be blocked by a two-storey wall. This will greatly reduce the enjoyment and use of 70 Winona Drive and will exasperate existing blockages for both 70 and 72 Winona Drive.

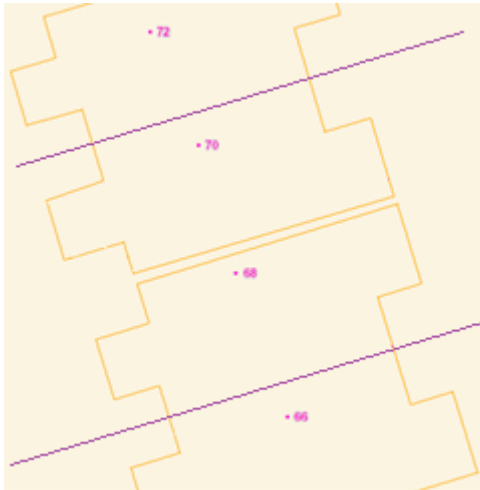


Figure F - Current

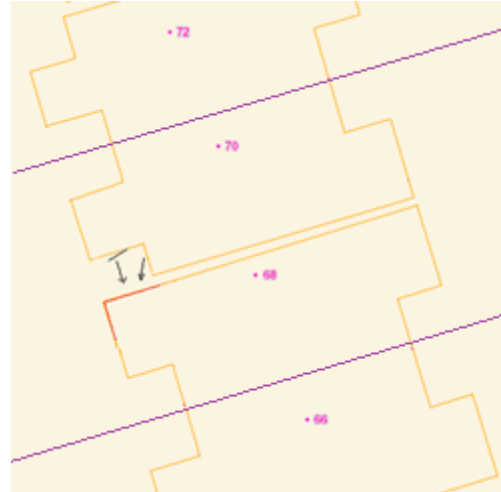


Figure G – Proposed

The cumulative impact of the original truncation on the west, the visual barrier on the northwest and this wall to the south will add to a further reduction of light and air flow. Please compare Figures H and I which show a current oblique view out the first floor window from 70 Winona Drive vs Figure I - the amount of blockage after, if this variance is allowed to proceed. We need our views and outdoor spaces to be sources of joy and relaxation, not causes of claustrophobia.



Figure H – Current view

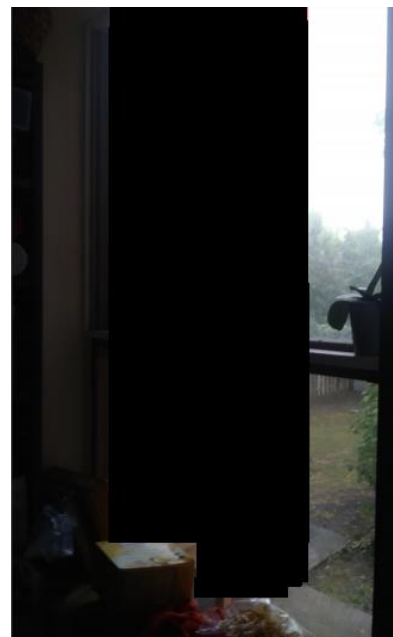


Figure I – Potential future view



Even the condition the owner of 72 Winona faces with his neighbour to the north isn't as bad as the proposed variance. That's because the bump-out the carriage house is built onto is set back against the property line, not built right up to it. One might say, off-set and set back is the form and character of the community and this variance application isn't congruent with it.

The houses between 68 and 74 Winona Drive are already a generous size – being 3 floors (2000 square feet) and all have finished basements (another 670 square feet). If there are times when an 11% bump over the official plan floor space index maximum should be considered, is it when a single family needs more than a generous amount of space? Again, 68 to 74 Winona Drive already have ample house sizes, it is yard space we are short on. Lastly, do the needs of the applicants for even more indoor space outweigh the needs of a neighbour for an unobstructed view out existing windows?

If this application is approved, the addition will block outside access to the backyard as the easement that exists between the two houses ends before the addition. Also, there is no back laneway access to the yards. If emergency personnel were ever required to access the backyard of 68 Winona Drive with the proposed addition built, they would have to squeeze through an 18 inch gap. Restricted side access and no back laneway access should be considered a safety issue.

It is worth entering into evidence the original objection letters of Kate Robertson (70 Winona Drive) and Robert von Bitter (72 Winona Drive) plus a petition of 14 signatures (see appendix 1, 2, 3 a and b) of neighbours who commiserate with the intrusion of the two-storey addition as will have on 70 Winona Drive. The applicants only obtained 3 signatures. Figure J maps out the properties of supporters (green) and objectors (red) of the variance application in the immediate vicinity – with the X" representing roughly the location of the proposed variance. While this map clearly shows the proposal is unpopular in the community, it is worth noting 2 of our signatures represent adjacent neighbours which should factor more heavily. The only adjacent property the applicants were able to get a signature from is the neighbour to the south who escaped having the addition right up against their property line.

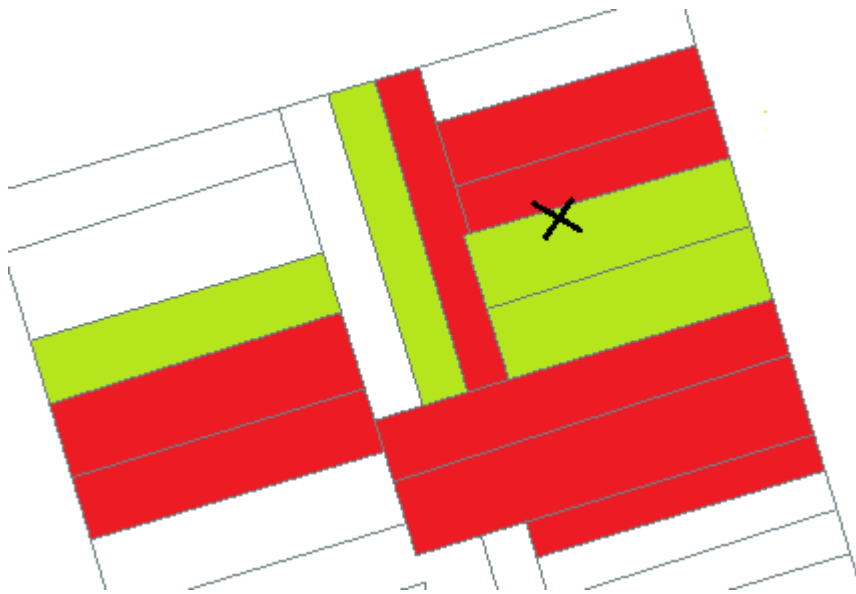


Figure J

The proposed variance will create an aesthetic blight and result in a loss of light for 70 Winona Drive so there are negative effects. The proposed two-storey proposed application further exacerbates specific pre-existing conditions (earlier truncation of properties etc.) and blocks them in past a critical threshold. The proposed application will therefore greatly impact the enjoyment and use of 70 Winona and other properties too (72 Winona Dr and even 243 Tyrrel Ave), so the application is too important to be considered minor. If a modified application isn't possible, one that doesn't impact the value of 70 and 72 Winona Drive to the same extent, then the appeal committee is asked to reject the variance application and ask the applicants meet with the affected neighbours at 70 and 72 Winona Drive to work out a modified design. It is already possible to see a modified plan that all parties should be happy with.