

Sabrina Salatino

Manager and Deputy Secretary-Treasurer 416-392-0413

Director, Zoning and Secretary-Treasurer Committee of Adjustment City Planning Division

Committee of Adjustment Toronto and East York Toronto City Hall 100 Queen Street West Toronto, Ontario M5H 2N2

coa.tey@toronto.ca

September 7, 2022

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

File Number: B0022/22TEY

Property Address: 89 REGAL RD (PARTS 1 & 2)

Legal Description: PLAN D1398 PT LOT 10

Agent: **BART SZOKE**

FILOMENA GONCALVES JOSE GONCALVES Owner(s):

Zoning: (R d0.6 H10.0m x730) ZZC

Ward: Davenport (09)

Community: Toronto

Heritage: Not Applicable

Notice was given and a Virtual Public Hearing was held on Wednesday, September 7, 2022, as required by the Planning Act.

THE CONSENT REQUESTED:

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

Conveyed – Part 2, Draft R-Plan Address to be assigned

Part 2 will have a frontage of 8.81 m from Regal Road and an area of 447.77 m². A new three-storey detached dwelling will be constructed, requiring variances to the Zoning By-law, as outlined in Minor Variance Application A0314/22TEY.

Retained - Part 1, Draft R-Plan Address to be assigned

Part 1 will have a frontage of 8.8 m from Regal Road and an area of 455.54 m². A new three-storey detached dwelling will be constructed, requiring variances to the Zoning By-law, as outlined in Minor Variance Application A0313/22TEY.

Applications B0022/22TEY, A0313/22TEY and A0314/22TEY will be considered jointly.

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The Consent Application is Approved on Condition

The Committee has considered the provisions of Section 51(24) of the *Planning Act* and is satisfied that a plan of subdivision is not necessary. The Committee therefore consents to the transaction as shown on the plan filed with the Committee of Adjustment on the condition that before a Certificate of Official is issued, as required by Section 53(42) of the *Planning Act*, the applicant is to fulfill the following conditions to the satisfaction of the Deputy Secretary-Treasurer of the Committee of Adjustment:

- (1) Confirmation of payment of outstanding taxes to the satisfaction of the Revenue Services Division, in the form of a statement of tax account current to within 30 days of an applicant's request to the Deputy Secretary-Treasurer of the Committee of Adjustment to issue the Certificate of Official.
- (2) Municipal numbers for the subject lots indicated on the applicable registered reference plan of survey shall be assigned to the satisfaction of the Supervisor, Surveys, Engineering Support Services, Engineering and Construction Services.
 - Municipal numbering staff can be contacted at municipal address@toronto.ca to obtain or verify new municipal address. All addressed parcels and structures must have the correct municipal address posted. For further details visit municipal-numbering-of-a-property/

Municipal addresses are required for the purpose of setting up the water account with the city of Toronto when the application is made for the proposed sewer and/or water service connection (as applicable).

- (3) Submitting a revised draft Reference Plan of Survey to the satisfaction of Chief Engineer and Executive Director, Engineering and Construction Services, for review and approval to show that the existing grades will be matched at all property lines and that the proposed driveways will be constructed with a 2% positive slope from the garage wall to Regal Road.
- (4) Submitting a revised draft Reference Plan of Survey to the satisfaction of Chief Engineer and Executive Director, Engineering and Construction Services, for review and approval, prior to depositing in the Land Registry Office:
 - (i) in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System and the 3° Modified Transverse Mercator Projection); and,
 - (ii) showing the coordinate values of the main corners of the subject lands, in a schedule on the face of the plan.

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(5) One electronic copy of the registered reference plan of survey integrated to NAD 83 CSRS (3 degree Modified Transverse Mercator projection), delineating by separate Parts the lands and their respective areas, shall be filed with, and to the satisfaction of, the Manager, Land and Property Surveys, Engineering Support Services, Engineering and Construction Services.

- (6) One electronic copy of the registered reference plan of survey satisfying the requirements of the Manager, Land and Property Surveys, Engineering Support Services, Engineering and Construction Services shall be filed with the Deputy Secretary-Treasurer of the Committee of Adjustment.
- (7) Confirmation from and to the satisfaction of Heritage Preservation Services, Archaeology, Urban Design, City Planning of the following:
 - (a) The applicant has retained a consultant archaeologist, licensed by the Ministry of Tourism, Culture and Sport, under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 1-2 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the Ministry of Heritage, Sport, Tourism and Culture Industries' 2011 Standards and Guidelines for Consulting Archaeologists;
 - (b) Should the archaeological assessment process continue beyond a Stage 1-2 assessment, any recommendations for Stage 3-4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation;
 - (c) The consultant archaeologist shall submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file. All archaeological assessment reports will be submitted to the City of Toronto for approval prior to or concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries; and,
 - (d) No demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Heritage, Sport, Tourism and Culture Industries (Archaeology Programs Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.

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(8) Prepare and submit a digital draft of the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) of the *Planning Act* if applicable as it pertains to the conveyed land and/or consent transaction to the satisfaction of the Deputy Secretary-Treasurer of the Committee of Adjustment.

- (9) Once all of the other conditions have been satisfied, the applicant shall request, in writing, that the Deputy Secretary-Treasurer of the Committee of Adjustment issue the Certificate of Official.
- (10) Within **TWO YEARS** of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions.

SIGNATURE PAGE

File Number: B0022/22TEY

Property Address: 89 REGAL RD (PARTS 1 & 2)

Legal Description: PLAN D1398 PT LOT 10

Agent: BART SZOKE

Owner(s): FILOMENA GONCALVES JOSE GONCALVES

Zoning: (R d0.6 H10.0m x730) ZZC

Ward: Davenport (09)

Community: Toronto

Heritage: Not Applicable

NANCY OOMEN (CHAIR)

PETER REED

NIMROD SALAMON

AARON CHENG

JOANNE HAYES

DATE DECISION MAILED ON: Wednesday, September 14, 2022

LAST DATE OF APPEAL: Tuesday, October 4, 2022

CERTIFIED TRUE COPY

Sululla

Sylvia Mullaste

Acting Deputy Secretary-Treasurer

Committee of Adjustment, Toronto and East York District

Appeal Information

All appeals must be filed by email with the Deputy Secretary-Treasurer, Committee of Adjustment to coa.tey@toronto.ca and Sabrina.Salatino@toronto.ca by the last date of appeal as shown on the signature page.

Your appeal to the **Toronto Local Appeal Body (TLAB)** should be submitted in accordance with the instructions below <u>unless</u> there is a related appeal* to the Ontario Land Tribunal (OLT) for the same matter.

TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

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

- A completed TLAB Notice of Appeal (Form 1).
- \$300 for <u>each</u> 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.

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ONTARIO LAND TRIBUNAL (OLT) INSTRUCTIONS

To appeal this decision to the OLT you need 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/

*A **related appeal** is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the <u>Application Information Centre</u> and contact the assigned planner if necessary. If there is a related appeal, your appeal to the **Ontario Land Tribunal (OLT)** should be submitted in accordance with the instructions above.

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.



Sabrina Salatino

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Manager and Deputy Secretary-Treasurer 416-392-0413

Director, Zoning and Secretary-Treasurer Committee of Adjustment City Planning Division

Committee of Adjustment Toronto and East York Toronto City Hall 100 Queen Street West Toronto, Ontario M5H 2N2

September 7, 2022

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

File Number: A0313/22TEY

Property Address: 89 REGAL RD (PART 1) Legal Description: PLAN D1398 PT LOT 10

Agent: **BART SZOKE**

Owner(s): FILOMENA GONCALVES

JOSE GONCALVES

Zoning: (R d0.6 H10.0m x730) ZZC

Ward: Davenport (09)

Community: **Toronto**

Heritage: Not Applicable

Notice was given and a Virtual Public Hearing was held on Wednesday, September 7, 2022, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new three-storey detached dwelling with a front integral garage, a rear ground level deck with a walkout basement, front and rear second storey balconies, and a rear third storey balcony.

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

1. Chapter 10.10.40.10.(2)(B)(i) and (ii), By-law 569-2013

The maximum permitted height of all side exterior main walls facing a side lot line is 7.5 m.

The height of the side exterior main walls facing the east and west lot lines will be 9.75 m.

2. Chapter 10.10.40.30.(1)(A), By-law 569-2013

The maximum permitted depth is 17 m.

The new dwelling will have a depth of 18.64 m.

3. Chapter 10.10.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index is 0.6 times the area of the lot (273.32 m^2) .

The new dwelling will have a floor space index equal to 0.66 times the area of the lot (301.59 m²).

Applications B0022/22TEY, A0313/22TEY and A0314/22TEY 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:**

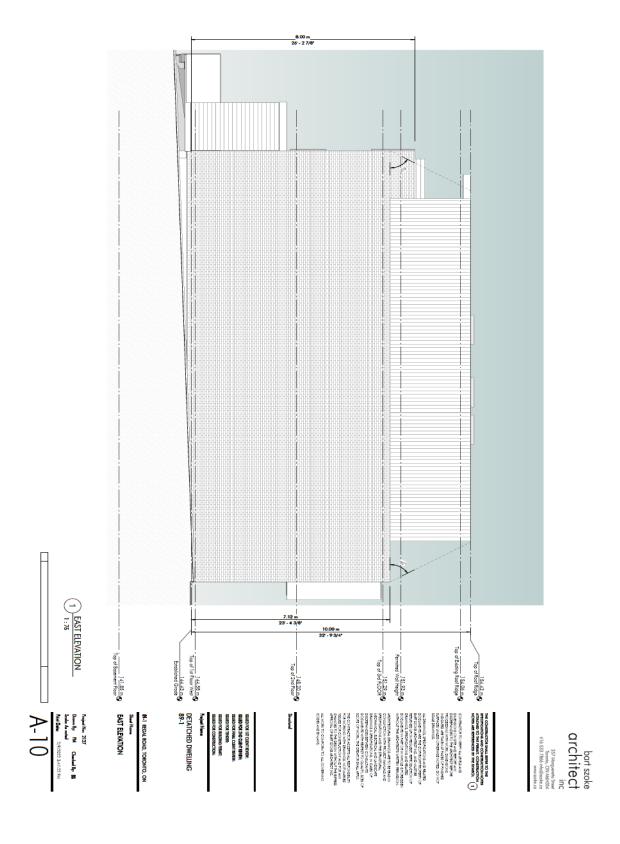
The Minor Variance Application is Approved on Condition

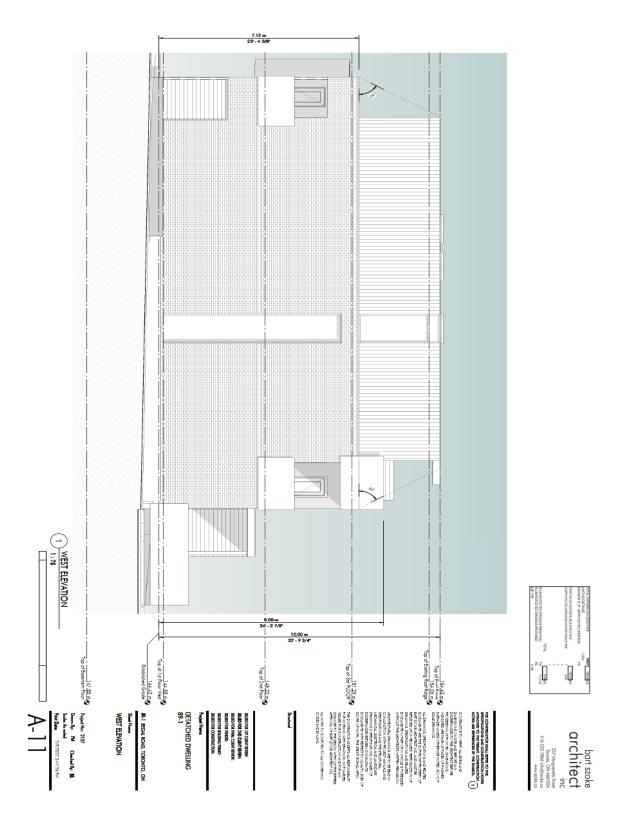
It is the decision of the Committee of Adjustment to approve this variance application for the following reasons:

- 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.

The decision is subject to the following condition(s):

- (1) Prior to the issuance of a building permit, the applicant/owner shall submit a complete application for permit to injure or remove a City owned tree(s) under Municipal Code Chapter 813, Trees Article II, Trees on City Streets, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District.
- (2) Prior to the issuance of a building permit, the applicant/owner shall submit a complete application for permit to injure or remove privately owned tree(s) under Municipal Code Chapter 813, Trees Article III, Private Tree Protection, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District.
- (3) The new dwelling shall be constructed substantially in accordance with side elevation drawings A-10 (East Elevation) and A-11 (West Elevation)) illustrating the step backs, received by Committee of Adjustment on March 14, 2022. Any other variances that may appear on these plans and are not listed in the written decision are NOT authorized.





SIGNATURE PAGE

File Number: A0313/22TEY

Property Address: 89 REGAL RD (PART 1) Legal Description: PLAN D1398 PT LOT 10

Agent: BART SZOKE

Owner(s): FILOMENA GONCALVES

JOSE GONCALVES

Zoning: (R d0.6 H10.0m x730) ZZC

Ward: Davenport (09)

Community: Toronto

Heritage: Not Applicable

NANCY OOMEN (CHAIR)

PETER REED

NIMROD SALAMON

AARON CHENG

JOANNE HAYES

DATE DECISION MAILED ON: Wednesday, September 14, 2022

LAST DATE OF APPEAL: Tuesday, September 27, 2022

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Sylvia Mullaste

Acting Deputy Secretary-Treasurer

Committee of Adjustment, Toronto and East York District

Appeal Information

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September 7, 2022

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

File Number: A0314/22TEY

Property Address: 89 REGAL RD (PART 2) Legal Description: PLAN D1398 PT LOT 10

Agent: **BART SZOKE**

Owner(s): FILOMENA GONCALVES

JOSE GONCALVES

Zoning: R d0.6 H10.0m x730 (ZZC)

Ward: Davenport (09)

Community: **Toronto**

Heritage: Not Applicable

Notice was given and a Virtual Public Hearing was held on Wednesday, September 7, 2022, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new three-storey detached dwelling with a front integral garage, a rear ground level deck with a walkout basement, front and rear second storey balconies, and a rear third storey balcony.

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

1. Chapter 10.10.40.10.(2)(B)(i) and (ii), By-law 569-2013

The maximum permitted height of all side exterior main walls facing a side lot line is 7.5 m.

The height of the side exterior main walls facing the east and west lot lines will be 9.75 m.

2. Chapter 10.10.40.30.(1)(A), By-law 569-2013

The maximum permitted depth is 17 m.

The new dwelling will have a depth of 18.64 m.

3. Chapter 10.10.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index is 0.6 times the area of the lot (268.66 m²).

The new dwelling will have a floor space index equal to 0.67 times the area of the lot (301.59 m²).

Applications B0022/22TEY, A0313/22TEY and A0314/22TEY 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 Minor Variance Application is Approved on Condition

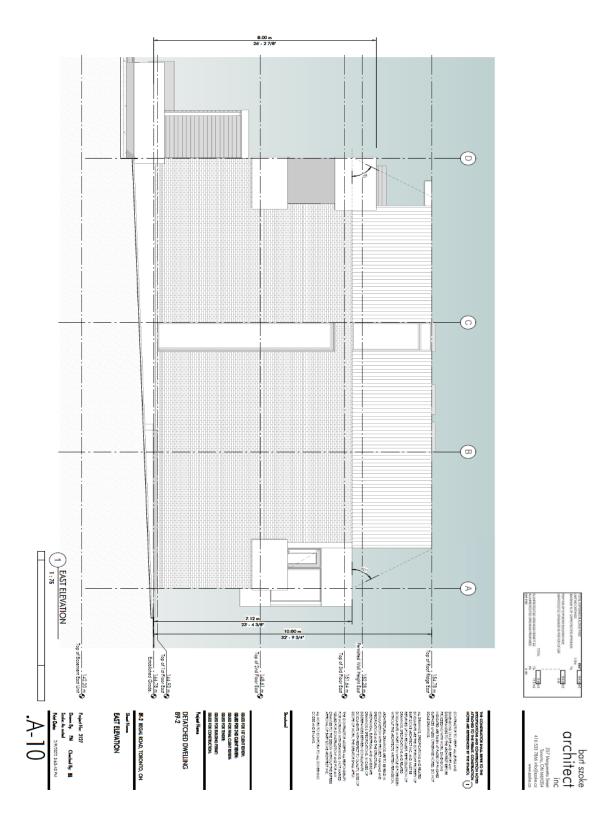
It is the decision of the Committee of Adjustment to approve this variance application for the following reasons:

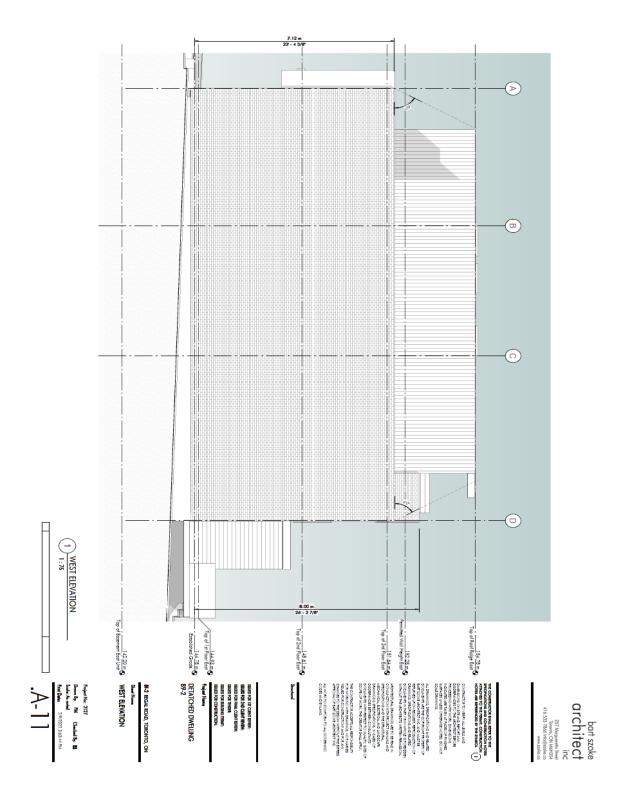
- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

The decision is subject to the following condition(s):

- (1) Prior to the issuance of a building permit, the applicant/owner shall submit a complete application for permit to injure or remove a City owned tree(s) under Municipal Code Chapter 813, Trees Article II, Trees on City Streets, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District.
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- (3) The new dwelling shall be constructed substantially in accordance with side elevation drawings A-10 (East Elevation) and A-11 (West Elevation) illustrating the step backs, received by Committee of Adjustment on March 14, 2022. Any other variances that may appear on these plans and are not listed in the written decision are NOT authorized.

(4) The rear second and third storey terraces shall be constructed with opaque privacy screening or fencing that is permanent, located on the east side of the terraces to a minimum height of 1.5 m, measured from the floor of the terraces.





SIGNATURE PAGE

File Number: A0314/22TEY

Property Address: 89 REGAL RD (PART 2) Legal Description: PLAN D1398 PT LOT 10

Agent: BART SZOKE

Owner(s): FILOMENA GONCALVES

JOSE GONCALVES

Zoning: R d0.6 H10.0m x730 (ZZC)

Ward: Davenport (09)

Community: Toronto

Heritage: Not Applicable

NANCY OOMEN (CHAIR)

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