

DECISION AND ORDER

Decision Issue Date Friday, October 6, 2017

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

Appellant(s): Changde Fu

Applicant: Lorne Rose Architect Inc

Counsel or Agent: Aaron Platt

Property Address/Description: 195 Glenvale Blvd

Committee of Adjustment Case File Number: 17 123869 NNY 26 MV (A0206/17NY)

TLAB Case File Number: 17 175387 S45 26 TLAB

Hearing date: Wednesday, September 13, 2017

DECISION DELIVERED BY Gillian Burton

APPEARANCES

<u>Parties</u>	<u>Representative</u>
Changde Fu	Mark Flowers*
City of Toronto	A. Lusty (student)
Leaside Property Owners Association	Matthew Schuman*
	Cigdem Iltan *
	Mr. Robert Holland *
	(* indicates counsel)

INTRODUCTION

Changde Fu (the “Applicant”) applied to the City of Toronto (the “City”) Committee of Adjustment (the “COA”) for minor variances to construct a new two-storey home with an integral garage and a flat roof at 195 Glendale Boulevard (the “subject property”). The existing home and the detached garage at the west side rear of the lot would be demolished. The elevation of the home will be somewhat raised to accommodate the integral garage. There will be several steps at the front porch area leading to the front door, with another set of steps in the interior leading to the living area. Thus the new construction could be described as a two and a half storey home when viewed from the street.

The COA refused the application, as amended to reduce the building height, on May 18, 2017.

This decision was then appealed to the Toronto Local Appeal Body (“TLAB”) under s. 45(12) of the *Planning Act* (the “Act”) by the Applicant Mr. Fu. The Leaside Property Owners Association (the “LPOA”), represented by Mr. Geoff Kettel, filed an election to be a Party as permitted by the TLAB’s Rules 12.1 and 12.2. The City similarly gave notice of Party status and became a party to the appeal. Several neighbours filed notices that they wished to be Participants in the hearing; in the end, Mr. Andrew Alberti (next door at 193 Glendale Blvd.), Mr. Paul Byrne (120 Brentcliffe Rd.), and Ms. Kendra Dunlop (108 Brentcliffe) gave evidence in opposition to the application.

The Applicants retained Mr. Michael Bissett to provide professional land use planning evidence in support of the application.

BACKGROUND

These are the variances applied for by the applicant at the COA, with the height as amended at the Committee Hearing, and the variances again sought before the TLAB:

1. Chapter 10.5.40.10.(5), By-law No. 569-2013

A minimum of 10m² of the First Floor area must be within 4m of the front wall.
There is 7m² proposed within 4m of the front wall.

2. Chapter 10.20.30.40.(1), By-law No. 569-2013

The maximum permitted lot coverage is 35% of the lot area.
The proposed lot coverage is 35.6% of the lot area.

3. Chapter 10.20.40.10.(4), By-law No. 569-2013

The maximum permitted building height for a flat roof is 7.2m.
The proposed building height is 8.59 m

4. Chapter 10.20.40.40.(1), By-law No. 569-2013

The maximum permitted Floor Space Index is 0.45 times the area of the lot.
The proposed Floor Space Index is 0.7 times the area of the lot.

5. Chapter 10.5.40.70.(1), By-law No. 569-2013

The minimum required front yard setback is 7.32m
The proposed front yard setback is 6.0m.

6. Section 6.2.3, By-law No.1916

The maximum permitted building height is 8.5m.

The proposed building height is **8.9m**.

7. Section 6.2.3, By-law No. 1916

The maximum permitted building length is 16.75m.

The proposed building length is 16.99m.

8. Section 6.2.3, By-law No. 1916

The maximum permitted Floor Space Index is 0.45 times the lot area.

The proposed Floor Space Index is 0.913 times the lot area.

9. Section 6.2.3, By-law No. 1916

The maximum permitted lot coverage is 35% of the lot area.

The proposed lot coverage is 36.2% of the lot area.

While variances are required under both By-law No. 569-2013 (the “new By-law”, currently under appeal), and Leaside By-law No. 1916 (the “Leaside By-law”), there are three duplicated categories – lot coverage, height and floor space index (“FSI”) or gross floor area (“gfa”). In addition, the projected build requires variances for a reduced front hall and front yard setback, and a slightly increased building length. There are no side yard or rear yard setback variances required.

Revised plans indicating the change to variances 3 and 6 respecting height were filed with the TLAB on July 28, 2017 (Exhibit 3). These represent the current variances now sought from TLAB.

JURISDICTION AND MATTERS IN ISSUE

On an appeal, the TLAB must be satisfied that each of the variances sought meets the tests in subsection 45(1) of the Act. This involves a reconsideration of all the variances considered by the Committee, in the physical and planning context. The subsection requires a conclusion that each of the variances, individually and cumulatively:

- is desirable for the appropriate development or use of the land, building or structure;
- maintains the general intent and purpose of the official plan;
- maintains the general intent and purpose of the zoning by-law; and
- is minor.

These are usually expressed as the “four tests”, and all must be satisfied for each variance. In addition, TLAB must have regard to matters of provincial interest as set out in section 2 of the Act, the variances must be consistent with provincial policy statements and conform with provincial plans, as set out in s. 3 of the Act. A decision of the TLAB must therefore be consistent with the 2014 Provincial Policy Statement (‘PPS’) and conform to (or not conflict with) any provincial plan such as the Growth Plan for the Greater Golden Horseshoe (‘Growth Plan’) for the subject area.

Under s. 2.1 of the Planning Act, TLAB is also to have regard for the earlier Committee decision and the materials that were before that body.

EVIDENCE

Mr. Michael Bissett was qualified to give professional evidence on the planning background for the application. 195 Glenvale Boulevard is located on the south side of Glenvale between Laird Drive and Brentcliffe Road, in the former East York. The lot has a frontage of 9.14 metres, a depth of 38.10 metres, and an area of 355.356 square metres. The lot frontage, depth and area are generally typical of what is found along this section of Glenvale Boulevard.

The site is designated 'Neighbourhoods' in the Official Plan, and is zoned R1A under the Leaside By-law (with a density limit of 0.45,) and RD (f9.0:a275;d0.45) in the City by-law (the same density).

He commented upon each of the variances in detail:

Variance 1 - The rationale underlying the New By-law's requirement that 10 sq. m of the first floor be within 4 m of the front wall is to restrict a too high or deep front entrance. He explained that this provision is still under appeal to the Ontario Municipal Board (the "OMB"), as are others, and may ultimately not be required.

Variance 2 - Mr. Bissett clarified that the variances for lot coverage required under both by-laws, 35.6 and 36.2 % rather than the maximum permitted 35%, amounted to only a minimal difference. There would be no perceptible impact.

Variance 3 is required because the New By-law (but not the former) limits the height for a "flat roof" style of home to 7.2 m. In the By-law definitions, a roof is determined to be a flat roof if over 50% of the area is flat. This 7.2 m height will be exceeded here as the requested height is 8.59 m. (This was re-measured following a review of variance 6, and altered in the revised set of plans filed at the TLAB files on July 28, 2017 as part of the Applicant's document book submission – Exhibit 3). This limitation in the new By-law is still under appeal. Under the Leaside By-law the maximum roof height is 8.5, and the proposed height is now measured at 8.9 m., even with the flat configuration. The Staff Report to the COA had recommended this figure as appropriate, and the applicant agreed to alter it. There is no special height limitation for a flat roof in the Leaside by-law.

Variance 4 – this alteration to the floor space index ("FSI") limit as required under the new By-law, is discussed under Variance 8 below. Mr. Bissett pointed out that the City Staff report to the COA did not mention any concerns about this variance under the new By-law.

Variance 5 respecting the front yard setback is a requirement only in the new By-law. It mandates a minimum setback of 7.32 m, while the proposed is 6.0 m. The Leaside By-law requires a 6 m setback, and thus no variance from it is required. (This 6 m figure becomes significant in a later discussion with Mr. Kettel.) Mr. Bissett stressed that the front yard setback of the existing home is already 6.97 m (close to the Leaside By-law standard, and quite close to the requested, for comparison purposes.)

Variance 6 – This variance in height from the required 8.5 m to 8.9 m results from the requirement to measure to the top of the structure, with no allowance for parapets or other projections above. Thus the result is a slightly larger figure (0.30 m greater– see the front elevation in Ex. 3).

Variance 7 – A variance for the building length is only needed under the Leaside By-law. It mandates a 16.75 m maximum – the new structure would be 16.99. As Mr. Bissett mentioned, the appellant LPOA had no objection to this proposed length.

Variance 8 - The figure of 0.913 times the lot area for the FSI, as compared to the maximum of 0.45 FSI in the Leaside By-law, is to be distinguished from the 0.7 times the lot area requested under the new By-law, which also has a maximum of 0.45 FSI. These seemingly widely differing figures result from the different means of calculating a “basement” in the two by-laws. In the Leaside By-law the “basement” is not included in calculation of the gross floor area (the “gfa”), or FSI. “Basement” is defined as a floor that is at least 50% below established grade. Here, the proposal shows a garage/entry level that is 60% above the established grade. Therefore it is not a “basement”, and cannot be excluded, and thus must be included in the gfa under this By-law. If it were to be excavated three feet further, Mr. Bissett said, it would not be included in the computation of the gfa. Although the volume of the house would increase greatly if it were further excavated, the FSI would actually be reduced. The City By-law contains no such provision, and thus the FSI variance requested in Variance 4 is 0.7 times the lot area, rather than 0.913.

Mr. Bissett outlines the effect of this in these terms in Exhibit 1B (p. 5):
“The FSI variance under the Leaside By-law 1916 appears to be higher because of the interpretation of basement level as a first floor and its inclusion in the gross floor area calculation. There are other properties approved by the Committee of Adjustment within the study area which have a similar configuration but appear to not have the basements included in the FSI calculation; however the scale and mass of the approvals are similar (8 & 15 Killdeer Crescent, 192 Glenvale Boulevard, 337 Laird Drive). “

In its Staff Report to the COA, the Planning Staff had recommended that the FSI requested under the Leaside By-law be reduced to between 0.55 and 0.71 times the area of the lot, as only 0.45 is permitted. The staff explained that FSI limits are to regulate the size of structures, and to ensure a stable built form is being maintained in the neighbourhood context. They stated that approvals nearby had been limited to a maximum of 0.71. However, Mr. Bissett noted that no. 192 Glenview had been approved at .82 FSI in 2014, much higher than the .71 cited by staff.

Variance 9 dealing with lot coverage is explained under Variance 2 above – a very small increase in both cases. The Zoning Examiner explained the difference between this figure and that in Variance 2 above: this variance includes the covered front porch.

Mr. Bissett elaborated on his choice of the appropriate “neighbourhood” within which to assess the proposal for the various test required. This may be seen in Exhibit 2, and at p. 6 of the Exhibit Book, Appendix C, Exhibit 1C. He chose Laird north of Eglinton from Broadway north to Glendale, then east on Glendale, past Brentcliffe Rd on the south and around the half circle of Kildeer Cres, back to Brentcliffe. He described the distance chosen as one where you could walk the dog or take a short ride. The Leaside neighbourhood was first planned in 1913, but not constructed in the immediate area until almost the mid-century, with a mixture of detached housing types – original bungalows and more recent large new builds.

The existing home is an older one-storey bungalow, on the south side of a street where there are many redeveloped two storey single detached dwellings. Some of these include integral garages at the lower level and a raised first floor, similar to that proposed (188 and 192 Glenvale.) On the east are the rear yards of four 2-storey single detached dwellings fronting onto Brentcliffe Road (116 to 124 Brentcliffe Road).

To the south are the rear yards of lots which front onto Brentcliffe Road and Laird Drive. Adjacent to the south property line is the convergence of two properties, 353 Laird Drive and 116 Brentcliffe Road. At 353 Laird is a 1-storey dwelling, and 116 Brentcliffe Road is currently 2 storeys.

To the immediate west of the site is a 2-storey home, 193 Glenvale Boulevard. The subject site shares a driveway with this home, which provides access to the rear garages.

A Photo Book was prepared to illustrate the eclectic nature of the designs in his chosen neighbourhood (Exhibit 1E). There are many two-storey or higher homes with integral garages and raised entries, in a similar style, to suit the needs of expanding family lifestyles. Many have the appearance of three storeys, with increased massing compared to nearby bungalows. In his opinion, such massing does not have the effect of destabilizing the neighbourhood, as they indeed comprise a part of it. The proposed design for 195 generally respects this character, despite its contemporary nature. Many of his photos show homes on Kildeer Crescent, which has a greater density allowance of 0.6 under the applicable zoning, rather than the 0.45 permitted to the west of Brentcliffe where the subject site is located. For reasons given below, I have not considered the Kildeer homes as part of the relevant “neighbourhood” for application of the section 45 tests. The subject lot is the last lot on the “crux” as he put it, before the 0.6 limit begins on Brentcliffe and further east on Kildeer.

Mr. Bissett prepared a chart of the minor variance approvals nearby in recent years (Exhibit 1D). Respecting structures on Glenvale itself, 168 Glenvale was approved in March 2016 at 0.609 density and 8.79 height – very like the proposed in presence and appearance. 192 Glenvale (approved in 2014) is even closer – 8.8 m in height under both by-laws, and a density of .82, which was not appealed (photo at p. 15 of Exhibit Book, Appendix C, Exhibit 1E).

The flat roof design is no doubt the most contentious aspect of this proposal. Mr. Bissett found only one example nearby of a flat roof, at 337 Laird Ave. However, there is one mansard roof that appears flat, although there is a small gable effect, at 135 Glenvale.

The present home has a private paved driveway with a rear garage on the west lot line, but shares the one curb cut with the neighbour to the west, Mr. and Mrs. Alberti at No. 193. The survey is found in Exhibit 2, Volume B, Tab 4. The integral garage would mean that no driveway is required for the new structure and the present garage can be demolished. There are no side yard setbacks required. Similarly, no rear yard setback is sought, as the home will be 16 m from the rear lot line, while the by-law requires 9.5 m.

What is proposed is a two storey, 4-bedroom structure with an integral garage, and steps leading up to the raised front entrance. There would be a walkout at the lower level in the rear, and steps up to a rear deck, none of which requires a variance. While it might appear higher, in Mr. Bissett’s view the modern design is softened by a punched bay window at the front lower level, and a recessed window at the second level, with its glazing carried around the corner. The visual impact of the increased height is thereby lessened. There would be no windows on the west elevations except for a bathroom, and on the east side, only the front bay window glazing where it turns the corner. In his opinion, therefore, there would be no light, view or privacy (“LVP”) concerns for the neighbours.

As mentioned, the front yard setback (“fysb”) of the present home is 6.97 m, less than a metre shorter than the required 7.32 m. A 6 m fysb in his opinion would not be out of keeping with those existing on the street, especially considering the side yard setback of the house on the corner of Glenvale and Brentcliffe, facing Brentcliffe and directly to the east of the subject. This is admittedly the rear yard of a corner lot and not therefore in line with the fysbs along Glenvale. Mr. Bissett opines that the very small distance between the lot line along this corner and the board fence erected along the back yard of this property (1.23 m) effectively interrupts the fysbs along Glenvale Avenue, when seen from either direction. Thus another small incursion, a “softer transition” at the front of the subject property would be acceptable.

His analysis in Accordance with the Planning Act Tests Under Section 45(1)

1 - Maintaining the General Intent and Purpose of the Official Plan

In Mr. Bissett's opinion, the proposal conforms with the overall policy framework of the Official Plan, and in particular, Policies 2.3.1, 3.1.2 and 4.1. For the Neighbourhood designation, Policy 2.3 states that neighbourhoods should be stable, but not static. Section 2.3.1.1 notes that "Development within Neighbourhoods ... will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas". This proposal conforms to the lot size and patterns, albeit with a different roof style. Section 3.1.2.1 of the Official Plan provides that "New development will be located and organized to fit with its existing and/or planned context." This would be a change in the neighbourhood, but one sensitive to its character, that is compatible even though it appears to the neighbours to be higher and larger. Compatibility does not mean "the same as", but able to co-exist without adverse impacts. In his professional opinion, section 3.1.2 is satisfied with this proposal, as it will provide an interesting new home to the neighbourhood, within acceptable bounds for size. It will create a modern structure without adverse impacts on the character of the existing neighbourhood. There are raised first floor levels with stairs to front entrances in many of the nearby homes. There is also Section 3.1.2.3 which provides that "New development will be massed and its exterior facade will be designed to fit harmoniously into its existing and/or planned context by:

- a) massing new buildings to frame adjacent streets ... in a way that respects the existing and/or planned street proportion;
- d) providing for adequate light and privacy;
- e) adequately limiting any resulting shadowing of ... neighbouring streets [and] properties;"

Section 3.1.2.4 provides that "New development will be massed to define the edges of streets, parks and open spaces at good proportion. The proposal meets this goal, as the front yard setback is a gradual transition to the corner lot.

Section 4.1.5 of the Plan sets out the specific development criteria for the Neighbourhoods designation. As it relates to the revised variances, section 4.1.5 provides that "Development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular:...

- c) heights, massing, scale and dwelling type of nearby residential properties;
- d) prevailing building types;
- e) setbacks of buildings from the street;

Section 4.1.5 also provides that "no changes will be made through minor variance or other public action that are out of keeping with the physical character of the neighbourhood." Mr. Bissett testified that the height of the new home would be almost identical to its existing neighbour at 193 Glenvale. There are already similar styles on Glenview, as evidenced by the photographs in his materials. Thus it is not so large or tall as to exceed the requirement in section 4.1.5 c) above.

As he realized that the LPOA would be addressing it, Mr. Bissett also considered a document prepared in 2003 entitled "Residential Character Preservation Guidelines for House Renovations, Additions & Infill Development in the Community of Leaside". This guideline was prepared by both the City of Toronto Planning Division and the Leaside Character Area Preservation Advisory Committee. These Guidelines dealt with architectural style (among other things) to guide development in Leaside. He pointed out that these never achieved the status of a Council-approved planning document. They are also quite out of date, and do not reflect contemporary designs. Detached dwellings are generally not subject to site plan control, which presently manages the exterior style and design of some new larger developments.

Since each variance must meet all four of the section 45(1) tests, he examined each in turn respecting compliance with the **Official Plan policies**:

Variance 1 – First floor - There is 7 sq. m proposed within 4 m of the front wall, where a minimum 10 sq. m is required. In his opinion this variance maintains the general intent and purpose of the Official Plan as it is internal to the house and has no impact on the character of the neighbourhood. It provides for a raised entry door where there is an integral garage, resulting in a higher first floor level. This type of design is common in the immediate area, especially with newer homes. The City Planning staff report did not identify any concern with respect to this variance.

Variance 2 – Lot Coverage- The request is for 35.6% of the lot area under the new By-law, and 36.2% under the Leaside By-law, while the maximum is 35% under both by-laws. The slight increase in lot coverage maintains the general intent and purpose of the Official Plan as the proposed building would respect the existing scale of development in the area, without requiring any reduction to the rear- or side-yard setbacks. One example was for 39% granted in 2013 at 144 Glenvale ((Exhibit 1D).

Variance 3 –Building Height– To permit a building height of 8.59 m, versus 7.2 m for a flat roof (new By-law) and a height of 8.9 m versus 8.5 m (Leaside By-law.) He testified that the height and massing is also consistent with recent redevelopments in the area, and is respectful and reinforces the existing physical character of the neighbourhood. The proposed variance is in keeping with similar variances approved for building heights granted under the Leaside By-law (174, 188 and 192 Glenvale and 337 Laird – a flat roof - at 8.8 metres.).

It is also noted that the height was reduced from the original proposal in response to City Planning staff comments. The proposed height is now consistent with that requested by staff.

This height provides for a two storey single-detached dwelling with an integral garage at the lower level, which is also consistent with recent rebuilds. The Official Plan does not contain policies regarding architectural style (i.e. any preference for flat or peaked roofs). Rather, the policies deal with respecting the character of the area in the context of height, massing and scale generally in Policy 4.1.5, and having consideration for built form impacts in Policy 3.1.2.

His evidence was that the proposed height would not result in any unacceptable Light, View and Privacy (LVP) impacts on neighbouring properties or streets per the policies of 3.1.2 of the Official Plan (See above, p. 7).

Variance 4 – Gross Floor Area (FSI)– Increase the FSI to 0.7 times the area of the lot under the new By-law, and to 0.913 under the Leaside By-law, while both require a maximum of 0.45. In terms of scale, the proposed dwelling is compatible with the primarily 2-storey homes in the surrounding neighbourhood. Committee of Adjustment decisions found in his report (Ex. 1B)

show that the gfa of the proposed dwelling and the resulting FSI is in keeping with the FSI of recently approved dwellings in the surrounding neighbourhood., It will not result in any unacceptable impacts on neighbouring properties indicated in the photographs provided in Exhibit 1E.

As pointed out, the increased FSI from 0.45 to 0.913 under the Leaside By-law results from the lower level being included in the calculation for gfa. Technically, the additional gfa creates no additional massing or scale that would impact the character of the neighbourhood. It will be invisible, to all intents and purposes. The City planners requested that the density under this By-law be reduced to 0.71 to be more in keeping with other approvals in the area. However, this report did not acknowledge the approval of 0.82 at 192 Glenvale. It is his opinion that the actual form of this development is generally consistent with these recent approvals. By focusing on the actual massing proposed, rather than the 0.913 number, it is generally consistent with them.

Variance 5- Front Yard Setback - To permit a front yard setback of 6.0 metres, whereas the minimum front yard setback is 7.32 metres.

In his opinion, the minor decrease in the front yard setback maintains an appropriate setback, taking into consideration that the adjacent lot to the east (124 Brentcliffe) is located much closer to Glenvale Boulevard, and has a fence located along the Glenvale property line. The reduced front yard setback would therefore not actually interrupt any prevailing pattern of front yard setbacks along Glenvale. The front yard setback meets the intent of 4.1.5 e) (setbacks of buildings from the street) as it is a very minor deviation, offset by the small side yard setback beside it on the corner at Brentcliffe.

Variance 6- Building Length - A building length of 16.99 m, rather than 16.75 m. under the old By-law. There is no such provision in the new By-law.

This only exceeds the maximum permitted length by 24 centimetres, and respects the existing physical character and rear landscape open space pattern of the area. In addition, the design incorporates an integral garage, and removes the lot coverage and visual barrier represented by the existing garage.

Thus in Mr. Bissett's opinion, the variances, both individually and cumulatively, maintain the general intent and purpose of the Official Plan.

2 - Maintaining the General Intent and Purpose of the Zoning By-law

Variance 1 – First Floor Area – as outlined, this reduction to 7 sq. m from 10 sq. m would allow a design that is in keeping with the evolving character of the area, and therefore maintains the general intent and purpose of the zoning by-law. The provision attempts to provide for entry levels consistent with the level of the main floor of new homes, so that new houses respect and reinforce the existing character of the area. In this context, the area has many new homes with raised entry levels and higher main floors to allow for integral garages. Therefore, this variance can also be found to be within the intent and purpose of the by-law provision.

Variance 2 – Lot Coverage- coverages of 35.6% and 36.2% of the lot area are within the general intent and purpose of the coverage regulation, which is to control the massing and scale of development. Thus the area character is respected, and built form impacts of light, view and privacy are mitigated. In this instance, the slight increase in coverage results in no impacts on adjacent properties as compared to the maximum permitted coverage.

Variance 3 –Building Height– Height increases to 8.59 m and 8.9 m, versus 7.2 for a flat roof in the new By-law, and 8.5 in the Leaside By-law. The general intent and purpose of the maximum height under the new By-law is to provide for a height that is generally in keeping with

the massing and scale of the area, which in this area is 2 storeys, with many newer homes having a raised lower level for integral garages. While the style of the proposed home includes a flat roof, meaning a numerical increase of over a metre, the resulting height would be generally consistent with other two-storey homes in the area. There would not be any noticeable break in the height of rooflines along the streetscape on Glenvale. In re-examination he stated that the City planner had made no recommendation for a specific height of the proposed flat roof.

He pointed to comments on this variance found in the letters of objection to the proposal, that its relationship to the raised main floor would mean that the rear deck would be 9 feet high. As is shown on the elevations provided in the plans, because of the descending grade in the rear, the interior floor levels alter such that the rear deck would be about 6 feet high rather than 9 feet (Exhibit 3). It is important to note that there is no variance of any kind required for the deck; it can be built as of right at the proposed height. As for privacy concerns, in cross examination he stated that while there will be overlook, this must be assessed on whether it is unacceptable in the modern urban environment. There are fewer LVP concerns because there are no windows in this east elevation.

Variance 4 – Gross Floor Area (FSI)– The rationale for this variance has been outlined under Variance 4 above (p. 5). This must be understood in order to evaluate its compliance with the zoning requirements. Notwithstanding this numerical technicality, Mr. Bissett opines that the resulting massing is consistent and respectful of the character of the area as exemplified in the photographs contained in Exhibit 1E. While the FSI exceeds the maximum permitted, the overall size and massing of the proposed house is comparable to other houses in the surrounding neighbourhood. While the subject property is within a zone that has a maximum permitted FSI of 0.45, the adjacent properties on Brentcliffe Road, part of his chosen neighbourhood because of close proximity, have as of right permissions for a maximum FSI of 0.60. Further, there have been recent approvals for densities comparable to the FSI variance under 569-2013, including 135 Glenvale Boulevard and 331 Laird Drive (within the maximum 0.45 maximum FSI zone). Also, recent approvals with a similar scale and massing to the subject proposal have been granted at 192 Glenvale Boulevard and 337 Laird Drive.

It was his opinion that the proposed FSI is generally consistent with the range of densities that exist in the study area. It will provide appropriate built form relationships with neighbouring homes.

Variance 5- Front Yard Setback – A reduction of 1.32 m under the new By-law maintains the general intent of the By-law, which is to provide for adequate front yard landscaping and an appropriate streetscape pattern that respects the character of the area. Because of its position next to a corner lot with a board fence close to the boundary, this meets this requirement.

Variance 6- Building Length – This 24-centimetre variance would have no built form impact as compared to a building constructed in accordance with the permitted building length. Even when considering the cumulative impact of building length with the increased height and density permissions, the overall design does not result in a massing that is out of keeping with the scale of development in the area and does not result in unacceptable light, view or privacy impacts on adjacent properties.

Thus In his opinion, the variances, both individually and cumulatively, maintain the general intent and purpose of the City of Toronto Zoning By-law 569-2013 and Leaside Zoning By-law 1916.

3 - Desirable and Appropriate for the Development of the Land

Mr. Bissett stated that the proposal represents a positive contribution to a neighbourhood that is experiencing ongoing reinvestment in its housing stock through a mixture of renovations, additions, and new home builds. The redevelopment of a small 2- bedroom bungalow of about 100 square metres, to a new 2-storey, 4-bedroom home, is desirable in terms of accommodating family housing stock within a stable Neighbourhood. The height, massing and scale of the proposal are generally in keeping with the character of the surrounding neighbourhood and recently renovated and newly built homes. Thus it is his opinion that the variances, both individually and cumulatively, are appropriate and desirable for the site and its context.

4 - Minor in Nature

He opined that the variances, both individually and cumulatively, are minor from both a quantitative and qualitative perspective. Minor is not simply a numerical calculation, but is also based on an analysis of fit and impact on the immediate context and surrounding neighbourhood. The overall height, massing and scale of the proposal are in keeping with the existing built form character of the study area. In his opinion, the variances are minor in nature.

Evidence of the Appellant Leaside Property Owners Association

Before the appellant Association began its testimony (indeed at the commencement of the hearing), Mr. Flowers objected to the failure of the LPOA to meet the filing requirements of the TLAB. Although it had filed an Expert Witness Statement in a timely manner, the evening before the hearing it had withdrawn that statement and substituted the written evidence of Mr. Geoff Kettel, the former President of the Association, who had filed as its agent and representative in this matter. The expert witness was unable to attend, for unrelated reasons. Mr. Flowers' objections were that as representative, Mr. Kettel could not be a witness, especially not an expert witness on the planning issues, as he is clearly not an independent one. Experts must give objective evidence, as is made clear in the TLAB's Form 14. The expert must also be available for cross examination. Mr. Kettel was even seeking two additional variances, not identified by a Zoning Examiner. Mr. Flowers pointed out that the hallmark of the new TLAB procedures is early disclosure, and that there was a complete failure in this case. Mr. Kettel's very recent affidavit accompanying his witness statement should not be accepted by the TLAB. Mr. Flowers argued that the actual written evidence provided was in fact just an altered repetition of the planning witness's expert report.

I refused to accept the late-filed "written evidence" as a substitute for the "expert witness statement", as I agreed with Mr. Flowers that the disclosure requirements had not been met. Mr. Kettel had not purported to file his report as an expert (even though there was a lengthy outline of his professional background.) However, as I explained, I felt compelled to accept some testimony from the LPOA, the ratepayers group, as they had properly sought party status in a timely fashion. They were now represented by counsel, Mr. Holland, in this hearing, as Mr. Kettel could not perform both roles, agent and witness. Mr. Holland would lead him through his testimony. I thus made an exception to the filing times for witness statements, under Rule 2.10 of the TLAB's Rules of Practice and Procedure, and accepted Mr. Kettel as a witness for the Association. Mr. Kettel was instructed to limit his testimony to non-opinion evidence, and he was closely monitored for this. However, I conclude that there was no real surprise or prejudice for the applicant respecting the substance of his testimony as Mr. Flowers had argued. Indeed, as Mr. Kettel proceeded to consult his witness statement during his testimony, it proved to be very similar to the one filed earlier by the expert witness.

The principal concerns of the LPOA were:

Mr. Kettel pointed out that the COA refused this application, and the City is represented at this appeal hearing in opposition. He rejects the inclusion of the homes on Kildeer Cres. in Mr. Bissett's neighborhood study, as those are zoned R1B where .06 density is permitted on much larger lots, while the proposed is zoned R1A, at 0.45 density.

He would have chosen a much narrower geographical "neighbourhood" for the evaluation of this proposal. His "Context" or "Inner Area" was filed as Exhibit 6. It includes the seven abutting neighbours on Brentcliffe and Laird, and homes on Glendale, the south and north side. It totals 20 homes only. He stated that this is becoming the custom elsewhere – about a 500 m radius. He maintained that this is the appropriate distance within which to assess the "architectural integrity" of the neighbourhood for assessing whether the four tests are met. In cross examination he admitted that the home of the Participant Ms. Dunlop (see below) is left out of his area, while it does include the similar rebuilt home at 192 Glendale, approved recently at the FSI of 0.82.

His arguments on density relied somewhat on the 2003 document entitled "Residential Character Preservation Guidelines for House Renovations, Additions & Infill Development in the Community of Leaside", mentioned by Mr. Bissett. These Guidelines were a project of the area Councillor, and were prepared by the Planning Division and the Leaside Character Area Preservation Advisory Committee. They dealt with architectural style (among other things) to guide development in Leaside.

He considers this proposal as a major deviation from the Guidelines, and that such structures will erode the residential character of Leaside. The combined variances would permit a "box-like" structure, "towering" over the houses on the block. He termed it a "jumped-up" design of three storeys, all to permit an integral garage on to a lot that is too narrow. The other designs shown by Mr. Bissett were built on wider lots. The height variance (of 8.9 m rather than 8.5 m) under the Leaside By-law he termed "remarkable – out of the ballpark", as he had never seen such a variance request from the former By-law. Shadowing and overlook would increase. The flat roof would be out of character. (He attempted to introduce a photo of a flat roof home on another street – it was rejected as irrelevant for this matter.) He would have preferred that the applicant provide a scale model of the proposal in context, so that the inappropriate fit and scale could be evaluated. Other rebuilds such as 192 respected the requirement for roof gables to permit sunlight to penetrate to neighbouring homes. Overall he found a lack of conformity with both the Official Plan and the Zoning requirements. There are no constraints on the site that force such an application; the owner could have built within the by-law requirements as it is a new build.

Mr. Kettel compared the proposed variances to the Plan requirements. Much of this part of his evidence did appear to be giving opinions on conformity, such as an expert witness would do. Thus I will not recite it in detail. He did state quite rightly that the proposal must be judged in its totality as well as variance by variance. These are other points made:

He rejected Mr. Bissett's use of the neighbouring corner lot on Brentcliffe to promote the reduced front yard setback. Corner lots must utilize all of the land, it is not relevant here to say that they "stick out" and so interrupt the streetscape. It would not be a consistent streetscape if the variance is allowed. He later said that it was acceptable that the backyard of the corner lot protruded, as it was to the rear of the building. If at the front it would not be consistent.

There was some discussion of an additional height variance for a parapet on the roof. This was ruled to be irrelevant as it was not addressed well in advance of the hearing, and was not included in the Zoning Examiner's list of required variances. He would have preferred that the

applicant provide a scale model of the proposal in context, so that the inappropriate fit and scale could be evaluated.

In cross examination by Mr. Flowers on the Guidelines, Mr. Kettel was taken to a sentence stating: "They are not intended to mandate a specific design...." He accepted Mr. Flowers' statement that the Guidelines have nothing to do with actual design. An as-of-right structure can be built that does not meet those Guidelines. A photo in the First Guideline of a streetscape was captioned in part, "By adhering to the minimum 6 m setback, the standard specified in the municipal by-law..." Mr. Kettel acknowledged that a 6 m front yard setback was a longstanding one, even though it has been increased in the new By-law. He resiled somewhat from his characterization of the proposed "towering" over the Alberti home next door, by saying that while the height increase seems large, and he sees four storeys in the side elevation, the two homes at 193 and 195 will be more similar in height than either of them is to nearby bungalows. He also agreed that the proposed length increase did not concern the Association.

Participants

Several near neighbours gave evidence as Participants, and properly filed their Participant Statements.

Paul Byrne: The rear yard of Mr. Paul Byrne's home on the west side of Brentcliffe, no. 120, abuts the subject property to the rear. His home is 3 properties south of the corner of Brentcliffe and Glendale. He objects to the increased height, especially of the deck which he fears will impact the neighbours' privacy. He also thinks that there will be increased shadow from the larger structure. The increase in FSI for the "double basement", as he sees it, is particularly objectionable because of possible increased water damage and insurance premiums. When questioned by Mr. Schuman he stated that while he could now see the series of backyards on Glendale from his rear yard, if the new one was built he would not be able to have an unobstructed view. He also believed that there would be overlook from the proposed rear deck, which he said was the highest of nearby properties. In cross examination, he admitted that there is no variance required for the deck. He believed that the increased development at 192 Glenvale, the "biggest house in the neighbourhood", is not appropriate in scale. However, he did say that there are similar builds in the immediate neighbourhood. The fact that there are no windows on the east elevation did reduce his concern for privacy.

Andrew Alberti: Andrew and Carolyn Alberti live next door on the west side of the subject property, at 193 Glenvale Blvd. Theirs is a two story modern home with a gabled roof. Mr. Alberti outlined their attempt in 2002 to obtain a variance for a 0.54 FSI, but it was refused. They now object to the 0.913 requested in this application, as seeming like a proposal for a three storey home. He too objects to the height of the deck. His other concerns extend to the reduced front yard setback, as it will be "out of the row" along the street and impact the alignment. Even though the Brentcliffe home is closer to the sidewalk, it is on the next street. He also fears loss of sunlight in the morning.

Kendra Dunlop: Ms. Dunlop resides at 108 Brentcliffe Rd., purchased in 2012 and renovated within the By-law requirements. She does not share a boundary with the subject. She objects to the lack of compliance with section 4.5 c) of the Official Plan, stating that the proposal does not generally fit with the character, heights, massing or scale of the neighbourhood. She sees Ontario Municipal Board decisions as changing the character of the neighbourhood by incremental increases. This is really a 2 ½ or 3 storey proposal. A mansard roof better allows for light penetration to neighbouring properties. Hers is a larger lot with a large tree, so she chose to restrict the height of her rebuild to accommodate the neighbours. She is within the greater density area of 0.6, however, and under cross, revised her location to the 8th house

down from Glenvale, so unlike Mr. Byrne, her yard is not close to the subject property. However, she admitted that she did not believe that additional density like that of 192 Glenvale “destabilized” the neighbourhood, and that many of the photos shown were constructed “in keeping with the area.”

Participants who had to leave or did not appear: Several persons attended but had to leave after the morning session, prior to their presentation. These included Anil Passi, James Hartley and Gail Armstrong, and Jennifer Walker did not attend. Their statements were carefully considered however, and I believe fully addressed in the findings.

In argument Mr. Flowers stressed that considering the variances as a percentage increase or decrease from the by-law requirements did not assist in evaluating the proposal. The context must be the test. The neighbourhood as defined by Mr. Bissett is already eclectic and diverse, with four types of garages and all ages of existing structures. All of the witnesses said it is a stable residential neighbourhood. He suggested that it is stable because of its diversity; that healthy neighbourhoods do not destabilize. He pointed out that the City brought no planning witness to refute the evidence of Mr. Bissett. He had evaluated the variances as a package, in their totality, and this met the s. 45(1) tests.

Mr. Schuman for the City argued that the application does not meet the four tests, especially the need to maintain the general intent and purpose of the Official Plan and the Zoning By-laws. It does not in the City’s opinion respect and reinforce the neighbourhood character, and is an inappropriate development. It relies on the Vincent DeGasparis decision (Vincent DeGasparis [2005 O.J. No 2890] where the Divisional Court emphasized the need to determine that each of the variances both individually and collectively meet the tests in section 45(1) of the Act. The court found that “minor” did not mean just impact, but also the size of the variance requested. A variance can be too large numerically even without any impact on other properties, or on the neighbourhood (para. 12.) He argued that the variances do not respect and reinforce the character of the neighbourhood, that the proposal constitutes inappropriate development because of its size. He objected to the overall massing, increased length, height and front yard setback, as together they create a larger building envelope and therefore cannot be said to be minor. He also submitted two OMB cases Gibowic v Toronto (City) Committee of Adjustment 2004 CarswellOnt 7126, and Kenigsvan v. Toronto (City) Committee of Adjustment [2003] O.M.B.D. No. 198, illustrating that the adjudicator must consider the cumulative effect and extent of the variances. In para. 38 of Gibowic, the member quoted: “...the multitude of variances requested, and required, collectively become major. What is proposed is not necessary or desirable for the appropriate development or use of this property in a mature residential neighbourhood.”

Mr. Holland distinguished the new home at 192 Glenvale as a precedent for this one, as it does not have a flat roof; and eliminated 337 Laird as not relevant to this neighbourhood. I cannot agree, as this appears to be based on the Context created by Mr. Kettel. Even without style guidelines, he stated that style is relevant in assessing impact. He objects to the style on the basis of impact as well. With the raised first floor. It would affect the nearest neighbours negatively, so he would reject the variances, especially the height.

ANALYSIS, FINDINGS, REASONS

The TLAB has evaluated very carefully the evidence of the applicant as well as the concerns of the City and the neighbours. It has applied the statutory tests and has had regard for the cases submitted on its duties in assessing the variances requested. The recitation of the evidence above is very detailed, perhaps too much so, but I considered it necessary because of the City’s challenge as well as those of the neighbours.

The TLAB agrees with Mr. Bissett's unchallenged expert testimony, the only such evidence heard, that the proposed development will contribute a new home that is contextually appropriate and quite compatible with the existing residential uses. It will not appear oversized because of the technical increase in FSI under the old By-law – in fact it would look just the same from the street, at the recommended 0.71 FSI. It also respects and reinforces the character of already-constructed developments within the *Neighbourhoods* designation. His opinions were fully and completely tested in cross examination by the other parties, and were quite unchanged.

Respecting the test of maintaining the general intent and purpose of the Official Plan and the Zoning By-law, it was difficult to categorize exactly what constitutes the "neighbourhood". This property is "on the crux" as he put it between two FSI requirements, 0.45 and 0.6 times the lot area. However as Mr. Bissett pointed out, the recent, somewhat similar builds at 192 Glenvale and 337 Laird have not destabilized the neighbourhood. They are part of the neighbourhood now. There is continuing redevelopment in this very desirable and sought-after area of Leaside.

I reject the examples on Kildeer Cres. of increased FSI and newer designs because of the differing density limits, the ravine feature to the rear, and the fact that the lots are generally larger lots. These are not appropriately part of the "neighbourhood" in assessing whether the proposal will meet the section 45(1) tests.

Respecting the concerns of the LPOA as expressed by Mr. Kettel, I give no weight to his reliance on the Guidelines, as they had never achieved acceptance as approved Council policy. I also did not rely on what he purported to provide as planning opinions on the merits, for although extremely qualified in his professional and community background, for the reasons given he could not provide expert opinion evidence in this matter. I agree with Mr. Flowers' objection to his test of the "architectural integrity" of the neighbourhood. The TLAB has no power to govern architectural style. In my view this is the wrong test on which to assess the "fit" of a new structure. There would be few or no architectural changes made if this quite narrow test were accepted.

On his choice of "neighbourhood" as only 20 properties, I cannot agree that this is sufficient in this case. Having chosen this narrow area, he stated that there was not much change within it. However, as Mr. Bissett's evidence proves, there is in fact quite a bit of new development within a few blocks, even if the Kildeer homes are excluded, as I would do. Mr. Flowers submitted the OMB decision in Re Hayek 2007 CarswellOnt 4492 as authority for the proposition that the appropriate "neighbourhood" is about two blocks either way, "...what one might see on a walk or a short drive." (para 18.) The Board found that there is no policy which specifies the size of a study area. As Mr. Flowers pointed out, even the new home at 192 Glendale is within Mr. Kettel's reduced area, and it was approved at 0.82 FSI (and missed by the City Planner who said the top range awarded and recommended was .71.)

I do not agree with the concerns of the neighbours respecting the alleged loss of privacy because of the rear deck. This may indeed occur to a certain degree, however there is no variance required for that deck. A certain amount of overlook is to be expected in today's neighbourhoods. The TLAB has no jurisdiction to deal with its height or effect. I note, for the sake of the neighbours, that its design was dictated by the sloping grade at the rear of the property. Its height seems to be 2.69 m on the plans elevation, which would be about 8.82 ft, so I can understand the confusion. However, Mr. Bissett was firm in his conclusion that the deck height would not be above approximately 6 ft. Again, there is no variance required for the deck.

I reject the concerns about loss of privacy because of the length of the building, as the variance for length of the structure is miniscule, even with the height increase. The neighbour on the corner of Brentcliffe did not express any LVP concerns. The requested increase in building length must be considered in light of the fact that the rear yards in this immediate area are quite large. There will be no discernible impact.

This panel believes that the fundamental issue for the City and perhaps the neighbours as well is the height variance for a flat roof. It is understood that the new By-law height requirements for main walls are meant to discourage flat roof designs that appear as three or more storeys. The other variances are not excessive for the area. The TLAB must be satisfied that the variance for height under the new By-law indeed meets the intent, not just numerically but in terms of impact. I accept Mr. Bissett's uncontroverted testimony that the height of the new home would be almost identical to its existing neighbour at 193 Glenvale, even with a flat roof. There are already similar styles at 174 and 188 Glenview, as evidenced by the photographs in his materials – 174 with an almost flat roof and very low peaks, and 188 with a somewhat flat roof and low peaks. Even 192, cited often for its density at .82, has an almost flat roof design. The proposed height is consistent with recent approvals in the neighbourhood. There are nearby approvals for heights from 8.5 to 8.8 m at 144, 174, 188, & 192 Glenvale Boulevard, 25 Killdeer Crescent, and 317 Laird Drive, as well as from 7.2 to 9 m for a flat roof home at 337 Laird Drive. It will be a very similar height to that of the nearest neighbours, at 193. Mr. Alberti's concern about loss of sunlight applies equally to the proposed home in the evening hours.

The FSI variance under the Leaside By-law is higher because of the interpretation of the basement level as a first floor and its inclusion in the gross floor area calculation. The COA has approved other applications within the study area which have a similar configuration, but appear to not have the basements included in the FSI calculation. However, the scale and mass of the approvals are similar (192 Glenvale Boulevard, 337 Laird Drive.) This is a highly technical variance caused by the height of the first floor.

Respecting the test in section 45(1) of the Act that the proposal maintains the general intent and purpose of the zoning by-law, in my opinion, the by-law tests are met. Given the factors stated above – two-storey, modern yet compatible design – the applicable policy and by-law provisions are satisfied. The front yard setback meets the intent of the zoning provision as it is a small deviation, offset by the shortened side yard setback beside it on Brentcliffe.

Respecting the standard that the variances be minor in nature, I conclude that they are minor, both individually and cumulatively. No undue adverse impact would occur, as massing would be kept in an acceptable range, especially since there are no side or rear yard setback variances needed. The height increase is indeed minor in the context of other approvals nearby. By section 3(5) of the Planning Act, planning approvals must be consistent with applicable provincial policy statements, and conform to or not conflict with provincial plans in effect. In Mr. Bissett's opinion, the proposal is consistent with the 2014 Provincial Policy Statement. The proposed variances will facilitate the ongoing regeneration of homes in the study area by permitting the development of a modern single-detached dwelling, which is compatible with the general height and scale of other existing and approved homes in the surrounding neighbourhood.

Similarly, the proposal conforms with the applicable policies in the Growth Plan for the Greater Golden Horseshoe (2017), Policies 1.2.1, 2.2.1 and 2.2.2. The proposed variances will facilitate the ongoing regeneration of homes in the surrounding neighbourhood by permitting development of a new detached dwelling which is compatible with and reinforces the general height and scale of other existing and approved homes in the surrounding neighbourhood.

Overall the TLAB accepts the expert opinion of Mr. Bissett that the four tests are met, along with the provincial policies, for the reasons given.

In my opinion, the proposal will not result in any unacceptable impacts in terms of light, view and privacy resulting from the proposed variances. The proposed mass of the new home is not out of keeping with and will not destabilize the existing physical character of the neighbourhood within the study area. The variances are therefore, both individually and cumulatively, appropriate and desirable for the site and its context, meeting the fourth test in section 45(1).

The proposed height is consistent with recent approvals in the neighbourhood. There are nearby approvals for heights from 8.5 to 8.8 metres at 144, 174, 188, & 192 Glenvale Boulevard, 25 Killdeer Crescent, and 317 Laird Drive, as well as from 7.2 to 9 metres for a flat roof home at 337 Laird Drive around the corner from the site. The Committee of Adjustment decisions for these approvals are provided in Appendix B and the Photos of these homes are provided in Appendix A.

The proposed massing is generally consistent with recent approvals for new homes within the study area which includes approvals for an FSI near to and in excess of 0.7 times the area of the lot (135 Glenvale Boulevard, 331 Laird Drive.) The FSI variance under the Leaside By-law appears to be higher because of the interpretation of basement level as a first floor and its inclusion in the gross floor area calculation. There are other properties approved by the Committee of Adjustment within the study area which have a similar configuration but appears to not have the basements included in the FSI calculation; however the scale and mass of the approvals are similar (192 Glenvale Boulevard, 337 Laird Drive).

In accordance with subsection 45(1) of the Planning Act, it is my opinion that the variances, both individually and cumulatively, maintain the general intent and purpose of the Official Plan and Zoning By-law, are desirable for the appropriate development and use of the land, and are minor.

The TLAB realises that many neighbours may be inclined to not agree with this assessment. However, it is clear from the photo evidence that replacement homes even larger than the proposed make up a good percentage of the immediate area. There was no evidence provided that these recent rebuilds have destabilized this attractive area. Rather they have enhanced its character.

I agree with Mr. Bissett's professional opinion that these variances are minor in nature, both individually and cumulatively. As he stated, no undue adverse impact would occur, as massing would be kept in the acceptable range, especially since there are no side yard or rear yard setbacks needed and the length variance is very small. This is important in evaluating Mr. Alberti's concern about the increased bulk of the building close to his. Shadowing would be minimal.

There are no flat roof designs in the immediate block. However, the new design may yet be duplicated from this example. Because the variances requested do meet the statutory tests, the TLAB sees no reason to refuse them. Thus these approvals should not be the precedent feared by the many objectors at the COA hearing and the TLAB proceedings.

DECISION AND ORDER

The TLAB orders that the appeal is allowed and the variances from the City of Toronto Zoning By-law No 569-2013, and the Leaside Zoning By-law 1916 as set out above are approved, subject to the following conditions:

- 1) The new two-storey detached dwelling shall be constructed substantially in accordance with the Revised Plans (Exhibit 3) filed with TLAB on July 19, 2017, and appended as Attachment A. Any other variances that may appear on these plans that are not listed in the written decision are not authorized.
- 2) The variances to Zoning By-law No. 569-2013 as identified herein are all authorized contingent upon the relevant provisions of that by-law coming into full force and effect, and are subject to the same conditions.

(Attachment A – Revised Plans)

X 

G. Burton
Chair, Toronto Local Appeal Body
Signed by: Gillian Burton

STATISTICS ARE FOR GENERAL INFORMATION AND SHOULD BE REVIEWED BY EXAMINER

195 GLENVALE BLVD.
EAST YORK, ONTARIO
project # 16-38

<u>LOT AREA:</u>	3824.95 S.F. (355.35 M2)
<u>GROSS FLOOR AREA:</u>	<u>PROPOSED</u>
BASEMENT LANDING	796.5 S.F. (74 s.m.)
GROUND FLOOR AREA	1360.3 S.F. (126.4 s.m.)
SECOND FLOOR AREA	1335.4 S.F. (124 s.m.)
TOTAL G.F.A.	3492.2 s.f. (324.4 M2)

<u>COVERAGE:</u>	<u>MAXIMUM</u>	<u>PROPOSED</u>
	35 %	1360.3 S.F. (126.4 s.m.) 35.56 %

<u>FSI:</u>	<u>MAXIMUM</u>	<u>PROPOSED</u>
	45 %	3492.2 s.f. (324.4 M2) 91.3 %

<u>SETBACKS:</u>	<u>MINIMUM</u>	<u>PROPOSED</u>
FRONT	LD BYLAW= 6 M	6 M
REAR	7.5 M	16.02 M
WEST SIDE	0.90 M	0.94 M
EAST SIDE	0.90 M	0.90 M

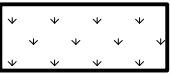
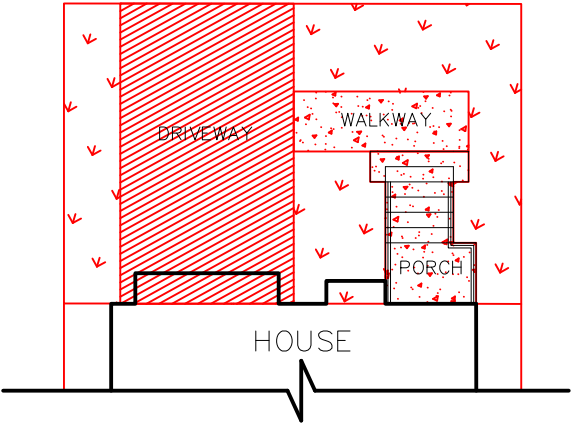
<u>LENGTH OF DWELLING:</u>	<u>MAXIMUM</u>	<u>PROPOSED</u>
	17 M	16.99 M

<u>HEIGHT OF DWELLING:</u>	<u>PROPOSED</u>
	8.59 M

SITE STATISTICS

<u>FRONT YARD LANDSCAPING:</u>	<u>MINIMUM</u>	<u>PROPOSED</u>
	50%	34.02 M2 62 %

<u>FRONT YARD SOFT LANDSCAPING:</u>	<u>MINIMUM</u>	<u>PROPOSED</u>
	75%	25.86 M2 76 %



FRONT YARD = 54.85 M2



DRIVEWAY = 20.83 M2



PORCH+WALKWAY = 8.16 M2

Toronto Local Appeal Body

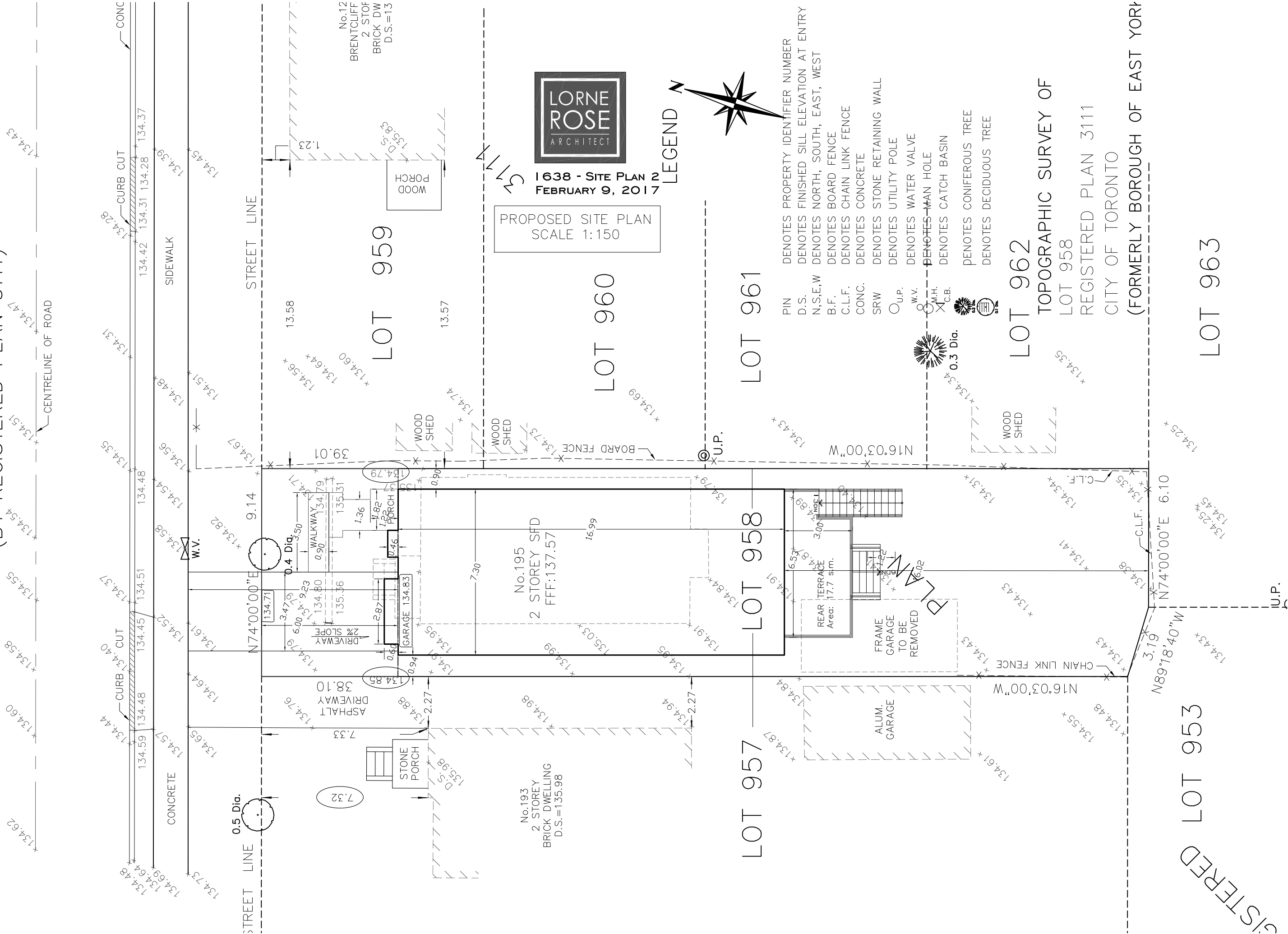
EXHIBIT # 3

Case File Number: 17 175387 S45 26 TLAB
Property Address: 195 Glenvale Blvd
Date Marked: September 13, 2017



1638 - DESIGN 8
JULY 19, 2017

GLENVALE BOULEVARD
(BY REGISTERED PLAN 3111)



1638 - SITE PLAN 2
FEBRUARY 9, 2017

PROPOSED SITE PLAN
SCALE 1:150

LEGEND



- PIN DENOTES PROPERTY IDENTIFIER NUMBER
- D.S. DENOTES FINISHED SILL ELEVATION AT ENTRY
- N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
- B.F. DENOTES BOARD FENCE
- C.L.F. DENOTES CHAIN LINK FENCE
- CONC. DENOTES CONCRETE
- SRW DENOTES STONE RETAINING WALL
- O_{U.P.} DENOTES UTILITY POLE
- W.V. DENOTES WATER VALVE
- M.H. DENOTES MAN HOLE
- C.B. DENOTES CATCH BASIN
- Tree symbol DENOTES CONIFEROUS TREE
- Tree symbol DENOTES DECIDUOUS TREE

LOT 962

TOPOGRAPHIC SURVEY OF

LOT 958

REGISTERED PLAN 3111

CITY OF TORONTO

(FORMERLY BOROUGH OF EAST YORK)

LOT 963

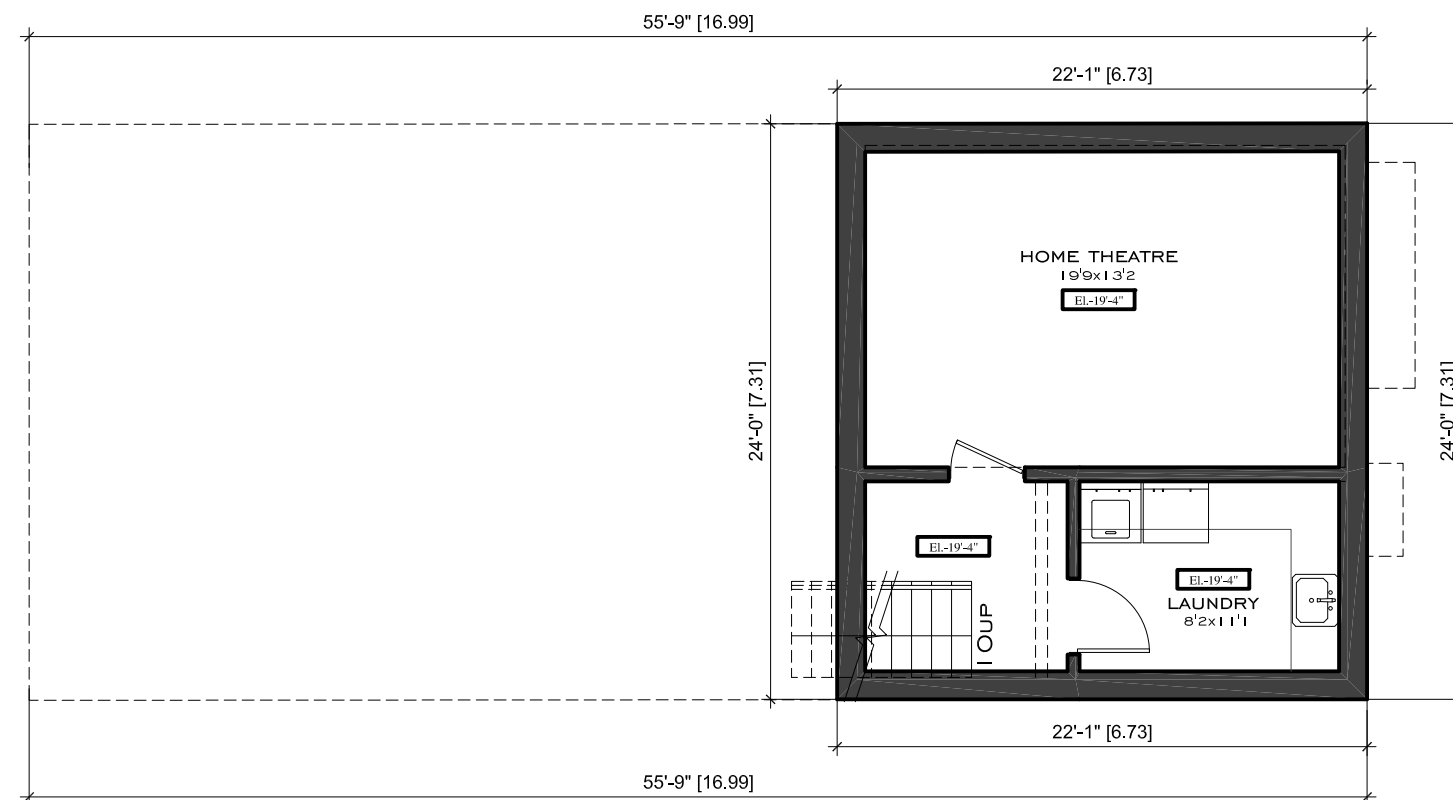
LOT 953

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N74°00'00"E 6.10'

U.P.

195 GLENVALE BLVD.
EAST YORK, ONTARIO
project # 16-38



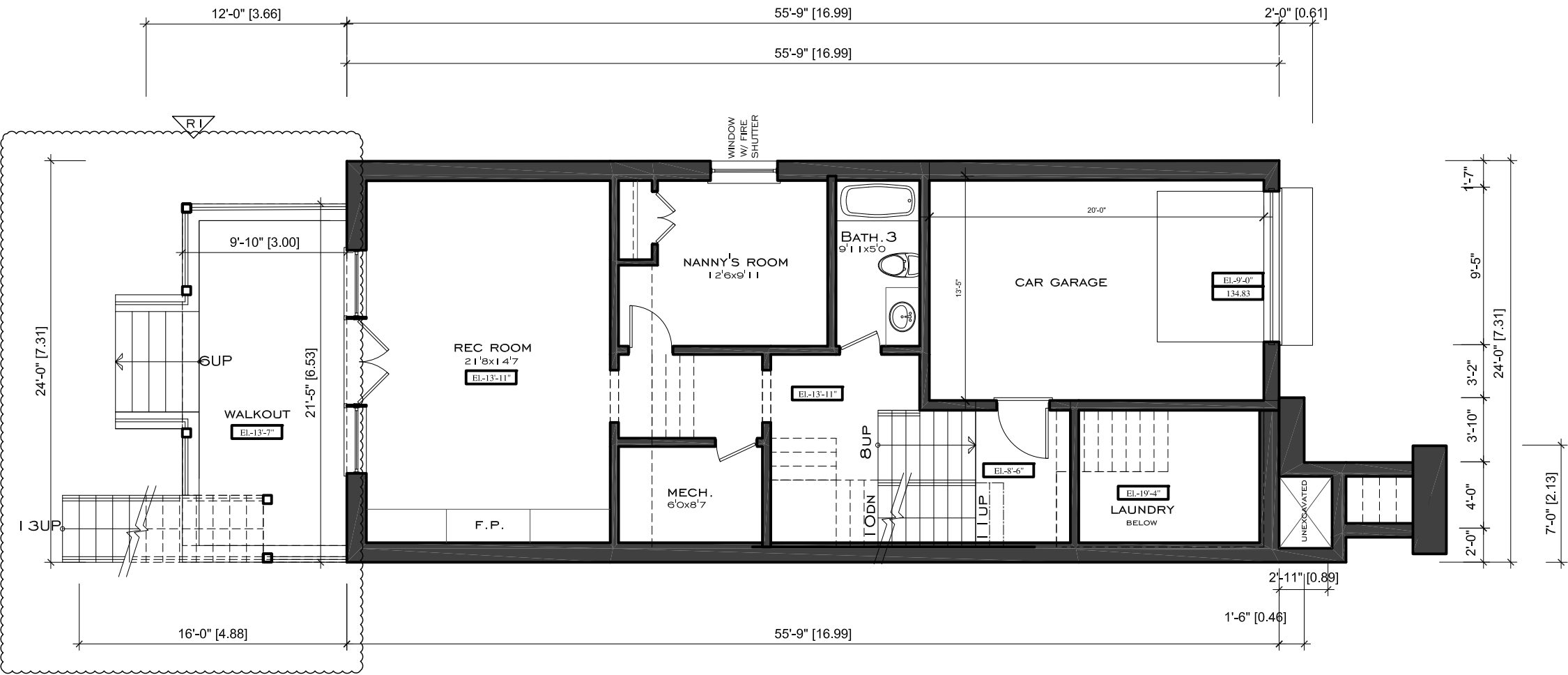
LOWER BASEMENT PLAN

SCALE: 1/8" = 1'-0"



1638 - DESIGN 8
JULY 19, 2017

195 GLENVALE BLVD.
EAST YORK, ONTARIO
project # 16-38



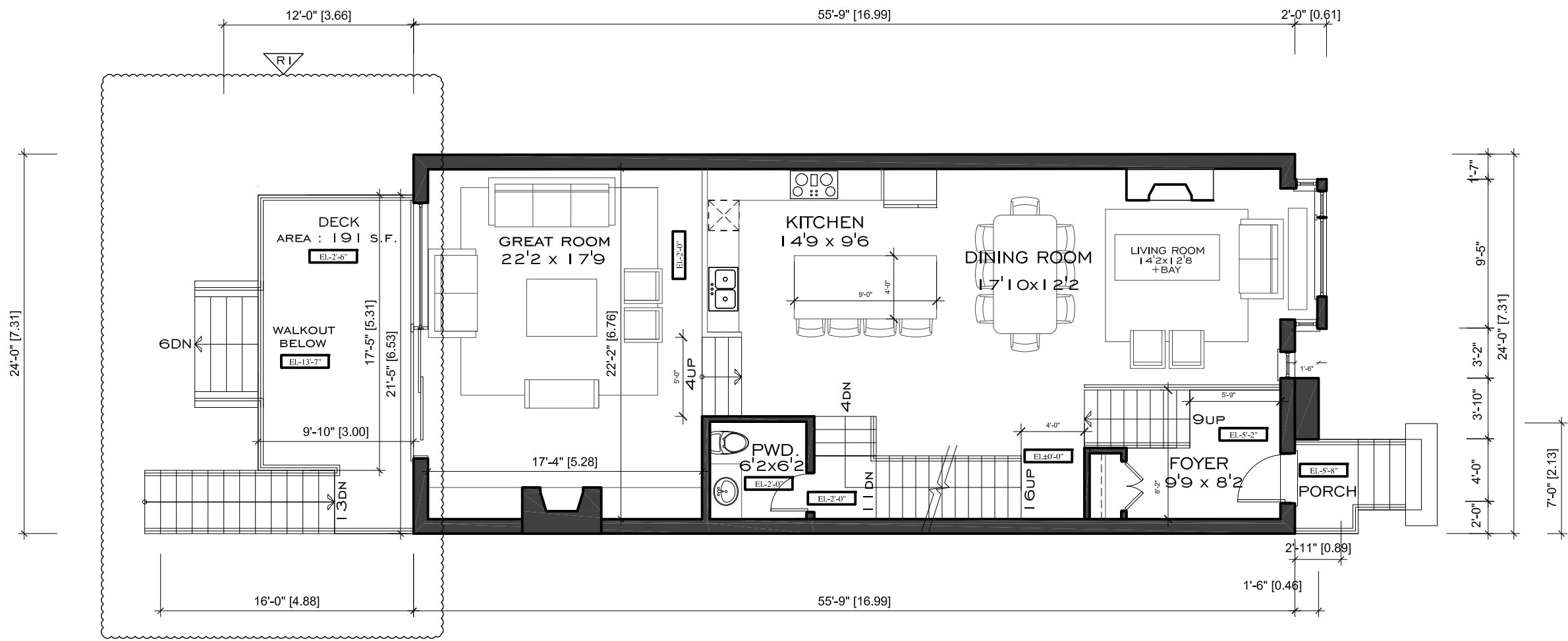
BASEMENT PLAN

SCALE: 1/8" = 1'-0"



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JULY 19, 2017

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EAST YORK, ONTARIO
project # 16-38



GROUND FLOOR PLAN

SCALE: 1/8" = 1'-0"
GFA = 1360.3 S.F.

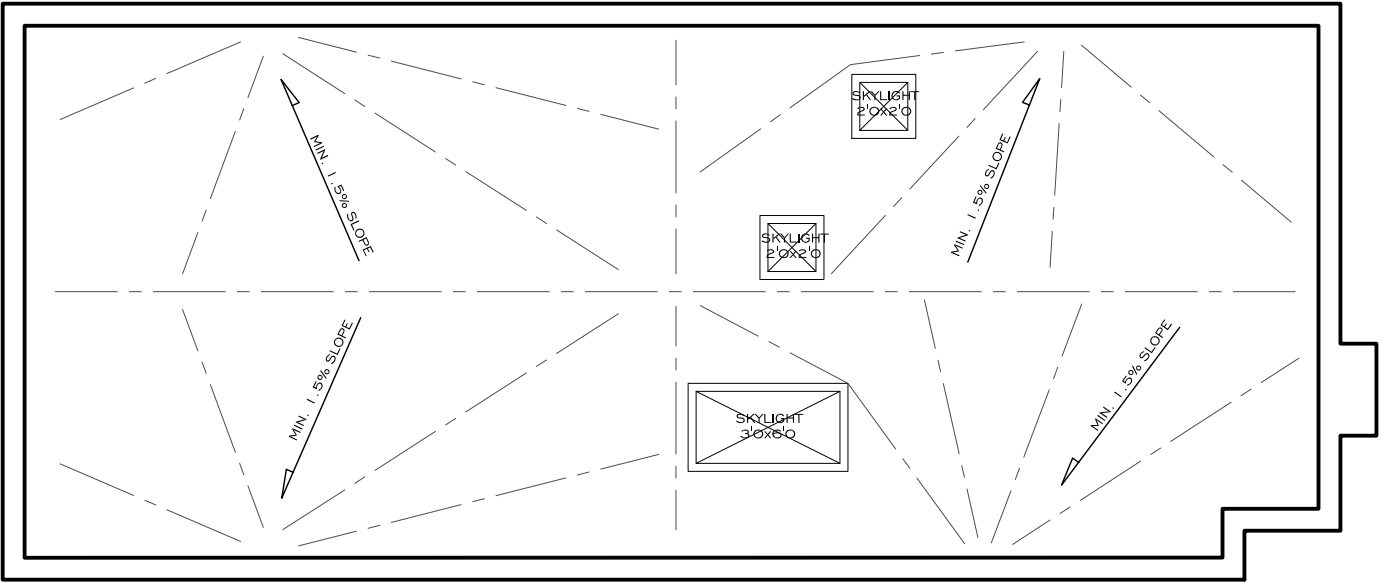


1638 - DESIGN 8
JULY 19, 2017



1638 - DESIGN 8
JULY 19, 2017

195 GLENVALE BLVD.
EAST YORK, ONTARIO
project # 16-38

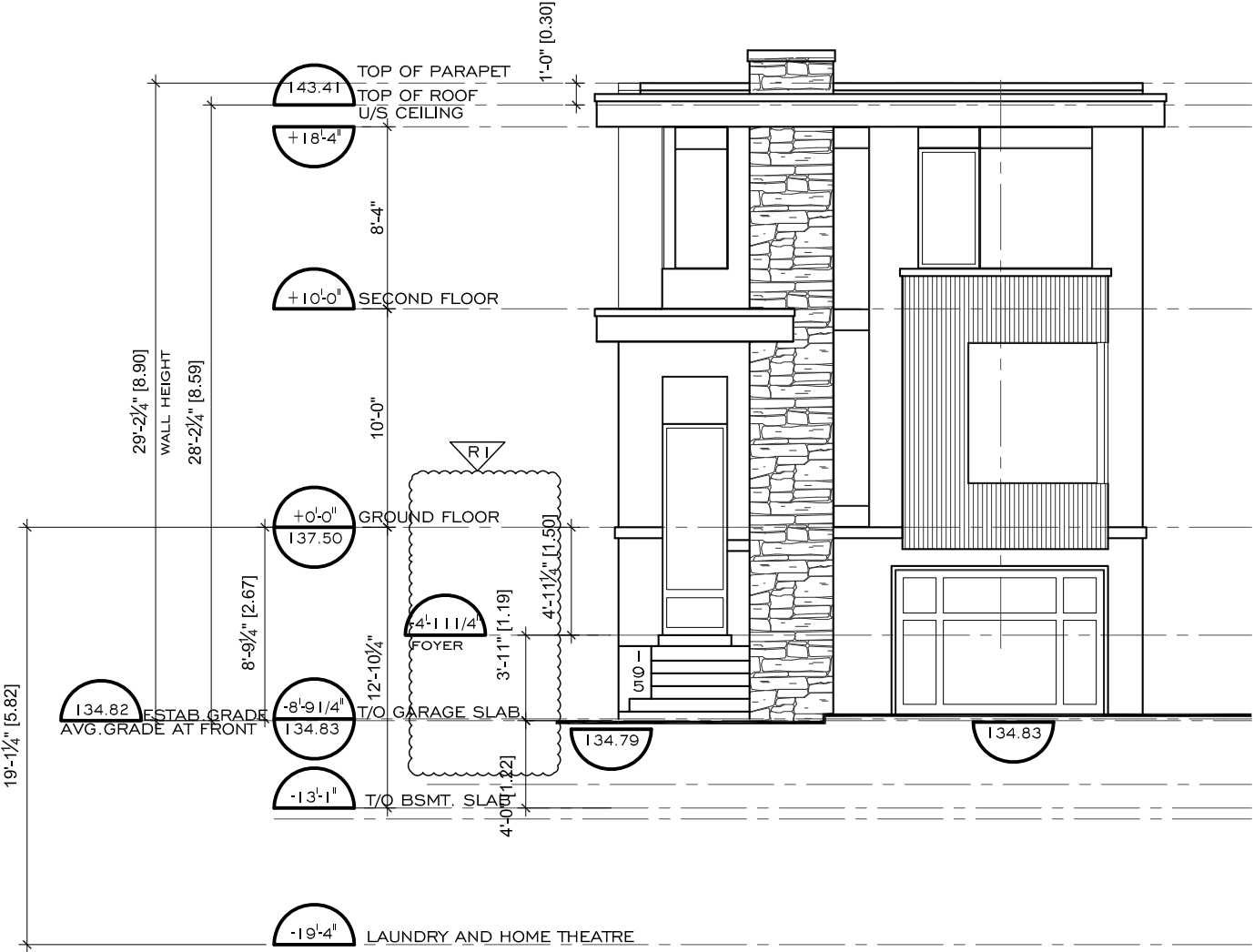


ROOF PLAN
SCALE: 1/8" = 1'-0"



1638 - DESIGN 8
JULY 19, 2017

195 GLENVALE BLVD.
EAST YORK, ONTARIO
project # 16-38



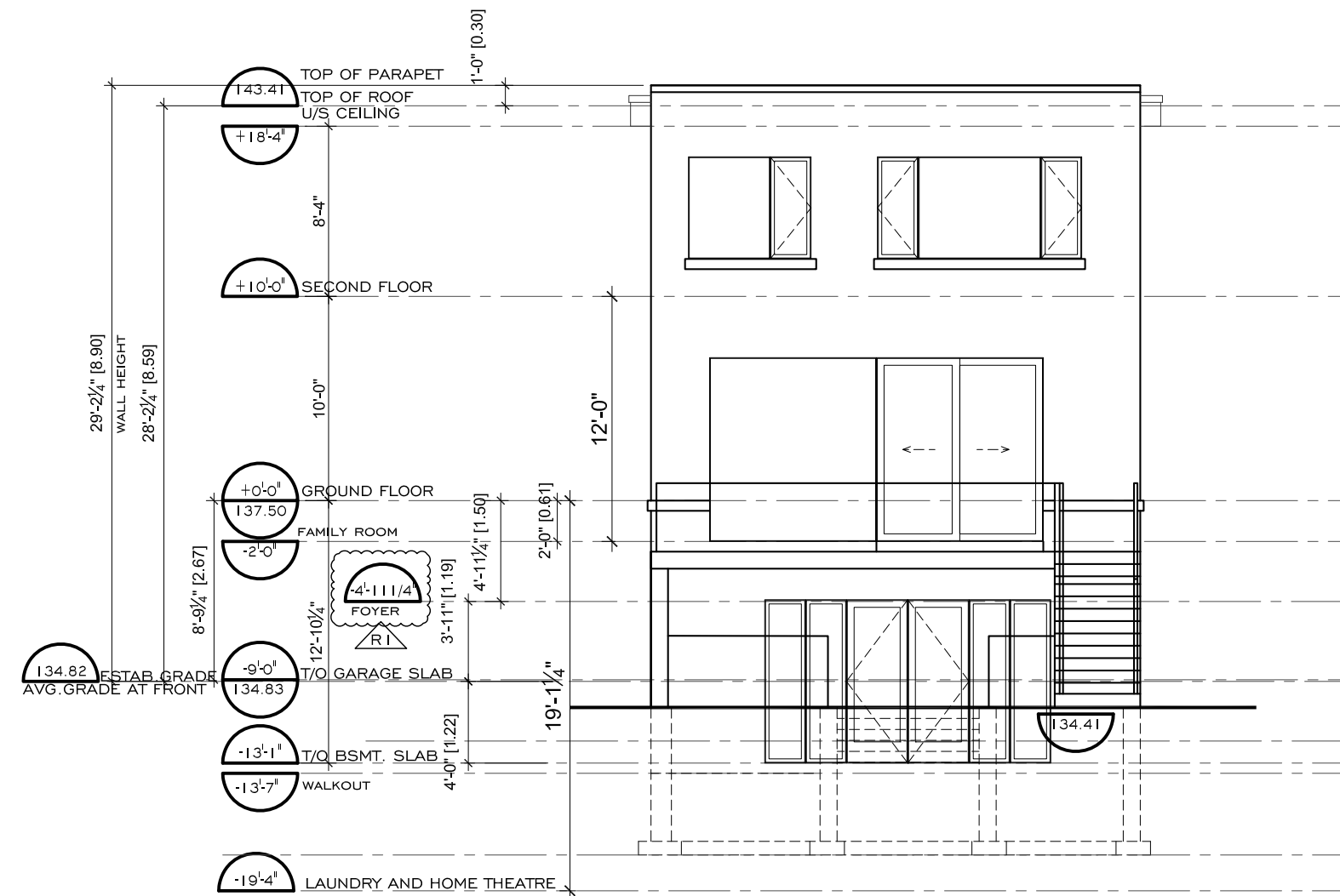
FRONT ELEVATION

SCALE: 1/8" = 1'-0"



1638 - DESIGN 8
JULY 19, 2017

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EAST YORK, ONTARIO
project # 16-38

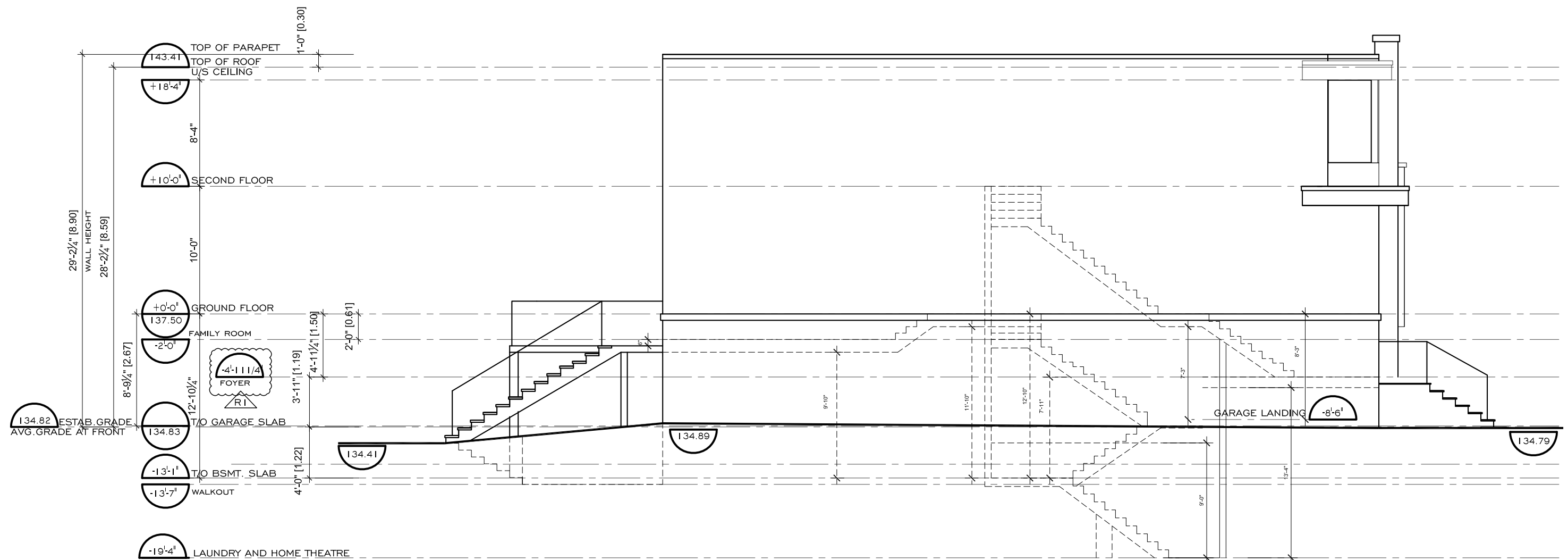


REAR ELEVATION

SCALE: 1/8" = 1'-0"

1638 - DESIGN 8
JULY 19, 2017

195 GLENVALE BLVD.
EAST YORK, ONTARIO
project # 16-38



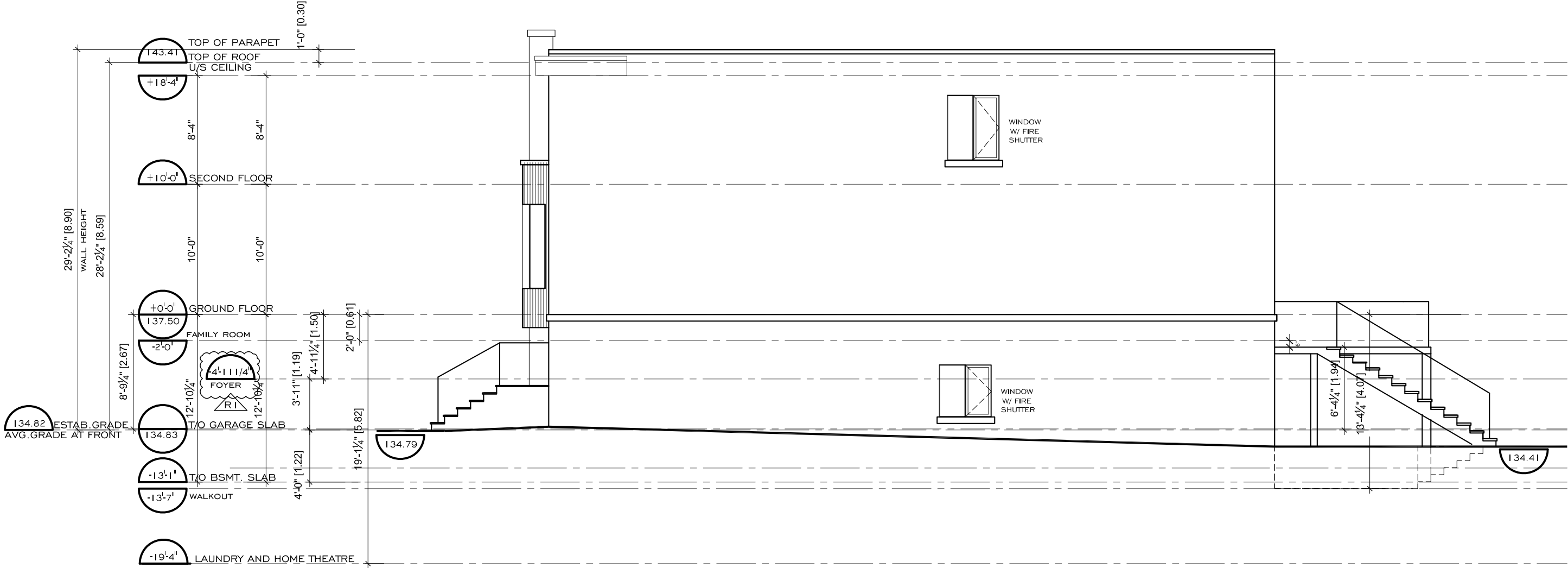
EAST ELEVATION

SCALE: 1/8" = 1'-0"



1638 - DESIGN 8
JULY 19, 2017

195 GLENVALE BLVD.
EAST YORK, ONTARIO
project # 16-38



WEST ELEVATION

SCALE: 1/8" = 1'-0"



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JULY 19, 2017