

DECISION AND ORDER

Decision Issue Date Friday, November 24, 2017

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

Appellant: TOURAJ MALAKIAN

Applicant: MEHDI MARZYARI ARCHITECTS INC

Subject(s): 53(19) and 45(1)

Property Address/Description: 2968 BAYVIEW AVE
2970 BAYVIEW AVE

Committee of Adjustment Case File Number: 16 245615 NNY 23 CO
16 245621 NNY 23 MV
16 245628 NNY 23 MV
16 245638 NNY 23 CO
16 245642 NNY 23 MV
16 245645 NNY 23 MV

TLAB Case File Number: 17 174552 S53 23 TLAB
17 174569 S45 23 TLAB
17 174570 S45 23 TLAB
17 174556 S53 23 TLAB
17 174535 S45 23 TLAB
17 174563 S45 23 TLAB

Hearing date: Tuesday, October 24, 2017

DECISION DELIVERED BY Laurie McPherson

INTRODUCTION AND BACKGROUND

This is an appeal to the Toronto Local Appeal Body (the "TLAB") by the owner ("Applicant") of the refusal of the Committee of Adjustment ("Committee") for the City of Toronto ("City") of applications for consent to sever two lots to create four lots and

associated minor variances to construct four single detached dwellings (“the applications”).

The two properties are located at 2968 and 2970 Bayview Avenue (“the subject lands”).

The subject lands are designated Neighbourhoods in the City of Toronto Official Plan (“the Official Plan”) and are zoned RD (f12.0; a370) under Zoning By-law No. 569-2013 (“new City By-law”) and R6 under North York Zoning Bylaw No. 7625 (“By-law 7625”).

The proposed lots would have frontages ranging between 6.7 m and 7.1 m and lot areas ranging between 237.6 m² and 248.05 m². The proposed consents include easements for vehicular access. The minor variance applications for each lot would permit the development of a single detached residential dwelling on each lot. There are a total of 102 minor variances requested which are set out in Attachment 2.

The City was a Party to the proceedings.

MATTERS IN ISSUE

The key issue is whether the creation of 4 undersized lots and the resulting development of four 3-storey detached dwellings (defined by the By-law as 4 –storey) are appropriate for the subject lands location on Bayview Avenue. Included in this issue is the relevance/applicability of the City’s Urban Design Guidelines for townhouse development on the west side of Bayview Avenue.

JURISDICTION

A decision of the TLAB must be consistent with the 2014 Provincial Policy Statement (‘PPS’) and conform to the Growth Plan of the Greater Golden Horseshoe for the subject area (‘Growth Plan’).

TLAB must be satisfied that a plan of subdivision is not necessary for the orderly development of the municipality pursuant to s. 53(1) of the Act and that the application for consent to sever meets the criteria set out in s. 51(24) of the Act. These criteria require that “regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2 of the Planning Act;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

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- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

In considering the applications for variances from the Zoning By-laws, the TLAB must be satisfied that the applications meet all of the four tests under s. 45(1) of the Act. The tests are whether the variances:

- maintain the general intent and purpose of the Official Plan;
- maintain the general intent and purpose of the Zoning By-laws;
- are desirable for the appropriate development or use of the land; and
- are minor.

EVIDENCE

At the outset of the hearing, Mr. Barry McMonagle, an adjacent neighbor, indicated that he would like to address the TLAB. He had not filed the requisite Notice of

Intention to be a Participant. Mr. McMonagle said that he had called the City for direction but had not received a reply. It was determined that he had made a written submission to the Committee which was in the TLAB's application file. It was agreed by the TLAB and the Parties that Mr. McMonagle could present his letter to the TLAB as a Participant since the content of his submission had been available in the TLAB's file for review prior to the hearing.

Expert Witnesses

The TLAB heard from the Applicant's professional land use planner, Michael Goldberg and the City's professional land use planner, Victoria Fusz.

Mr. Goldberg was qualified to provide land use planning opinion evidence (Exhibit 1 – Expert's Witness Statement and CV).

Mr. Goldberg described the subject lands and the area context using his visual evidence book (Exhibit 5). The subject lands comprise two assembled lots on the west side of Bayview Avenue, between Hillcrest Avenue and Princess Avenue, each of which contain an older single detached dwelling. The lots are located midblock with frontage only on Bayview Avenue. The subject lands are approximately 700 m (5 blocks) north of the Sheppard Subway Station. There is a southbound bus stop at Hillcrest Avenue immediately south of the subject lands.

At the intersection of Bayview Avenue and Sheppard Avenue is a major shopping centre with a food store, diverse retail and other services. The node is subject to a Secondary Plan that extends north to Hollywood Avenue which is intended to promote growth around the subway station. Development in the node has typically been higher density apartment form in the range of 15 storeys.

In terms of area context, Mr. Goldberg's Study Area includes two levels of planning analysis including the immediate context and a broader area analysis. The immediate area includes the lands immediately surrounding the subject lands.

The broader area comprises the Bayview Avenue frontage. Bayview Avenue is a Major Street in the City Official Plan which carries high volumes of traffic. It has a bus route with linkage to the Eglinton Avenue subway station on the Yonge subway line and the Bayview subway station of the Sheppard subway line. The area of Bayview Avenue between Sheppard Avenue to the south and Finch Avenue to the north was examined by Mr. Goldberg in terms of land use, building typology and residential intensification that has taken place over the years.

Mr. Goldberg characterizes the subject lands as an edge location which has distinct characteristics from lands within the interior of the neighbourhood. For sites that are not edge locations he would take a broader approach to the Study Area. He believes that the subject lands take on a different characteristic because of their location, supported by policy, than the interior of the neighbourhood.

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The subject lands have a combined frontage of 27.49 m on Bayview Avenue and back onto single detached dwelling lots that front either Hillcrest Avenue or Princess Avenue. The existing lots are approximately 35.7 m deep and have a combined lot area is 973 m². Both lots have an existing driveway accessing Bayview Avenue. There are two large trees in the municipal boulevard which are proposed to be retained.

To the north of the subject lands is an older 1.5-storey detached dwelling on a 13.41 m lot, and north of that is a recently constructed 2-storey single detached dwelling on a 13.72 m lot at the corner of Princess Avenue. Abutting the subject lands to the south are lands which have recently been approved for a townhouse project with five 3-storey units facing Bayview Avenue and one 2-storey single detached house fronting Hillcrest Avenue. This development required a rezoning application but not an Official Plan Amendment. The lands had the same Official Plan designation and zoning as the subject lands and were previously occupied by single detached dwellings. Each townhouse unit is a minimum of 4.56 m wide, has a maximum height of 3 storeys (11.5 m) and a minimum lot area of 105 m². The application was supported by staff and approved by Council in 2017 without an appeal to the Ontario Municipal Board.

Within the broader context along the Bayview Avenue corridor, Mr. Goldberg advised that there has been considerable change in the last 10 – 15 years in the form of residential intensification. Mr. Goldberg used the Visual Evidence to describe the higher density development closer to Sheppard Avenue. North of this node, the area is evolving with a number of townhouse projects which include 11 existing and approved projects and 2 proposed projects. He pointed out that the lands north of the Sheppard node are all designated Neighbourhoods in the Official Plan (with the exception of one site at the corner of Finch Avenue) and the all of developments were evaluated within the context of the Neighbourhood policies.

Mr. Goldberg concludes that the Bayview corridor edge sites are distinct from the interior sites. They are exposed to higher levels of traffic and noise and contain a range of land uses with more intense forms of residential development. By contrast, the interior neighbourhood has remained stable with single detached residential dwellings. As a result, much of his analysis related to the manner in which the subject lands can be developed with appropriate forms and standards that provide for compatibility and transition between the edge location and the internal neighbourhood.

The four proposed lots have the following dimensions:

1. North external lot: 7.01 m frontage, 248 m² lot area
2. Internal lot: 6.76 m frontage, 239.3 m² lot area
3. Internal lot: 6.7 m frontage, 237.6 m² lot area
4. South lot: 7.01 m frontage, 248.4 m² lot area

The consent application would also create easements to accommodate the shared use of the two proposed driveways. The minor variances are required for the consent (lot frontage and area) and to accommodate the proposed built form.

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Mr. Goldberg discussed the evolution of the proposal. Prior to the application, the owner approached the townhouse developer to the south to explore the possibility of gaining access from Hillcrest Avenue through the townhouse site. This initiative was not successful and as a result access would be required to be from Bayview Avenue. Given the dimensions of the subject lands and the requirement that townhouse units have rear garages, the prospect of townhouses was not viable to the owner. Mr. Goldberg explained that this resulted in the current proposal for four lots ranging from 6.7 m to 7.01 m which are wider than the townhouses to the south but narrower than the single detached lots to the north. This width can accommodate front facing garages.

Mr. Goldberg considers this a good transition within the block and a good planning solution. He references the Official Plan criteria for Neighbourhoods (Exhibit 1, page 82) which states "Physical changes to our established Neighbourhoods must be sensitive, gradual and generally fit the existing physical character" which was the same provision used to evaluate the townhouses to the south.

Mr. Goldberg contends that the unique circumstances of the subject lands require a creative solution which 'blends' design solutions for both single detached and townhouse units. This includes using the townhouse guidelines from the Bayview Avenue Townhouse Guidelines for the rear yard angular plane requirement, overall height in both metres and storeys, and the minimum lot width for front facing garages in order to achieve a reasonable design solution and to protect the adjacent single detached dwellings to the west which are internal to the neighbourhood. He describes the proposal as a hybrid solution to achieve a form of intensification along an edge location while being compatible with the neighbourhood.

Mr. Goldberg referenced the plans in Exhibit 1 and the project renderings in Exhibit 5 to describe the proposal. Each dwelling would front on Bayview Avenue. Driveways have been paired to minimize curb cuts on Bayview Avenue and to preserve the two existing trees in the boulevard. Two driveways exist for the existing dwellings and two driveways are being proposed. The landscaping at the front has been reduced somewhat to achieve the relationship with the driveways. In his view, this is an enhanced planning solution, as the number of curb cuts is not increasing. The front yard setbacks are designed to facilitate access and align with other setbacks within the block and provide areas for landscaping. The front yard setbacks range from 6.0 m to 7.8 m due to the angled front lot line. The dwellings are a maximum of 17 m in length on the ground floor and decrease with each floor. While the dwellings are defined for By-law purposes as 4-storeys, Mr. Goldberg explained that this is a technical issue and that the dwellings are functionally 3-storeys. At the highest point of the peak, the maximum dwelling height is 11.31 m.

The rear yard relationship was considered, and a 35 degree angular plane from the rear lot line of the adjacent lots to the height of the building has been applied as illustrated on the side elevation. Mr. Goldberg indicated that this is the standard applied in the Bayview Avenue guidelines and is more stringent than the standard 45 degree angular plane normally applied in townhouse guidelines. This is the same angular plane that the townhouses to the south adhered to.

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Mr. Goldberg explained that because there are foundation walls associated with the staircase down to the basement walkout, the By-law measures the rear yard setback to the corner of the staircase leading down as opposed to measuring it to the actual building. To the building wall, the northern most dwelling has a setback of 10 m ranging to an 11.8 m setback for the southern-most dwelling. The rear yards provide amenity area at grade. In addition, rear decks extend from the main floor of the dwelling with steps leading to the backyard.

External side yard setbacks are 0.91 m to the north lot line and 0.91 to the south lot line, adjacent to the approved townhouses which are set back 1.2 m. Internal side yard setbacks between the dwellings range from 0.60 m to 0.67 for a total building separation ranging from 1.22 m to 1.27 m.

The composite rendering illustrates the approved townhouses to the south with a height of 11.5 m to the top of the flat roof and the proposed houses on the subject lands with a maximum height of 11.35 to the top of the pitched roof resulting in a slight transition in total height and roof design from south to north. The front of each proposed dwelling has a porch with approximately 4 steps to the front door. The containment area for the existing trees is on both public and private property. Mr. Goldberg considers the parking in the front to be a better solution than parking in the rear which would result in pavement and cars adjacent to the existing backyards at the rear and limited rear yard open space for the proposed dwellings.

Tab 14, pg. 318 of Exhibit 1 is the Committee Decision. Mr. Goldberg indicated that the variances are similar from lot to lot. Recognizing that there are 4 lots and two By-laws he explained the variances for Part 5, the southernmost lot.

By-law 569-2013

Variance 1 – Front Yard Landscaping

The By-law requires 50% and 45.3% is proposed. This is a result of the shared parking which facilitates the access arrangement. He characterizes the difference as small in real terms as it represents “fingers” of greenspace that are lost to the driveway.

Variances 2, 3 & 4 - Lot Area, Lot Frontage and Lot Coverage

With respect to these variances, Mr. Goldberg indicated that he is treating the site as an intensification site on an edge location. He indicated that the west side of Bayview Avenue has been recognized differently by the City than the interior of the area. The Lot Frontage variance was discussed above and the Lot Coverage variance is the resulting size. In terms of maximum coverage, the By-law permits 30%. The approved townhouse site to the south has a coverage of 53% and the proposed development has as coverage of 41.3 %. In his opinion, the townhouses provide a more appropriate comparison than to the 30% that applies to the internal lots.

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Variances 5 & 6 – Maximum Building Height and Maximum Height of Side Exterior Main Walls

The By-law permits an overall height of 10 m and a maximum sidewall height of 7.5 m while the proposal is for 11.37 m and 10.75 m respectively. Mr. Goldberg looked to the site to the south which has an approved height of 11.5 m with a flat roof. The proposed dwellings are lower and have a pitched roof which reduces the impact. Mr. Goldberg emphasizes that in this situation, context is more important when considering the variances than applying a “boilerplate” solution.

Variance 7 – Number of Stories

The By-law permits 2 -storeys and the dwellings are categorized as 4 -storeys. Mr. Goldberg describes the buildings as 3- storeys. The porch is 1 m from the ground with a small vestibule inside. The basement level is considered a storey for zoning purposes because it is closer to grade than the vestibule. He explained that the dwelling is therefore technically classified as a 4-storey dwelling while it would commonly be referred to a 3-storey dwelling.

Variance 8 – Maximum Area and Maximum Number of Platforms at or above the Second Storey

The proposal includes a platform (deck) from the main living level which is 10.15 m² and a platform (deck) on the 3rd level which is 9.42 m². Because the main living level is classified as a 2nd- storey the platform is larger than the By-law would allow. In addition, the By-law allows one platform at or above the second storey whereas there would be two since the main level platform is considered a second level platform. From a height perspective the lower deck extends from the first level. Regarding to the upper deck, further into the hearing the Applicant undertook to remove the upper platforms and the City has included this in the conditions to approval should the applications be approved.

Variance 9 – Minimum Front Yard Setback

The By-law requires a minimum front yard setback of 7.05 m. The 2 southern lots have a setback of 6.0 m which is adjacent to the 3.0 m setback of the approved townhouses to the south. The two northern lots meet the front yard setback requirements.

Variances 10 and 11 – Minimum Side Yard Setbacks

The southern and northern dwellings have an exterior side yard setback of 0.91 m to the property lines of the subject lands. Within the lands, the interior side yards range from 0.6 to 0.67 for a building separation of at least 1.2 metres.

Variance 12 – Minimum Area within 4 m of the First Floor Main Wall

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Mr. Goldberg advises that this provision is being deleted through the OMB hearing on By-law 569-2013 and replaced with a provision regarding maximum height of the sill of the front door.

Variances 13 & 14 - Maximum Building Length and Maximum Building Depth

The maximum Building Length permitted is 17.0 m and the maximum Building Depth permitted is 19.0 m. The proposal is for 20.0 m and 19.49 m, respectively (ranging to 21.29 for depth). Mr. Goldberg characterizes these variances as technical in nature because, as noted above, the foundation of the basement stairs extends beyond the main wall of the building and is considered part of building length and depth. The actual building length is 17.0 m. The depth is measured from the required setback. In Mr. Goldberg's opinion, this is not a substantive planning concern. The underground elements cause the necessity for the variances.

By-law 7625

Variances 15, 16, 17, 18, 19, 21 & 24 are duplicates of 569-2013.

Variances 20 & 22 are similarly for Building Height and Building Length however the By-law requirements are different and in the case of Building Height, are measured differently.

Variance 23 is for Lot Width and is expressed differently than the new By-law.

In terms of application processing, Mr. Goldberg indicated that he met with North York Planning staff prior to submitting the application at which time he presented a consent concept plan. The (then) Manager advised that there was no objection in principle although Mr. Goldberg acknowledges that the houses and associated standards were not presented at that meeting. Tab 7 of Exhibit 1 is a letter Mr. Goldberg submitted to City.

Tab 8 is the revised application dated December, 2016 which added the easement requested for the shared driveway. Tab 9 includes comments from the City's Engineering and Construction Services setting out no objection to the applications subject to conditions. The plans were subsequently revised to deal with some of the comments raised and a variance was eliminated.

The City's Community Planning staff prepared a report (Exhibit 1, page 300) recommending refusal of the applications (the City's comments will be reviewed later in this decision in the City planner's evidence). Mr. Goldberg commented on the staff study area which was internal to the neighbourhood and from his perspective, the information was not relevant. The staff report treated the dwellings like single detached residential buildings internal to the neighbourhood and compared the variances to those lots. With respect to the variance relating to landscaping in the front yard, staff treated it as if it were a typical internal lot from a landscaping point of view. In his view, the variance related to landscaping, both qualitatively and quantitatively, it is a small difference to

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accommodate an important functional aspect of the design (paired driveways). It is his opinion that the proposal provides a gradual transition from the townhouses to the single detached dwellings which is sensitive, gradual and generally fits. Although it is different from what is on the block and on Bayview Avenue, it takes into account context.

Mr. Goldberg noted that the townhouse projects in the area were subject to a rezoning process because the proposed townhouse use was not permitted under the Zoning By-law. In this case, the proposed single detached houses are a permitted use and the minor variance applications deal with standards that apply to the permitted use. He does not believe it is relevant for the staff report to focus on the number of variances. The proposal is a design driven solution specifically for the subject lands and the variances result from the design. Mr. Goldberg is not offended by the number of variances.

With respect to the Provincial Policy context, Mr. Goldberg advised that the proposal is a modest form of intensification. Section 4.7 of the Provincial Policy Statement ("PPS") indicates that the policies of the PPS continue to apply after the adoption and approval of an Official Plan. In his view, because there is an approved Official Plan doesn't mean that provincial policy is ignored but that it should continue to be applied. In his opinion, the PPS is relevant in this case since the proposal represents a modest form of residential intensification within 700 m of a subway station and next to a bus stop. Intensification has been taking place along the corridor for at least 15 years and has taken on a character of different building types which are more compact and make more efficient use of land. He explained that the consideration of optimization of a property is about a balance and each application must be considered on its own merits. The subject site is an edge location adjacent to approved 4.5 m wide townhouses. In his view, subject to local compatibility, the proposal represents a good example of how to optimize the use of the property in context. In addition, in terms of complete communities, this proposal would offer single detached housing that is less expensive than the wider lot singles in the neighbourhood and offer another housing choice. The principles and objectives of the PPS are to create a compact form of development and make better and more efficient use of land, resources, and infrastructure including public transit. The policies promote intensification, optimization of the land base and infrastructure and building complete communities.

Mr. Goldberg discussed the Growth Plan, 2017 which came into effect July 1, 2017. He explained that it strengthens the Provinces direction to intensify within the urban area and promote residential intensification and optimization. Mr. Goldberg concluded that the proposal conforms to the Growth Plan and is consistent with the Provincial Policy Statement.

With regard to the consent applications, Mr. Goldberg reviewed Section 51(24) of the Planning Act and concluded that appropriate regard has been had to all of the criteria listed. Subsection a) regarding matters of provincial interest has been dealt with above. With respect to whether the subdivision is premature (subsection b), he notes that the services are available and there are no road extensions or connections required and it would be in the public interest to approve the consent application. With respect to

subsection c) regarding conformity to the Official Plan and adjacent plans of subdivision, his conclusion is the consent proposal conforms to the Official Plan. There are no road connections to be made and while the lots are smaller than the other single detached dwellings they are larger than the 4.5 m wide freehold units to the south. Subsection d) deals with the suitability of the land for the proposed purpose. In this case, single detached lots are replacing single detached lots which are a suitable use. With regard to subsection f), regarding the dimensions and shape of the lot, Mr. Goldberg is supportive of the both dimensions and the shape of the lot. Subsection e) deals with restrictions. The only restriction is on the shared driveways which, in his opinion, provide a better solution to individual driveways. Subsection h), i), j) and k) are not relevant. With regard to subsection l), the design is typical for the size of dwelling and the lot orientation is what exists today. Subsection m) deals with site plan control and the single detached dwellings would not be subject to site plan control. Having regard to all of the matters in 51(24), Mr. Goldberg is satisfied that appropriate regard has been given. His opinion is that a plan of subdivision is not required.

In terms of the minor variances, Mr. Goldberg referred to the Official Plan (Exhibit 1 Tab 3), and indicated that the subject lands, as well as the majority of the Bayview corridor, is designated Neighbourhoods (north of the Sheppard node), noting that the corridor includes several townhouse projects. Section 2.3 of the Official Plan indicates that Neighbourhoods are stable but not static. Further, under Healthy Neighbourhoods, Section 2.3.1 states that “by focusing most new residential development in Centres and along Avenues and along other strategic locations we can preserve the shape and feel of our neighbourhoods”. In his view, Bayview would be one of the other strategic locations where intensification is happening based on the City’s Bayview Avenue Guidelines and the activity that has taken place.

Section 4.1 sets out the development criteria in Neighbourhoods and directs that physical changes must be sensitive, gradual and generally “fit” the existing physical character and that new development respect and reinforce the general physical patterns of a Neighbourhood. Mr. Goldberg views the word ‘general’ as putting more emphasis on the qualitative than the quantitative. In his view, the City’s concern that these are the smallest lots in the neighbourhood for single detached houses doesn’t take into account the context of the Bayview Avenue location and the existing physical pattern which includes small lot townhouses.

Section 4.1.5 provides that development will respect and reinforce the existing physical character and provides a number of criteria including subsection b) regarding the size and configuration of lots. He makes the distinction that this section deals with lots and not dwellings. In terms of subsection c) regarding the heights, massing, scale and dwelling type of nearby residential properties, Mr. Goldberg notes that there is a mix of dwelling types, height, massing and scale along the corridor and in his opinion, the proposed development respects and reinforces the existing physical character for all of the surrounding uses.

Subsection f) deals with the prevailing patterns of side and rear yard setbacks and landscaped open space. In Mr. Goldberg’s opinion, the proposed rear yard setback is conventional and the exterior side yard setback of 0.9 m is an appropriate standard to

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apply and similar to many of the existing homes. Mr. Goldberg explains that the interior setback of 0.6 m is contextual and appropriate in the circumstance and in view of the location on Bayview Avenue. He notes that he would not apply this standard in the interior. The driveways have been designed to protect the trees which are part of the landscaped open space along Bayview Avenue.

The Official Plan states that no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the Neighbourhood. Mr. Goldberg states that this does not mean “the same as” and does not relate to a statistical analysis of the interior. He notes that the townhouses on Bayview Avenue were considered to be in keeping with the physical character of the neighbourhood as no Official Plan Amendment was required.

Section 4.1.7 addresses proposals for intensification of lands on major streets in Neighbourhoods. Mr. Goldberg indicates that this policy is relevant as it provides further guidance. It states that when a more intense form of development is proposed than is permitted by the zoning by-law, the application will be reviewed in accordance with Section 4.1.5, having regard to the form of development along the street and its relationship to the adjacent development in the Neighbourhood. In his view, 4.1.7 is an acknowledgement that while intensification is not encouraged, it is not prevented and he notes the intensification that has occurred along Bayview Avenue within the Neighbourhoods designation.

Section 4.1.8 relates to the variances proposed. It provides that Zoning By-laws will contain numeric site standards to ensure that new development will be compatible with the physical character of established residential Neighbourhoods. From a planning principle point of view, he states that compatible does not mean sameness or similar to, but connotes the ability of a built form to be capable of coexisting in harmony, without adverse planning impact on the established residential neighbourhoods. While the proposal is different because of the narrower lots for the single detached dwellings, it does not mean it is incompatible. The townhouse development demonstrates that the numeric site standards can be higher and still be compatible.

With respect to the Built Form and Housing Policies of the plan (Sections 3.1.2 and 3.2.1) Mr. Goldberg concludes that the planned intent in this area is to intensify the corridor and it is his opinion that the design is in line with the existing and planned context for the area. The proposal will provide a new supply of housing that provides additional options.

Mr. Goldberg reviewed the Bayview Avenue Study referred to earlier. He utilized the Urban Design Guidelines (“the Guidelines”) adopted in the Study that relate to townhouses as it is his opinion that the planning and urban design principles can be applied to other developments in the corridor and he had regard for the document.

His conclusion is that individually and cumulatively he is satisfied that for each lot, the general intent and purpose of the Official Plan is maintained by this proposal, both for the consent and minor variance applications.

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It is Mr. Goldberg's opinion that the purpose and intent of the Zoning By-law is to permit uses that, together with appropriate zoning standards, result in a project that implements the Official Plan and is compatible with and fits the environment, with no adverse planning impacts. He is satisfied that, individually and collectively, the variances maintain the general intent and purpose of the Zoning By-law, notwithstanding the number of variances.

Mr. Goldberg reviewed the test for minor based on 2 aspects: the order of magnitude of the variances; and, whether individually and cumulatively the variances cause any adverse impact. In his opinion, the proposal has been designed to provide transition and together with the standards and controlled driveways, would have no adverse planning impact. In terms of magnitude, taking into account the contextual character and standards applied along the corridor, the proposal is less than other intensification projects but more than the existing zoning would permit. In his opinion it is well within the order of magnitude within the context.

Mr. Goldberg states that the proposal represents a form of reinvestment on underutilized land and provides a moderate form of intensification with single detached dwellings. In his view, both the reinvestment and the intensification are appropriate and desirable for both the land and the buildings.

Mr. Goldberg concluded with his opinion that the proposal is a good solution for the property. His recommendation is to allow the appeal, authorize the consents including the easements and variances requested, subject to standard conditions provided by the City. Further, he would have no objection to the condition that the development be substantially in accordance with the plans submitted (subject to the condition that the upper storey decks be removed) since the plans and variances work together.

Ms. Fusz, the City's Planning Witness, was qualified to provide land use planning opinion evidence (Exhibit 12, 13, 14 and 15 – Expert's Duty Form, CV, Form 14 and Expert Witness Statement). Ms. Fusz works in the of North York District and reviews minor variance and consent applications as well as other planning applications for the central area of the District.

Ms. Fusz provided an overview of the applications. She was the planner responsible for the file and prepared the Planning Report.

It is her expert planning opinion that the appeals of the Committee's decision to refuse the Applications should be dismissed. She stated that the consent applications do not satisfy 2 of the criteria under section 51(24) of the Planning Act - specifically c), conformity with the Official Plan and adjacent plans of subdivision, and f) dimensions and shapes of the proposed lots.

Further, in Ms. Fusz's opinion, the variance applications do not satisfy each of the four tests under section 45(1) of the Planning Act. The applications request variances that individually and collectively fail to respect and reinforce the existing physical character of the neighbourhood and represent overdevelopment of the subject

lands.

Referring to her visual evidence (Exhibit 16, page 3), Ms. Fusz identified as a Major Street. It has a right of way width of 30m with surface bus transit.

Ms. Fusz summarized the applicable zoning for the subject lands which is similar for both By-laws. The minimum lot area is 370 m². Both zones predominantly permit single detached dwellings and other uses such as community centres, places of worship and libraries which contribute to the neighbourhood. There are also provisions relating to performance standards. She clarified that a variance is not required for an integral garage which is proposed for each of the lots.

In terms to applicable guidelines, Exhibit 10 contains the Bayview Avenue Area Study and Urban Design Guidelines which were adopted by City Council in 2007. The general intent of the Guidelines is to permit and encourage townhouse development for appropriate lots fronting the west side of Bayview Avenue while minimizing the potential for adverse impacts on adjacent low density residential lands.

The Guidelines apply to the west side of Bayview Avenue between Finch Avenue and Hollywood Avenue. As outlined in the staff report these guidelines are to be used for evaluating applications for townhouses where townhouses are permitted in the Neighbourhoods designation of the Official Plan. Certain blocks were identified as appropriate for townhouse development. In Ms. Fusz's opinion, the subject lands are not an appropriate location for townhouse development and as such the Guidelines are not relevant in assessing the proposed applications. Her report included a discussion of the Guidelines because Mr. Goldberg's application letter had referred to them.

Ms. Fusz outlined each of the proposed lots on the December, 2016 submission and noted that each of the proposed dwellings requires between 24 and 28 variances to the Zoning By-laws for a combined total of 102 variances.

In terms of describing the applicable neighbourhood, in Ms. Fusz's opinion the neighbourhood is generally bounded by Hollywood Avenue to the south, Wilfred Avenue to the west, Parkview Avenue to the north, and Bayview Avenue to the east. She explains that this area encompasses a particular character in terms of the lot fabric, with the majority of lots having large frontages that either meet or exceed zoning by-law requirements, all of which follow a consistent grid-like street pattern with rectangular lots.

There are 5 townhouse developments in the neighbourhood. Each of these developments was approved through a rezoning and site plan approval process. There are 470 single detached dwellings in the area. She indicated that the internal area of the neighbourhood was included in her analysis of consents to better assess the pattern of consent activity. The intensification activity along Bayview Avenue went through a rezoning process and therefore there were no consents for comparison. While the interior was considered as part of the neighbourhood, Ms. Fusz indicated that she gave greater consideration to the standards of the dwellings that front on Bayview Avenue.

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In terms of the physical character of the Neighbourhood, Ms. Fusz indicated that there are two prevailing building types. The interior of the neighbourhood is defined entirely by single detached houses. Bayview Avenue is defined by two prevailing building types: townhouses; and single detached houses. The single detached houses are mostly one or two-storey buildings, typically with generous front, rear, and side yard setbacks and with an abundance of landscaping, including mature trees and vegetation. The townhouses have fairly generous side yard setbacks and are well landscaped.

The Lot Study Results (Exhibit 18a) prepared by the City assesses lots located within the neighbourhood. The Study includes both the entire study area and the study area excluding townhouses. The townhouses were excluded in one scenario so that the proposed single detached units could be compared with the size and dimensions of other single detached dwellings in the neighbourhood. Ms. Fusz explained that this provided her with the character of the lot sizes in the Neighbourhood. In the comparison which included the townhouses, she used the site specific by-law or plan of condominium to determine unit widths. However, in one instance the entire block frontage was included as there were no individual width dimensions available. In addition, public uses and open spaces were excluded.

In the entire study area, the minimum lot frontage was 4.4 m for a townhouse unit. For single detached dwellings, the smallest frontage was 9.1 m ranging up to 38.3 m. Of the 470 lots, 344 of the lots have a frontage 15 m or greater which Ms. Fusz indicates is consistent with the existing zoning provisions. There are two zoning categories in the area, each having a different frontage requirement. The R4 has a frontage requirement of 15 m and the R6 has a frontage requirement of 12 m. The subject lands are within the 12 m frontage requirement. Ms. Fusz noted that in the neighbourhood, there are no single detached dwellings with a frontage the same or similar to the lots proposed. The narrowest lot for a single detached lot on Bayview Avenue is 12.2 m. The only lots or units that are comparable in size are the townhouse units. The proposed lot areas range from 237.6 m to 248.4 m. She concluded that the proposed lot areas are substantially undersized from the requirements of the zoning by-laws and in comparison to the other single detached lots along both Bayview Avenue and within the interior of the neighbourhood.

With respect to applicable provincial policy, Ms. Fusz referred to the Growth Plan and the Provincial Policy Statement and concluded that the form of intensification proposed is promoted in both documents and the applications conform to and are consistent with the documents. She refers to Section 4.7 of the Provincial Policy Statement which notes that comprehensive, integrated and long term planning is best achieved through Official Plans. Ms. Fusz further refers to Section 5.2.5.8 of the Growth Plan which notes that the identification of strategic growth areas and delineated areas and greenfield areas are not land use designations and their delineation does not confer any designation or alter the existing land use designation. Any land use is still subject to the relevant provincial and municipal planning policies and approval processes. Ms. Fusz notes that the underlying designation of Neighbourhoods is applicable when contemplating development of these lands. While the goal is to promote intensification, her view is that the municipality decides the degree of intensification and where it

should occur.

With regard to the consent applications, Ms. Fusz is of the opinion that the requested consents fail to satisfy the criteria listed in Section 51(24) of the Planning Act, specifically subsections c) and f).

With respect to subsection c) – whether the plan conforms to the Official Plan and adjacent plan of subdivision- Ms. Fusz refers to Sections 2.3.1 and Section 4.1 of the Official Plan. While Section 2.3.1 recognizes that some physical change will occur over time, a cornerstone policy is that new development respect and reinforce the existing physical character of the area. Section 4.1 of the Official Plan states that physical changes to established Neighbourhoods must be sensitive, gradual, and generally fit the existing physical character.

Based on her evidence, Ms. Fusz notes that the proposed lots would be the smallest created in the neighbourhood by consent, and as a result, it is her opinion that the lots do not respect and reinforce the other single detached lots in the neighbourhood, specifically, the remaining single detached lots along Bayview Avenue. While the proposed lots are closer to the widths of the townhouses, in her opinion they are experienced differently as a comprehensive development and not as individual lots.

Further, it is her opinion that the proposed lots are not consistent with the physical change contemplated in the Official Plan for Neighbourhoods. The undersized nature of the lots do not respect and reinforce the building and open space patterns that are characteristic of other lots within the neighbourhood.

Based on the above, she concludes that the proposed severances do not conform to the policies of the Official Plan.

With respect to subsection 51(24) f) - the dimensions and shapes of the proposed lots, Ms. Fusz is concerned with the dimensions of the proposed lots. The two properties at the present time exceed the minimum lot frontage and lot area requirements for the zones in which they are located.

In her opinion, the proposed severance would result in the creation of four considerably undersized lots with significantly narrower frontages and smaller lot areas than the zoning standards. The proposed lots would be the smallest single detached lots on both Bayview Avenue and within the interior of the neighbourhood. Her evidence was that there is no zone under either Zoning By-Law No. 7625 or Zoning By-law No. 569-2013 that contemplates 7.0 m as an appropriate frontage to accommodate a single detached house. The smallest lot frontage category for single detached houses under both zoning by-laws is 9.0 metres. Other smaller lots along Bayview are the result of a zoning amendment for townhouse units.

Ms. Fusz's opinion is that the dimensions of the proposed lots are not reflective of the dimensions of other lots in along Bayview Avenue or within the interior and would be disruptive to the Bayview Avenue streetscape.

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With respect to the variances, it is Ms. Fusz's opinion that the requested variances do not satisfy the four tests as set out by the Planning Act.

Ms. Fusz went through the Official Plan policies in Exhibit 10. Neighbourhoods are recognized as physically stable areas which are made up of residential uses in lower scale buildings plus other uses. The Healthy Neighbourhoods policies in Section 2.3.1 of the Official Plan states development within Neighbourhoods will respect and reinforce the existing physical character of buildings, streetscapes, and open space patterns in these areas. Intensification is to be carefully controlled to protect from negative impact.

The Built Form policies in Section 3.1.2.2 of the Official Plan require new development to locate and organize vehicle parking and access to minimize their impact on the property and on surrounding properties. Although the proposed accesses do not introduce additional curb cuts across the public sidewalk, in her opinion, the driveways fail to limit surface parking between the front face of the buildings and the public sidewalk. Further, the driveway configurations impose an undesirable condition to the Bayview Avenue streetscape, as the majority of the front yards will consist of hard surfacing. In her opinion, the driveway configurations pose potentially unsafe conditions for pedestrians accessing the dwellings from the public sidewalk because of the movements.

Policy 4.1.5 of the Plan sets out development criteria for evaluating development proposals. Developments are to "respect and reinforce the existing physical character of the neighbourhood". Ms. Fusz has concerns with 3 of these criteria b), c), and f).

(b) Size and configuration of lots – in Ms. Fusz's view, the size of the new lots do not respect and reinforce the existing physical character of the neighbourhood. The single detached houses on Bayview Avenue range in lot frontage between 12.2 and 13.8 metres and range in lot area between 409.1 and 487.6 square metres. The only lots within the neighbourhood that are comparable to the proposed lots in terms of size are townhouse units.

In Ms. Fusz's opinion, if the proposed frontages were deemed appropriate, the physical character of the street would be significantly altered. Due to the size of the remaining single detached lots on Bayview Avenue, she further stated that the lotting pattern of the subject applications could be replicated (although no specific examples were provided).

(c) Heights, massing, scale and dwelling type of nearby residential properties - in Ms. Fusz's view, the building heights and number of storeys do not respect and reinforce the character of the single detached houses. The single detached houses within the neighbourhood, and specifically along Bayview Avenue, have heights that are consistent with, or slightly exceed the zoning by-law permissions. There have been exceptions in the interior where 3-storeys has been permitted though minor variances.

While the proposed dwellings are of similar height and number of storeys to the

townhouses, it is Ms. Fusz's opinion that townhouses maintain a consistent streetwall, whereas the proposed detached dwellings would interrupt the rhythm of the street.

In her opinion, the proposed dwellings do not fit the existing physical character of nearby residential properties and are massed differently than either of the prevailing building types in the neighbourhood.

(f) Prevailing patterns of rear and side yard setbacks and landscaped open space- Ms. Fusz states that both the existing single detached lots and townhouses have side yard setbacks that allow for an adequate separation distance between adjacent dwellings and streets for those properties on corner lots. There have been no minor variances granted in the neighbourhood for deficient side yard setbacks to the extent proposed. It is her opinion that the proposed side yard setbacks would interrupt the pattern of Bayview Avenue which is characterized by either townhouse developments with expansive exterior side yard setbacks or detached single detached houses with large side yard setbacks that are characteristic of dwellings within the interior of the neighbourhood.

With respect to landscaping, Ms. Fusz explains that both the townhouses and the single detached dwellings within the block maintain generous amounts of front yard landscaping. The rear yard vehicular access and parking for the townhouse developments allows for the front yards to be well landscaped. The single detached houses on Bayview Avenue maintain generous front yard landscaping as the size of the lot frontages can accommodate both vehicular access and patterns of landscaping that are in keeping with the character of the neighbourhood. In her view, the proposed lots cannot accommodate both the vehicular access and the landscaping patterns established by both the properties to the north and south of the subject site.

Policy 4.1.8 of the Official Plan identifies that zoning by-laws ensure that developments are compatible with physical character of established neighbourhood. In her view the degree of variation shows the incompatibility with the existing character of the neighbourhood.

In summary, it is Ms. Fusz's opinion that the applications fail to satisfy key policies of the Official Plan and if replicated, could have destabilizing impacts on Bayview Avenue.

In terms of the general intent and purpose of the Zoning By-law, Ms. Fusz points out that the frontages of the proposed lots do not maintain the same development patterns as other single detached lots on Bayview Avenue or within the broader neighbourhood. The remaining detached lots on Bayview Avenue meet or exceed the zoning requirement for frontage.

She indicates that many of the requested variances are related to the substandard size of the proposed lots. The substandard lot frontages result in deficient side yard setbacks and the substandard lot areas result in increased lot coverage. In Ms. Fusz's opinion, a number of the variances requested would be precedent setting

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in the neighbourhood, if granted. There have not been variances granted for the extent of the side yard setbacks proposed of 0.6 m for the interior side yard and 0.9 m for the exterior side yard. Similarly, there have not been variances granted for the heights proposed. Any such height permissions have only been permitted through a zoning by-law amendment.

In terms of lot coverage, both By-laws permit a maximum lot coverage of 30%, whereas the Applications propose a lot coverage of between 41.3% and 42.8%. Her analysis of minor variance applications within the neighbourhood over the last 17 years indicates the greatest lot coverage is 39.1%. Of the 88 variances granted within the neighbourhood for increased lot coverage, 84 approvals have been for a lot coverage of 33% or less. She notes that the only process in which lot coverage to the extent proposed has been granted is through a zoning by-law amendment for a townhouse development which also changed the zoning designation to a multiple unit residential zone.

In her opinion, the applications do not meet the intent of the Zoning By-laws as the variances substantially depart from the zoning permissions.

With respect to whether the proposal is desirable for the appropriate development of the land, it is Ms. Fusz's opinion that the applications are not desirable or appropriate. Typically, applications for intensification along Bayview Avenue have gone through a comprehensive rezoning process which helps secure improvements associated with the adverse impacts of intensification. Mr. Fusz acknowledges that Bayview Avenue is an appropriate location for intensification, but only when done correctly.

Her opinion is that the proposed process is not well managed or appropriate, as it proposes a similar degree of intensification without offering any improvements to address impacts related to traffic circulation, widening of sidewalks and streetscaping. This pattern of redevelopment could be repeated. Ms. Fusz concludes that the applications are not desirable for the appropriate development of the land because they propose overdevelopment of the lands without confronting the challenges associated with the development.

With respect to the test for minor, it is Ms. Fusz's opinion that the requested variances are not in minor in nature. The 102 minor variances requested substantially differ from the zoning permissions. She maintains that applications would permit houses that vary significantly from the two prevailing building types in the neighbourhood. They consume a large part of the lots and present unacceptable adverse impacts to the Bayview Avenue streetscape. The frontages and heights are comparable to the townhouse projects initiated through a rezoning process. She concludes that the number and degree of the variances are not minor.

Her planning opinion is that the appeals should be dismissed. However, if the applications are approved she would recommend conditions be attached to the approval which were submitted as Exhibits 19a and b.

In cross examination, Ms. Fusz acknowledged that she did not refer to Section 4.1.7 of the Official Plan in her evidence which gives specific direction for reviewing applications for intensification on major streets. She agreed that the approved townhouses along Bayview Avenue adjacent to the proposed development were taller and on narrower lots than what is being proposed and did not require an Official Plan Amendment and would conform to the Official Plan. She also agreed that the majority of the townhouse developments along Bayview Avenue in her Study Area were on lots with smaller frontages than the proposal. In addition, she agreed that Section 4.1.5 b) of the Official Plan did not reference dwelling types but lots and that the proposed lots fit within the range of lots that have been approved along Bayview Avenue.

Participants

Prior to Mr. McMonagle providing his evidence, Mr. Bronskill advised that he has consulted his client and he has instructions to remove the upper level balconies which would address Mr. McMonagle's issues relating to overlook and privacy. He provided the panel a verbal undertaking to bring forward revised plans and variances to give effect to this undertaking (although this was later dealt with in the conditions provided by the City).

Mr. McMonagle outlined his concerns based on his letter to the Committee (Exhibit 11) which formed his Participant Statement. Mr. and Mrs. McMonagle are the owners of 397 Princess Avenue, the backyard neighbor of 2970 Bayview Avenue. Mr. McMonagle has been active in the area and was on the committee setting up the guidelines for townhouses along Bayview Avenue which were not permitted at the time. He said that people generally recognize Bayview Avenue as a highway and that any new development should be as close to Bayview Avenue as possible. His concern with the subject proposal when he reviewed the notice was in terms of the size, the side yards and especially the side yard of the northern most dwelling which is the closest to his property. His major concern is the proposed upper level balcony and the potential for parties and noise. He indicated the balcony would be 7.5 m from his house and near the bedrooms. He also questioned the possibility of moving the dwelling closer to Bayview Avenue to increase the separation from his backyard.

ANALYSIS, FINDINGS, REASONS

The TLAB has carefully considered the evidence of the Parties and the Participant. The key issue is whether the creation of 4 smaller lots on Bayview Avenue and the resulting built form of the dwellings is appropriate for the location of the subject lands on Bayview Avenue. The Panel must consider what is an appropriate form and type of development given the context of the subject lands and the applicable policy framework.

Mr. Bronskill submitted a decision of the Ontario Municipal Board ("OMB") dated August 18, 2010 regarding 3144 Bayview Avenue at the corner of Bayview Avenue and Holmes Avenue, north of the subject site but within the Bayview Avenue corridor. The

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proposal was to sever the site into two lots to accommodate two dwellings with frontage on Holmes Avenue. Mr. Bronskill pointed to similarities between the subject application and the decision. Both sites are considered an edge condition and the applications propose single detached dwellings. The OMB found that the site was in an area where the policy documents encourage residential intensification. The dispute was regarding the type and form of intensification with the City preferring townhouse development as part of a consolidation with adjacent properties. The Board found that the consent fell within the definition of intensification and found the lots compatible with the character of the area. Further the Board found that the townhouse lots along the corridor should be included in the assessment of context. The Board found that the proposed lots were larger than the townhouse lots in vicinity. The applications were approved.

Mr. Longo submitted two OMB decisions. The Eslamboli decision dated December 9, 1986 includes the principle that variances should be looked at collectively. The second OMB decision referenced was the Gibowic decision dated September 23, 2004. The proposal was for a severance to create a new lot and variances for the existing dwelling and the new dwelling. The Board found that the applications were not good planning and the multitude of variances collectively became major.

There was significant discussion on the applicability of the Bayview Avenue Area Study and Urban Design Guidelines. While it is agreed that the Guidelines do not apply to single detached dwellings, the TLAB agrees with Mr. Goldberg that certain principles can be applied where a more intense form of development along Bayview Avenue is being proposed adjacent to existing single detached dwellings. The Guidelines are intended to ensure that a transition is provided and that impact on the interior neighbourhood is limited. This panel TLAB agrees that it is useful to apply a number of the principles to the proposed development to ensure compatibility.

The TLAB will first consider the consent applications. The variances required for the consents relate to lot frontage and lot area. The lot depths meet the Zoning By-law minimums. When considering the proposed lots, the TLAB must consider whether the lots would respect and reinforce the existing physical character of the neighbourhood and fit within their context as outlined in the Official Plan. This requires the delineation of the appropriate neighbourhood for analysis.

Both planners agreed that the location of the subject lands was considered an edge condition within the context of the neighbourhood. Both planners also agreed that the west side of Bayview Avenue had been identified as an appropriate location for intensification. Mr. Goldberg's evidence was that the applicable neighbourhood or study area for the purposes of the analysis should be the Bayview Avenue frontage as well as the lands immediately adjacent to the subject site. For the purposes of the consent, Ms. Fusz focused much of her evidence on the lots within the interior of the neighbourhood in her comparison and analysis. The TLAB agrees with Mr. Goldberg and finds that the study area that is relevant for the subject lands is the Bayview Avenue frontage area, north of Hollywood Avenue, the majority of which is designated Neighbourhoods in the Official Plan.

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This is supported by Policy 4.1.7 of the Official Plan which directs that where a more intense form of residential development than is permitted by the existing zoning on a major street in a Neighbourhood is proposed, the application will be reviewed in accordance with Policy 5, having regard to both the form of development along the street and its relationship to the adjacent development in the Neighbourhood. In this respect, the TLAB finds that the Lot Study Results for the interior sites as provided by the City witness had limited relevance to the consideration of the proposed applications.

The proposed lots range in frontage between 6.7 m and 7.1 m. The townhouse units to the south will have a lot frontage of 4.5 m and the single detached dwelling to the north has a frontage of 13.41 m. The Official Plan states that “Physical changes to our established Neighbourhoods must be sensitive, gradual and generally fit the existing physical character”. The lot frontages of the townhouses to the south were approved within the Neighbourhoods designation which establishes that they were considered to respect and reinforce the existing physical character of the area.

The proposed lots are rectangular in form, have the required lot depth and have frontages within the range of other lots on the block. The TLAB agrees that when looking at the context of the subject lands, the proposed lot frontages and resulting areas provide an appropriate transition between the townhouses and the existing single detached lots and “fit” within the Neighbourhood.

The TLAB agrees that the lots represent a modest form of intensification which is appropriate and implements the Official Plan and is consistent with the PPS and conforms to the Growth Plan. This Panel does not accept the proposition that the only forms of development appropriate along Bayview Avenue are either townhouse dwellings through a rezoning process or detached dwellings similar in size to existing lots along Bayview Avenue and internal to the Neighbourhood. The corridor is evolving with redevelopment and intensification and new development must fit within that evolving character. A permitted use with different standards can reasonably be considered through a consent and minor variance process subject to meeting the applicable tests.

With respect to precedent, Ms. Fusz suggested that approval of the proposed applications would cause a negative precedent and could have a destabilizing effect on Bayview Avenue, although no specific examples were given of where this might occur. She also spoke of the challenges associated with intensification and that the consent and minor variance process did not allow for improvements to be secured that would address potential adverse impacts related to traffic circulation, widening of sidewalks and streetscaping. The potential impacts were not quantified and the City’s Engineering and Construction Services did not identify any impacts related to traffic circulation. The City did not request any conditions to address potential impacts. Mr. Goldberg’s opinion was that it would not necessarily be an undesirable outcome if other properties developed in a similar fashion.

Ms. Fusz emphasized in her evidence that lots with a similar width as the proposed lots were for townhouse units considered through a rezoning process. The Panel notes that in those circumstances a rezoning was also required because

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townhouse dwellings were not a permitted use in the RD/R6 zone. The TLAB does not agree that modest intensification can only be achieved through a rezoning process. The RD/R6 zone is the applicable zone for the proposed use and the consent and minor variance processes provide the opportunity for consideration of changes subject to meeting the criteria of the Planning Act. To find otherwise would offend the statutory right to make applications for relief from the zoning by-law within the permitted use category.

The TLAB finds that Official Plan provides direction for consideration of such development proposals as outlined in Section 4.1.7. As such, each development application would be considered on its own merits within its context based on its relationship to adjacent development and the form of the development along Bayview Avenue, as well as the other applicable policies and guidelines.

Regarding the application process followed, Mr. Goldberg testified that he met with the (then) Manager of Planning for the area and that staff did not raise an issue with the draft plan of consent or the number of lots at that time. The Panel makes no comment on the reliability of this description of the conversations held and ascribes them no weight in its considerations.

The TLAB has considered Section 51(24) of the Planning Act and finds that the proposed consents satisfy the criteria and that appropriate regard has been given to the criteria, subject to the conditions imposed by the City provided in Exhibit 19a. In addition the TLAB is satisfied that a plan of subdivision is not required. The TLAB is satisfied that there will be no adverse affect on the stability of the established neighbourhood internal to the subject lands and no adverse affect on the evolving character of Bayview Avenue.

During cross-examination, Mr. Goldberg acknowledged that additional easements would facilitate parking maneuvers between the paired driveways. The current applications propose two easements for vehicular access, for ingress and egress. Mr. Goldberg identified the possibility of two additional easements including an easement on Part 3 in favour of Parts 1 and 2, and an easement on Part 5 in favour of Parts 4 and 6. The TLAB agrees that these additional easements would be desirable to enable ingress and egress. These modifications are minor requiring no further exposure.

With respect to the criteria under Section 45(1), the TLAB has given careful consideration to the Official Plan. The various existing and approved townhouse developments along Bayview Avenue are all within the Neighbourhoods designation and no Official Plan Amendment was required as it was determined that the area had a mix of development which included townhouse units. This acknowledges that Bayview Avenue has a varied physical form.

Ms. Fusz reviewed the applications based on two distinct built form categories, either townhouse dwellings with rear access or single detached dwellings with the same characteristics as the existing single detached dwellings in the neighbourhood. Because

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the proposal does not fit within either of these categories, she concluded that it does not satisfy the relevant tests.

While the TLAB agrees that the Official Plan does not generally encourage intensification in Neighbourhoods, City Council, in approving the Bayview Avenue Guidelines, acknowledged that Bayview is an area identified for intensification. The evidence demonstrated that the form of development taking place along Bayview is evolving into more intense development without requiring an Official Plan Amendment.

The TLAB agrees with Mr. Goldberg that the subject lands provide an opportunity for some modest intensification along Bayview through single detached dwellings that, while different than what exists today, achieve an appropriate built form relationship within the block and within the broader area. The proposed variances respect and reinforce the existing physical character of the Bayview corridor. The development will not result in the destabilization of the internal neighbourhood. The TLAB finds that the intent and purpose of the Official Plan is maintained.

In terms of the purpose and intent of the Zoning By-law, the lot frontages are within the range found along Bayview Avenue, albeit for a different form of dwelling unit. A number of the variances relate to the interpretation and application of the By-law provisions. As noted, the rear yard setback has been measured to the foundation of the basement stairs as opposed to the building face and therefore 2 of the lots require a variance. This interpretation also affects the measurement of building length and depth. The buildings themselves are 17.0 m which maintains the purpose and intent of the Zoning By-law. Mr. McMonagle's request to move the northernmost house closer to Bayview would further reduce the amount of front yard landscaping. As noted by Mr. Goldberg, the dwelling unit itself maintains a 10 m rear yard setback. The TLAB agrees with Mr. Goldberg that there is no planning concern and the proposed rear yard is sufficient.

In terms of height, the TLAB agrees that from a practical point of view, the dwellings can be considered 3 –storeys. The proposed heights range from 1.37 m to 1.75 m above the maximum height in the new City By-law of 10.0 m which both quantitatively and in terms of impact can be considered minor, given the location. In the context of the approved development to the south, the proposed height is lower and provides a modest transition to the existing detached dwellings to the north. The Panel finds that the proposed height is appropriate relative to the width of Bayview Avenue, which is 30 m. The application of a 35 degree limiting angular plane in the rear results in an appropriate interface with the adjacent properties.

Mr. Goldberg testified that the By-law standard related to the size of the vestibule was going to be replaced by the Ontario Municipal Board but nevertheless had no visual impact. Independent of that evidence, I find the proposed relief appropriate as the intent of the By-law would be achieved. The front of the dwellings would look typical with stairs leading to a porch and a front door to a small vestibule.

Ms. Fusz was concerned with the lack of landscaping in the front yards and the resulting impact on the streetscape. This is an appropriate concern but one that must be

Decision of Toronto Local Appeal Body Panel Member: Laurie McPherson
TLAB Case File Number: 17 174535 S45 23 TLAB, 17 174556 S53 23 TLAB,
17 174563 S45 23 TLAB, 17 174552 S53 23 TLAB,
17 174569 S45 23 TLAB, 17 174570 S45 23 TLAB

weighed in context against other objectives such as consolidating the driveways along Bayview Avenue and preserving the street trees. The By-law requires 50% landscaping in the front yard for a detached house which can include walkways and stonework. The variances are required as a result of the intent to pair the driveways which, while increasing the paved area to a certain extent, has the benefit of reducing curb cuts as well as ensuring the two large City trees on the boulevard can be maintained. It is also noted that the wide public boulevard in this location which will contribute to the sense of streetscape along Bayview Avenue. Similarly, the variance for a wider driveway for two of the lots is to facilitate the shared access driveways.

There was no concern raised by either planner regarding the variances for two of the lots for a reduced front yard setback resulting from the angle of the properties relative to the street. The proposed setback is greater than the approved townhouses to the south but less than the By-law standard.

The By-law provides for a range of side yard setbacks depending on the lot width. The required lot width for the subject lands is 12.0 m, resulting in a required side yard is 1.2 m. For lots within the range of the proposed lots (6.0 m to less than 12.0 m), the required side yard setback is 0.9 m, consistent with the proposed external side yards. Ms. Fusz was concerned with proposed setbacks in terms of the impact on the streetscape and the functional aspects of having narrow side yards. With respect to the streetscape, the townhouse units have no side yard between them and, as Ms. Fusz noted, read as a block. The existing single detached lots along Bayview have larger side yards as per the By-laws. Both of these conditions exist interspersed along Bayview Avenue today and as a result, there is no consistent pattern of side yards experienced along Bayview Avenue. Together with the design of the dwellings, the TLAB is satisfied that the side yard setbacks are adequate.

Combined, the proposed standards result in a lot coverage ranging front 41.3 % to 42.8% per lot which the Panel considers appropriate in this context.

The TLAB is satisfied that the variances, both individually and cumulatively, maintain the general intent and purpose of the standards set out in the Zoning By-laws.

With respect to minor, the TLAB considered the evidence of Ms. Fusz that the significant number of variances is an indication of over building and an indication that the applications were not minor. Mr. Goldberg advised that once the duplication between the old by-law and the new by-law was taken into consideration, each lot would have between 12 and 14 variances. Under cross-examination, Ms. Fusz acknowledged that 12 – 14 variances for a site did not cause her concern - while maintaining that the City is required to consider both By-laws. The TLAB has reviewed all of the variances and is satisfied that the majority of the variances are duplicated between the By-laws and are of similar application in respect of the proposed four lots. In addition, some of the variances are more technical in nature and do not give rise to any substantive planning issue. The TLAB is satisfied that the number of variances alone is not a determinative for minor.

Decision of Toronto Local Appeal Body Panel Member: Laurie McPherson
TLAB Case File Number: 17 174535 S45 23 TLAB, 17 174556 S53 23 TLAB,
17 174563 S45 23 TLAB, 17 174552 S53 23 TLAB,
17 174569 S45 23 TLAB, 17 174570 S45 23 TLAB

The TLAB prefers the evidence of Mr. Goldberg that the magnitude of the variances is appropriate and minor. Further, the TLAB is satisfied that there are no undue adverse planning impacts from the applications based on the plans and the conditions imposed prohibiting the upper level decks. The subject lands are located on the edge of the low density residential area and the proposed applications will not have any negative impacts on the stability of the neighbourhood. The TLAB finds the variances minor.

Bayview Avenue has been identified as a corridor suitable for intensification. When viewed within the locational context, the variances are supportive of a modest form of intensification on a major street. The built form and massing would be compatible with the immediate and broader neighbourhood context. The new housing would contribute to the housing stock and the range of housing in the area. The TLAB finds the variances appropriate for the desirable development of the land.

The TLAB is satisfied that the applications are consistent with the 2014 Provincial Policy Statement and conform to the 2017 Growth Plan.

DECISION AND ORDER

The TLAB orders:

1. The appeals with regard to applications for consent are allowed in part and provisional consent is granted subject to the conditions set out in Attachment 1 with the modification that the following easements are added: an easement over a defined portion of Part 3 in favour of Part 1 (2970 Bayview Avenue) and an easement over a defined portion of Part 5 in favour of Part 4 (2968 Bayview Avenue) to facilitate ingress and egress. These easements are for vehicular movement purposes and are to be of a scale and in the location to the satisfaction of the City.
2. The variances to the Zoning By-laws set out in Attachment 2 are authorized, subject to the conditions set out in Attachment 3 and substantially in accordance with the plans attached as Attachment 4.

Attachments

X 

Laurie McPherson

Panel Chair, Toronto Local Appeal body

Conditions of Approval for Consent to Sever

2968 & 2970 Bayview Avenue

Committee of Adjustment File Nos.: B0080/16NY & B0081/16NY

TLAB File Nos.: 17 174552 S53 23 TLAB & 17 174556 S53 23 TLAB

1. Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.
2. Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services. Contacts: John House, Supervisor, Land and Property Surveys, at 416-392-8338; jhouse@toronto.ca, or his designates, Elizabeth Machynia, at 416-338-5029; emachyni@toronto.ca, John Fligg at 416-338-5031; jfligg@toronto.ca.
3. Two copies 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 the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services. Contact: John House, Supervisor, Land and Property Surveys, at 416-392-8338; jhouse@toronto.ca.
4. Three copies of the registered reference plan of survey satisfying the requirements of the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services shall be filed with the Committee of Adjustment.
5. The owner shall apply to Transportation Services for a construction access permit with respect to construction to occur within the municipal road allowance abutting the subject lands.
6. The owner shall enter into, and register against title to the lands municipally known as 2968 Bayview Avenue and 2970 Bayview Avenue, an agreement with the City of Toronto pursuant to subsection 53(12) and subsection 51(26) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, confirming the existing and future owners shall be jointly and severally liable in respect of obligations to maintain the driveway access located within the municipal road allowance.
7. For the trees identified as nos. 5, 6, and 7 in the Arborist Report prepared by Urban Forest Innovations Inc., dated September 27, 2016, the owner shall submit a complete application for a permit to injure or destroy City-owned tree(s), including an executed *Contractor's Agreement to Perform Work on City-owned Trees*, prior to the removal of/injury to the subject tree(s).
8. For the trees identified as nos. 5, 6, and 7 in the Arborist Report prepared by Urban Forest Innovations Inc., dated September 27, 2016, the owner shall provide a tree protection guarantee security deposit to guarantee the protection of City-owned trees according to the *Tree Protection Policy and Specifications for Construction Near Trees* or as otherwise approved by Urban Forestry. Accepted methods of payment include debit or credit card, certified cheque or money order payable to the Treasurer of the City of Toronto, or Letter of Credit.

9. For the trees identified as nos. 8 and 9 in the Arborist Report prepared by Urban Forest Innovations Inc., dated September 27, 2016, the owner shall submit a complete application for a permit to injure or destroy private tree(s), prior to the removal of/injury to the subject tree(s).
10. The owner shall provide payment in lieu of planting one street tree on the City road allowance abutting the lands designated Parts 4 and 6 as shown on the draft reference plan. The current cost of planting a tree is \$583.
11. The proposed buildings shall be built substantially in accordance with the following drawings:
 - (a) Site Plan – Bayview Houses 2968A, dated January 11, 2017 and, the East Elevation - Bayview Houses 2968A, West Elevation - Bayview Houses 2968A, North Elevation - Bayview Houses 2968A and South Elevation - Bayview Houses 2968A, all dated October 21, 2016;
 - (b) Site Plan – Bayview Houses 2968B, dated January 11, 2017, and the East Elevation - Bayview Houses 2968B, West Elevation - Bayview Houses 2968B, North Elevation - Bayview Houses 2968B and South Elevation - Bayview Houses 2968B, all dated October 21, 2016;
 - (c) Site Plan – Bayview Houses 2970A, dated January 11, 2017, and the East Elevation - Bayview Houses 2970A, West Elevation - Bayview Houses 2970A, North Elevation - Bayview Houses 2970A and South Elevation - Bayview Houses 2970A, all dated October 21, 2016; and
 - (d) Site Plan – Bayview Houses 2970B, dated January 11, 2017, and the East Elevation - Bayview Houses 2970B, West Elevation - Bayview Houses 2970B, North Elevation - Bayview Houses 2970B and South Elevation - Bayview Houses 2970B, all dated October 21, 2016;

prepared by Mehdi Marzyari Architects and Karma Sustainable Design Inc. except that decks, balconies, outdoor platforms, outdoor terraces, and outdoor amenity areas shall not be permitted above the second storey of each of the four detached homes.

12. Within ONE YEAR of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions and prepare for electronic submission to the Deputy Secretary-Treasurer of the Committee of Adjustment, the Certificate of Official, being Form 2 or Form 4, O. Reg. 197/96, referencing subsection 50(3) or (5) or subsection 53(42) of the *Planning Act*, as may be required, as it pertains to the conveyed land and/or consent transaction.

Attachment 2

Address: 2968A Bayview Ave

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

1. Chapter 10.5.50.10.(1), Zoning By-law No. 569-2013

On a lot with a detached house with a lot frontage of 6.0 m to less than 15.0 m, a minimum of 50 percent of the front yard must be landscaping.

The proposed front yard landscaping area is 45.3 percent.

2. Chapter 10.20.30.10.(1) , Zoning By-law No. 569-2013

The required minimum lot area is 370 m².

The proposed lot area is 248.13 m².

3. Chapter 10.20.30.20.(1), Zoning By-law No. 569-2013

The required minimum lot frontage is 12.0 m.

The proposed lot frontage is 7.01 m.

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

The permitted maximum lot coverage is 30 percent of the lot area: 74.44 m².

The proposed lot coverage is 41.3 percent of the lot area: 102.42 m².

5. Chapter 10.20.40.10.(1), Zoning By-law No. 569-2013

The permitted maximum height of a building or structure is 10.0 m.

The proposed height of the building is 11.37 m.

6. Chapter 10.20.40.10.(2), Zoning By-law No. 569-2013

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

The proposed height of the side exterior main walls facing a side lot line is 10.75 m.

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

The permitted maximum number of storeys is 2.

The proposed number of storeys is 4.

8. Chapter 10.20.40.50.(1), Zoning By-law No. 569-2013

The permitted maximum area of each platform at or above the second storey of a detached house is 4.0 m² and the permitted maximum number of platforms at or above the second storey located on the (front/rear) wall of a detached house is 1.

The proposed area of each platform at or above the second storey is 10.15 m² (rear second storey) and 9.42 m² (rear fourth storey) and the proposed number of platforms located on the rear wall is 2.,

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

The required minimum front yard setback is 7.05 m.

The proposed front yard setback is 6.0 m.

10. Chapter 10.20.40.70.(3), Zoning By-law No. 569-2013

The required minimum side yard setback is 1.2 m.

The proposed North side yard setback is 0.62 m.

11. Chapter 10.20.40.70.(3), Zoning By-law No. 569-2013

The required minimum side yard setback is 1.2 m.
The proposed South side yard setback is 0.91 m.

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

A minimum of 10.0 m² of the first floor must be within 4.0 m of the front main wall.
The proposed area of the first floor within 4.0 m of the front wall is 2.45 m².

13. Chapter 10.20.40.20(1), Zoning By-law No. 569-2013

The permitted maximum building length for a detached house is 17.0 m.
The proposed building length is 20.0 m.

14. Chapter 10.20.40.30.(1) , Zoning By-law No. 569-2013

The permitted maximum building depth for a detached house is 19.0 m.
The proposed building depth is 19.49 m.

15. Section 14-A(3), Zoning By-law No. 7625

The minimum required lot area is 370m².
The proposed lot area is 248.13m²

16. Section 14-A(4), Zoning By-law No. 7625

The minimum required lot frontage is 12.0m.
The proposed lot frontage is 7.01m.

17. Section 14-A(5)c, Zoning By-law No. 7625

The minimum required side yard setback is 1.2m.
The proposed North side yard setback is 0.62m

18. Section 14-A(5)c, Zoning By-law No. 7625

The minimum required side yard setback is 1.2m.
The proposed South side yard setback is 0.91m.

19. Section 14-A(6), Zoning By-law No. 7625

The maximum permitted lot coverage is 30% of the lot area.
The proposed lot coverage is 41.3% of the lot area.

20. Section 14-A(8), Zoning By-law No. 7625

The maximum permitted building height is 8.8m.
The proposed building height is 12.27m.

21. Section 14-A(8), Zoning By-law No. 7625

The maximum permitted number of storeys is 2.
The proposed number of storeys is 4

22. Section 14-A(9), Zoning By-law No. 7625

The maximum permitted building length is 15.3m.
The proposed building length is 20.54m.

23. Section 6(8), Zoning By-law No. 7625

The minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed.

24. Section 7.4A, Zoning By-law No. 7625

The minimum required landscaping is 50%.

The proposed landscaping is 45.3%.

Address: 2968B Bayview Ave

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

1. Chapter 10.5.50.10.(1), Zoning By-law No. 569-2013

On a lot with a detached house with a lot frontage of 6.0 m to less than 15.0 m, a minimum of 50 percent of the front yard must be landscaping.

The proposed front yard landscaping area is 44.2 percent.

2. Chapter 10.20.30.10.(1) , Zoning By-law No. 569-2013

The required minimum lot area is 370 m².

The proposed lot area is 237.6 m².

3. Chapter 10.20.30.20.(1), Zoning By-law No. 569-2013

The required minimum lot frontage is 12.0 m.

The proposed lot frontage is 6.7 m.

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

The permitted maximum lot coverage is 30 percent of the lot area: 71.28 m².

The proposed lot coverage is 41.3 percent of the lot area.

5. Chapter 10.20.40.10.(1), Zoning By-law No. 569-2013

The permitted maximum height of a building or structure is 10.0 m.

The proposed height of the building is 11.75 m.

6. Chapter 10.20.40.10.(2), Zoning By-law No. 569-2013

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

The proposed height of the side exterior main walls facing a side lot line is 11.13 m.

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

The permitted maximum number of storeys is 2.

The proposed number of storeys is 4.

8. Chapter 10.20.40.50.(1), Zoning By-law No. 569-2013

The permitted maximum area of each platform at or above the second storey of a detached house is 4.0 m² and the permitted maximum number of platforms at or above the second storey located on the (front/rear) wall of a detached house is 1.

The proposed area of each platform at or above the second storey is 10.15 m² (rear second storey) and 9.42 m² (rear fourth storey) and the proposed number of platforms located on the rear wall is 2.

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

The required minimum front yard setback is 7.05 m.

The proposed front yard setback is 6.0 m.

10. Chapter 10.20.40.70.(3), Zoning By-law No. 569-2013

The required minimum side yard setback is 1.2 m.

The proposed North side yard setback is 0.60 m.

11. Chapter 10.20.40.70.(3), Zoning By-law No. 569-2013

The required minimum side yard setback is 1.2 m.

The proposed South side yard setback is 0.60 m.

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

A minimum of 10.0 m² of the first floor must be within 4.0 m of the front main wall.
The proposed area of the first floor within 4.0 m of the front wall is 2.45 m².

13. Chapter 10.20.40.20(1), Zoning By-law No. 569-2013

The permitted maximum building length for a detached house is 17.0 m.
The proposed building length is 20.0 m.

14. Chapter 10.20.40.30.(1) , Zoning By-law No. 569-2013

The permitted maximum building depth for a detached house is 19.0 m.
The proposed building depth is 20.95 m.

15. Section 14-A(10), Zoning By-law No. 7625

The maximum permitted balcony area is 3.8m².
The proposed balcony (rear, fourth floor) is 9.42m², and the proposed balcony (front, third storey) is 4.0m².

16. Section 14-A(3), Zoning By-law No. 7625

The minimum required lot area is 370m².
The proposed lot area is 237.6 m²

17. Section 14-A(4), Zoning By-law No. 7625

The minimum required lot frontage is 12.0m.
The proposed lot frontage is 6.70 m.

18. Section 14-A(5)c, Zoning By-law No. 7625

The minimum required side yard setback is 1.2m.
The proposed North side yard setback is 0.60m

19. Section 14-A(5)c, Zoning By-law No. 7625

The minimum required side yard setback is 1.2m.
The proposed South side yard setback is 0.60m.

20. Section 14-A(6), Zoning By-law No. 7625

The maximum permitted lot coverage is 30% of the lot area.
The proposed lot coverage is 41.3% of the lot area.

21. Section 14-A(8), Zoning By-law No. 7625

The maximum permitted building height is 8.8m.
The proposed building height is 12.27m.

22. Section 14-A(8), Zoning By-law No. 7625

The maximum permitted number of storeys is 2.
The proposed number of storeys is 4.

23. Section 14-A(9), Zoning By-law No. 7625

The maximum permitted building length is 15.3m.
The proposed building length is 20.3m.

24. Section 6(8), Zoning By-law No. 7625

The minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed.

25. Section 7.4A, Zoning By-law No. 7625

The minimum required landscaping is 50%. The proposed landscaping is 44.2%.

Address: 2970A Bayview Ave

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

1. Chapter 10.5.50.10.(1), Zoning By-law No. 569-2013

A minimum of 50 percent of the front yard must be landscaping.
The proposed front yard landscaping area is 45.7 percent.

2. Chapter 10.5.100.1.(1)iii, Zoning By-law No. 569-2013

For a detached house, a driveway that is located in or passes through the front yard may be for lots with a lot frontage of 6.0 m to 23.0 m inclusive, a maximum of 3.44 m wide.
The proposed driveway is 4.31 m wide.

3. Chapter 10.20.30.10.(1), Zoning By-law No. 569-2013

The required minimum lot area is 370 m².
The proposed lot area is 239.51 m².

4. Chapter 10.20.30.20.(1), Zoning By-law No. 569-2013

The required minimum lot frontage is 12.0 m.
The proposed lot frontage is 6.70 m.

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

The permitted maximum lot coverage is 30 percent of the lot area: 71.85 m².
The proposed lot coverage is 42.8 percent of the lot area: 102.42 m².

6. Chapter 10.20.40.10.(1), Zoning By-law No. 569-2013

The permitted maximum height of a building or structure is 10.0 m.
The proposed height of the building is 11.75 m.

7. Chapter 10.20.40.10.(2), Zoning By-law No. 569-2013

The permitted maximum height of all side exterior main walls facing a side lot line is 7.5 m.
The proposed height of the side exterior main walls facing a side lot line is 11.13 m.

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

The permitted maximum number of storeys is 2.
The proposed number of storeys is 4.

9. Chapter 10.20.40.50.(1), Zoning By-law No. 569-2013

The permitted maximum number of platforms at or above the second storey located on the (front/rear) wall of a detached house is 1 and the permitted maximum area of each platform at or above the second storey of a detached house is 4.0 m².
The proposed number of platforms located on the rear wall is 2 and the proposed area of the platform at the rear second storey is 10.15 m², and at the rear fourth storey is 9.42 m².

10. Chapter 10.20.40.70.(3), Zoning By-law No. 569-2013

The required minimum side yard setback is 1.2 m.
The proposed North side yard setback is 0.62 m.

11. Chapter 10.20.40.70.(3), Zoning By-law No. 569-2013

The required minimum side yard setback is 1.2 m.
The proposed South side yard setback is 0.67 m.

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

A minimum of 10.0 m² of the first floor must be within 4.0 m of the front main wall.
The proposed area of the first floor within 4.0 m of the front wall is 2.45 m².

13. Chapter 10.20.40.20(1), Zoning By-law No. 569-2013

The permitted maximum building length for a detached house is 17.0 m.
The proposed building length is 20.0 m.

14. Chapter 10.20.40.30.(1), Zoning By-law No. 569-2013

The permitted maximum building depth for a detached house is 19.0 m.
The proposed building depth is 21.29 m.

15. Chapter 10.20.40.70.(2), Zoning By-law No. 569-2013

The required minimum rear yard setback is 8.94 m.
The proposed rear yard setback is 7.07 m.

16. Section 14-A(10), Zoning By-law No. 7625

The maximum permitted balcony area is 3.8m² and the maximum number of balconies permitted on a building (one per side) is 4.
The proposed balcony (rear, second storey) area is 10.15m², the proposed balcony (rear, fourth storey) is 9.42m², and the proposed balcony (front, third storey) is 4.0m², and the proposed number of balconies is 2 in the rear.

17. Section 14-A(3), Zoning By-law No. 7625

The minimum required lot area is 370m².
The proposed lot area is 239.51m².

18. Section 14-A(4), Zoning By-law No. 7625

The minimum required lot frontage is 12.0m.
The proposed lot frontage is 6.70m.

19. Section 14-A(5)c, Zoning By-law No. 7625

The minimum required side yard setback is 1.2m.
The proposed North side yard setback is 0.62m.

20. Section 14-A(5)c, Zoning By-law No. 7625

The minimum required side yard setback is 1.2m.
The proposed South side yard setback is 0.67m.

21. Section 14-A(6), Zoning By-law No. 7625

The maximum permitted lot coverage is 30% of the lot area.
The proposed lot coverage is 42.8% of the lot area.

22. Section 14-A(8), Zoning By-law No. 7625

The maximum permitted building height is 8.8m.
The proposed building height is 12.23m.

23. Section 14-A(8), Zoning By-law No. 7625

The maximum permitted number of storeys is 2.
The proposed number of storeys is 4.

24. Section 14-A(9), Zoning By-law No. 7625

The maximum permitted building length is 15.3m.
The proposed building length is 20.54m.

25. Section 6(8), Zoning By-law No. 7625

The minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed.

26. Section 7.4A, Zoning By-law No. 7625

The minimum required landscaping is 50 percent.
The proposed landscaping is 45.7 percent.

27. Section 14-A(5)(b), Zoning By-law No. 7625

The minimum required rear yard setback is 9.5m.
The proposed rear yard setback is 7.07m.

Address: 2970B Bayview Ave

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

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

A minimum of 10.0 m² of the first floor must be within 4.0 m of the front main wall.
The proposed area of the first floor within 4.0 m of the front wall is 2.45 m².

2. Chapter 10.5.50.10.(1), Zoning By-law No. 569-2013

A minimum of 50 percent of the front yard must be landscaping.
The proposed front yard landscaping area is 38.4 percent.

3. Chapter 10.5.100.1.(1)iii, Zoning By-law No. 569-2013

For a detached house, a driveway that is located in or passes through the front yard may be for lots with a lot frontage of 6.0 m to 23.0 m inclusive, a maximum of 3.44 m wide.
The proposed driveway is 4.31 m wide.

4. Chapter 10.20.30.10.(1), Zoning By-law No. 569-2013

The required minimum lot area is 370 m².
The proposed lot area is 248.05 m².

5. Chapter 10.20.30.20.(1), Zoning By-law No. 569-2013

The required minimum lot frontage is 12.0 m.
The proposed lot frontage is 7.10 m.

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

The permitted maximum lot coverage is 30 percent of the lot area: 71.85 m².
The proposed lot coverage is 41.3 percent of the lot area: 102.42 m².

7. Chapter 10.20.40.10.(1), Zoning By-law No. 569-2013

The permitted maximum height of a building or structure is 10.0 m.
The proposed height of the building is 11.44 m.

8. Chapter 10.20.40.10.(2), Zoning By-law No. 569-2013

The permitted maximum height of all side exterior main walls facing a side lot line is 7.5 m.
The proposed height of the side exterior main walls facing a side lot line is 10.82 m.

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

The permitted maximum number of storeys is 2.
The proposed number of storeys is 4.

10. Chapter 10.20.40.50.(1), Zoning By-law No. 569-2013

The permitted maximum number of platforms at or above the second storey located on the (front/rear) wall of a detached house is 1 and the permitted maximum area of each platform at or above the second storey of a detached house is 4.0 m².
The proposed number of platforms located on the rear wall is 3 and the proposed area of the platform at the second storey is 10.15 m² (rear, second storey), and 9.42 m² (rear, fourth storey).

11. Chapter 10.20.40.70.(3), Zoning By-law No. 569-2013

The required minimum side yard setback is 1.2 m.
The proposed North side yard setback is 0.91 m.

12. Chapter 10.20.40.70.(3), Zoning By-law No. 569-2013

The required minimum side yard setback is 1.2 m.

The proposed South side yard setback is 0.62 m.

13. Chapter 10.20.40.20(1), Zoning By-law No. 569-2013

The permitted maximum building length for a detached house is 17.0 m.

The proposed building length is 20.0 m.

14. Chapter 10.20.40.30.(1), Zoning By-law No. 569-2013

The permitted maximum building depth for a detached house is 19.0 m.

The proposed building depth is 21.05 m.

15. Chapter 10.20.40.70.(2), Zoning By-law No. 569-2013

The required minimum rear yard setback is 8.94 m.

The proposed rear yard setback is 7.31 m.

16. Section 14-A(10), Zoning By-law No. 7625

The maximum permitted balcony area is 3.8m² and the by-law permits a total of 4 balconies, one on each side of the building.

The proposed balcony (rear, second storey) area is 10.15 m², the proposed balcony (rear, fourth storey) area is 9.42m², and the proposed balcony (front, third storey) is 4.0m² and the proposed number of balconies is 2 on the rear side.

17. Section 14-A(3), Zoning By-law No. 7625

The minimum required lot area is 370m².

The proposed lot area is 248.05 m².

18. Section 14-A(4), Zoning By-law No. 7625

The minimum required lot frontage is 12.0m.

The proposed lot frontage is 7.10 m.

19. Section 14-A(5)c, Zoning By-law No. 7625

The minimum required side yard setback is 1.2m.

The proposed North side yard setback is 0.91m.

20. Section 14-A(5)c, Zoning By-law No. 7625

The minimum required side yard setback is 1.2m.

The proposed South side yard setback is 0.62m.

21. Section 14-A(6), Zoning By-law No. 7625

The maximum permitted lot coverage is 30% of the lot area.

The proposed lot coverage is 41.3% of the lot area.

22. Section 14-A(8), Zoning By-law No. 7625

The maximum permitted building height is 8.8m.

The proposed building height is 12.23m.

23. Section 14-A(8), Zoning By-law No. 7625

The maximum permitted number of storeys is 2.

The proposed number of storeys is 4.

24. Section 14-A(9), Zoning By-law No. 7625

The maximum permitted building length is 15.3m.

The proposed building length is 20.3m.

25. Section 6(8), Zoning By-law No. 7625

The minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed.

26. Section 7.4A, Zoning By-law No. 7625

The minimum required landscaping is 50 percent.

The proposed landscaping is 38.4 percent.

27. Section 6(9)l, Zoning By-law No. 7625

The bylaw permits a balcony to project a maximum of 1.6 m.

The proposed balcony (rear, second storey) projects 3.0m.

28. Section 14-A(5)(b), Zoning By-law No. 7625

The minimum required rear yard setback is 9.5m.

The proposed rear yard setback is 7.31m.

Attachment 3

17 174549 S45 23 TLAB
17 174570 S45 23 TLAB
17 174535 S45 23 TLAB
17 174563 S45 23 TLAB

Conditions of Approval for Minor Variances 2968 & 2970 Bayview Avenue

**Committee of Adjustment File Nos.: A0938/16NY, A039/16NY A040/16NY,
A047/16NY**

**TLAB File Nos.: 17 174549 S45 23 TLAB, 17 174570 S45 23 TLAB, 17 174535 S45
23 TLAB, 17 174563 S45 23 TLAB**

1. The proposed buildings shall be built substantially in accordance with the following drawings:
 - (a) Site Plan – Bayview Houses 2968A, dated January 11, 2017 and, the East Elevation - Bayview Houses 2968A, West Elevation - Bayview Houses 2968A, North Elevation - Bayview Houses 2968A and South Elevation - Bayview Houses 2968A, all dated October 21, 2016;
 - (b) Site Plan – Bayview Houses 2968B, dated January 11, 2017, and the East Elevation - Bayview Houses 2968B, West Elevation - Bayview Houses 2968B, North Elevation - Bayview Houses 2968B and South Elevation - Bayview Houses 2968B, all dated October 21, 2016;
 - (c) Site Plan – Bayview Houses 2970A, dated January 11, 2017, and the East Elevation - Bayview Houses 2970A, West Elevation - Bayview Houses 2970A, North Elevation - Bayview Houses 2970A and South Elevation - Bayview Houses 2970A, all dated October 21, 2016; and
 - (d) Site Plan – Bayview Houses 2970B, dated January 11, 2017, and the East Elevation - Bayview Houses 2970B, West Elevation - Bayview Houses 2970B, North Elevation - Bayview Houses 2970B and South Elevation - Bayview Houses 2970B, all dated October 21, 2016;

prepared by Mehdi Marzyari Architects and Karma Sustainable Design Inc. except that decks, balconies, outdoor platforms, outdoor terraces, and outdoor amenity areas shall not be permitted above the second storey of each of the four detached homes.

Attachment 4



BAYVIEW HOUSES - 2970B

2970 BAYVIEW AVE Toronto ON M2N 5K7



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ISSUED FOR COMMITTEE OF ADJUSTMENT
OCTOBER 21/ 2016

ZONING : RD (f12.0; a370)	LOT NO. : LOT 119	PLAN NO. : 1609-YORK
------------------------------	----------------------	-------------------------

LOT AREA : 248.05 M2	LOT FRONTAGE : 7.01 M	LOT DEPTH : 35.70 M
-------------------------	--------------------------	------------------------

	REQUIRED	%	PROVIDED	%
LOT COVERAGE	74.42 M2	30.0	92.56 M2	37.3
GROSS FLOOR AREA	-----	----	228.48 M2	92.1

LANDSCAPING FRONT YARD	28.68 M2	50.0	21.79 M2	38.0
SOFT LANDSCAPING FRONT YARD	21.51 M2	75.0	20.02 M2	69.80
LANDSCAPING REAR YARD	-----	----	56.35 M2	77.6
SOFT LANDSCAPING REAR YARD	36.29 M2	50.0	45.51 M2	62.7

SETBACK FRONT YARD	6.00 M	7.80 M
SETBACK REAR YARD	8.93 M 25% LOT DEPTH	10.00 M
SETBACK SIDE YARD - NORTH	1.20 M	0.90 M
SETBACK SIDE YARD - SOUTH	1.20 M	0.60 M

NO. OF STOREY	2 STOREY	2 ½ STOREY
HEIGHT	10.00 M	11.76 M - 9.61 M ROOF RIDGE ROOF EAVE
LENGTH	15.30 M - 17.00 M OLD ZONING NEW ZONING	17.00 M
WIDTH	-----	5.45 M
PARKING	-----	1 PARKING SPACES

NO.	SHEET NO.	DRAWING TITLE
1	A100	COVER
2	A101	EXISTING SURVEY
3	A102	SITE PLAN
4	A201	BASEMENT PLAN
5	A202	FIRST FLOOR PLAN
6	A203	SECOND FLOOR PLAN
7	A204	THIRD FLOOR PLAN
8	A205	ROOF PLAN
9	A401	EAST ELEVATION
10	A402	WEST ELEVATION
11	A403	NORTH ELEVATION
12	A404	SOUTH ELEVATION
13	A501	SECTION A-A
14	R101	RENDERING 1
15	R102	RENDERING 2



No.	Issue Description	Date
1	ISSUED FOR ZC	2016.04.15
2	REVISION ISSUED FOR ZC	2016.09.01
3	ISSUED FOR CoA	2016.10.21

memor
mehdi marzyari architects



Karma
Sustainable Design Inc.




project north

project

client

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project number

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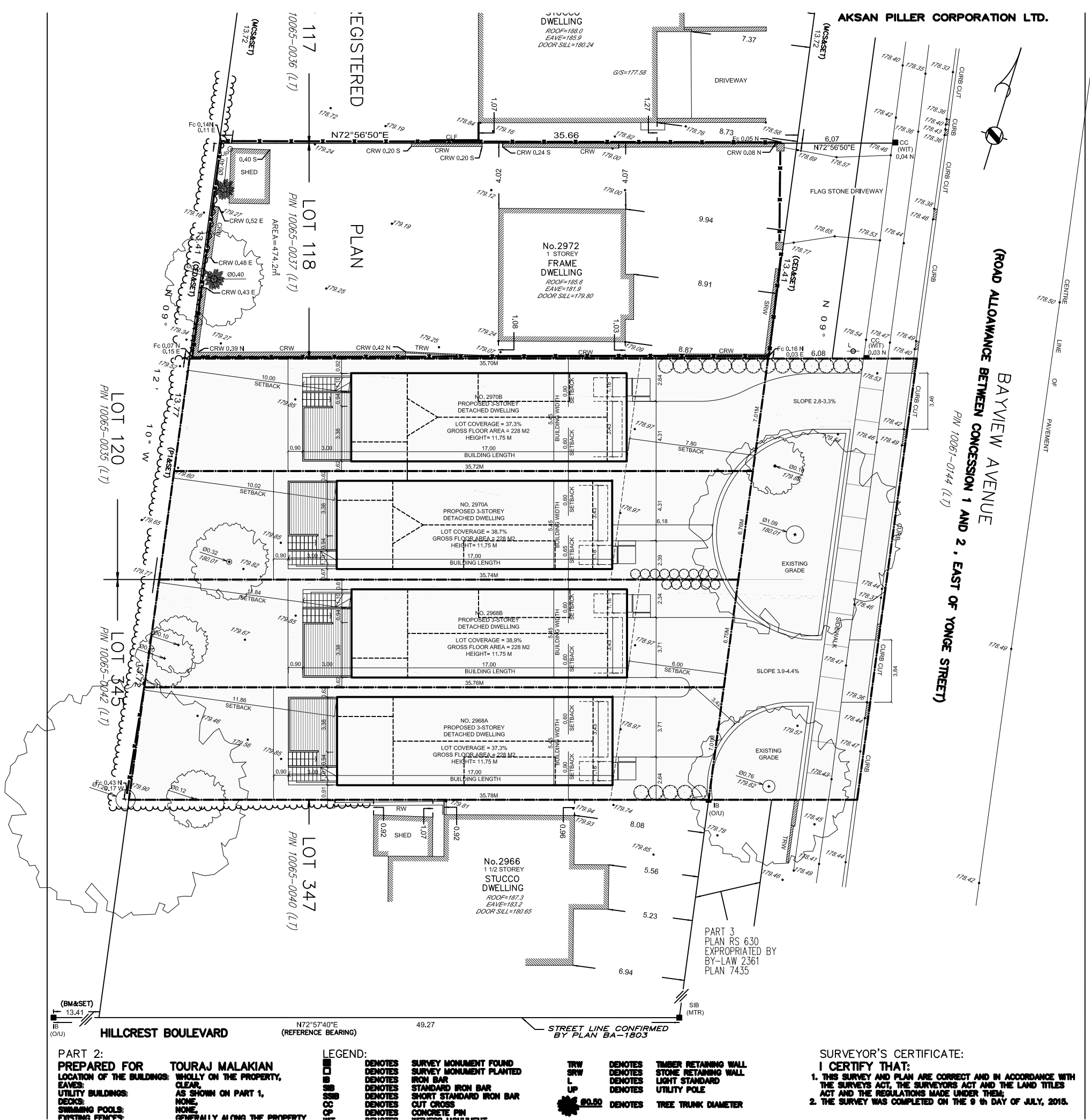
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LEGEND:

	DENOTES	SURVEY MONUMENT FOUND
	DENOTES	SURVEY MONUMENT PLANTED
	DENOTES	IRON BAR
	DENOTES	STANDARD IRON BAR
	DENOTES	SHORT STANDARD IRON BAR
	DENOTES	CUT CROSS
	DENOTES	CONCRETE PIN
	DENOTES	CONCRETE

TRW	DENOTES	TIMBER RETAINING WALL
SRW	DENOTES	STONE RETAINING WALL
L	DENOTES	LIGHT STANDARD
UP	DENOTES	UTILITY POLE
 \$0.50	DENOTES	TREE TRUNK DIAMETER

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES
ACT AND THE REGULATIONS MADE UNDER THEM;
THE SURVEY WAS COMPLETED ON THE 9th DAY OF JULY, 2015.



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BAYVIEW HOUSES - 2970B

client

title

SITE PLAN

project number

date

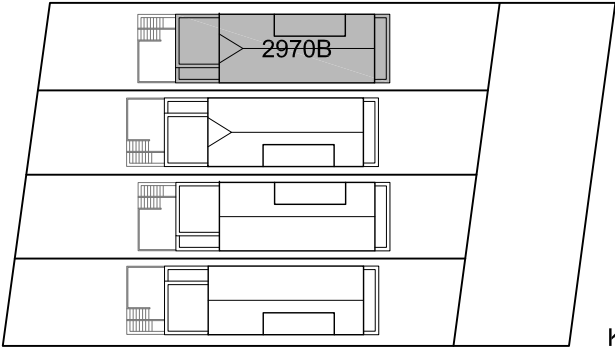
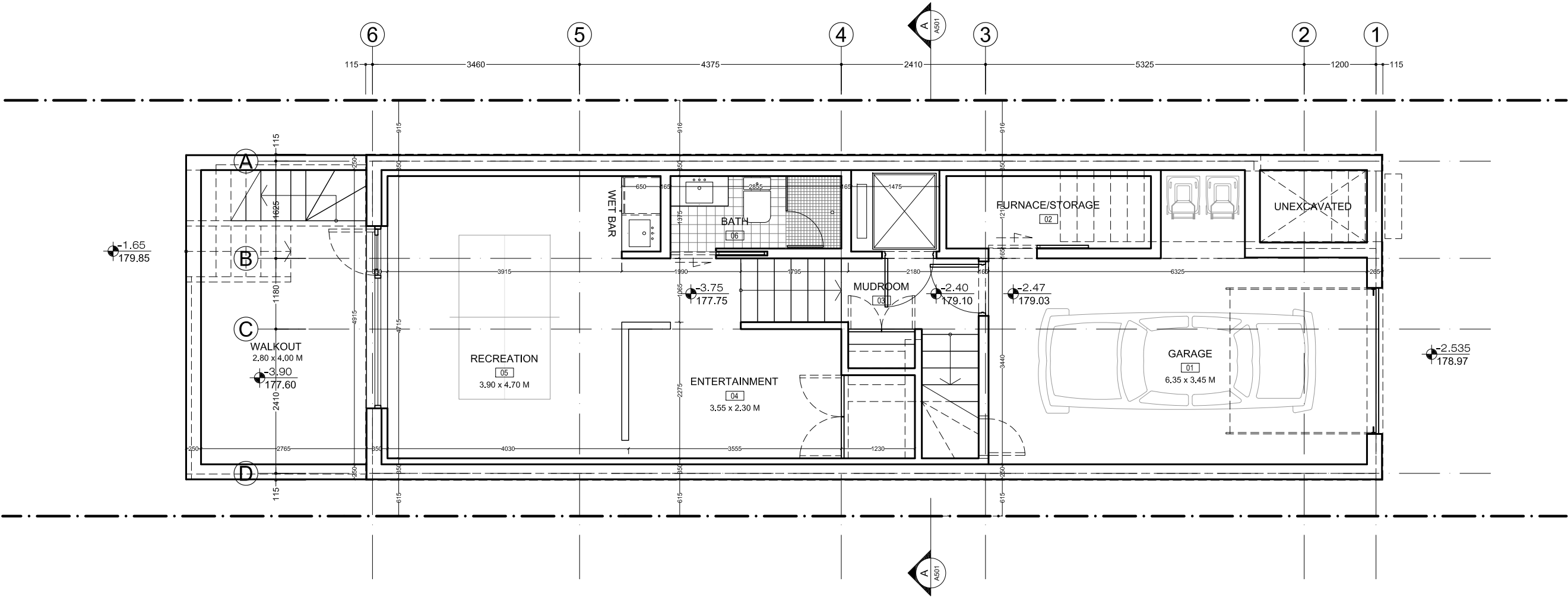
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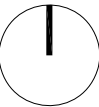


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project north



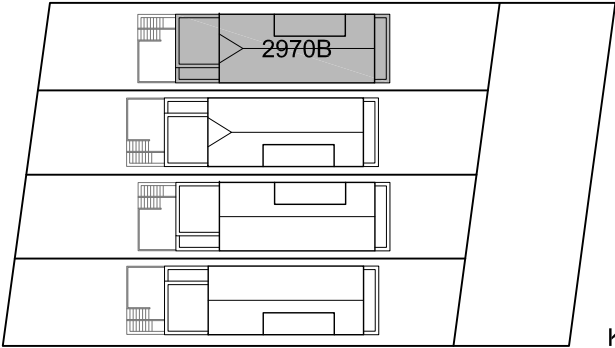
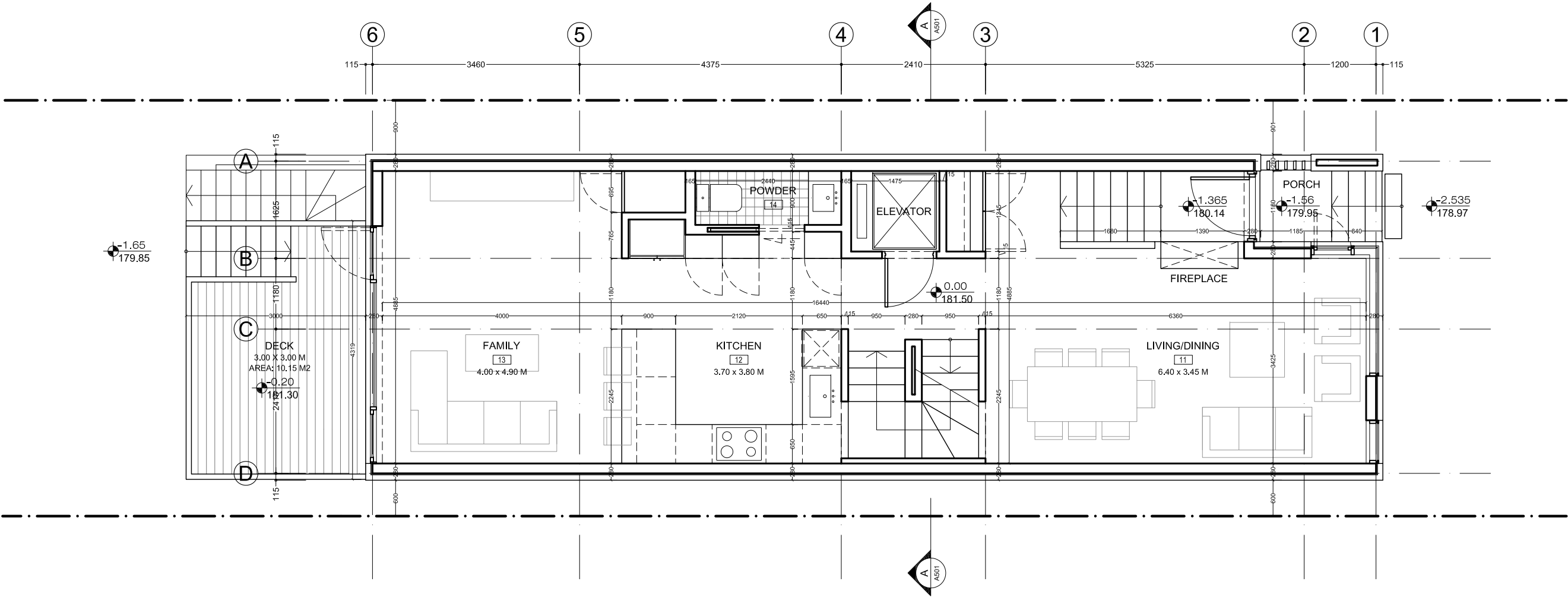
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BAYVIEW HOUSES - 2970B

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BASEMENT PLAN	
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project north

project

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BAYVIEW HOUSES - 2970B

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title

FIRST FLOOR PLAN

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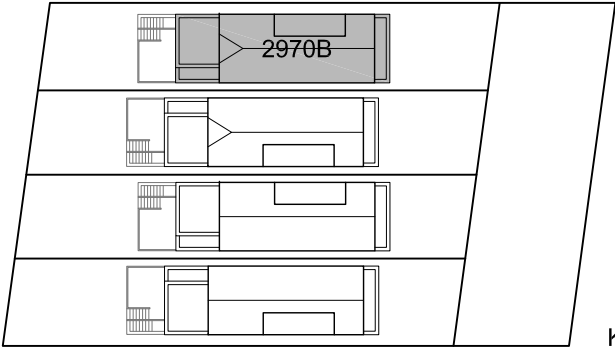
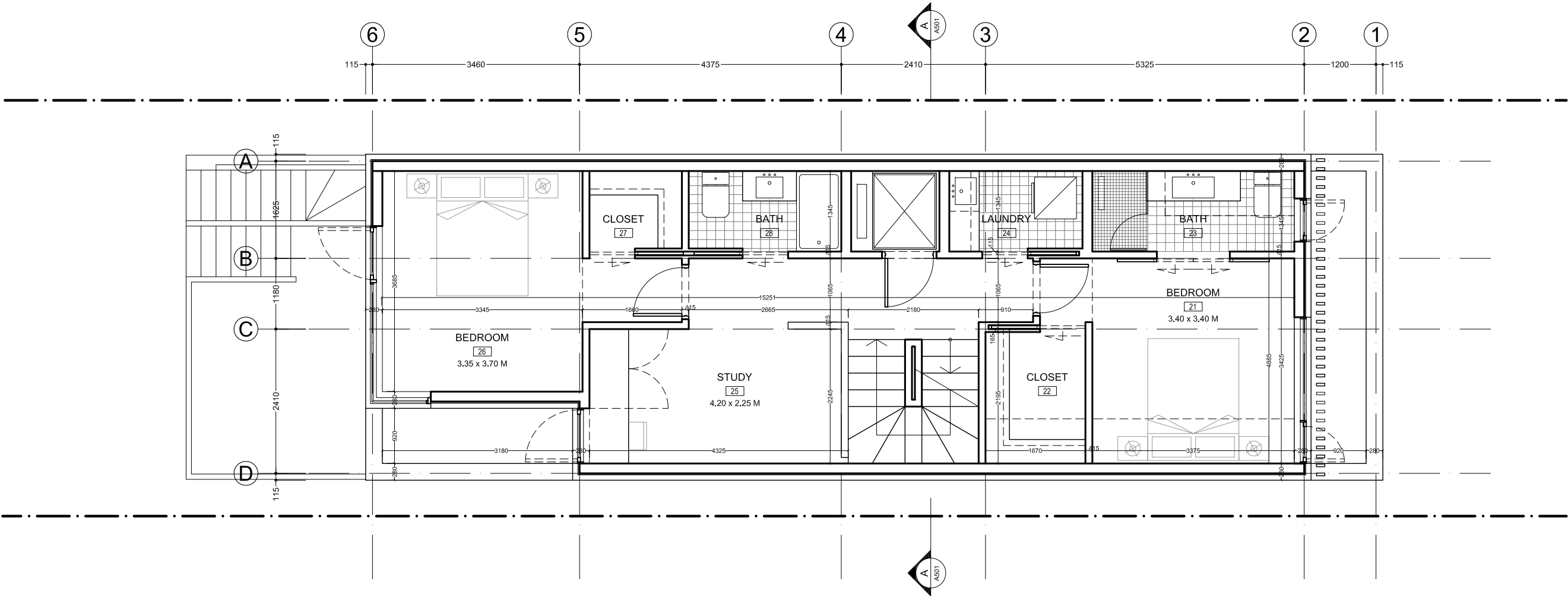
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SECOND FLOOR PLAN

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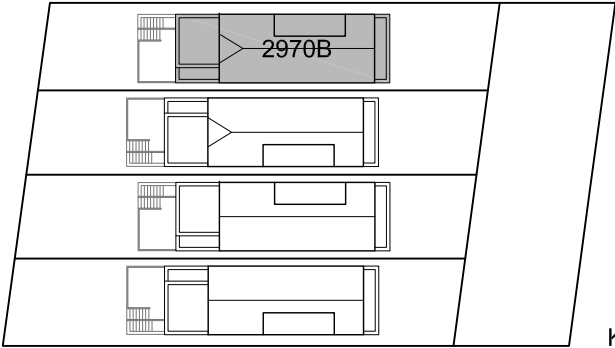
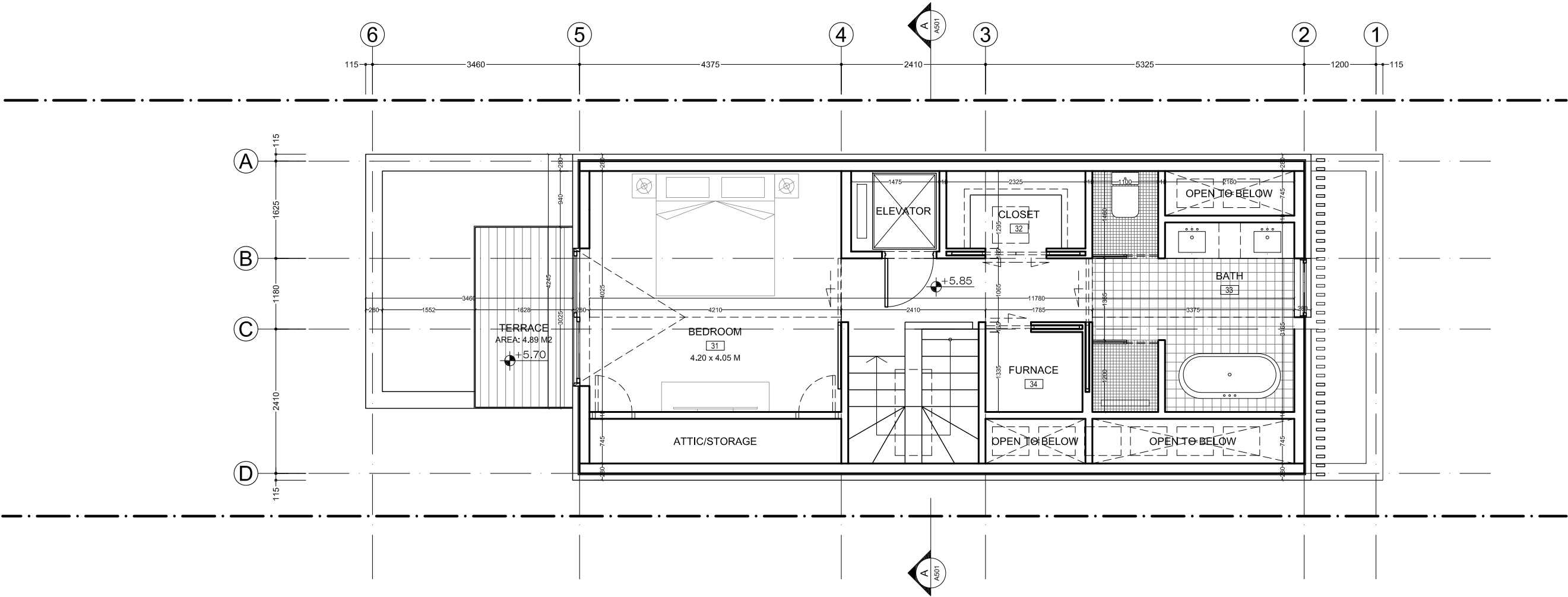
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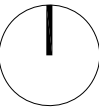


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BAYVIEW HOUSES - 2970B

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THIRD FLOOR PLAN
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BAYVIEW HOUSES - 2970B

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ROOF PLAN

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2016.10.21 date

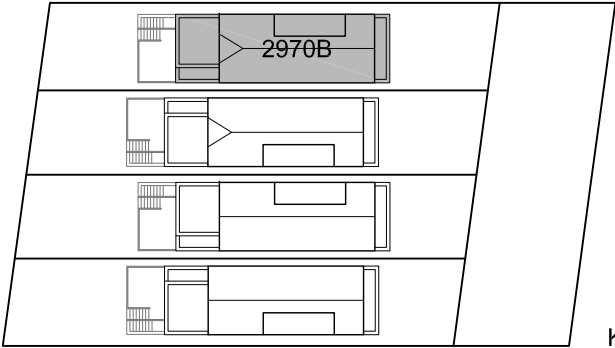
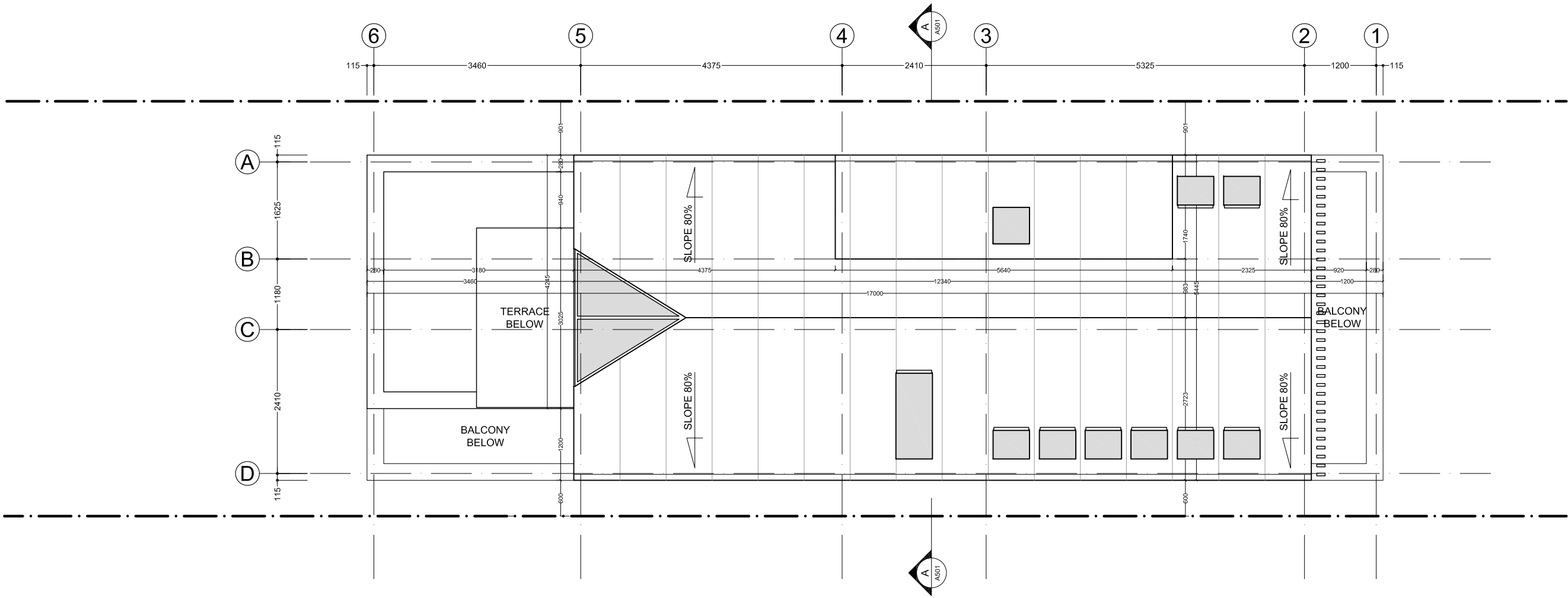
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project

BAYVIEW HOUSES - 2970B

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EAST ELEVATION

project number

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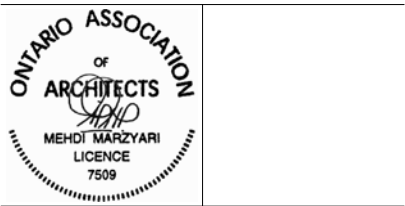
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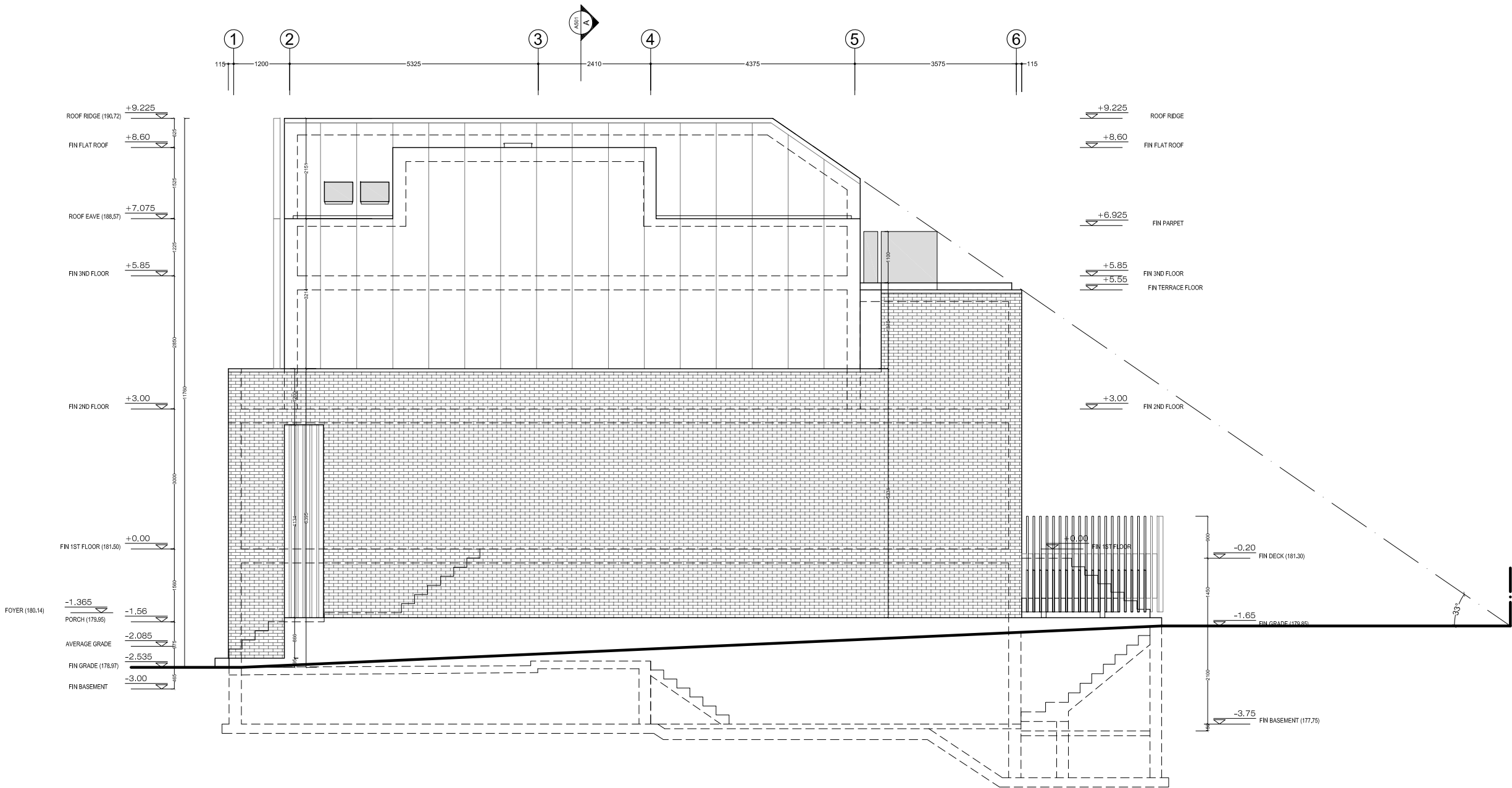


BAYVIEW HOUSES - 2970B

WEST ELEVATION

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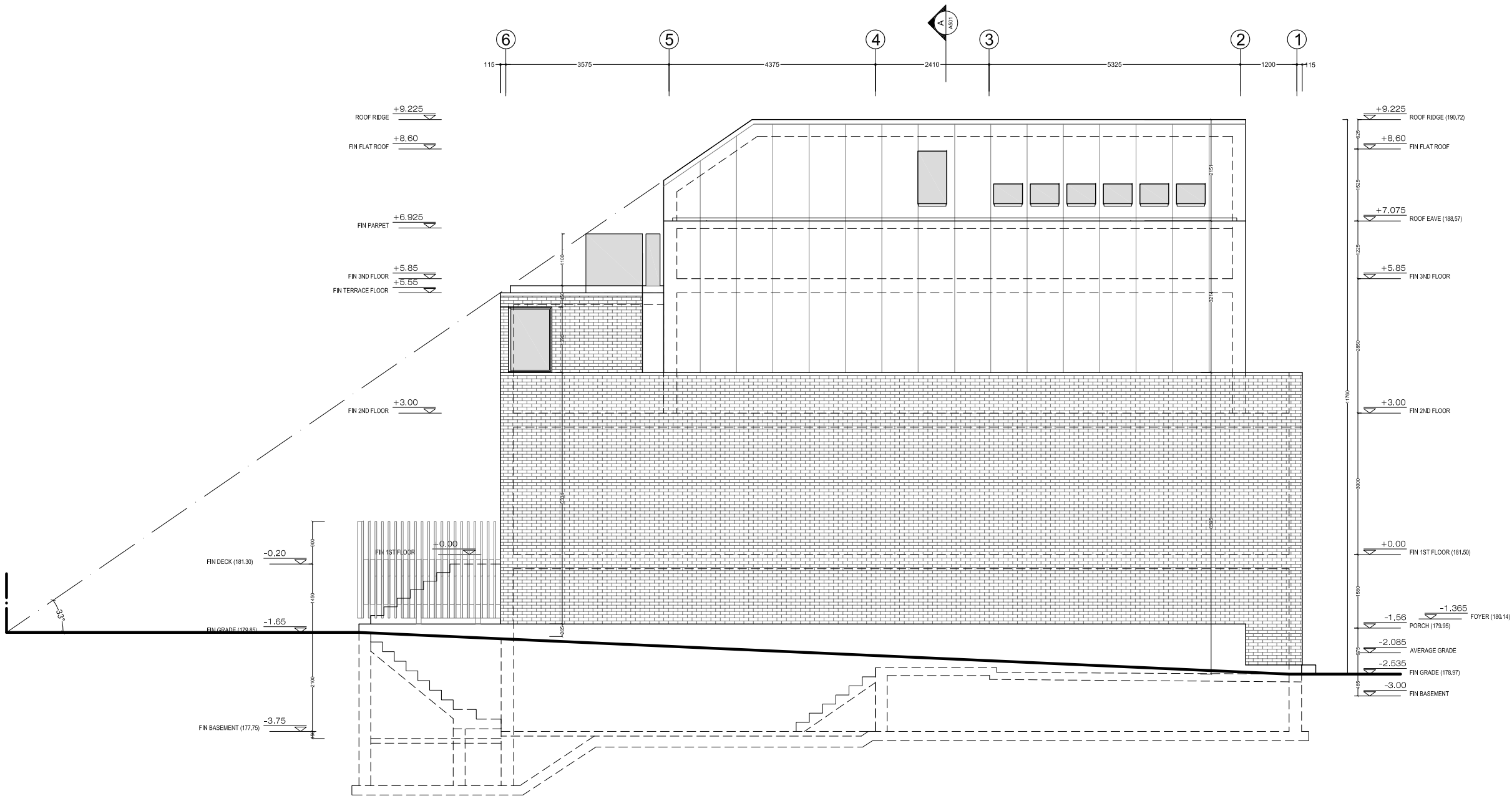
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ARCHITECTS
MEHDI MARZARI
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BAYVIEW HOUSES - 2970B

NORTH ELEVATION

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A403



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No.	Issue Description	Date
1	ISSUED FOR ZC	2016.04.15
2	REVISION ISSUED FOR ZC	2016.09.01
3	ISSUED FOR CoA	2016.10.21

No.	Revision Description	Date




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ONTARIO ASSOCIATION
of
ARCHITECTS
MEHDI MARZYARI
LICENCE
7509

BAYVIEW HOUSES - 2970B

client

title

SOUTH ELEVATION

project number

date

2016.10.21

scale

1:100

drawn by

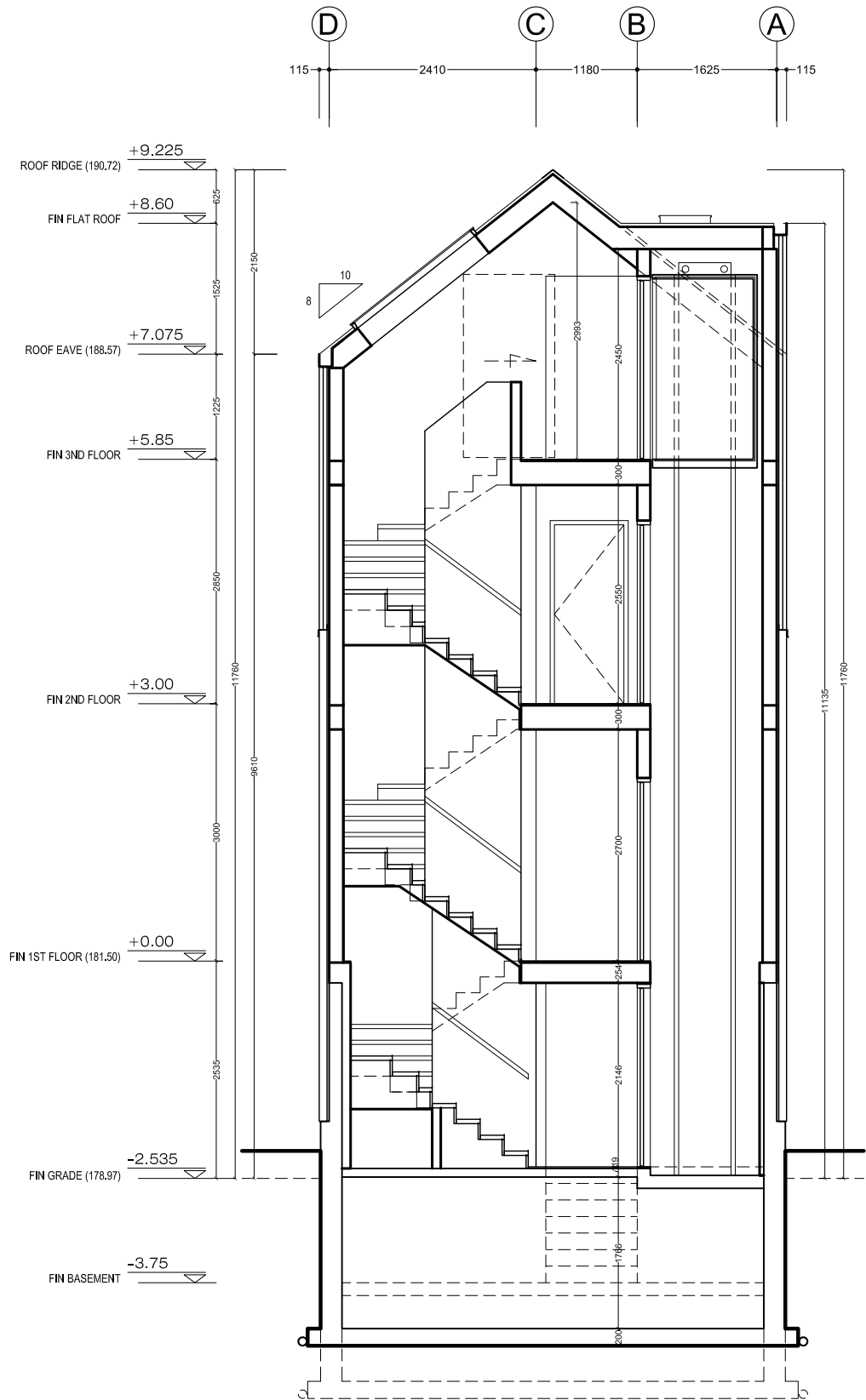
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BAYVIEW HOUSES - 2970B

SECTION A-A

	project number
	date
2016.10.21	scale
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A501



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LICENCE
7509

project

BAYVIEW HOUSES - 2970B

client

title

RENDERING 1

project number

date

2016.10.21

scale

drawn by

MM, AS

checked by

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sheet

R101



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BAYVIEW HOUSES - 2970B

RENDERING 2

	project number
	date
2016.10.21	scale
	drawn by
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MM, AS	sheet

R102



BAYVIEW HOUSES - 2970A

2970 BAYVIEW AVE Toronto ON M2N 5K7



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ISSUED FOR COMMITTEE OF ADJUSTMENT
OCTOBER 21/ 2016

ZONING : RD (f12.0; a370)	LOT NO. : LOT 119	PLAN NO. : 1609-YORK
------------------------------	----------------------	-------------------------

LOT AREA : 239.28 M2	LOT FRONTAGE : 6.76 M	LOT DEPTH : 35.72 M
-------------------------	--------------------------	------------------------

	REQUIRED	%	PROVIDED	%
LOT COVERAGE	71.78 M2	30.0	92.56 M2	38.7
GROSS FLOOR AREA	-----	----	228.48 M2	95.5

LANDSCAPING FRONT YARD	27.58 M2	50.0	26.97 M2	48.9
SOFT LANDSCAPING FRONT YARD	20.68 M2	75.0	25.20 M2	91.4
LANDSCAPING REAR YARD	-----	----	54.02 M2	76.9
SOFT LANDSCAPING REAR YARD	35.13 M2	50.0	44.15 M2	62.8

SETBACK FRONT YARD	6.00 M	7.80 M
SETBACK REAR YARD	8.93 M 25% LOT DEPTH	10.02 M
SETBACK SIDE YARD - NORTH	1.20 M	0.60 M
SETBACK SIDE YARD - SOUTH	1.20 M	0.65 M

NO. OF STOREY	2 STOREY	2 ½ STOREY
HEIGHT	10.00 M	11.76 M - 9.61 M ROOF RIDGE ROOF EAVE
LENGTH	15.30 M - 17.00 M OLD ZONING NEW ZONING	17.00 M
WIDTH	-----	5.45 M
PARKING	-----	1 PARKING SPACES

NO.	SHEET NO.	DRAWING TITLE
1	A100	COVER
2	A101	EXISTING SURVEY
3	A102	SITE PLAN
4	A201	BASEMENT PLAN
5	A202	FIRST FLOOR PLAN
6	A203	SECOND FLOOR PLAN
7	A204	THIRD FLOOR PLAN
8	A205	ROOF PLAN
9	A401	EAST ELEVATION
10	A402	WEST ELEVATION
11	A403	NORTH ELEVATION
12	A404	SOUTH ELEVATION
13	A501	SECTION A-A
14	R101	RENDERING 1
15	R102	RENDERING 2



No.	Issue Description	Date
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client

	title
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EXISTING SURVEY

project number

2016 10 21 date

1:250 scale

MM, AS

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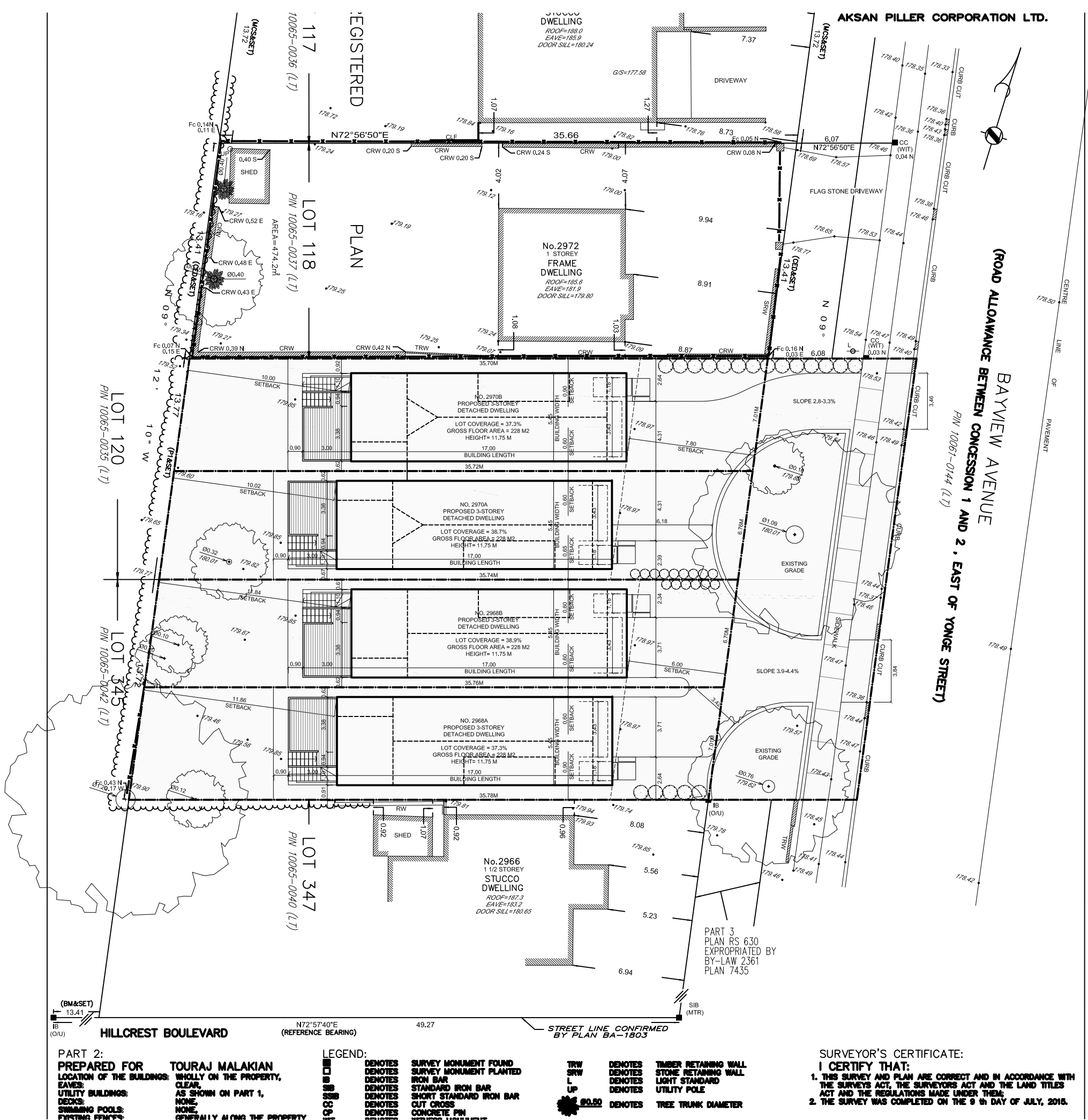
A101

LEGEND:

	DENOTES	SURVEY MONUMENT FOUND
	DENOTES	SURVEY MONUMENT PLANTED
	DENOTES	IRON BAR
	DENOTES	STANDARD IRON BAR
	DENOTES	SHORT STANDARD IRON BAR
	DENOTES	CUT CROSS
	DENOTES	CONCRETE PIN

TRW	DENOTES	TIMBER RETAINING WALL
SRW	DENOTES	STONE RETAINING WALL
L	DENOTES	LIGHT STANDARD
UP	DENOTES	UTILITY POLE
 #0.50	DENOTES	TREE TRUNK DIAMETER

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM;
THE SURVEY WAS COMPLETED ON THE 9th DAY OF JULY, 2015.



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BAYVIEW HOUSES - 2970A

client

title

SITE PLAN

project number

date

scale

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sheet

A102

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BAYVIEW HOUSES - 2970A

client

title

BASEMENT PLAN

project number

2016.10.21 date

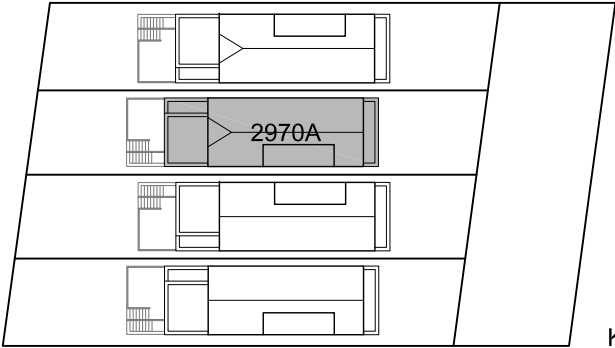
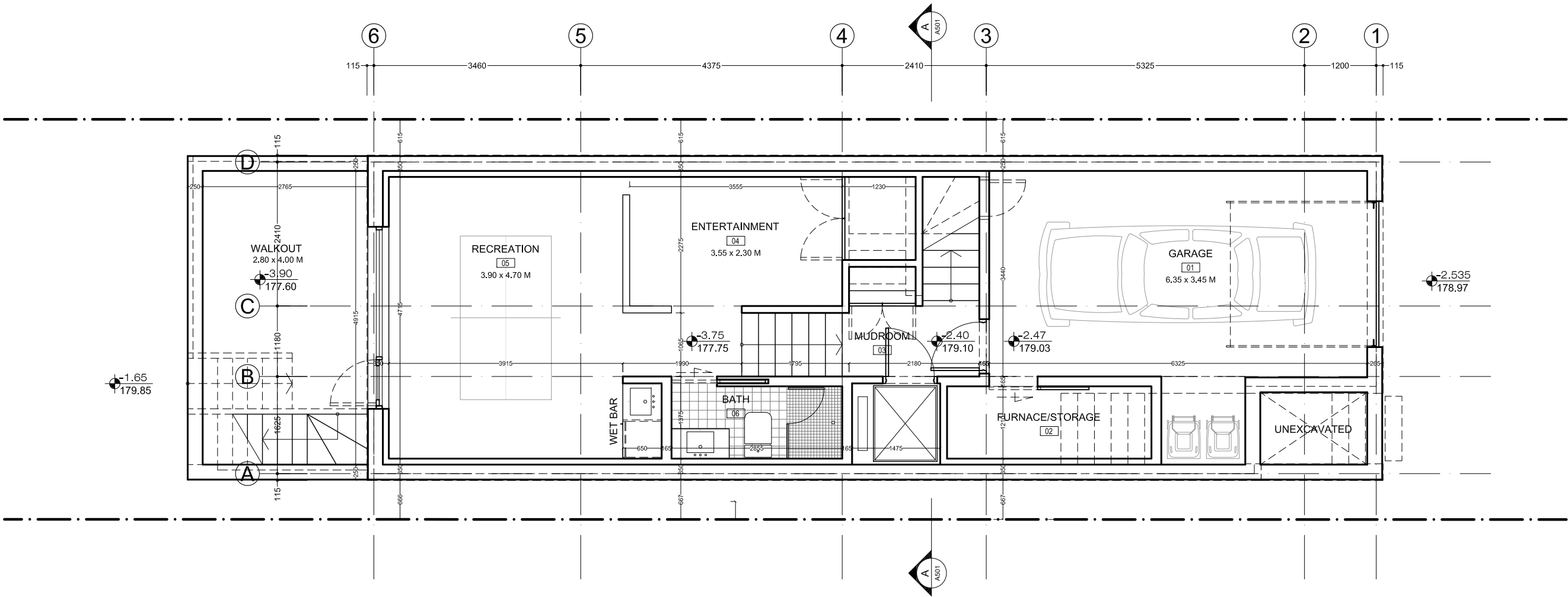
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A201

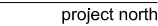
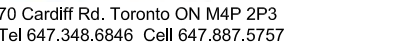


KEY PLAN

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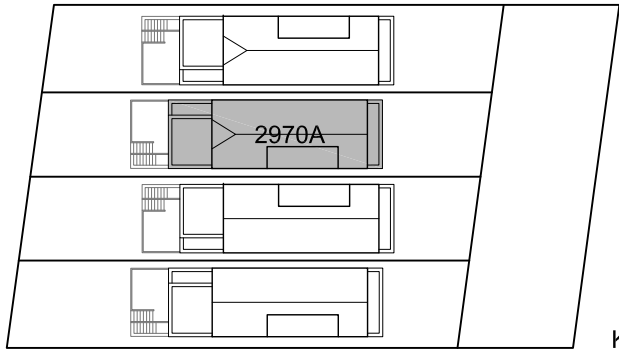


client

title

project number

A202



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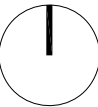


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project north



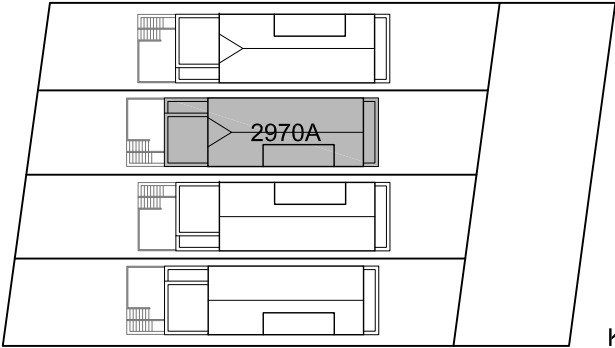
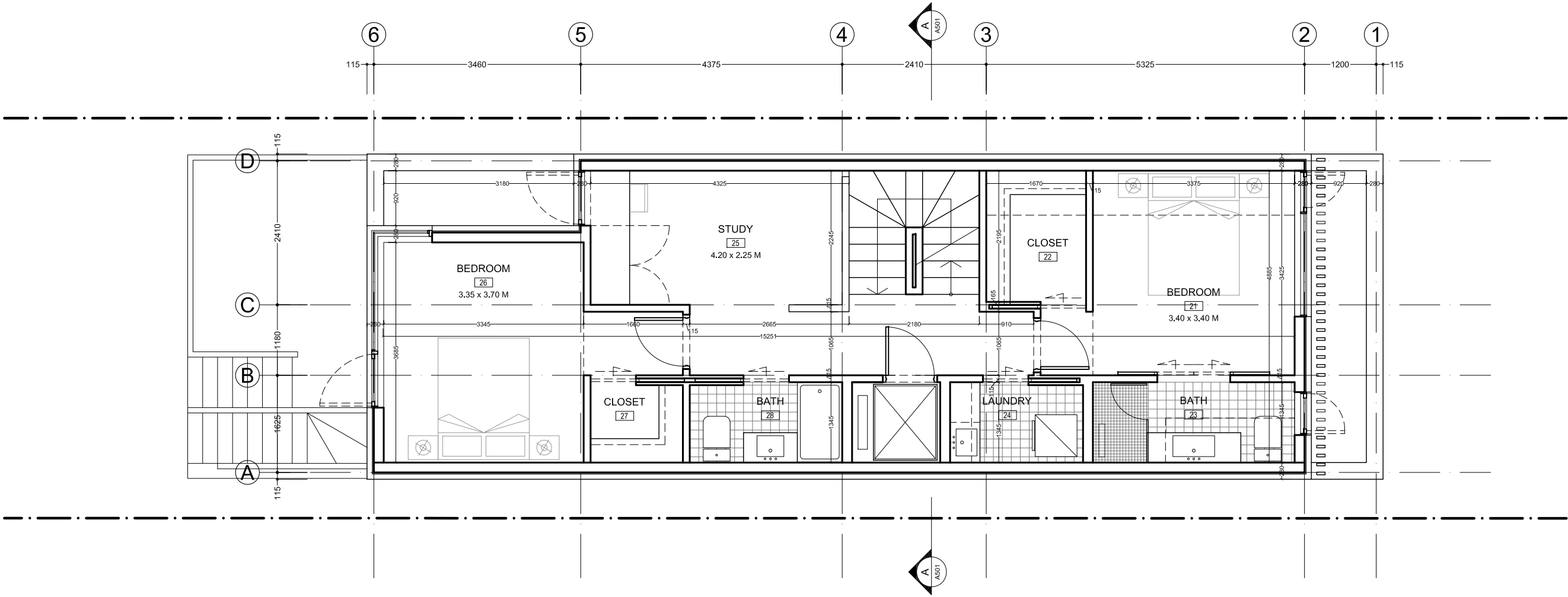
project

BAYVIEW HOUSES - 2970A

client

title
SECOND FLOOR PLAN
project number
2016.10.21
date
1:75
scale
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A203



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project north



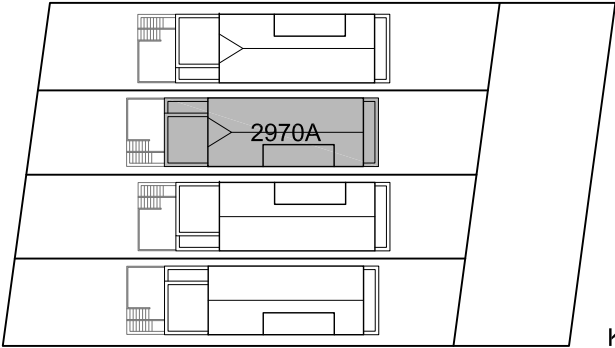
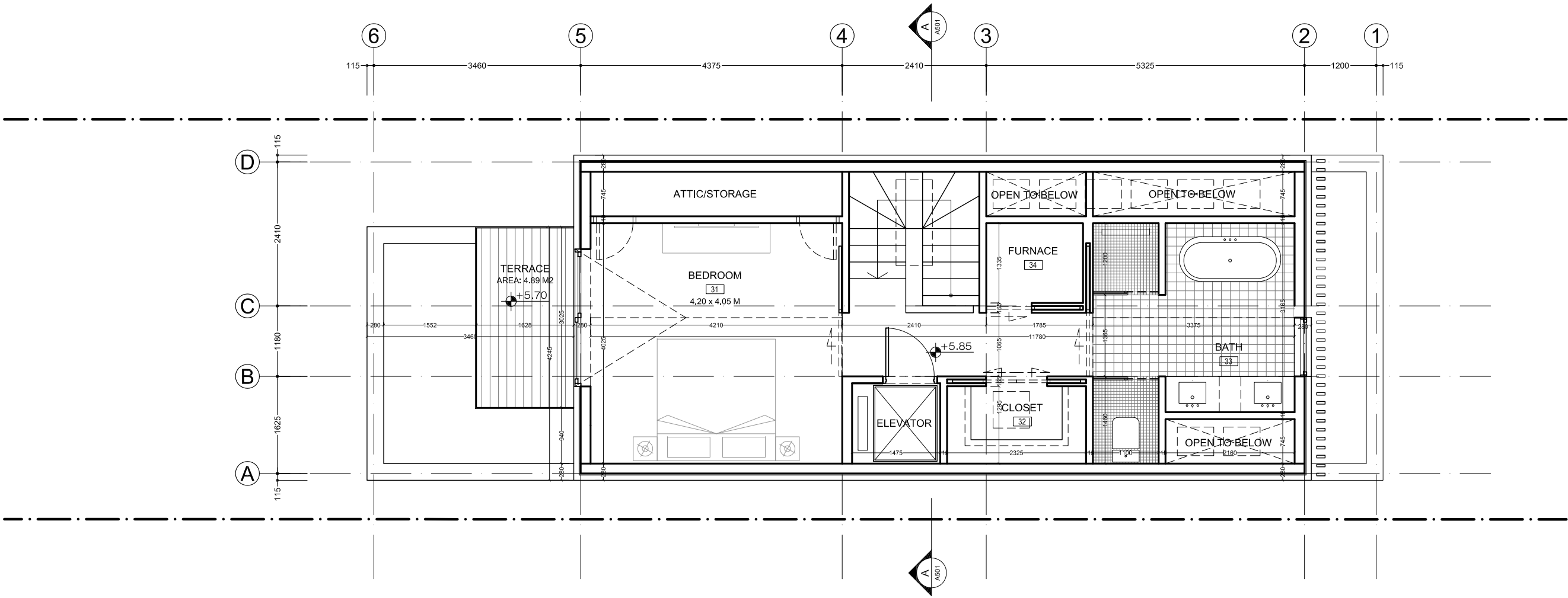
project

BAYVIEW HOUSES - 2970A

client

title
THIRD FLOOR PLAN
project number
date
2016.10.21
scale
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sheet

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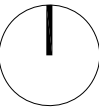
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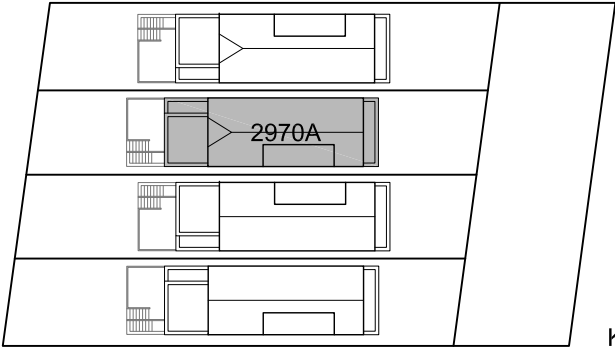
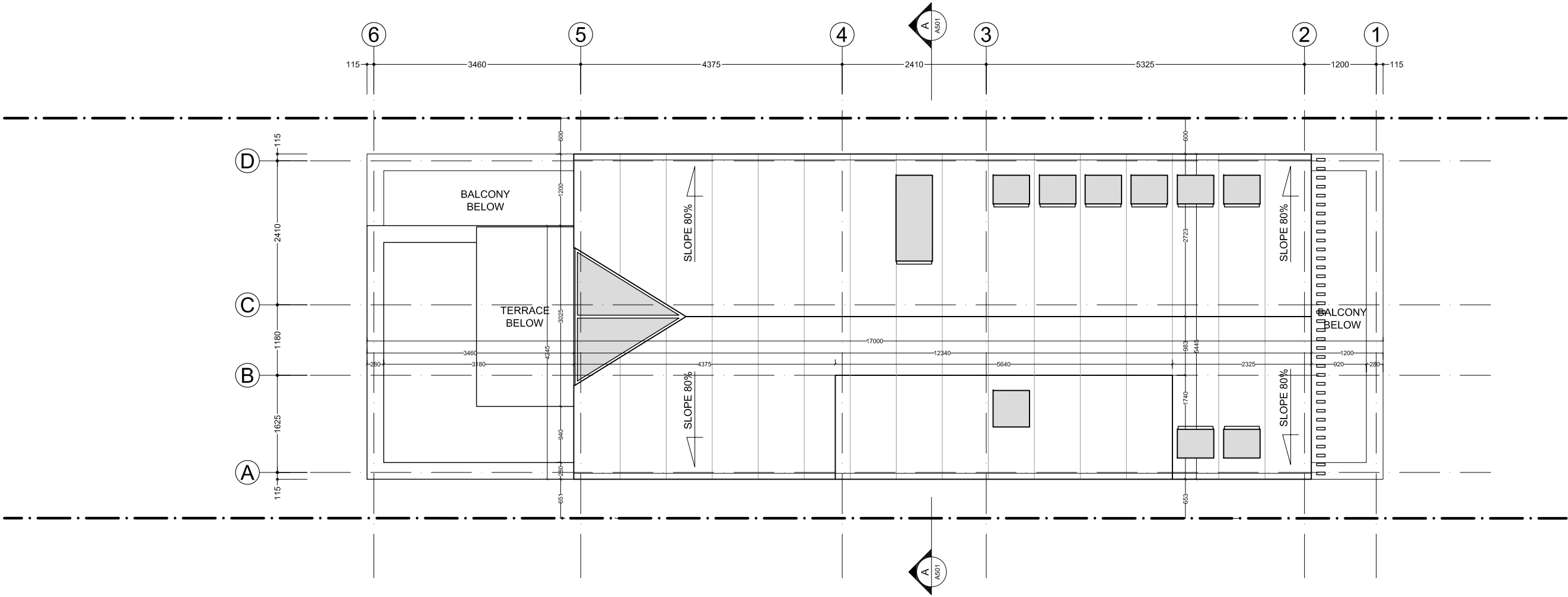
project north

project

BAYVIEW HOUSES - 2970A

client

title
ROOF PLAN
project number
date
2016.10.21
scale
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BAYVIEW HOUSES - 2970A

EAST ELEVATION

	project number
	date
2016.10.21	
	scale
1:100	
	drawn by
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MM, AS	
	sheet

A401



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project

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client

title

WEST ELEVATION

project number

date

2016.10.21

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Tel 647.348.6846 Cell 647.887.5757



project

BAYVIEW HOUSES - 2970A

client

title

NORTH ELEVATION

project number

date

2016.10.21

scale

1:100

drawn by

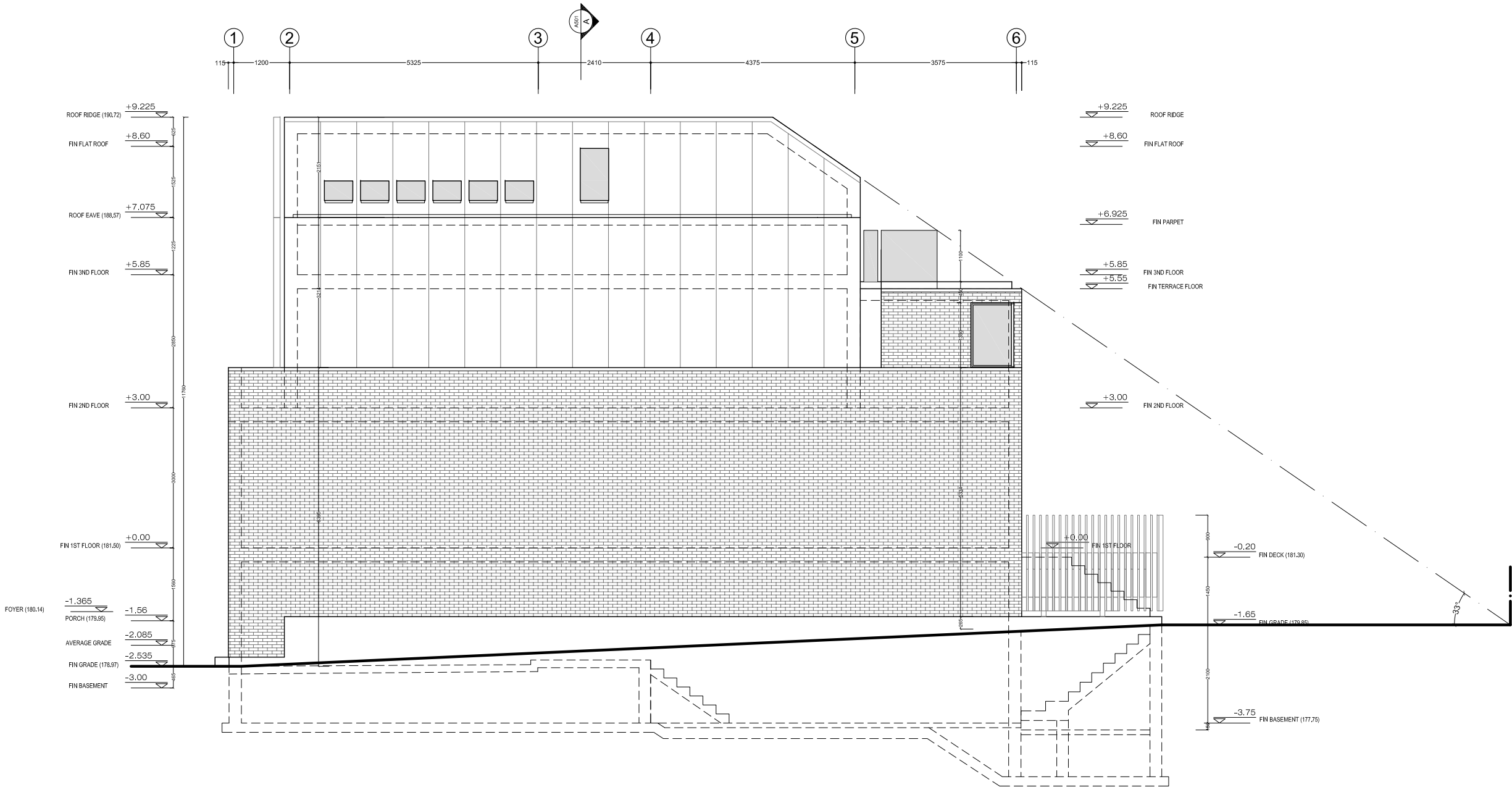
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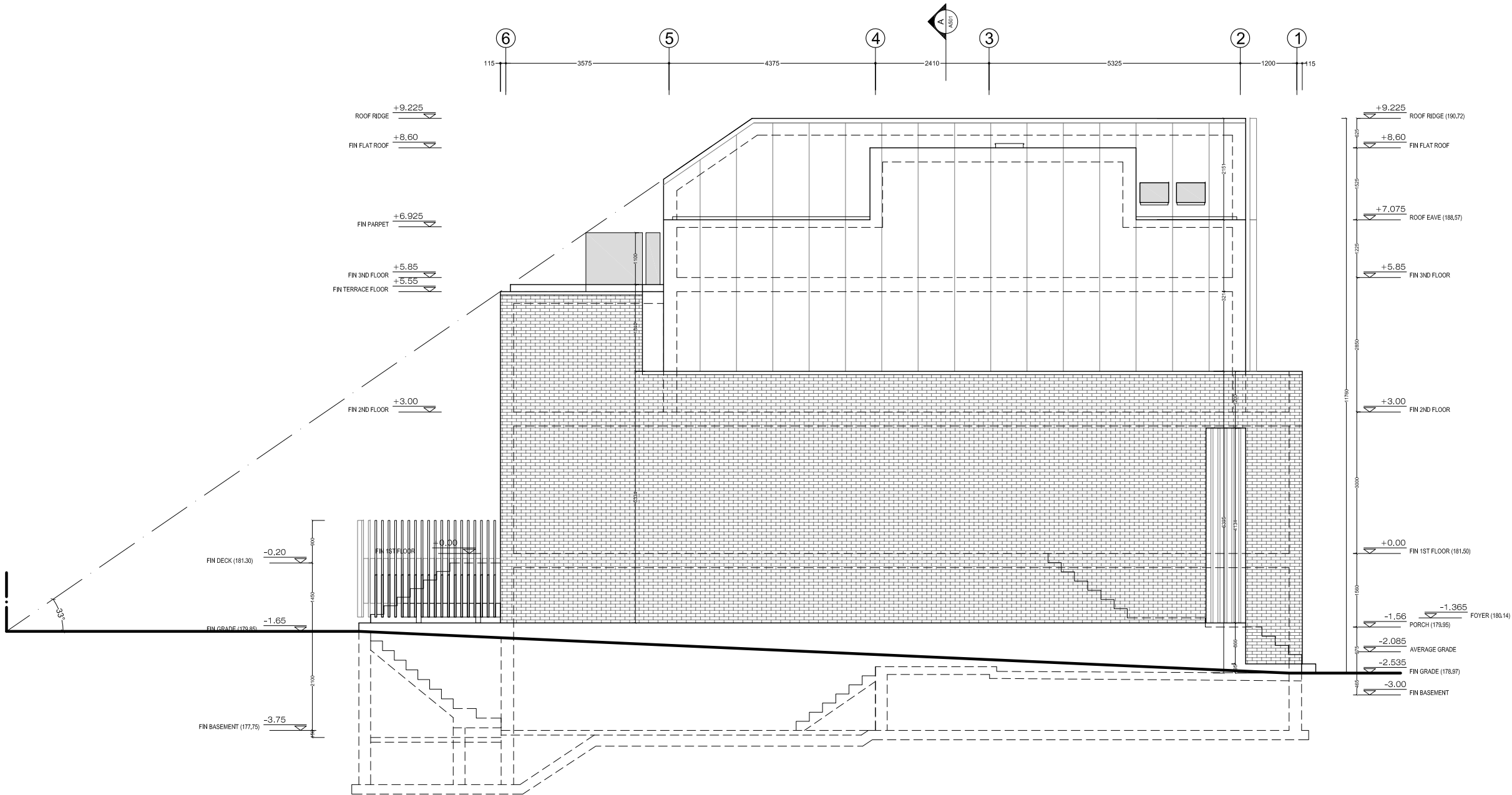
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A403





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No.	Issue Description	Date
1	ISSUED FOR ZC	2016.04.15
2	REVISION ISSUED FOR ZC	2016.09.01
3	ISSUED FOR CoA	2016.10.21

No.	Revision Description	Date



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project

BAYVIEW HOUSES - 2970A

client

title

SOUTH ELEVATION

project number

date

2016.10.21

scale

1:100

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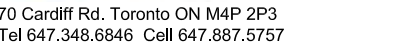
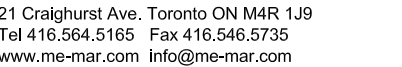
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No.	Issue Description	Date
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3	ISSUED FOR CoA	2016.10.21



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project number

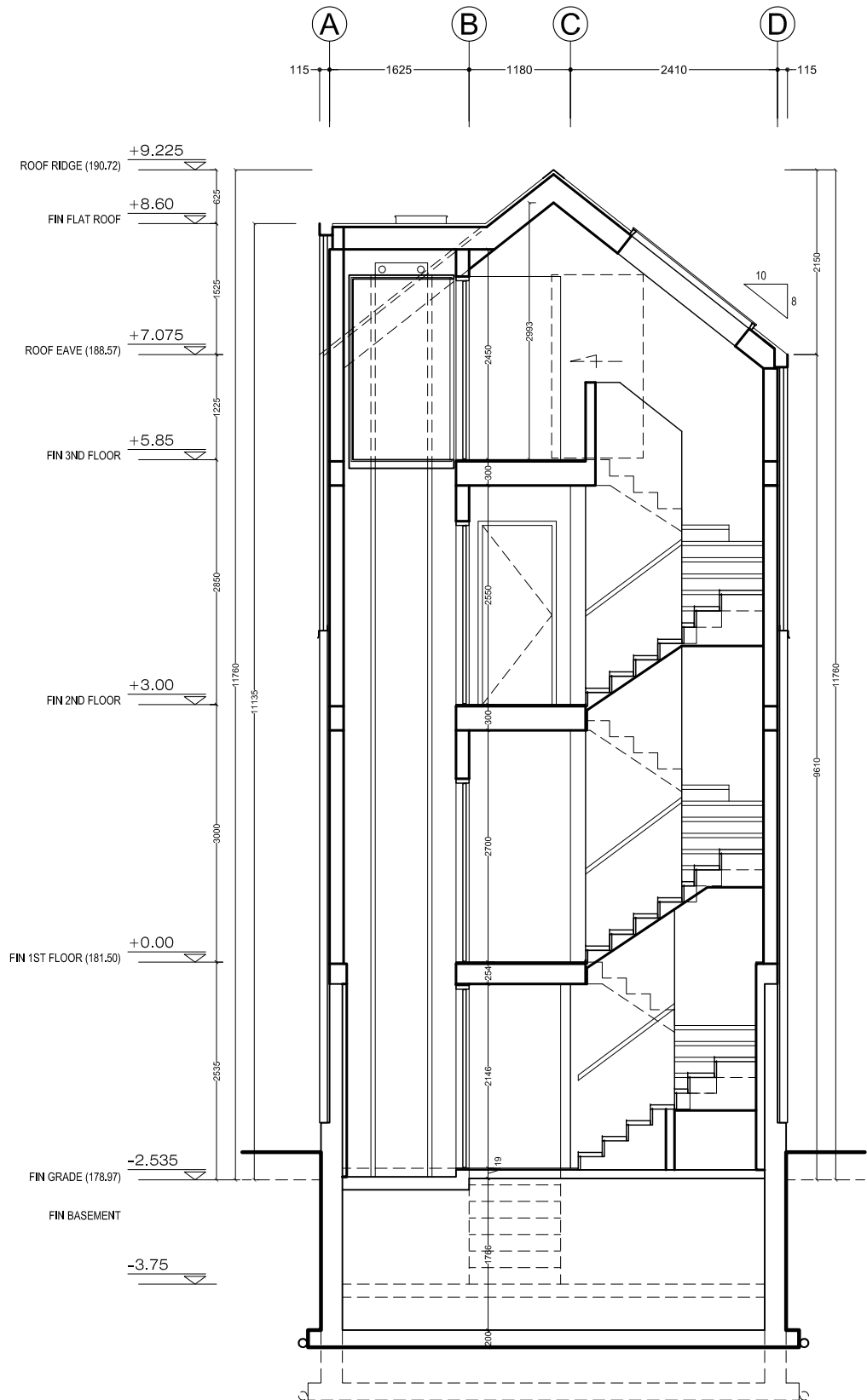
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MEHDI MARZYARI
LICENCE
7509

project

BAYVIEW HOUSES - 2970A

client

title

RENDERING 1

project number

date

2016.10.21

scale

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R101



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BAYVIEW HOUSES - 2970A

RENDERING 2

R102



BAYVIEW HOUSES - 2968B

2968 BAYVIEW AVE Toronto ON M2N 5K7



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ISSUED FOR COMMITTEE OF ADJUSTMENT
OCTOBER 21/ 2016

ZONING : RD (f12.0; a370)	LOT NO. : LOT 346	PLAN NO. : 1609-YORK		
LOT AREA : 237.60 M2	LOT FRONTAGE : 6.70 M	LOT DEPTH : 35.74 M		
	REQUIRED	%	PROVIDED	%
LOT COVERAGE	71.28 M2	30.0	92.56 M2	38.9
GROSS FLOOR AREA	-----	----	228.48 M2	96.2
LANDSCAPING FRONT YARD	21.33 M2	50.0	17.94 M2	42.1
SOFT LANDSCAPING FRONT YARD	16.00 M2	75.0	16.17 M2	75.8
LANDSCAPING REAR YARD	-----	----	65.72 M2	80.2
SOFT LANDSCAPING REAR YARD	40.98 M2	50.0	55.90 M2	68.2
SETBACK FRONT YARD	6.00 M	6.00 M		
SETBACK REAR YARD	8.93 M 25% LOT DEPTH	11.84 M		
SETBACK SIDE YARD - NORTH	1.20 M	0.60 M		
SETBACK SIDE YARD - SOUTH	1.20 M	0.60 M		
NO. OF STOREY	2 STOREY	2 ½ STOREY		
HEIGHT	10.00 M	11.76 M - 9.61 M ROOF RIDGE ROOF EAVE		
LENGTH	15.30 M - 17.00 M OLD ZONING NEW ZONING	17.00 M		
WIDTH	-----	5.45 M		
PARKING	-----	1 PARKING SPACES		

NO.	SHEET NO.	DRAWING TITLE
1	A100	COVER
2	A101	EXISTING SURVEY
3	A102	SITE PLAN
4	A201	BASEMENT PLAN
5	A202	FIRST FLOOR PLAN
6	A203	SECOND FLOOR PLAN
7	A204	THIRD FLOOR PLAN
8	A205	ROOF PLAN
9	A401	EAST ELEVATION
10	A402	WEST ELEVATION
11	A403	NORTH ELEVATION
12	A404	SOUTH ELEVATION
13	A501	SECTION A-A
14	R101	RENDERING 1
15	R102	RENDERING 2



No.	Issue Description	Date
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memor
mehdi marzyari architects



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client

	title
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EXISTING SURVEY

project number

2016 10 21 date

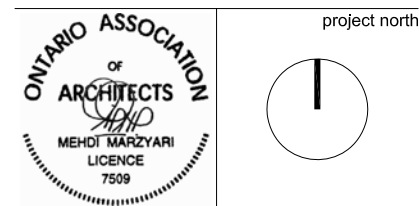
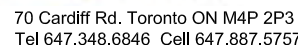
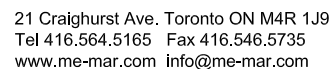
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A101

No.	Revision Description	Date



BAYVIEW HOUSES - 2968B

client

title

SITE PLAN

project number

date

1:250

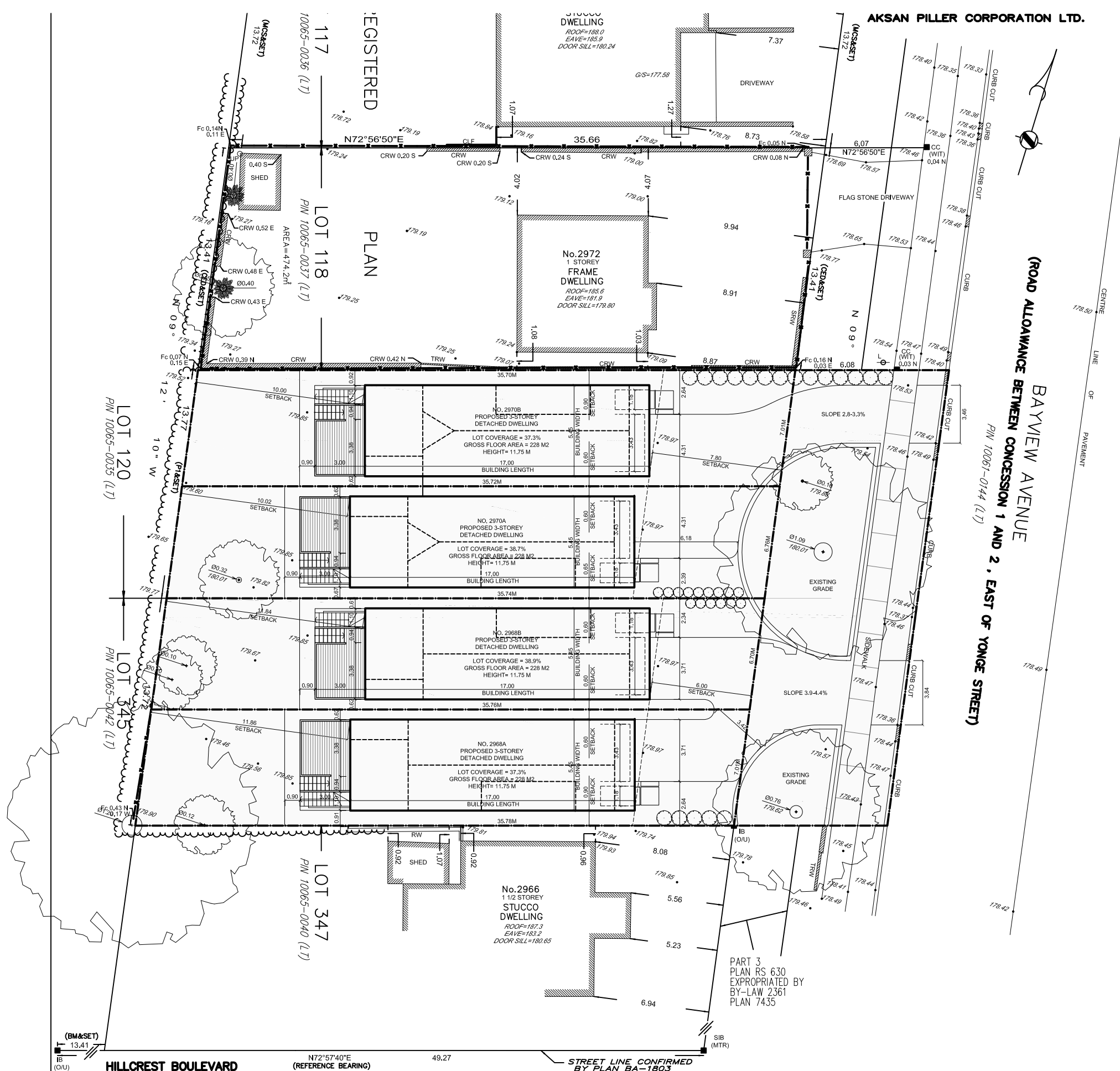
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checked by

sheet

A102



PART 2:
PREPARED FOR TOURAJ MALAKIAN
LOCATION OF THE BUILDINGS: WHOLLY ON THE PROPERTY,
EAVES: CLEAR,
UTILITY BUILDINGS: AS SHOWN ON PART 1,
DECKS: NONE,
SWIMMING POOLS: NONE,
EXISTING FENCES: GENERALLY ALONG THE PROPERTY

LEGEND:

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT PLANTED
ID	DENOTES	IRON BAR
SB	DENOTES	STANDARD IRON BAR
SSB	DENOTES	SHORT STANDARD IRON BAR
CC	DENOTES	CUT CROSS
CP	DENOTES	CONCRETE PIN

TRW
SRW
L
UP
SO.

DENOTES
DENOTES
DENOTES
DENOTES
DENOTES

**TIMBER RE
STONE RE
LIGHT STA
UTILITY PO
TREE TRU**

**TIMBER RETAINING WALL
STONE RETAINING WALL
LIGHT STANDARD
UTILITY POLE
TREE TRUNK DIAMETER**

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM;

2. THE SURVEY WAS COMPLETED ON THE 9th DAY OF JULY, 2015.

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BAYVIEW HOUSES - 2968B

client

title

BASEMENT PLAN

project number

date

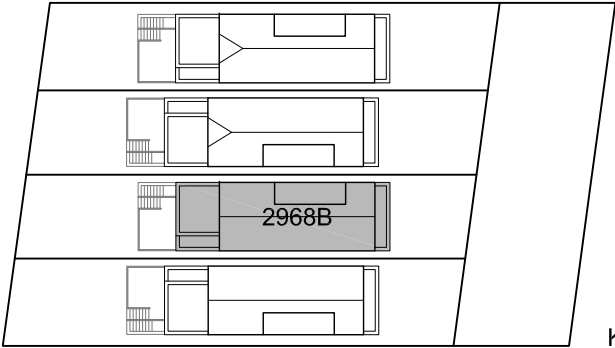
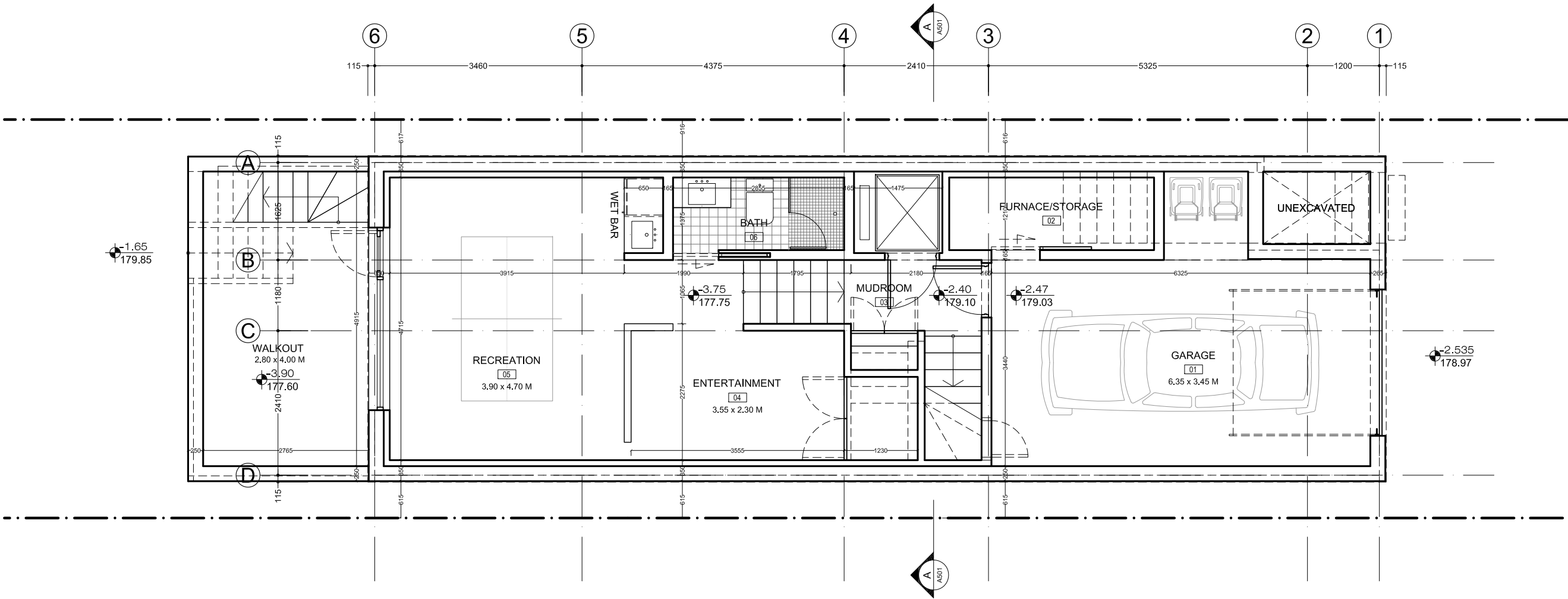
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A201



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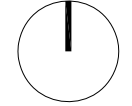
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project north



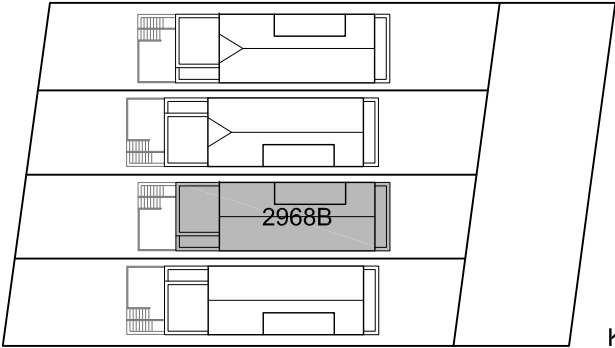
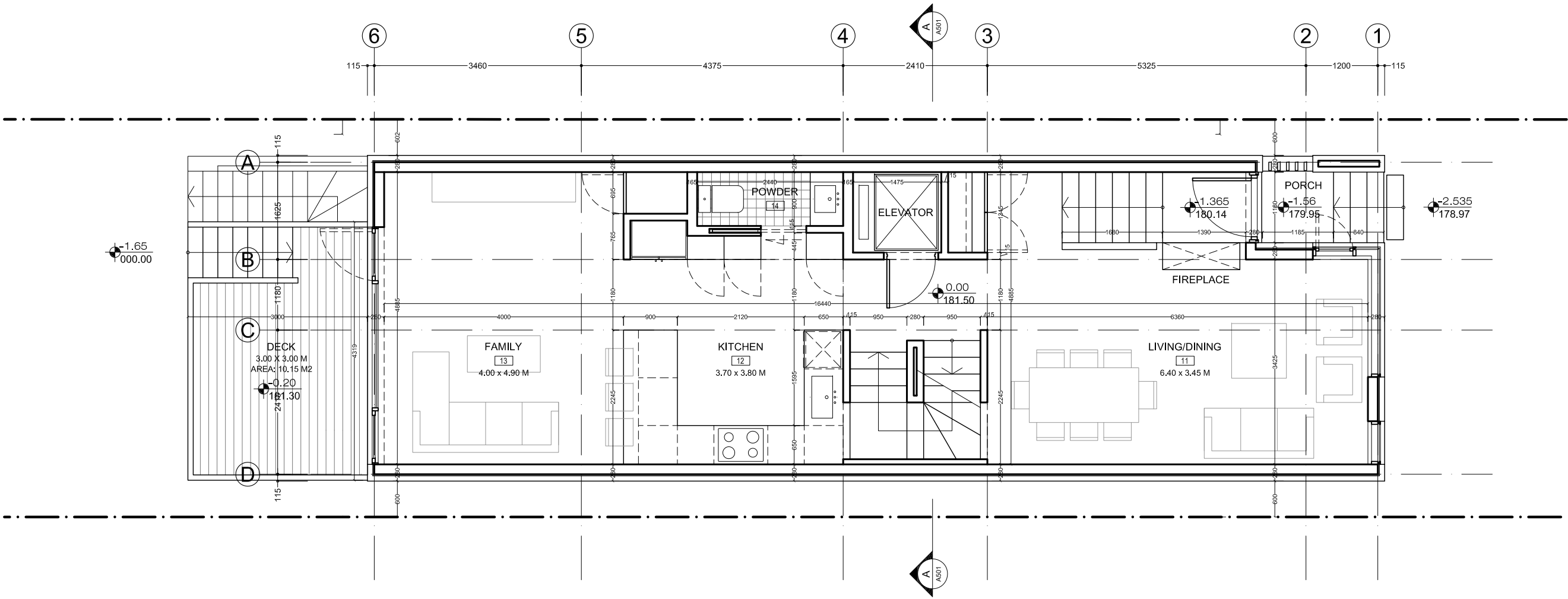
project

BAYVIEW HOUSES - 2968B

client

title	
FIRST FLOOR PLAN	
project number	
date	
2016.10.21	
scale	
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drawn by	
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sheet	

A202



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No.	Revision Description	Date



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BAYVIEW HOUSES - 2968B

client

title

SECOND FLOOR PLAN

project number

date

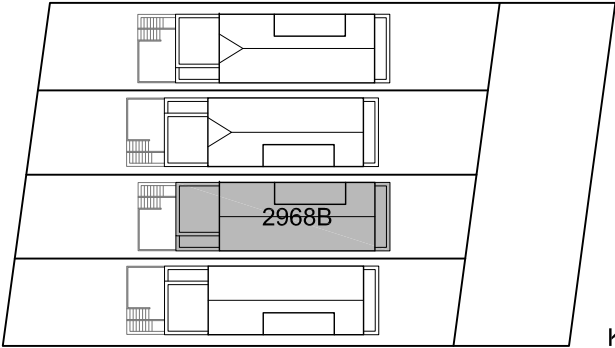
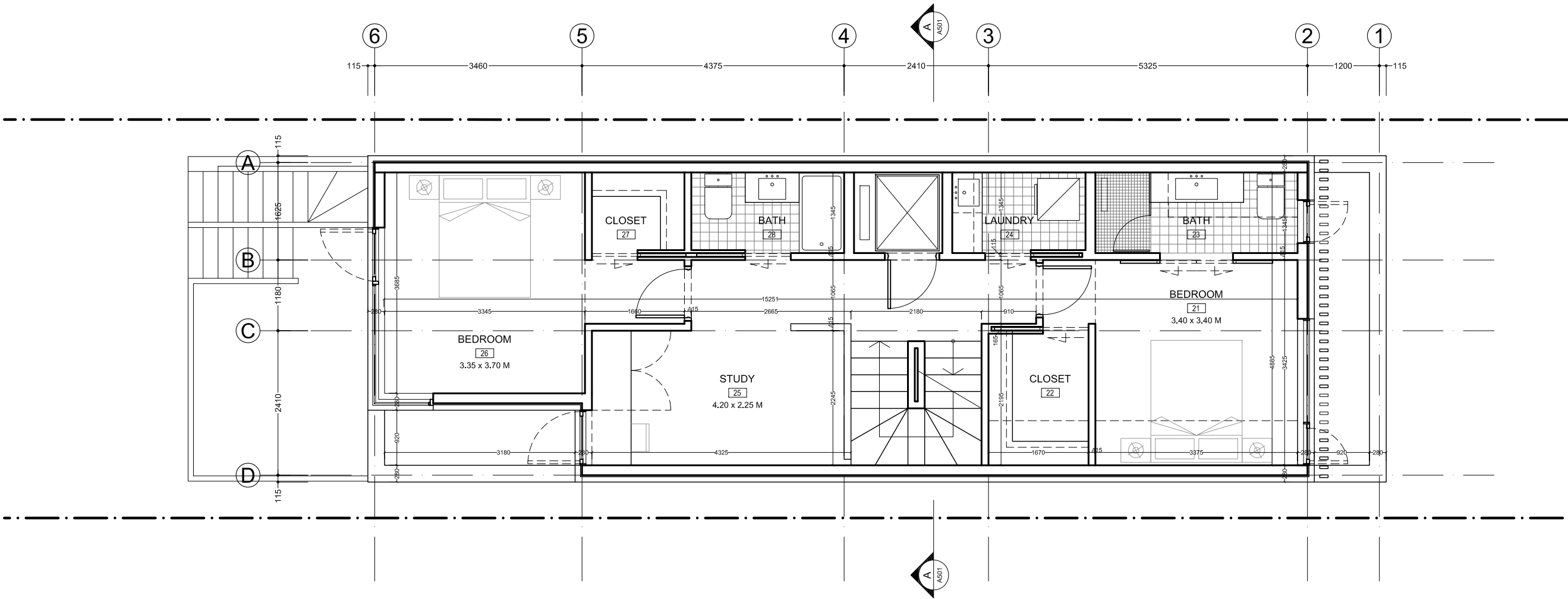
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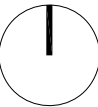


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project north



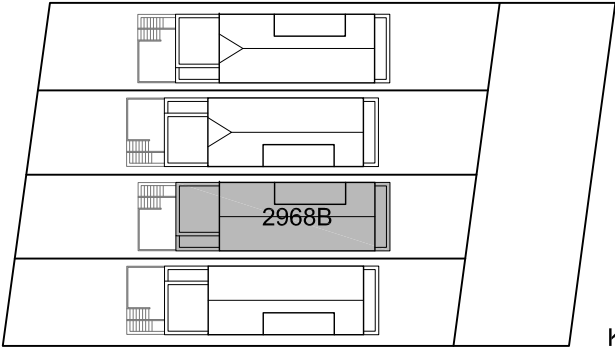
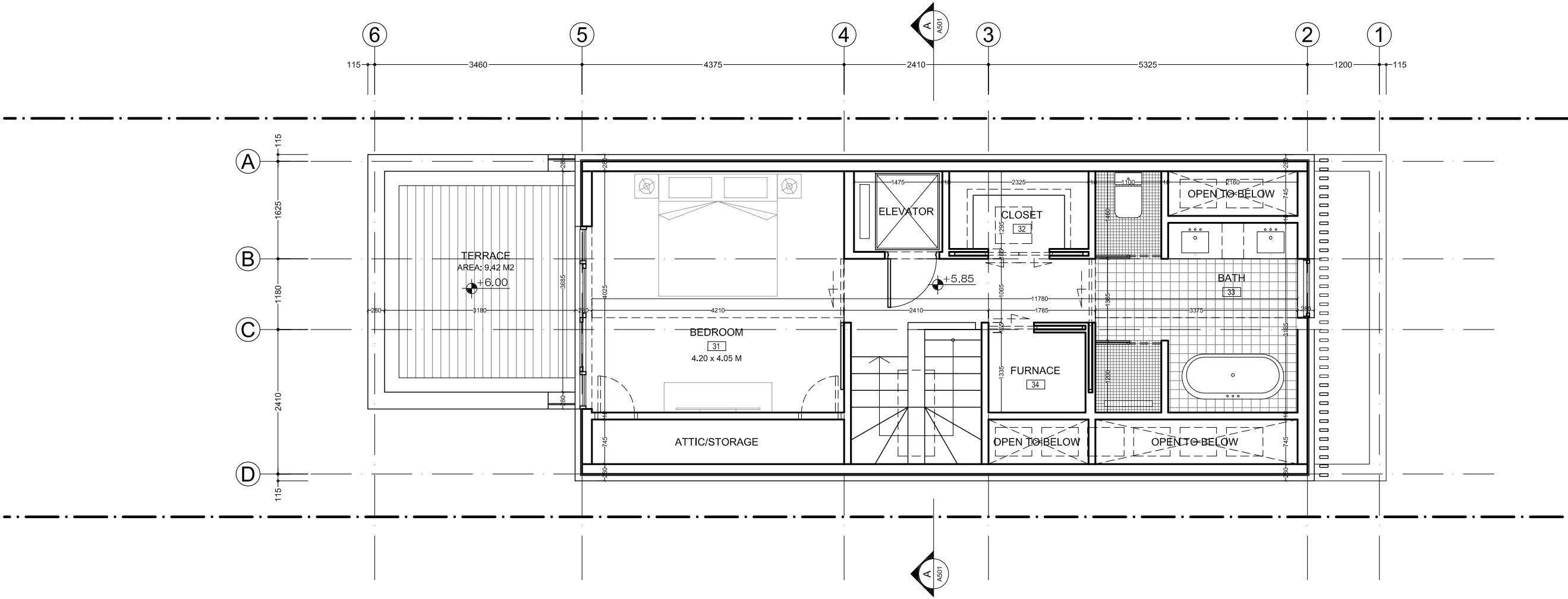
project

BAYVIEW HOUSES - 2968B

client

	title
THIRD FLOOR PLAN	
	project number
	date
2016.10.21	
	scale
1:75	
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project north


project

BAYVIEW HOUSES - 2968B

client

title

ROOF PLAN

project number

2016.10.21 date

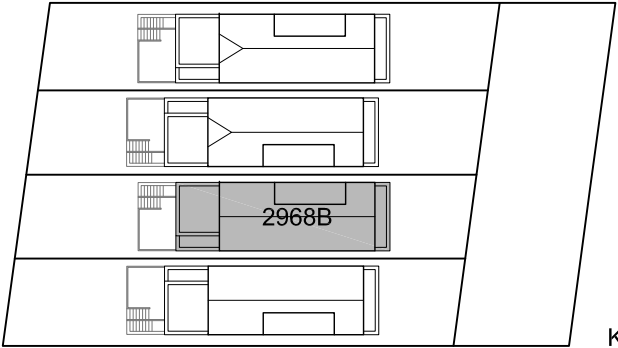
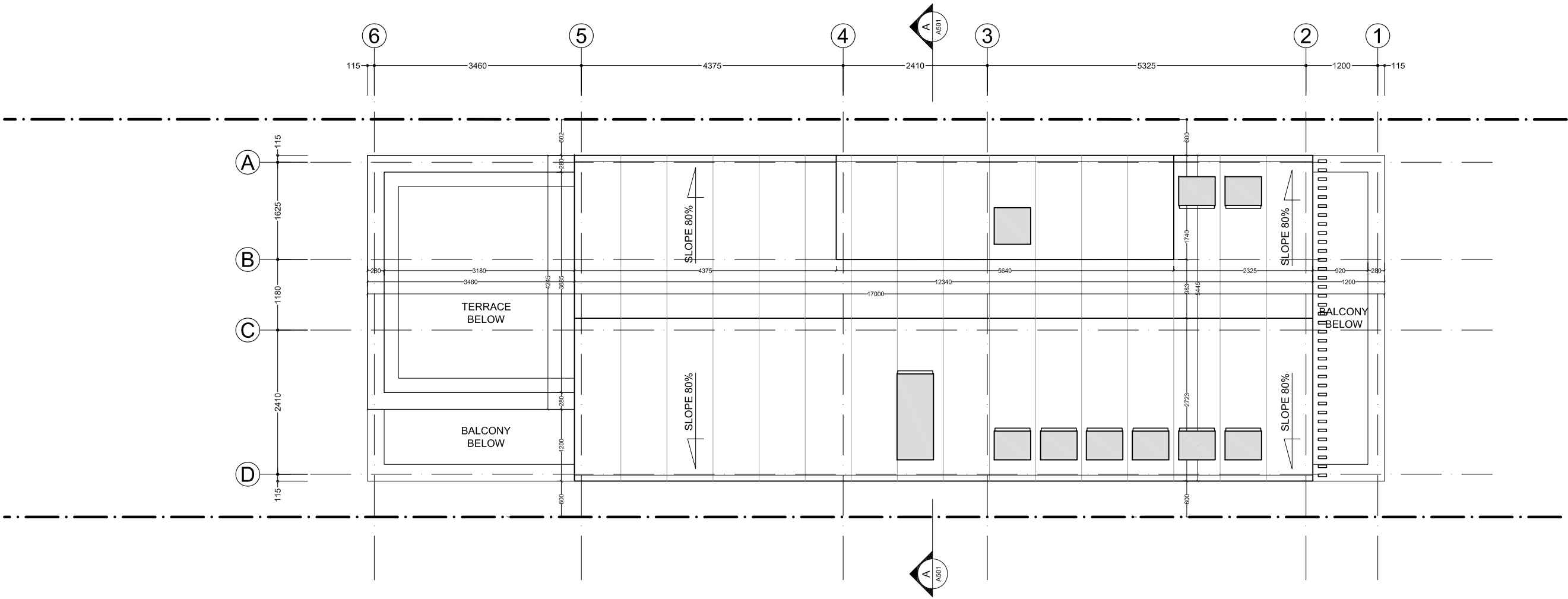
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project
BAYVIEW HOUSES - 2968B
client
title

EAST ELEVATION
project number
date
2016.10.21
scale
1:100
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MM, AS
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A401



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client

title

WEST ELEVATION

project number

date

2016.10.21

scale

1:100

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MM, AS

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sheet

A402

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No.	Issue Description	Date
1	ISSUED FOR ZC	2016.04.15
2	REVISION ISSUED FOR ZC	2016.09.01
3	ISSUED FOR CoA	2016.10.21

No.	Revision Description	Date



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project

BAYVIEW HOUSES - 2968B

client

title

NORTH ELEVATION

project number

date

2016.10.21

scale

1:100

drawn by

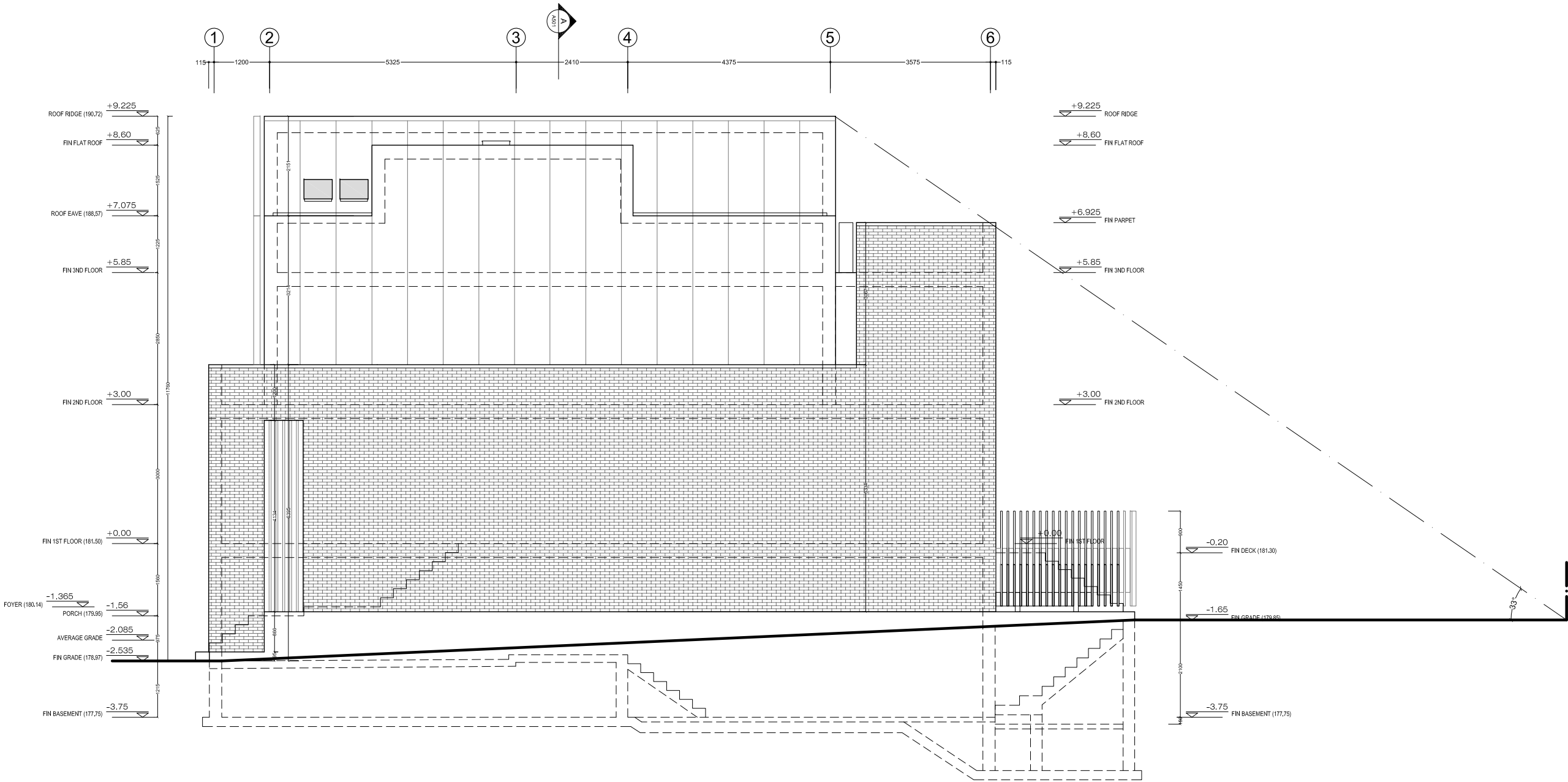
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project

BAYVIEW HOUSES - 2968B

client

title

SOUTH ELEVATION

project number

date

2016.10.21

scale

1:100

drawn by

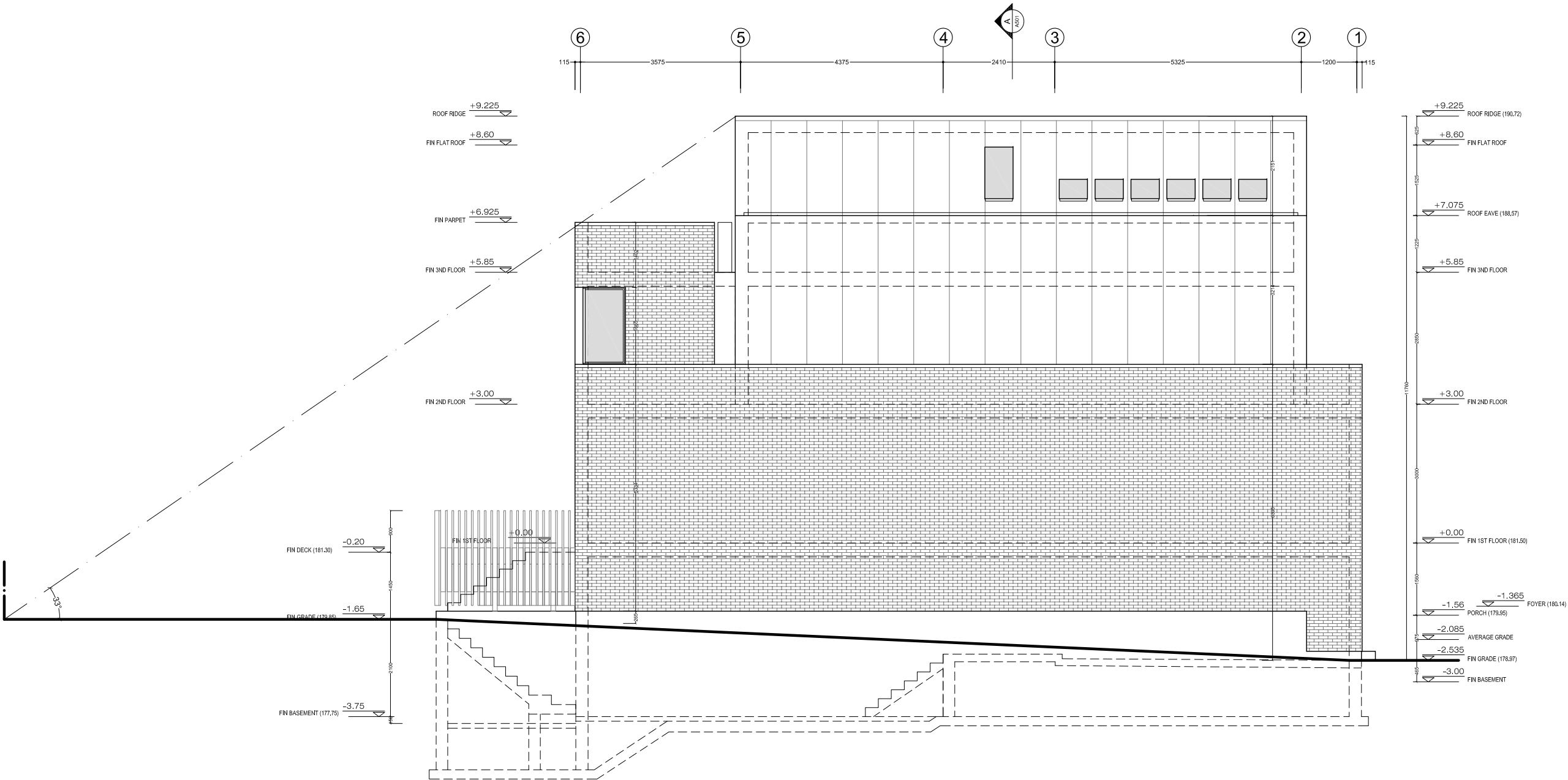
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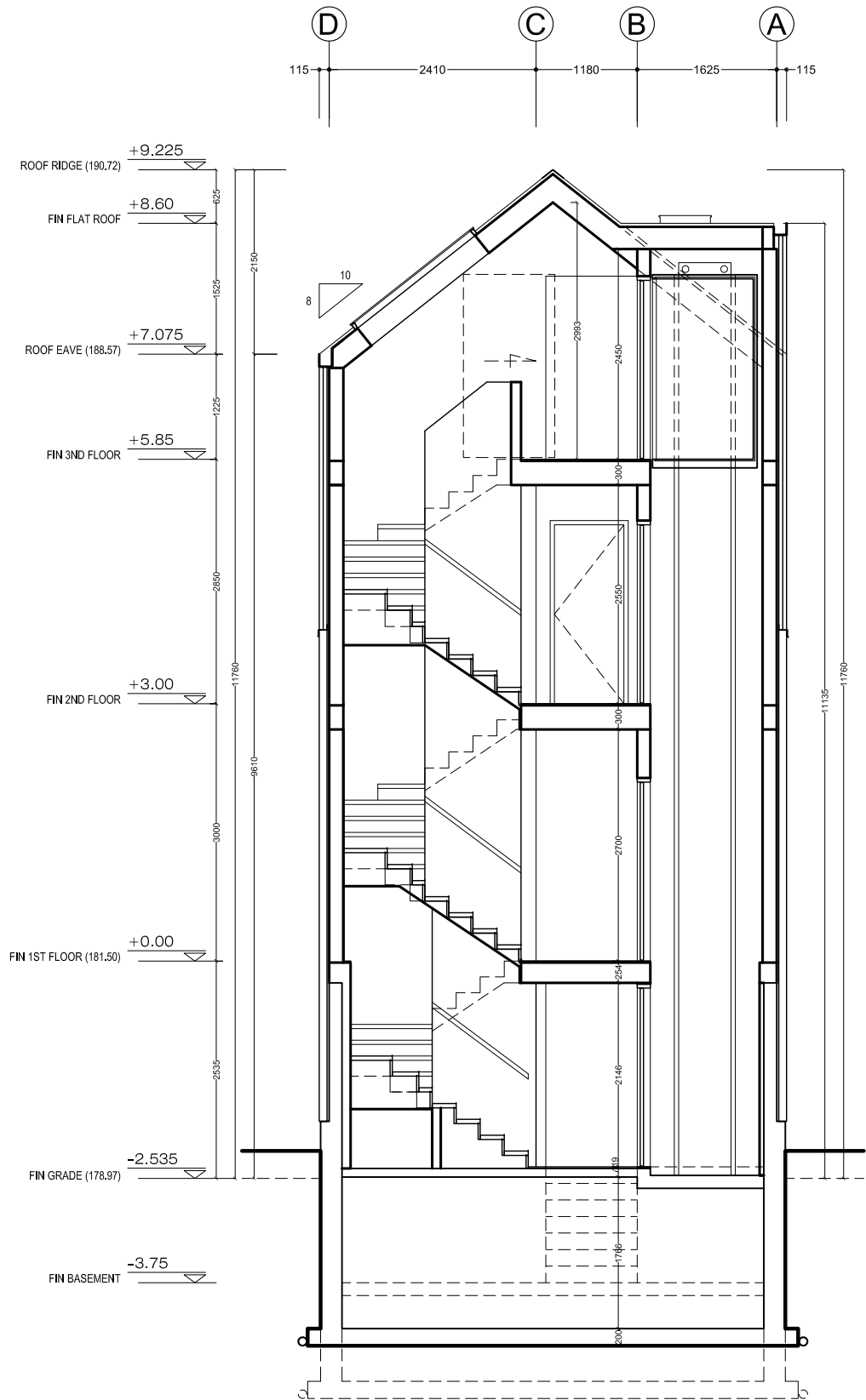
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No.	Revision Description	Date



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BAYVIEW HOUSES - 2968B

SECTION A-A

	project number
	date
2016.10.21	scale
1:75	drawn by
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MM, AS	sheet

A501



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project

BAYVIEW HOUSES - 2968B

client

title

RENDERING 1

project number

date

2016.10.21

scale

drawn by

MM, AS

checked by

MM, AS

sheet

R101



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No.	Revision Description	Date



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ONTARIO ASSOCIATION
of
ARCHITECTS
MEHDI MARZYARI
LICENCE
7509

project

BAYVIEW HOUSES - 2968B

client

title

RENDERING 2

project number

date

2016.10.21

scale

drawn by

MM, AS

checked by

MM, AS

sheet

R102



BAYVIEW HOUSES - 2968A

2968 BAYVIEW AVE Toronto ON M2N 5K7



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ISSUED FOR COMMITTEE OF ADJUSTMENT
OCTOBER 21/ 2016

ZONING : RD (f12.0; a370)	LOT NO. : LOT 346	PLAN NO. : 1609-YORK
------------------------------	----------------------	-------------------------

LOT AREA : 248.42 M2	LOT FRONTAGE : 7.01 M	LOT DEPTH : 35.76 M
-------------------------	--------------------------	------------------------

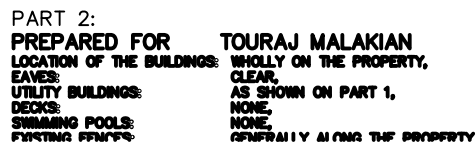
	REQUIRED	%	PROVIDED	%
LOT COVERAGE	74.53 M2	30.0	92.56 M2	37.3
GROSS FLOOR AREA	-----	----	228.48 M2	92.0

LANDSCAPING FRONT YARD	22.22 M2	50.0	18.95 M2	42.6
SOFT LANDSCAPING FRONT YARD	16.66 M2	75.0	17.18 M2	77.3
LANDSCAPING REAR YARD	-----	----	69.66 M2	81.1
SOFT LANDSCAPING REAR YARD	42.95 M2	50.0	58.68 M2	68.3

SETBACK FRONT YARD	6.00 M	6.00 M
SETBACK REAR YARD	8.94 M 25% LOT DEPTH	11.86 M
SETBACK SIDE YARD - NORTH	1.20 M	0.60 M
SETBACK SIDE YARD - SOUTH	1.20 M	0.90 M

NO. OF STOREY	2 STOREY	2 ½ STOREY
HEIGHT	10.00 M	11.76 M - 9.61 M ROOF RIDGE ROOF EAVE
LENGTH	15.30 M - 17.00 M OLD ZONING NEW ZONING	17.00 M
WIDTH	-----	5.45 M
PARKING	-----	1 PARKING SPACES

NO.	SHEET NO.	DRAWING TITLE
1	A100	COVER
2	A101	EXISTING SURVEY
3	A102	SITE PLAN
4	A201	BASEMENT PLAN
5	A202	FIRST FLOOR PLAN
6	A203	SECOND FLOOR PLAN
7	A204	THIRD FLOOR PLAN
8	A205	ROOF PLAN
9	A401	EAST ELEVATION
10	A402	WEST ELEVATION
11	A403	NORTH ELEVATION
12	A404	SOUTH ELEVATION
13	A501	SECTION A-A
14	R101	RENDERING 1
15	R102	RENDERING 2

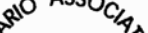


■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT PLANTED
IB	DENOTES	IRON BAR
SIB	DENOTES	STANDARD IRON BAR
SSIB	DENOTES	SHORT STANDARD IRON BAR
CC	DENOTES	CUT CROSS
CP	DENOTES	CONCRETE PIN
UT	DESIGNS	UTILITY

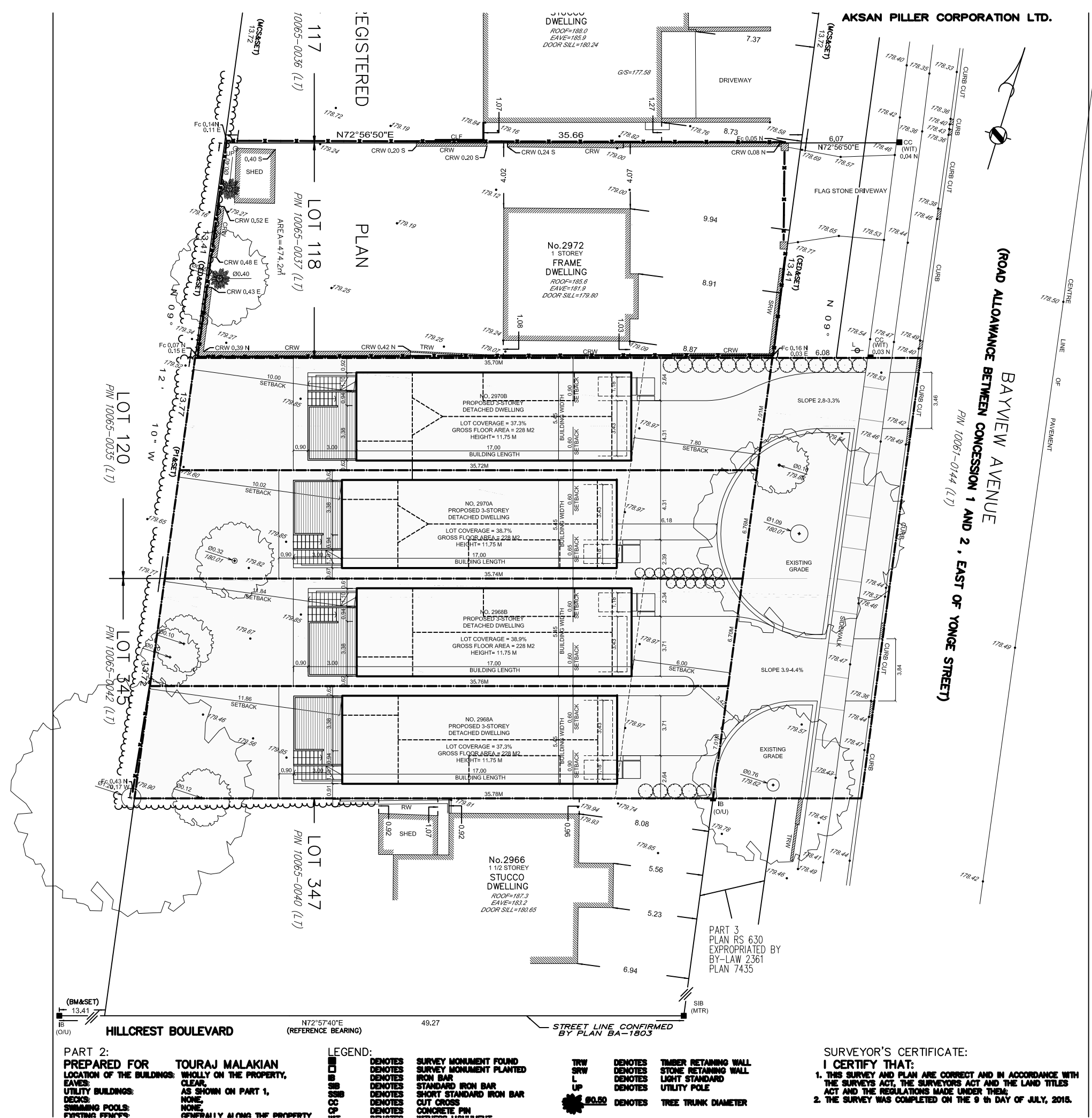
DENOTES DENOTES DENOTES DENOTES DENOTES	TIMBER RETAINING WALL STONE RETAINING WALL LIGHT STANDARD UTILITY POLE TREE TRUNK DIAMETER
---	--

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM;
2. THE SURVEY WAS COMPLETED ON THE 9th DAY OF JULY, 2015.

No.	Revision Description	Date

	project north
---	---------------

A101



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No.	Revision Description	Date

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project north

project

client

title

BAYVIEW HOUSES - 2968A

SITE PLAN

	project number
	date
2016.10.21	scale
1:250	drawn by
MM, AS	checked by
MM, AS	sheet

A102

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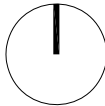


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project north



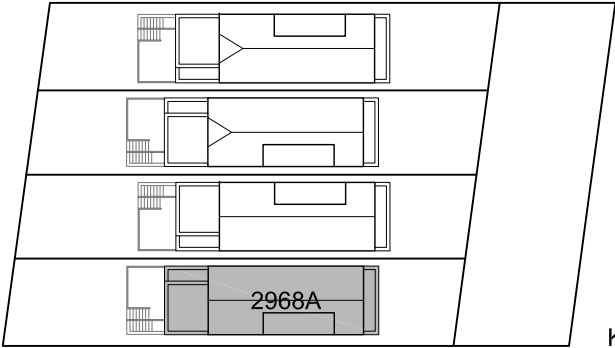
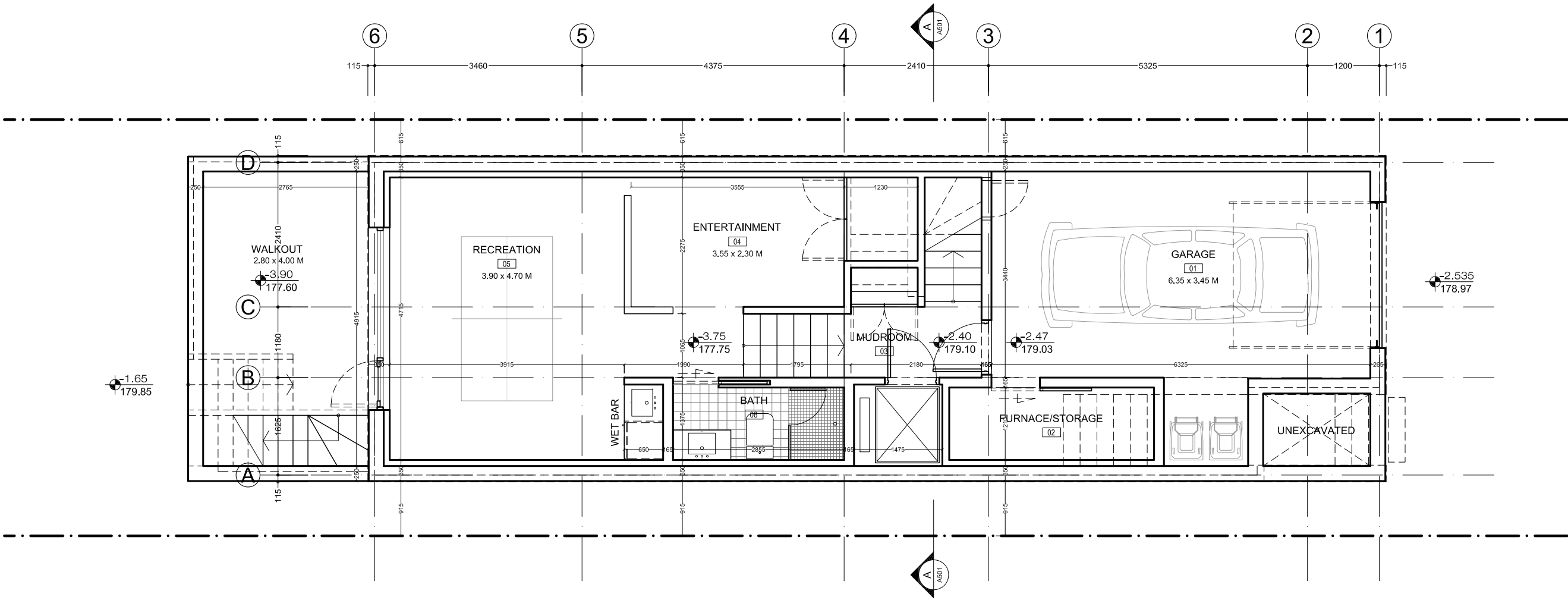
project

BAYVIEW HOUSES - 2968A

client

title	
BASEMENT PLAN	
project number	
date	
2016.10.21	
scale	
1:75	
drawn by	
MM, AS	
checked by	
MM, AS	
sheet	

A201



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BAYVIEW HOUSES - 2968A

client

title

FIRST FLOOR PLAN

project number

date

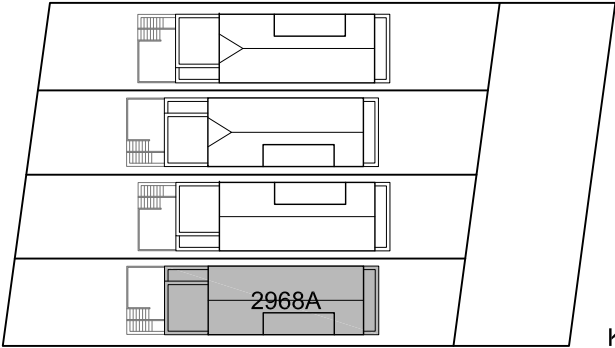
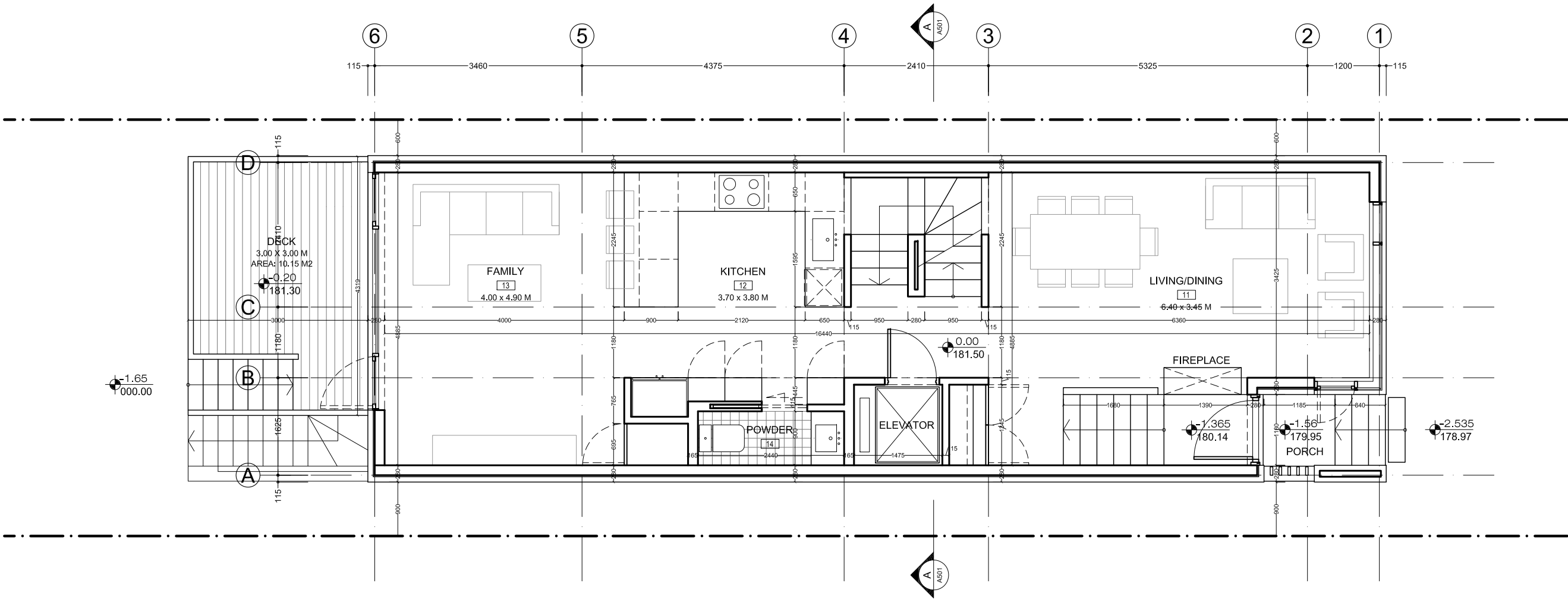
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BAYVIEW HOUSES - 2968A

client

title

SECOND FLOOR PLAN

project number

date

scale

1:75

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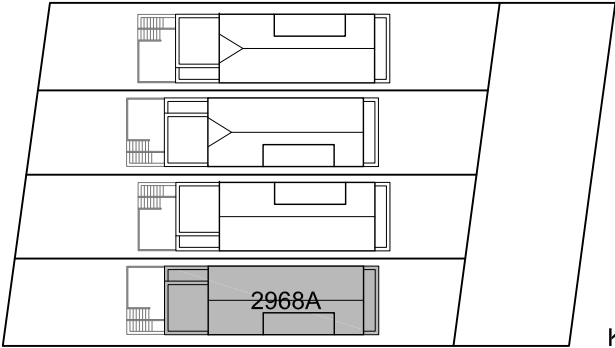
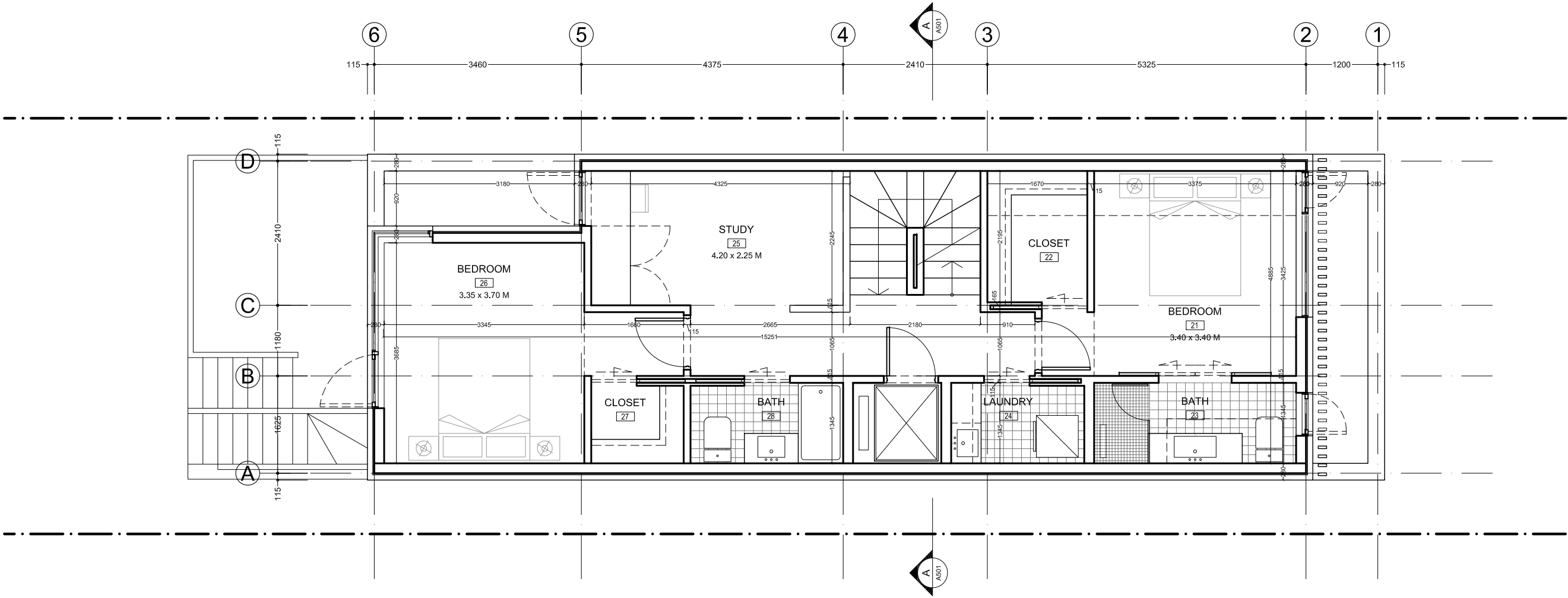
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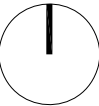


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project north



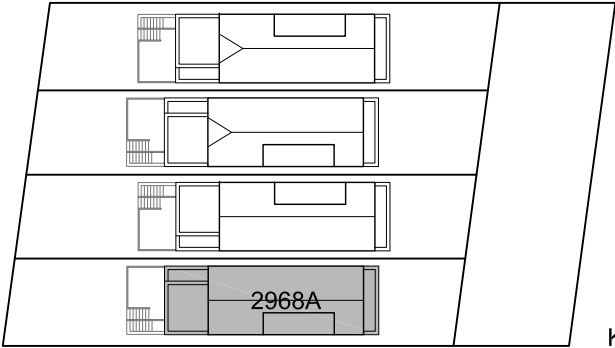
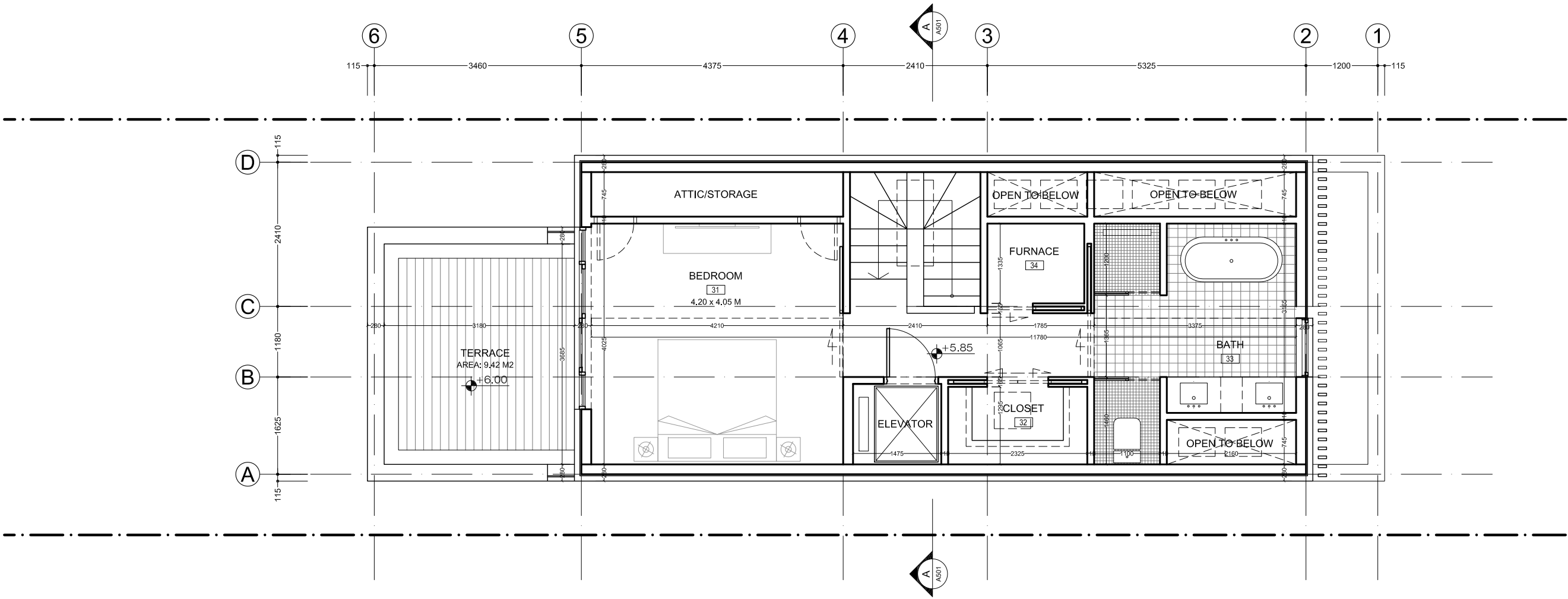
project

BAYVIEW HOUSES - 2968A

client

title
THIRD FLOOR PLAN
project number
date
2016.10.21
scale
1:75
drawn by
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checked by
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sheet

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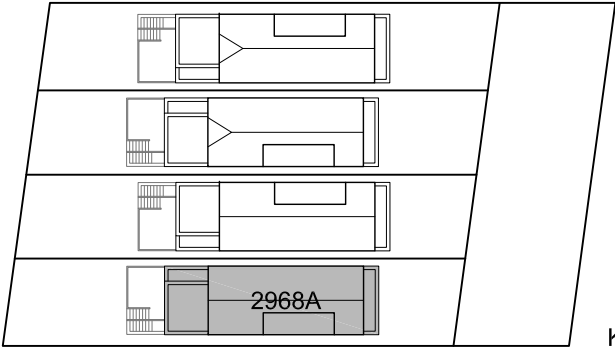
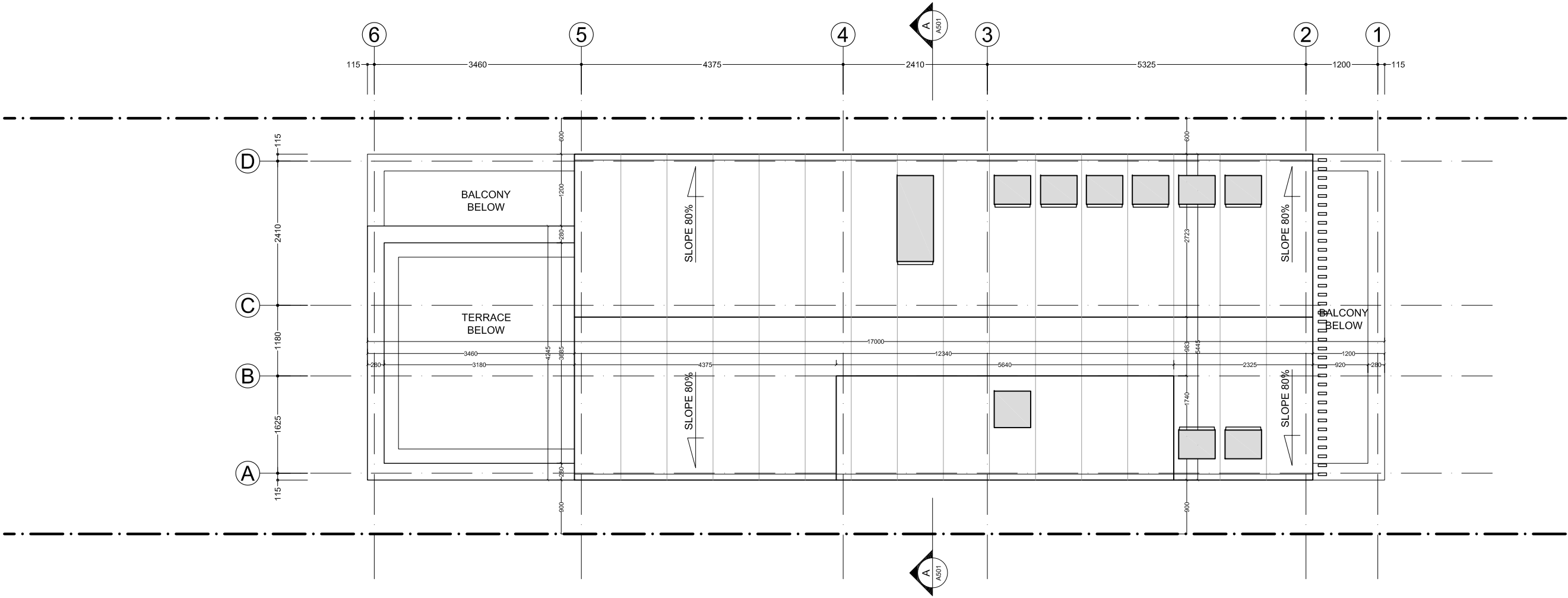
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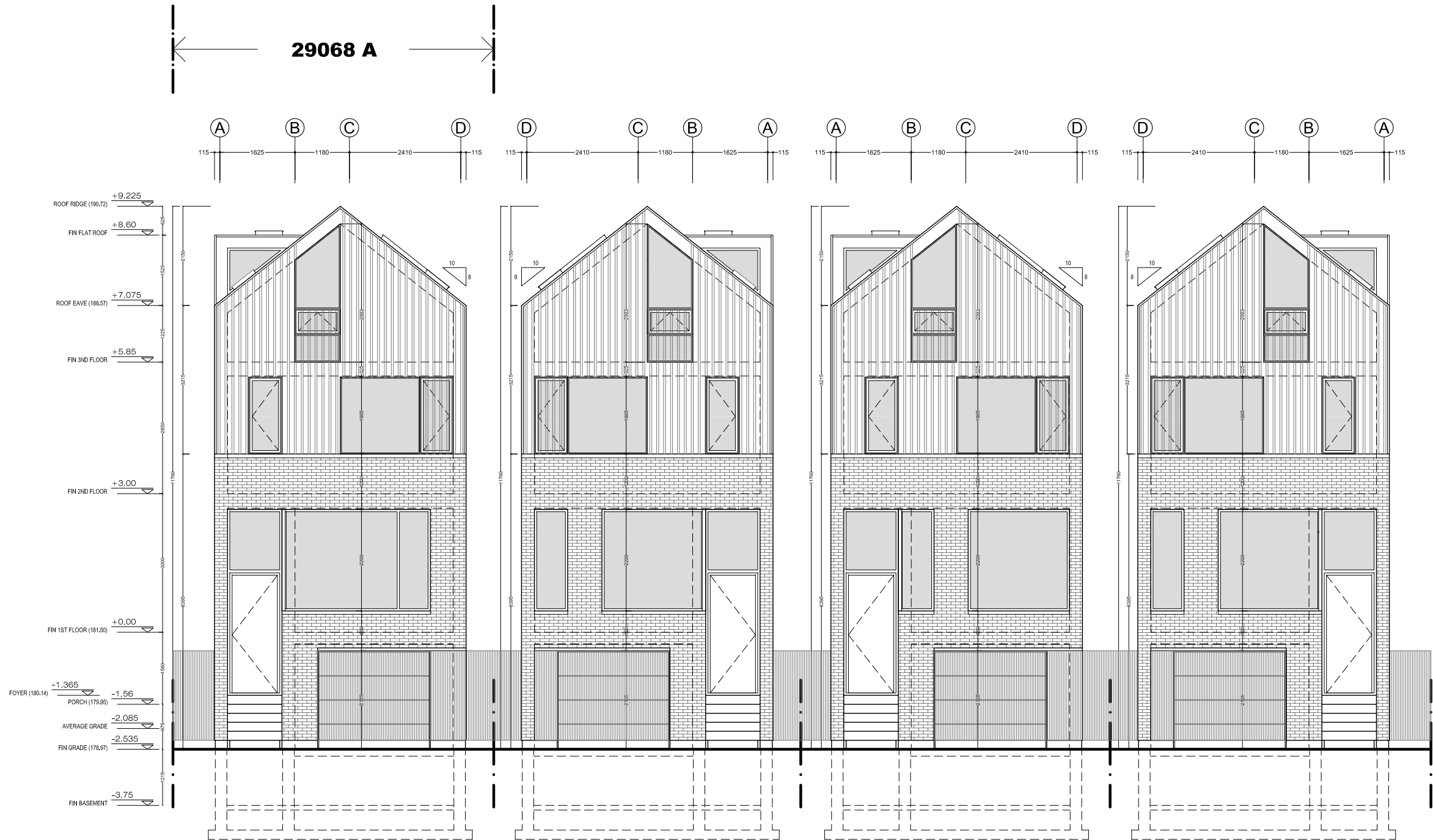
client

title	
ROOF PLAN	
project number	
date	
2016.10.21	
scale	
1:75	
drawn by	
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Karma
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70 Cardiff Rd. Toronto ON M4P 2P3
Tel 647.348.6846 Cell 647.887.5757



project

BAYVIEW HOUSES - 2968A

client

title

EAST ELEVATION

project number

date

2016.10.21

scale

1:100

drawn by

MM, AS

checked by

MM, AS

sheet

A401



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No.	Issue Description	Date
1	ISSUED FOR ZC	2016.04.15
2	REVISION ISSUED FOR ZC	2016.09.01
3	ISSUED FOR CoA	2016.10.21

No.	Revision Description	Date

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ONTARIO ASSOCIATION
of
ARCHITECTS
MEHDI MARZYARI
LICENCE
7509

BAYVIEW HOUSES - 2968A

WEST ELEVATION

	project number
	date
2016.10.21	
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1:100	
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	sheet

A402

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project

BAYVIEW HOUSES - 2968A

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NORTH ELEVATION

project number

date

2016.10.21

scale

1:100

drawn by

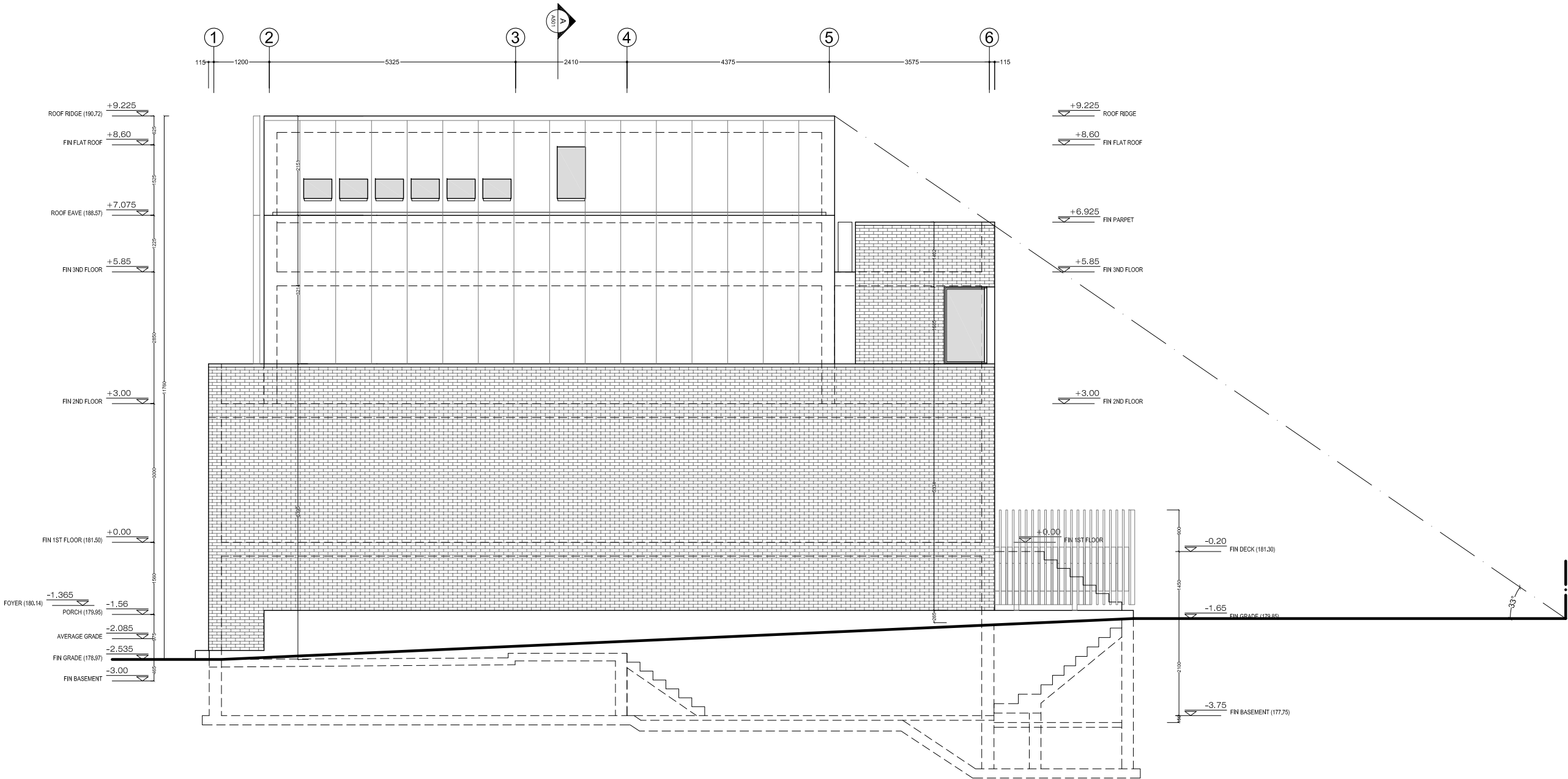
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project

BAYVIEW HOUSES - 2968A

client

title

SOUTH ELEVATION

project number

date

2016.10.21

scale

1:100

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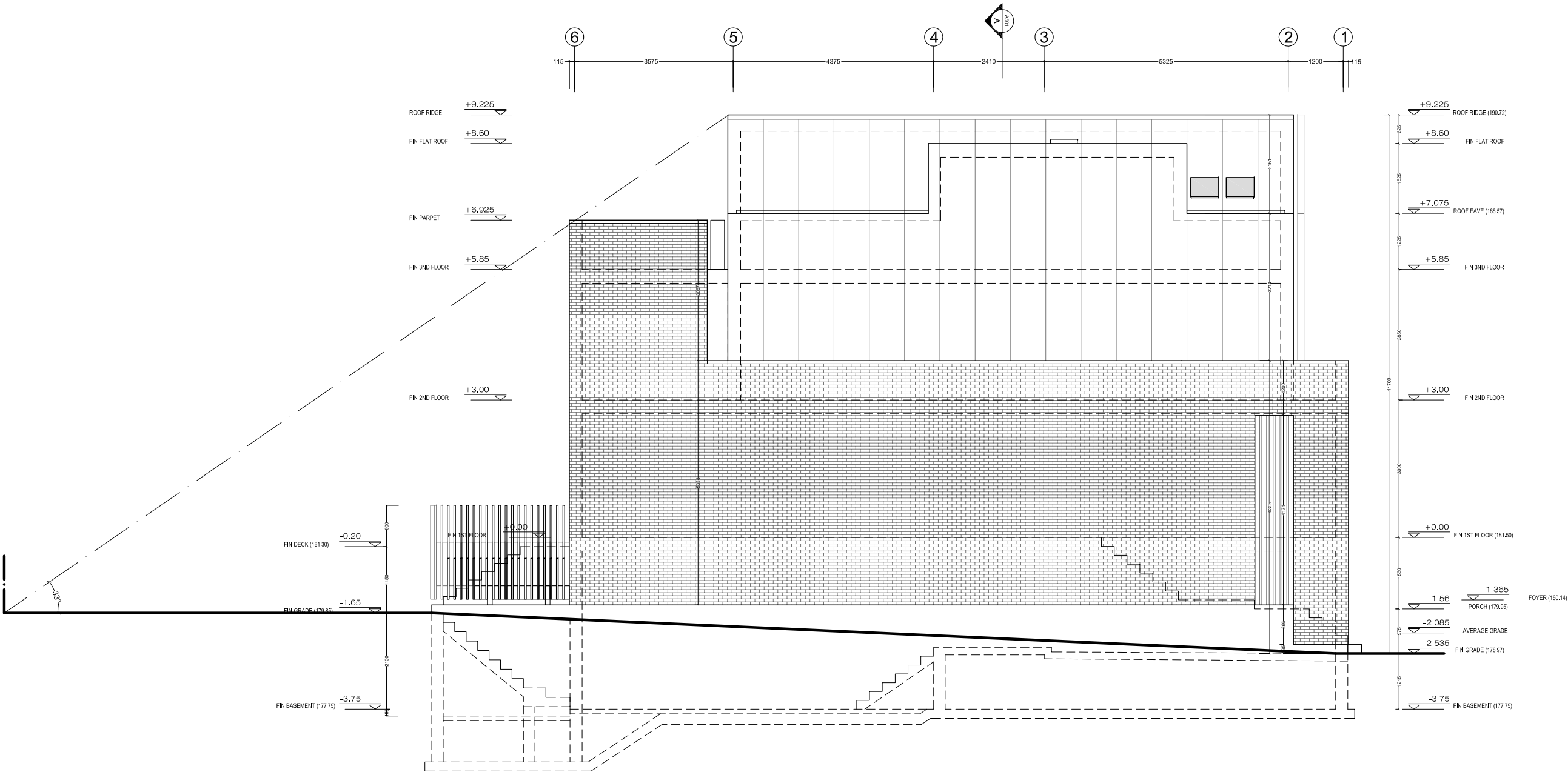
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3	ISSUED FOR CoA	2016.10.21

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BAYVIEW HOUSES - 2968A

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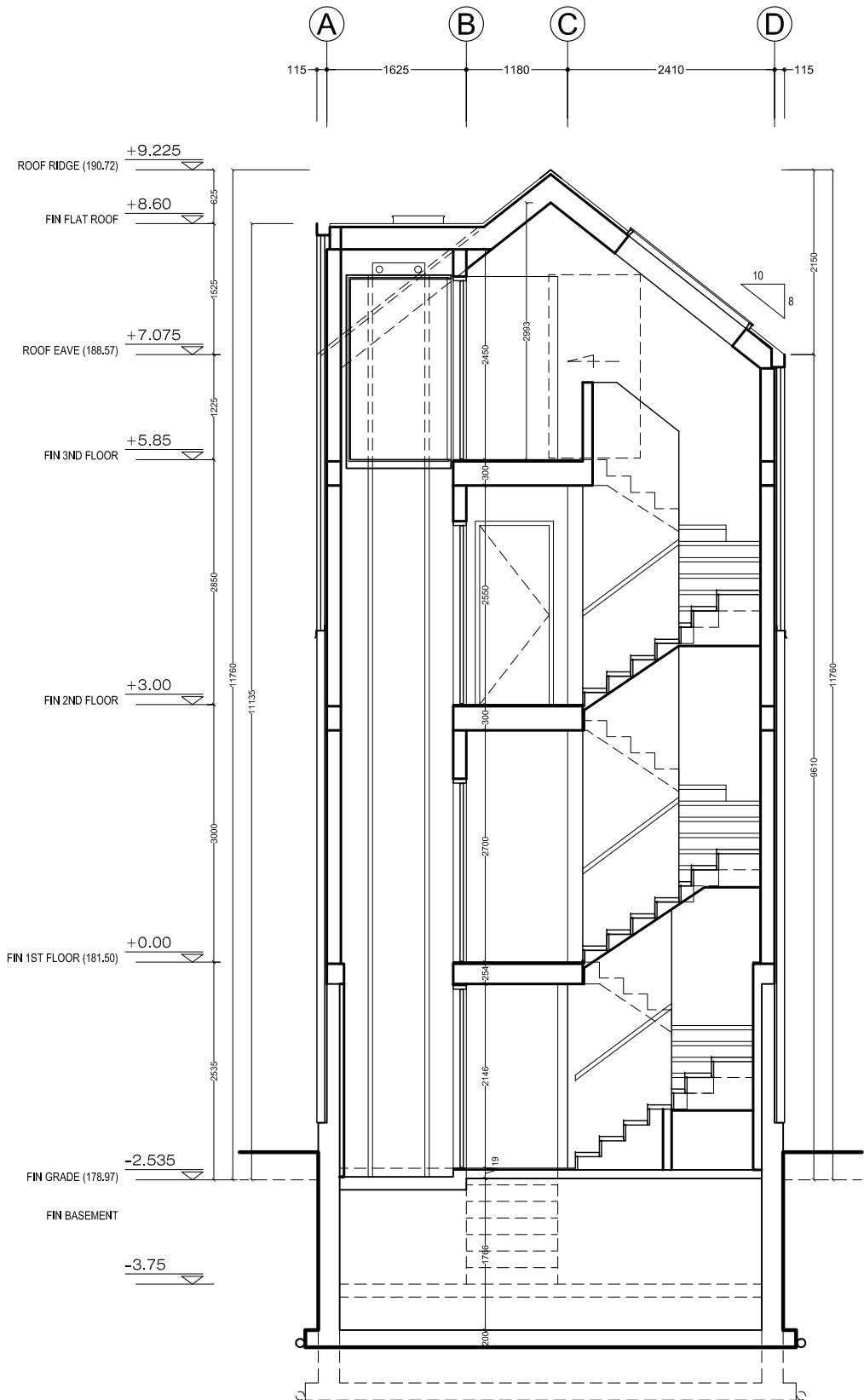
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BAYVIEW HOUSES - 2968A

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RENDERING 1

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BAYVIEW HOUSES - 2968A

RENDERING 2

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	date
2016.10.21	scale
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MM, AS	sheet

R102