

## DECISION AND ORDER

**Decision Issue Date** Monday, January 08, 2018

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

Appellant(s): YUEFANG HE

Applicant: TAES ARCHITECTS INC

Property Address/Description: 21 Lower Links Road

Committee of Adjustment Case File Number: 17 159112 NNY 25 MV

TLAB Case File Number: 17 206561 S45 25 TLAB

**Hearing date:** Tuesday, December 12, 2017

### DECISION DELIVERED BY L. McPherson

## INTRODUCTION

This is an appeal to the Toronto Local Appeal Body (the "TLAB") by the owner ("Applicant") of the decision of the Committee of Adjustment ("Committee") for the City of Toronto ("City") to refuse minor variances related to a one-storey rear addition to a two-storey dwelling at 21 Lower Links Road ("the subject property").

## BACKGROUND

The subject property is located on the south side of Lower Links Road, to the west of Upper Highland Crescent, east of Old Yonge Street. It is located two blocks east of Yonge Street and four blocks north of York Mills Road.

The subject site is designated *Neighbourhoods* in the City of Toronto Official Plan ("the Official Plan") and is zoned RD (f18.0; a690) under Zoning By-law No. 569-2013 ("new

City By-law”) and R3 under Zoning Bylaw No. 7625). The requested variances relate to the length of the building and are as follows:

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

The maximum permitted building length is 17.0m.

The proposed building length is 20.99m.

**2. Chapter 12.5A, By-law No. 7625**

The maximum permitted building length is 16.8m.

The proposed building length is 20.99m.

In addition to the Applicant/Appellant there was another Party, Mr. Shnier who lives at 25 Lower Links Road and a Participant, Mr. Eisen, who lives at 17 Lower Links Road.

**MATTERS IN ISSUE**

The matter at issue is whether the variances for building length for a new one-storey addition meets the applicable tests under Section 45(1) of the Planning Act.

**JURISDICTION**

**Provincial Policy – S. 3**

A decision of the Toronto Local Appeal Body (‘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’).

**Minor Variance – S. 45(1)**

In considering the applications for variances from the Zoning By-laws, the TLAB Panel 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**

There was some discussion by the other Party that the owner had applied for and been denied a variance for a rear yard deck projection that had been initiated without a permit. The remains of the deck have not been demolished.

At the beginning of the hearing, Mr. Shnier raised the issue that the Appellant did not file the documents within the timelines as identified in the Rules and set out in the Notice of Hearing. The document disclosure took place in late October and the expert Witness Statement was filed on December 11, 2017. As a result, Mr. Shnier indicated that he not had time to fully review the late filings and objected to the material being accepted by TLAB. In response, Ms. Stewart replied that Mr. Shnier was also late in filing his documents and he did not file a Witness Statement as required. It was her opinion that all Parties should abide by the same rules. After a brief adjournment, it was agreed by both Parties that the hearing would proceed without an adjournment. As part of the agreement, Ms. Stewart's expert planning witness in his evidence will only address Committee decisions within the immediate area and not within the greater area identified in his witness statement.

The TLAB heard evidence from Mr. McKay, a land use planner for the Applicant, Mr. Shnier, a Party, and Mr. Mark Eisen, a Participant.

Mr. McKay was qualified to provide expert evidence for this matter. Mr. McKay described the neighbourhood referring to Appendix C of Exhibit 2. The subject property is located in the St. Andrew- Windfields neighbourhood of Toronto. In delineating his neighbourhood boundary for the purpose of his review, he considered the "hard" edges of the area including Highway 401 to the north, Yonge Street to the west, Bayview Avenue to the east, and York Mills Road to the south. This area has a similar block pattern, lot configuration, lot size, and building type. Within this area there are pockets of which exhibit different characteristics such as higher density development along Yonge Street, the low-rise apartment buildings along Upper Canada Drive, the commercial and office uses along The Links Road, and the high-rise apartment buildings at the south west corner of Highway 401 and Bayview Avenue. He has considered both the broader area and the more immediate area for his review. Using the photographic survey (Exhibit 2, Appendix D), he identified that the neighbourhood consists primarily of single detached one and two- storey houses.

There has been a significant amount of new construction and reinvestment through new builds and renovations as evidenced by his review of the number of variances. The new homes are larger than the original homes. The neighbourhood is stable but not static. Within his immediate Area Analysis bounded by Old Yonge Street to the west, Owen Blvd. to the south, Upper Highland Crescent to the east and Links Road and Tournament Drive to the north, Mr. McKay identified 109 lots.

The subject property is developed with a 2-storey detached dwelling. The backyard is heavily treed as seen on Exhibit 2, Appendix F, with a hedgerow along the western edge. The proposal is to construct a single-storey addition at the rear of the dwelling in line with the western wall, to be used as a solarium. Mr. McKay noted that the proposal has been modified slightly from the drawings that were presented to the Committee to

reflect the removal of a previously proposed rear deck. The updated plans are found at Tab 16 of Exhibit 1. These changes were proposed at the Committee meeting in an attempt to address concerns that had been raised. The deck did not require a variance. Mr. McKay notes that no staff reports or memorandums were prepared on the application. In his experience, when Planning staff have a concern with a variance they file a report with the Committee.

The addition would be at the southwest corner of the existing dwelling with a dimension of 7.82m wide and 4.98 m deep. The subject property has a frontage of 23.29 m and a depth at the east side of 41.28 m and at the west side of 49.72 m. There would still be a substantial rear yard ranging from 15.24 m to 18.59 m. There are no windows along the western wall of the proposed addition to provide privacy for the property owner to the west.

The variance is to permit a building length of 20.99 m whereas 17.0 m is permitted under By-law 569-2013 and 16.88 m is permitted under By-law 7625. Mr. McKay explained the proposal in the context of the subject property which is located at the curve of the street resulting in a staggered front yard setback from 8.0 m at the eastern corner and 12.2 m at the western corner. The building length measurement is taken from the edge of the porch as there is a cold cellar underneath. If there were no excavation under the porch, it would not be included in building length.

Superimposed on the drawings is the front yard setback and the permitted building envelope based on the permitted building length. Part of the proposed solarium is within the permitted length. Further, the eastern portion of the house is not as deep as it could be and additional development could take place in the rear.

Mr. McKay referenced the City property maps which contain the outline of the buildings. The existing dwelling extends further into the rear yard than the house at 19 Lower Links Road but not as far back as the houses at 23, 25, 27 and 29 Lower Links Road. Mr. McKay indicates that the addition would be in line with the rear walls of this latter group of houses. In addition, within the area, while there is a generally a consistent front yard setback (with the exception houses on the curve) there are a variety of rear yard conditions with houses extending into the rear yard to varying degrees.

In Mr. McKay's opinion, the location of the proposed addition is in an area where any potential impact can be mitigated through both the design of the building (without windows on the west façade) and the existing hedgerow and fence. In addition, he does not think it represents overdevelopment of the site since it is the only variance required and the property is not fully built out under existing zoning provisions.

Mr. McKay measured the length of buildings in the immediate area as shown on Appendix E of Exhibit 2 using a base map from the City open data. The measurements indicate that there are a variety of building lengths measuring from 10.9 m to 30.3 m. The majority of the older buildings are generally between 13 m and 16 m in length and the newer dwellings are substantially longer. In the immediate area he referenced six examples of building length ranging from 18.9 m to 26.9 m.

With respect to the Provincial Policy Statement ('PPS'), Mr. McKay directed the panel to Policies 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.1.3.4, and 1.4 (Tab 7, Exhibit 1) and stated the PPS directs development to established built-up areas where there is existing municipal infrastructure. Intensification and redevelopment is encouraged as is a range and mix of housing types and densities. In his opinion, the proposed variances are consistent with the policy objectives of the PPS, as they would permit the proposed addition and investment within a built-up area, which is compatible with adjacent uses and which would utilize existing infrastructure. With respect to the Growth Plan for the Greater Golden Horseshoe, 2017, Mr. McKay referred the panel to Policies 2.2.1.2 (a) and 2.2.1.4 (e) and (f) (Tab 8, Exhibit 1). In his opinion, the proposed variances conform to the policy objectives of the Growth Plan which promote compact urban form through intensification of existing urban areas.

With respect to the Official Plan, Mr. McKay notes that the subject property is designated Neighbourhoods which provides for a full range of housing forms and types. Neighbourhoods are considered stable but not static and some "changes will occur over time as enhancements, additions and infill housing occurs on individual sites" (Section 2.3.1). This change is evidenced in the broader neighbourhood and the immediate area demonstrating that this area is not static.

Mr. McKay references Appendix H of Exhibit 1 which includes a reference map and summary of Committee decisions that have approved variances to building length in the neighbourhood. He focused only on the variances within the immediate neighbourhood as agreed. In terms of building length, variances have been approved by the Committee and include 18.01 m and 18.77 m at 2 and 28 Camwath Crescent respectively, 22.2 m and 24.4 m at 205 and 215 Old Yonge Street respectively, 19 m at 34 Owen Blvd. and 17.41 at 47 Tournament Drive.

Mr. McKay states that development within Neighbourhoods is to be respectful of the existing neighbourhood context and is to reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas. He references Section 4.1: "Physical changes to our established *Neighbourhoods* must be sensitive, gradual and generally "fit" the existing physical character."

Policy 4.1.5 states: "Development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) size and configuration of lots;
- c) heights, massing, scale and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) setbacks of buildings from the street or streets;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space;
- g) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- h) conservation of heritage buildings, structures and landscapes."

He explained that Policy 4.1.5(c) is relevant in this case to the assessment of the variances as the proposed building length is consistent with the existing physical character of the immediate neighbourhood. He refers to Owen Blvd. and Lower Links Road where there are a variety of rear yard conditions which is consistent with what is being proposed. The rear wall of the proposed dwelling would generally align with the rear wall of the houses to the east. To the west, because of the curve of the street, the rear of the house exceeds the rear of the adjacent house. Depending on the setbacks of the houses, some are pushed further into the rear yard. The variety of rear yard conditions is in keeping with the physical character of the area.

Mr. McKay notes that no other variances are required related to front, side, and rear yard setbacks as well as landscaped open space. A large rear yard is maintained. The addition would be located 11.2 m to the eastern property line which in his opinion is a substantial distance and reduces privacy and overlook concerns. The addition is adjacent to the western property line and the privacy and overlook concerns are minimized as there are no windows along this wall of the addition. The owner has no intention to remove the existing hedge which further provides privacy. In summary it is Mr. McKay's opinion that the variances respect and reinforce the physical character of the immediate area and conform to the development criteria in the Official Plan and therefore meet the general intent and purpose of the Official Plan.

With respect to the Zoning By-law, Mr. McKay explains that the general intent and purpose of a building length zoning provision is to provide for sufficient rear yard amenity space, to ensure general consistency among dwellings, and to minimize overlook and privacy issues created from dwellings that extend beyond the rear of the adjacent properties. In his opinion, the intent and purpose have been met. The addition has been designed to minimize impact. No windows are proposed on the western portion of the one-storey addition which faces the closest neighbour (at 19 Lower Links Road) and therefore the addition will not result in any additional adverse privacy or overlook concerns. There is an existing hedgerow along the western side lot line between 19 Lower Links Road and the subject lands that will be maintained, allowing for increased privacy between dwellings. Mr. McKay recommended, in the event of approval, that the variances be tied to the submitted plans through a condition, to ensure that the design elements referred to above are secured.

In Mr. McKay's opinion, the variances are desirable for the appropriate development of the subject property. The reinvestment in the housing stock is appropriate and desirable for the City and the neighbourhood. There are no substantial impacts. In his opinion, the addition will not create additional overlook or privacy concerns due to the absence of windows, the existing hedgerow and the fence.

With respect to the 'minor' test, Mr. McKay's opinion is that the variances are minor in nature. The requested building length only applies to a portion of the building which will be one-storey in height. He explains that the test for minor is not "no impact" but no unacceptable adverse impact of a planning nature. There would be no impact on the streetscape and limited impact on the neighbor to the west in terms of shadowing, privacy and overlook because of the absence of windows and the hedgerow. To the east, the addition is 11.72 m from the east property line which in his opinion will

eliminate privacy issues to the east.

In summary, it is Mr. McKay's opinion that the proposed variances are consistent with the Provincial Policy Statement, conform to the Growth Plan, are compatible with surrounding uses, meet the intent and purpose of the Official Plan and Zoning By-law are appropriate for the desirable development of the property and are minor in nature.

His recommendation the TLAB is that the requested variances be approved subject to a condition requiring that the development be substantially in accordance with the site plan and elevations submitted.

Mr. Shnier is a Party and lives at 25 Lower Links Road. He provided a map (Exhibit 3) which provides the context of his house and those of other concerned neighbours. The owner of the house to the immediate east at 23 Lower Links Road was unable to attend the hearing because of health reasons but provided a letter which is in the TLAB file. He also identified the immediate neighbour's house at 19 Lower Links Road who attended the Committee meeting in opposition. The map shows Mr. Eisen's house, a Participant, at 17 Lower Links Road. In addition, he pointed out 28 Owen Blvd. behind the subject property, the owner of which attended the Committee meeting in opposition. He provided the letters of opposition filed by Ratepayers Association and the local Councillor at the Committee hearing.

Mr. Shnier referenced a photograph with a view looking west through 23 Lower Links Road to the subject property which shows the backyard of the subject property and the partially built two level deck. He has privacy concerns with the proposal as the platform would be above the fences. While there are some hedges on the far side, he advised that some were taken out when development took place. A photo from a different view was provided to demonstrate the privacy concern. There is a pool at 21 Lower Links Road and privacy and compatibility is a concern. In his opinion, the height of the addition with windows on the south and east walls would result in people looking into the adjacent backyards and would not result in compatibility. In his view there are no significant rear yard incursions as the rear wall of buildings were generally in alignment. The proposed addition would be further back into the backyard space and would invade privacy and create shadowing to neighbours.

Mr. Shnier referenced the aerial view of the street indicating the curve on Lower Links Road and the resulting deeper front yard setback of the house on the subject property. His concern is, as a result, the neighbour at 19 Lower Links Road already has a substantial view of a wall in their backyard and an extension would create more a view of a wall for the neighbours. He states that the purpose of the zoning and front and rear yard setbacks is to prevent this situation of a wall. He noted that the hedge could be removed. A further photograph of the view from 23 Lower Links Road into the subject property shows the deck, which would be replaced by the addition, and the treatment of the backyard which includes a green area and a fountain. He stated that the green area was artificial grass and he is concerned with stormwater management as the entire backyard would be hard surface whereas the By-law requires 50% soft surface. He has an ongoing concern that the owner of the subject property does not have regard for the Zoning By-laws.

Mr. Shnier notes that the revised drawings have eliminated the back door and he is concerned that, if approved, the drawings will change as in his view the plans don't make sense. His privacy concerns with the addition are the same as his privacy concerns were with the proposed deck in that there would be a higher portion of building with windows to the south and east. He noted on the photographs that the front yard of the house has a larger front walkway than the plans show and there are 3 cars parked in front of the front wall of the house. Mr. Shnier suggests that this shows a lack of understanding of the rules and a pattern of building without permission which is of concern to him. The zoning provisions in the area help to make it the desirable area that it is. In his opinion, the zoning table submitted does not reflect what is actually built, particularly regarding the hard and soft landscaped areas.

Mr. Shnier refers to the 2 Committee decisions related to the property including the deck proposal and the current proposal, both of which were refused by the Committee. He notes that the existing house is a substantial house that was purchased new and now the owner wants to make it bigger. In his view there is no need for more space. He notes that the plans at the Committee originally had a deck from the addition which was above grade. The proposed addition is higher than the existing first floor by over 3 ft. which he describes as a substantial platform above the first floor. The fact that the addition is raised causes further concerns for privacy. In addition, he points out that the roofline of the addition obstructs a window view and could not be built which reinforces his concern that the plans are not "real".

In terms of the 4 tests, Mr. Shnier advises that he understands that the test for minor isn't about a percentage but often what the impact on neighbours would be. He feels the impact would be significant. He states it isn't usual to have projections into the backyard. While the drawings show some projections, there are reasons based on individual circumstances such as the curve in the road. For example, where a building protrudes in the rear yard, it is balanced by more open space in the front. One of the properties that protrude has a 3-car garage in front which pushed the house into the rear yard. He considers this a mistake which shouldn't justify further mistakes.

In Mr. Shnier's view, the back walls generally align and he doesn't see the need for incursions as proposed. In terms of desirable, he notes that if everyone had an addition, then there would be a tunnel effect of brick walls which does not represent the existing pattern of development in the area. The current pattern has the backyards aligned without a view of a brick wall. He feels the proposal, if approved, would promote this type of development. There may be certain situations where the house is further in the rear but it is tied to particular situations such as the front yard setback.

With respect to the purpose and intent of the Zoning By-law, in his opinion it is to provide restrictions on building size, height, use, spacing, privacy, density, light and air and gives the neighbourhood its built form and character. The character of this neighbourhood is not to have brick walls when looking into the backyards. The plans were rejected by the Committee and he requests that the variances be rejected by the TLAB.

With respect to the Official Plan, Chapter 4 provides guidelines for development in Neighbourhoods including maintaining the prevailing patterns of rear and side yard



setbacks and landscaped open spaces. Mr. Shnier states that the current property already had variances to build the existing house and they are now asking for more. He refers the section of the Official Plan that deals with infill development. The Plan directs that adequate privacy, sunlight and skyview be provided by ensuring adequate distance between buildings and adequate landscaping. His opinion is that this proposal does not meet this intent.

With respect to provincial policy, Mr. Shnier notes that the addition does not allow for more people to live in the area. In his view, the focus of the intensification policies is to accommodate more people. The proposal would detract from the neighbourhood by building a brick wall and he further emphasizes that the hedgerow cannot be depended on to provide privacy.

In cross, Ms. Stewart took Mr. Shnier to the definition of Intensification in the Provincial Policy Statement which includes expansion or conversion of existing buildings. She referred to tab 14 of Exhibit 1 which shows the footprint of existing buildings on the City's mapping. He acknowledged that the rear wall of his house and of 23 Lower Links Road extends beyond the wall of the subject property. He noted that this is because the front yard is set back as well as a result of the curve of the street. Ms. Stewart referred to Owen Blvd. which is a straight street without curves. Mr. Shnier acknowledged that there are a number of houses that project beyond the rear wall of the adjacent house.

Mr. Eisen indicated that his concerns relate to drainage and privacy. He also was concerned with relying on the hedgerow for privacy as, in his experience, the hedgerow could die as a result of Norway Maples or other reasons which is not something that can be controlled. He notes that the road deviates in the location of the subject property and it is unfair to compare properties that do not have the same issue. When he looks across his property he currently sees 20 ft. of wall and adding another 15 ft. would provide 35 ft. of wall which he would see through the hedge. He acknowledges that overlook and privacy are a greater issue for 19 Lower Links Road but he thinks it is a potential issue for his property as well. He notes that he has a pool in the backyard and privacy is a concern when the addition is set that far back. In his estimation, the back of the proposed addition will go back as far as the stairs to his pool.

With respect to drainage, he notes that the topography slopes down towards his property and with the additional hard surface, he is concerned with drainage. At the property line there is a 3.5 ft. rise in height and the neighbor would have to take the overflow.

In reply, Mr. McKay indicated that in his opinion, Section 4.1.9 of the Official Plan referenced by Mr. Shnier was not relevant to this application as, in his experience, it is intended for remnant blocks that are large parcels of land which have a different character than the regular lots in the area. In this area the lots are generally regular and the subject property is 23 m in width which is similar to the surroundings. With respect to the issues identified by Mr. Shnier as being non-compliant, Mr. McKay noted that Zoning Certificate issued by the City and before the Committee did not show any further variances were required. The City will require a grading plan at the building permit stage and any discrepancies would be noted and revisions required. With the soft

landscaping concern, Mr. McKay noted that during construction an inspector would identify any issues and they would be addressed through the process.

Mr. McKay pointed out that there are 2 accesses to the rear yard, one from the solarium at lower level and one from the side yard mudroom. Stairs could be provided to the rear yard and a condition could be applied that prohibits a deck. In response to the issue of a raised platform for the addition, Mr. McKay replied that the finished floor grade is to provide the necessary head room from the basement and is less than a metre.

## **ANALYSIS, FINDINGS, REASONS**

The TLAB has closely considered the submissions of the Parties and Participant. In assessing the evidence, the panel prefers the evidence of Mr. McKay's that the four tests under s. 45(1) of the Act are met for the requested variances.

Building length is the only provision that requires relief from the By-laws. No other variances are required. The proposal meets the front yard, rear yard, and side yard setback provisions as well as the other provisions of the By-laws. The predominate issue is privacy and overlook resulting from the proposed one-storey addition.

Mr. Shnier made a number of submissions about the previous application for the rear yard deck and the past actions of the owner and his concern that the current house does not meet the existing zoning provisions. The TLAB agrees with Ms. Stewart that the past has no bearing on the outcome of the merits of this application. The issue of the previous variance and the owner's intentions at that time is not before the TLAB and this decision does not consider or address the history of any previous applications or actions by the owner. Similarly, while I understand the concerns that the current property does not meet the requirements of the zoning by-law, it is the responsibility of the City's Building division to identify variances and non-compliance through the Zoning Certificate, building permit and inspection process. Such issues are not before the TLAB. The grading and drainage issues would be dealt with through the normal course of obtaining a building permit for a new dwelling regardless of whether a minor variance is required or not.

The Official Plan directs that development within Neighbourhoods is to respect and reinforce the existing physical character of buildings, streetscapes and open space patterns. The TLAB agrees with Mr. McKay that the relevant Official Plan policies for considering development in Neighbourhoods is Policy 4.1.5 and in particular subsections c) and f). The evidence provided demonstrates that the proposed building length is consistent with the existing physical character of the immediate area surrounding the subject property. Other variances in the immediate area have been approved for lengths ranging from 18.9 m to 26.9 m. The proposed length of 20.99 falls within this range. The City mapping demonstrates that the rear yard condition of houses projecting beyond the adjacent dwelling is common. There will be no impact on the streetscape. A significant rear yard will be maintained. The TLAB agrees that the proposed building length maintains the intent and purpose of the Official Plan.

The intent and purpose of the building length provision in the zoning by-law is to provide a sufficient rear yard setback and minimize overlook and privacy. The TLAB finds that the proposal maintains this intent. Mr. McKay explained that the building length includes the front porch area because it is excavated below. The addition is only along a portion of the existing rear wall and maintains more than an 11 m setback to the east property line. The subject property is not built out in the rear to the maximum building length and additional length could be added to the eastern portion. The large depth of the lot still allows for a minimum rear yard of 15.24 m. In combination with the one –storey height and the absence of windows on the west wall closest to the neighbour, the TLAB is finds that the variances maintain the intent and purpose of the zoning by-law.

In considering whether the development is desirable and appropriate development or use of the lands, the question in this situation relates to compatibility with the surroundings. The TLAB is satisfied that the addition will not cause any undue adverse privacy or overlook issues. While the TLAB appreciates the concerns of the neighbours that the addition will have a significant impact on view and privacy, there was no technical or other compelling evidence to support these concerns. The evidence of Mr. McKay demonstrates that the addition will not protrude any further into the backyard than the houses to the east protrude. To the west, while the one-storey addition will protrude further into the backyard than the adjacent house, the one-storey height limit and the lack of windows will mitigate any privacy or overlook concerns. The proposal is a form of reinvestment in the housing stock, regardless if the existing building is relatively new. Building length is the only variance required. The TLAB finds that the proposal is compatible with the surrounding area.

Respecting minor, the variances only apply to a portion of the building. I agree with Mr. McKay that the test is not of “no impact” but of unacceptable adverse impact of a planning nature. The TLAB finds that there will be no unacceptable adverse impacts as a result of the variances. The addition has been designed to mitigate impacts to the west and is located substantial distance from the properties to the east to address privacy issues.

I agree that the approval should be tied to the submitted drawings to ensure that there are no windows on the west elevation and the addition remains at one- storey. The Applicant has agreed to a condition regarding the maintenance or replacement of the hedgerow. Further, in order to ensure an elevated deck is not constructed at a later date, the Applicant has agreed to restrict access from the first floor to the rear yard to a landing with steps to an at-grade platform.

The TLAB is satisfied that the requested variances, with the conditions outlined below, meet the criteria set out in Section 45(1) of the Planning Act. The general purpose and intent of the Official Plan and Zoning By-laws is maintained. The proposal results in an appropriate and desirable development for subject property and the variances are considered minor in the context.

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

## DECISION AND ORDER

The TLAB orders that the appeal is allowed and the following variances are authorized subject to the following conditions.

**1. Chapter 10.20.40.20. (1), By-law No. 569-2013 (Contingent on approval)**

The maximum permitted building length is 17.0m.  
The proposed building length is 20.99m.

**2. Chapter 12.5A, By-law No. 7625**

The maximum permitted building length is 16.8m.  
The proposed building length is 20.99m.

### Conditions of Approval

1. The proposed addition shall be constructed substantially in accordance with the Site Plan and the Elevations dated July 17, 2017, filed as Exhibit 1, Tab 16. (Attachment 1)
2. For greater certainty, there shall be no windows on the west side of the proposed addition, as shown on the Right Elevation.
3. The owner shall either retain the hedgerow on the west side of the property or replace it with similar vegetation if it is removed as a result of construction.
4. Any access from the first floor on the Rear Elevation plan shall be restricted to a landing with steps down to an at-grade platform.

X 

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L. McPherson

Panel Chair, Toronto Local Appeal Body

**RECEIVED** September 18 2017  
**By Toronto Local Appeal Body**

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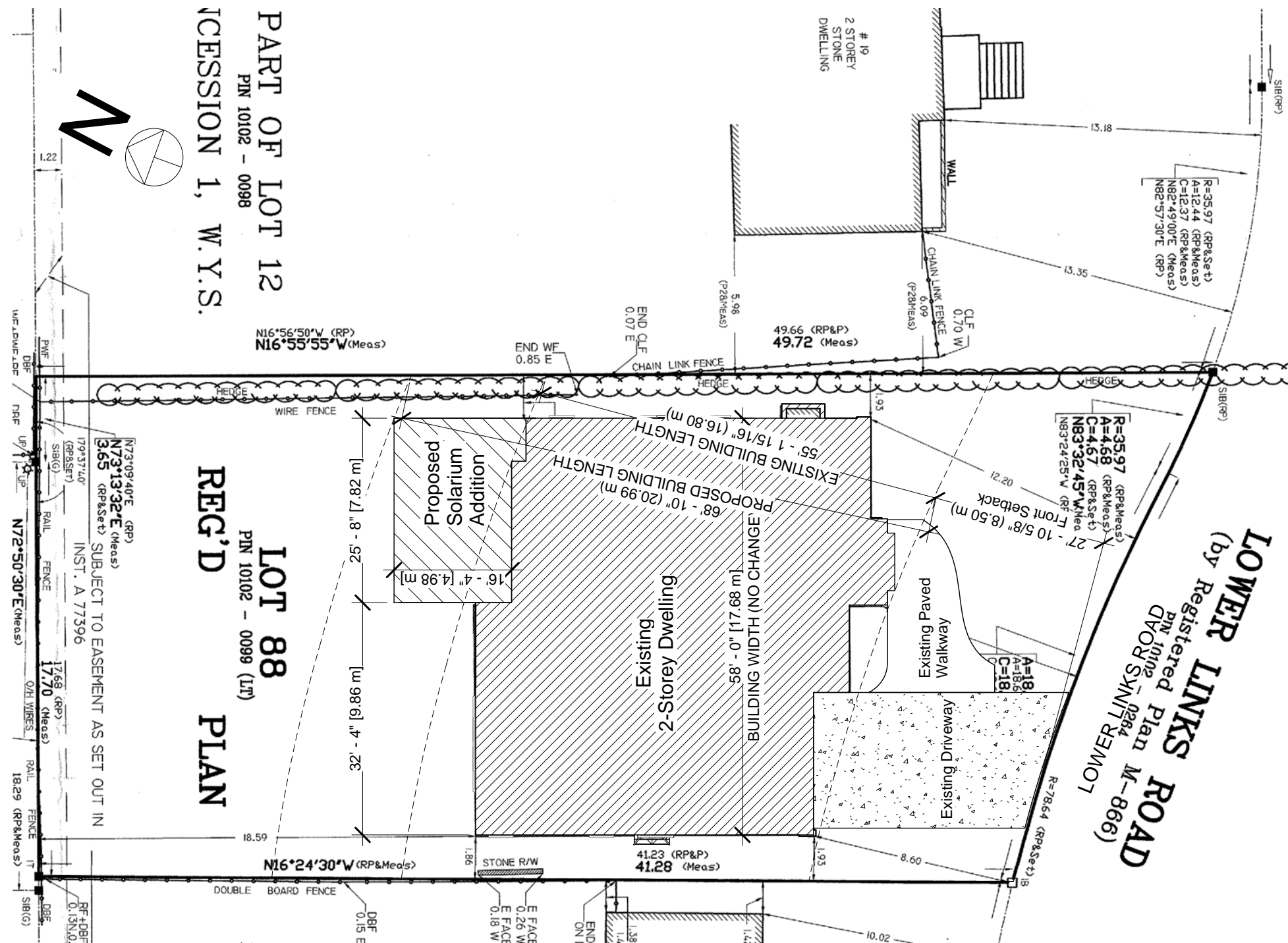
**Addition**  
21 Lower Links Road,  
North York, ON, M2P 1H5

Project number	T2016067	
Drawn	Scale	1/16" = 1'-0"
Checked	Date	2017-07-17

## Site Plan

Drawing No. **A001**

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ZONING	R 3 (BY-LAW 7625)	LOT NO.	88
PLAN NO.	M-866	LOT AREA	10539.56 SF (979.15 SM)
LOT FRONTAGE	76'-5" (23.29 M)	LOT DEPTH	163'-2" (49.7 M)

DESCRIPTION	EXISTING	PROPOSED	REQUIRED	SECTION
MIN.LOT FRONTAGE	76'-5" (23.29 M)		18.00 M	12.2.1 (1)
MIN.LOT WIDTH				
MIN. LOT AREA	10539.56 SF (979.15 SM)		690 SM	12.3.1 (1)
MAX. BUILDING LENGTH	55' - 1 15/16" (16.80 M)	68 ' - 10" (20.99 M)	16.80 M	12.5A (1.1)
MAX.BUILDING HEIGHT	NO CHANGE		8.80 M	12.7 (ii)
NO. OF STORIES	2		2	
BUILDING WIDTH	58'-0" (17.68 M)	NO CHANGE		
DRIVEWAY WIDTH	NO CHANGE	NO CHANGE	6.0 M	6A (5) (a)
BUILDING AREA	2928.35 SF (272.05 SM)	3378.21 SF (313.85 SM)		
GROSS FLOOR AREA				
TOTAL AREA				
MAX LOT COVERAGE	27%	32%	35%	12.6 (a)
FRONT YARD LANDSCAPING AREA	1478 SF (137.3 SM)	71%	50%	7.4A (i)
FRONT YARD SOFT LANDSCAPING AREA	1108 SF (102.9 SM)	75%	75%	
FIRST FLOOR ELEVATION	NO CHANGE		1.50 M	6.30 (a)
SETBACK	EXISTING	PROPOSED	REQUIRED	
FRONT (NORTH)	27'-11" (8.5 M)	NO CHANGE	6.50 M	12.4 (a)
SIDE (WEST)	6'-4" (1.93 M)	NO CHANGE	3.00 M	12.4 (b)
SIDE (EAST)	6'-1" (1.85 M)	NO CHANGE	1.80 M	
REAR (SOUTH)	61'-0" (18.59 M)	50'-0" (15.24 M)	9.50 M	12.4 (c)

Site Statistics (North York 7625)

ZONING	RD (BY-LAW 569-2013)(f18, a690)	LOT NO.	88
PLAN NO.	M-866	LOT AREA	10539.56 SF (979.15 SM)
LOT FRONTAGE	76'-5" (23.29 M)	LOT DEPTH	163'-2" (49.7 M)

DESCRIPTION	EXISTING	PROPOSED	REQUIRED	SECTION
MIN.LOT FRONTAGE	76'-5" (23.29 M)		18.0 M	10.20.30.20
MIN. LOT AREA	10539.56 SF (979.15 SM)	(No Change)	690.0 SM	10.20.30.10
MAX. BUILDING LENGTH	55' - 1 15/16" (16.80 M)	68 ' - 10" (20.99 M)	17.0 M	10.20.40.20
MAX. BUILDING DEPTH			19.0 M	10.20.40.30
MAX.BUILDING HEIGHT		(No Change)	10.00 M	10.20.40.10 (1)
NO. OF STORIES	2		2	
MAIN WALL HEIGHT			7.0 M	10.20.40.10
BUILDING WIDTH	58' - 0" (17.68 M)	(No Change)		
DRIVEWAY WIDTH	(No Change)		6.0 M	10.5.100.1 (1)
BUILDING AREA	2928.35 SF (272.05 SM)	3378.21 SF (313.85 SM)		
MAX LOT COVERAGE	27%	32%	35%	10.20.30.40 (1)(A)
FLOOR AREA INDEX				900.3.10 (1462)
FRONT YARD LANDSCAPING AREA	1478 SF (137.3 SM)	71%	60%	10.5.50.10 (1)(C)
FRONT YARD SOFT LANDSCAPING AREA	1108 SF (102.9 SM)	75%	75%	10.5.50.10 (1)(D)
SIDE YARD LANDSCAPING AREA	NO CHANGE			10.5.50.10 (2)(A)
REAR YARD SOFT LANDSCAPING AREA	1885.4 SF (175 SM)	51%	50%	10.5.50.10 (3)(A)
FIRST FLOOR ELEVATION	NO CHANGE		4' 11" (1.20 M)	10.10.40.10 (6)
SETBACK	EXISTING	PROPOSED	REQUIRED	
FRONT (NORTH)	27' - 11" (8.5 M)	NO CHANGE	7.79 M	10.5.40.70 (1)
SIDE (WEST)	6' - 4" (1.93M)	NO CHANGE	3.00 M	10.20.40.70 (6)
SIDE (EAST)	6' - 1" (1.85 M)	NO CHANGE	1.50 M	10.20.40.70 (3)
REAR (SOUTH)	61' - 0" (18.59 M)	50' -0" (15.24 M)	8.23 M	10.20.40.70 (2) (B)

Site Statistics (Toronto 569-2013)

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No.	Issue	Date	By
1	Variance Application	2017-05-11	SA
2	Revision 1	2017-07-17	SA

**TAES Architects Inc.**

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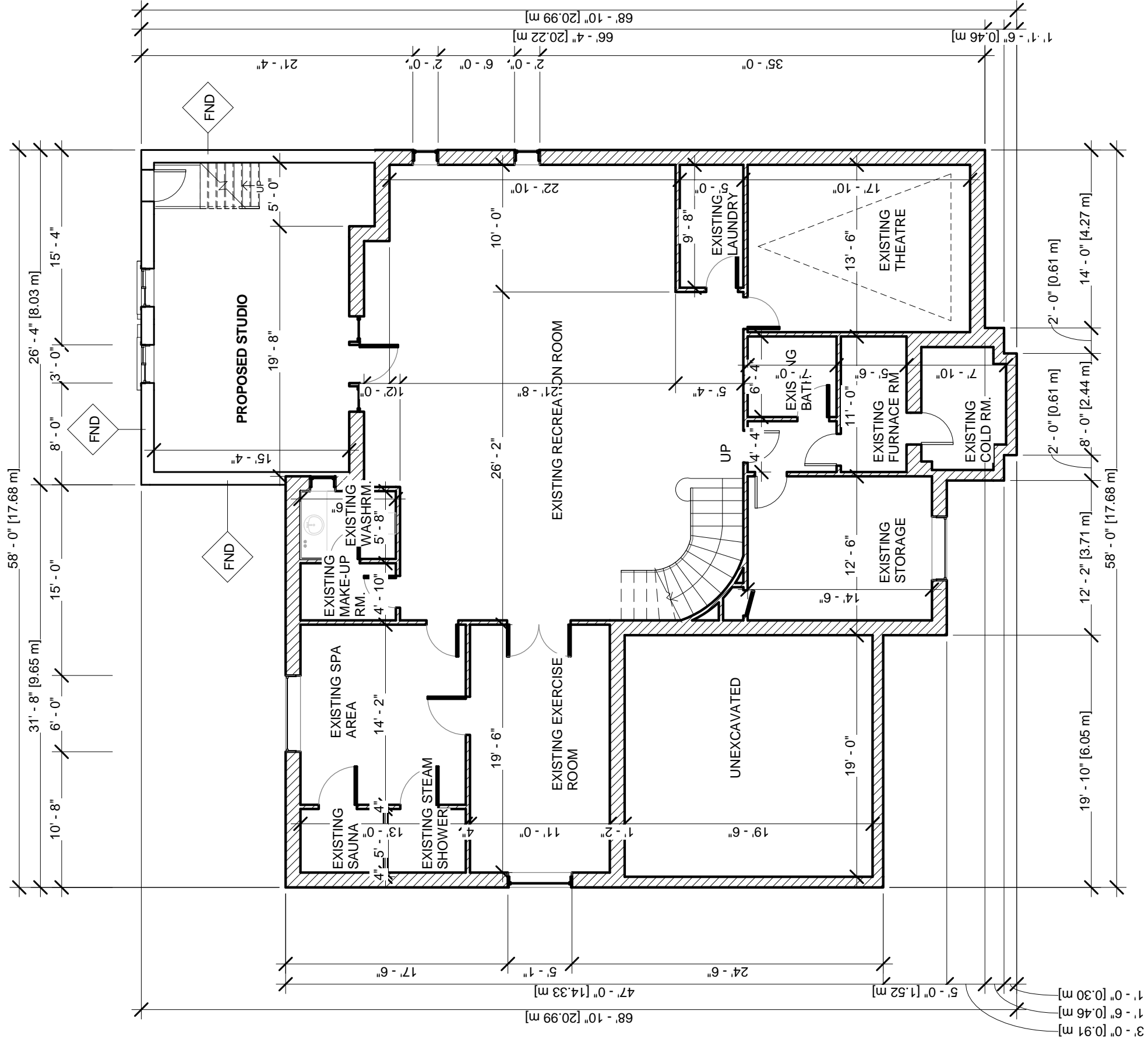
Addition

21 Lower Links Road,  
North York, ON, M2P 1H5

Project number	T2016067
Drawn	Scale 6" = 1'-0"
Checked	Date 2017-07-17

Site Statistics

Drawing No. A002



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No.	Issue	Date	By
1	Variance Application	2017-05-11	SA
2	Revision 1	2017-07-17	SA

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**Addition**

21 Lower Links Road,  
North York, ON, M2P 1H5

Project number	T2016067
Drawn	Scale 1/8" = 1'-0"
Checked	Date 2017-07-17

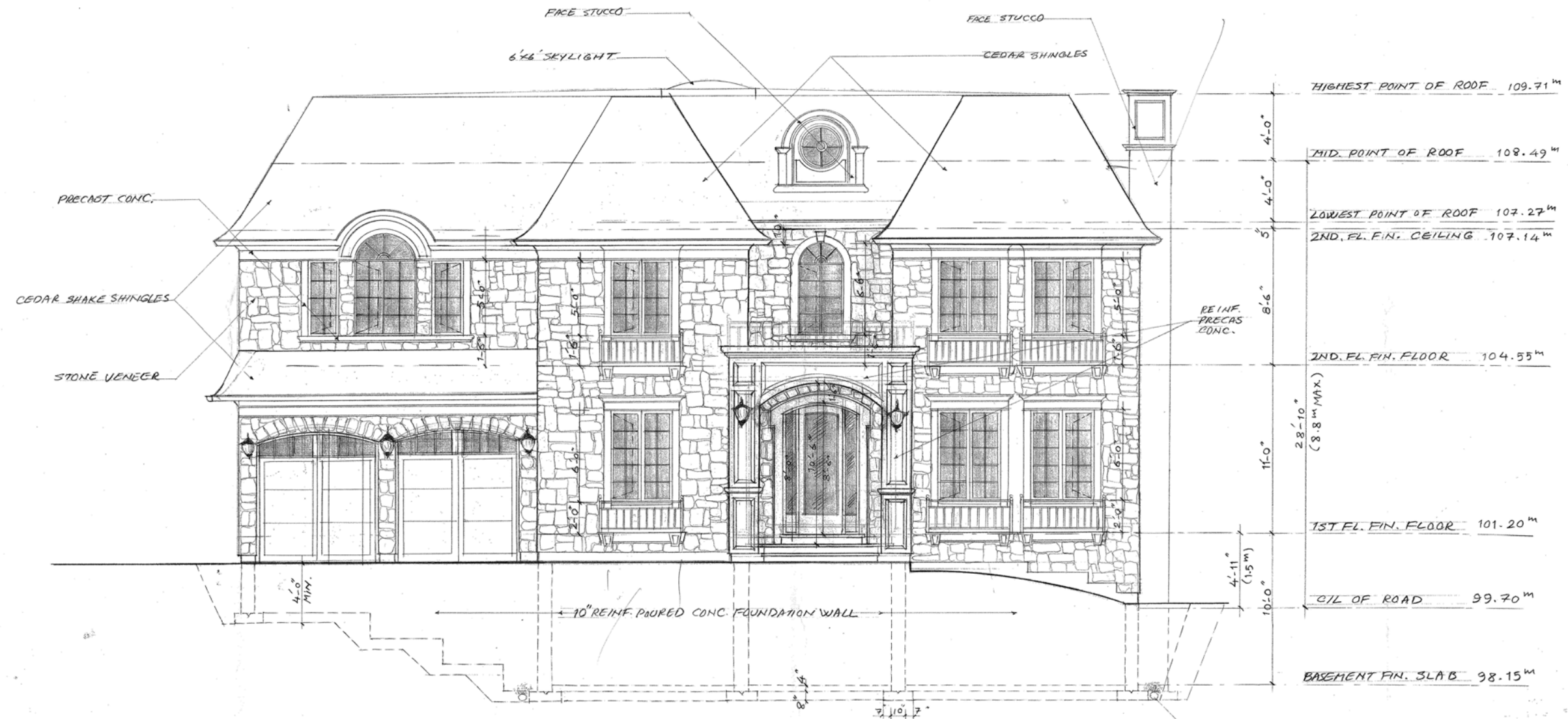
**Basement Plan**

Drawing No. **A101**









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No.	Issue	Date	By
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2	Revision 1	2017-07-17	SA

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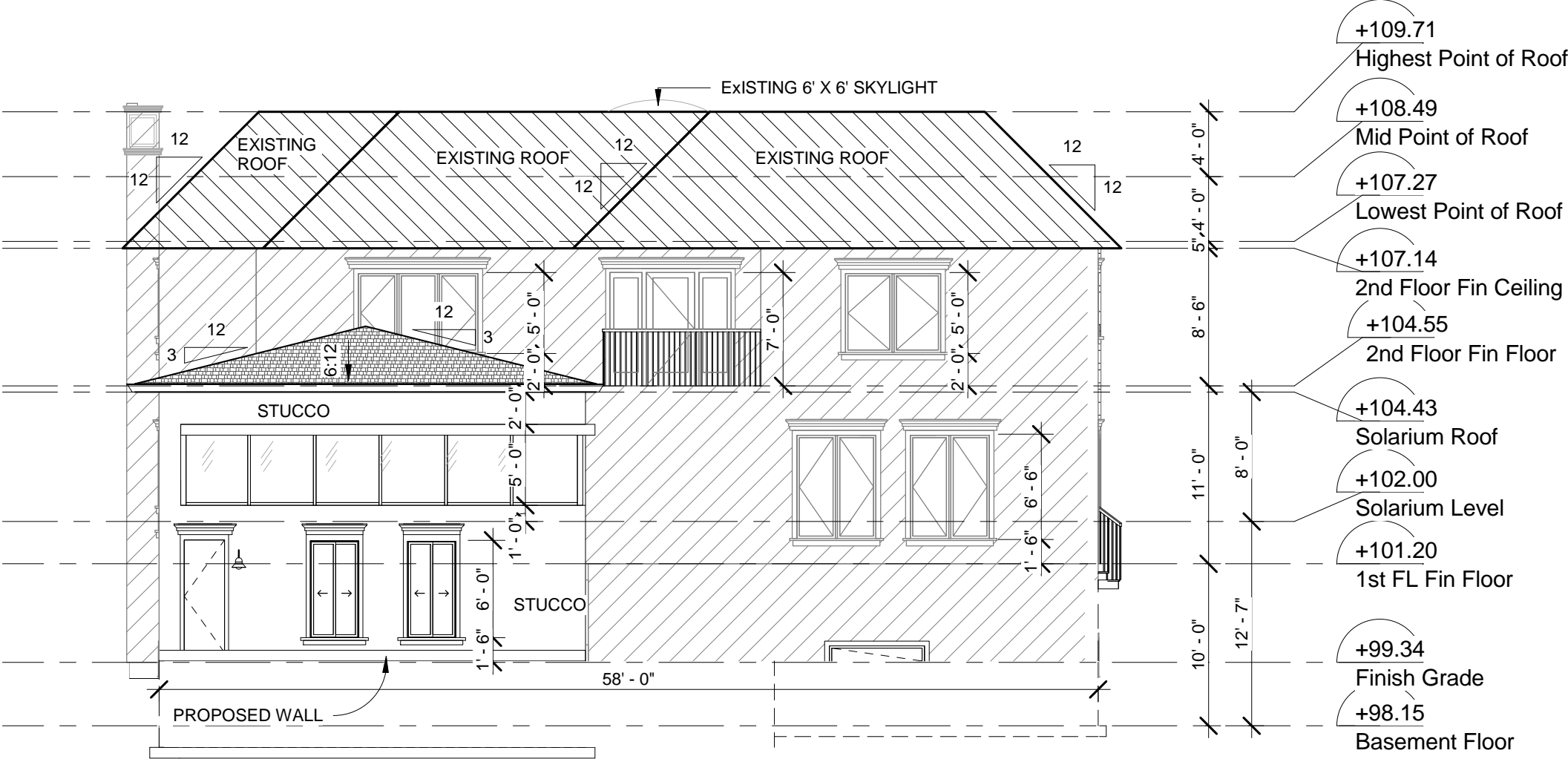
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**Addition**  
21 Lower Links Road,  
North York, ON, M2P 1H5

Project number	T2016067
Drawn	Scale 1/8" = 1'-0"
Checked	Date 2017-07-17

**Front Elevation**

Drawing No. **A201**



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No.	Issue	Date	By
1	Variance Application	2017-05-11	SA
2	Revision 1	2017-07-17	SA

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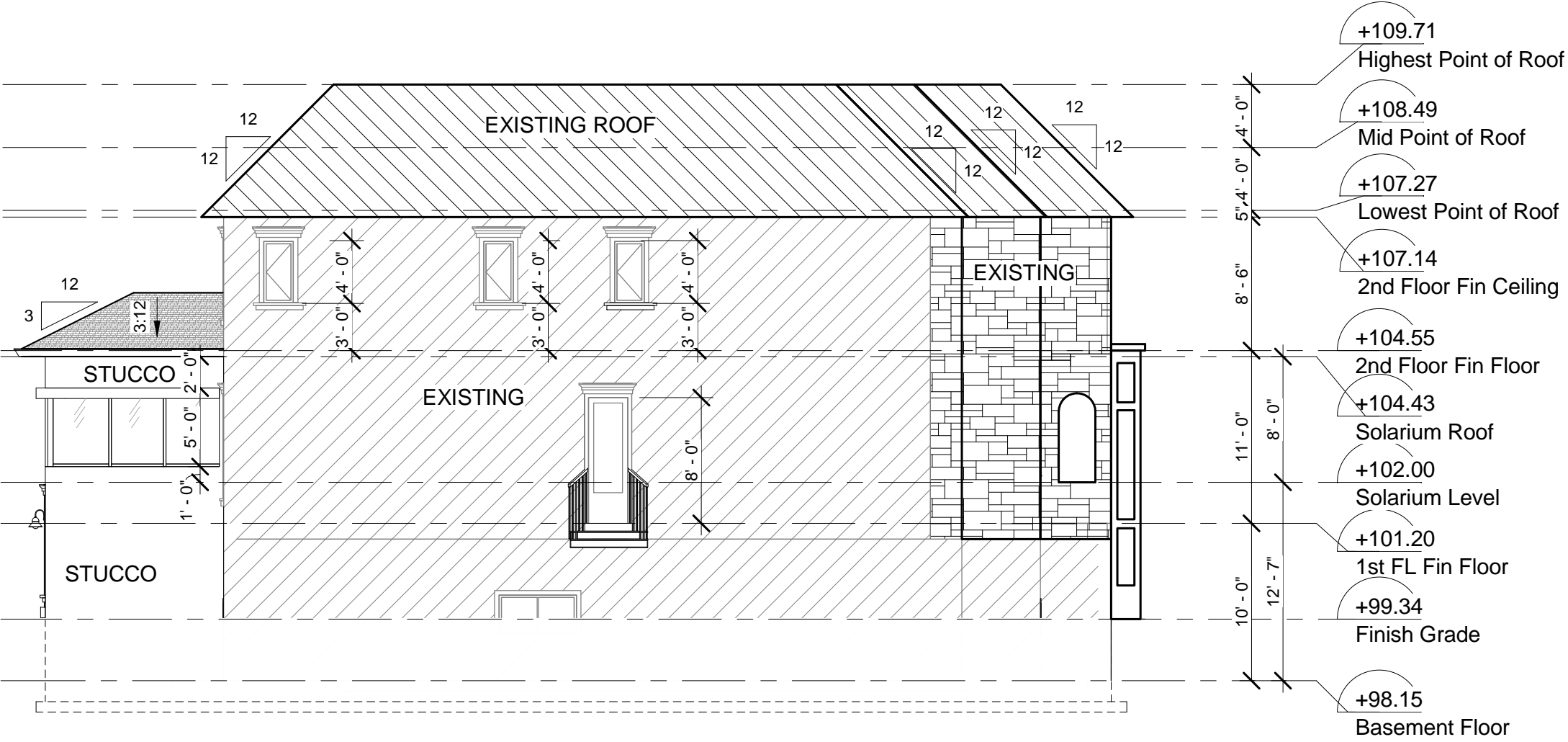
**Addition**

21 Lower Links Road,  
North York, ON, M2P 1H5

Project number	T2016067
Drawn	Scale 1/8" = 1'-0"
Checked	Date 2017-07-17

**Rear Elevation**

Drawing No. **A202**



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No.	Issue	Date	By
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**Addition**  
21 Lower Links Road,  
North York, ON, M2P 1H5

Project number	T2016067
Drawn	Scale 1/8" = 1'-0"
Checked	Date 2017-07-17

Left Elevation

Drawing No. **A203**

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2	Revision 1	2017-07-17	SA

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**Addition**

21 Lower Links Road,  
North York, ON, M2P 1H5

Project number	T2016067		
Drawn	Scale	1/8" = 1'-0"	
Checked	Date	2017-07-17	

Right Elevation

Drawing No.

**A204**

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