

DECISION AND ORDER

Decision Issue Date Monday, January 29, 2018

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

Appellant(s): ANDREW PENUVCHEV

Applicant: OPTIONS GROUP

Property Address/Description: 1940 -1942 AVENUE RD

Committee of Adjustment Case File Number: 17 174436 NNY 16 MV

TLAB Case File Number: 17 205679 S45 16 TLAB

Hearing date: Wednesday, December 06, 2017

DECISION DELIVERED BY Sophia Ruddock

APPEARANCES

Parties

Andrew Penuvchev

Representatives

Brad Teichman & Kelly Oksenberg, Counsel

Participants

South Armour Heights Residents' Ass. Sheila Dunlop

Raymond Starkman

INTRODUCTION AND BACKGROUND

This is an appeal to the Toronto Local Appeal Body ("TLAB") of a Committee of Adjustment ("COA") decision, dated July 6, 2017, which partially approved the variance application with a modification and condition. The variance application was filed by Dr. Andrew Penuvchev and Mrs. Vera Penuvchev (the "applicant") for a proposed two-

storey rear addition to the existing building to be used for a new medical office. The new medical office is to accommodate Dr. Penuvchev and other healthcare providers who have to relocate due to a redevelopment of a neighbouring medical office building into a residential condominium. A new office on the subject site would allow practitioners to relocate to this office and remain within the community.

A site visit by the panel was disclosed at the outset as consistent with Council's direction in the constitution of TLAB. The site visit provides an appreciation as to built form, spacing and general characteristics of the neighbourhood, all of which was reinforced by other evidence of the witnesses.

The subject site is located on the west side of Avenue Road between Haddington Avenue and Brooke Avenue, north of Lawrence Avenue West and south of Wilson Avenue. Avenue Road functions as a mixed-use main street between Lawrence Avenue and just south of Wilson Avenue (Joicey Blvd). The area is generally known as "Upper Avenue". This stretch of Avenue Road is currently undergoing revitalization and is experiencing new investment in the form of renovations, additions to existing buildings, and new development.

In 2008, the City undertook an Avenue Study for this segment of Avenue Road which culminated in the adoption of Zoning By-law Amendment 107-2010. This by-law comprehensively rezoned the lands along this segment of Avenue Road to permit increased heights of predominantly 5 storeys (16.5m plus 2m for mechanical penthouses), with select sites permitted a maximum of 7 storeys (22.5m plus 2m mechanical). The density permissions were also increased to up to 3.0 FSI (2.0 commercial, 1.0 residential).

The subject site consists of two properties municipally known as 1940 and 1942 Avenue Road and is currently occupied by two 2-storey buildings with basements used as a clinic/spa. There are no parking spaces on the subject site. A Toronto Parking Authority ("TPA") lot is situated directly at the rear of the Property.

The Variance Application to the COA requested minor variances from North York By-law No. 7625 and City of Toronto Zoning By-law No. 569-2013, as applicable, as follows:

1. Chapter 900.11.10(1543)(G), By-law No. 569-2013

The maximum permitted commercial Floor Space Index is 2.0.
The proposed commercial Floor Space Index is 2.15.

2. Chapter 200.5.10.1(1), By-law No. 569-2013

The minimum required number of parking spaces is 14.
The proposed number of parking spaces is 0.

3. Chapter 200.15.10, By-law No. 569-2013

The 10% of the required parking spaces, or 1 parking space, must comply with the minimum dimensions for an accessible parking space.
The proposed is 0 accessible parking spaces.

4. Chapter 900.11.10(1543)(H), By-law No. 569-2013

A building must be set back at least 7.5m from the rear lot line.
The proposed building is setback 1.34m from the rear lot line.

5. Section 26(7), By-law No. 7625

The minimum required number of parking spaces is 43 spaces, of which 21 (50%) are to be for visitors.
The proposed number of parking spaces is 0 spaces.

6. Section 6A(16)(a), By-law No. 7625

The minimum required number of loading spaces is 1.
The proposed number of loading spaces is 0.

7. Section 64.26(12)(d), By-law No. 7625

The maximum permitted non-residential gross floor area is 200% of the lot area.
The proposed non-residential gross floor area is 226% of the lot area.

8. Section 64.26(12)(e), By-law No. 7625

The minimum required rear yard setback is 7.5m.
The proposed rear yard setback is 1.34m.

9. Section 64.26(12)(c)(iii), By-law No. 7625

The height of any part of a building or structure, including the mechanical penthouse, shall be contained within a 45 degree angular plane projected over the entire lot from grade level at a rear property line that is also the boundary of an R1, R2, R3, R4, R5, R6, R7, G, 01 or 03 zone district.
The proposed building projects 4.45m horizontally and vertically, and 3.15m perpendicularly, into the angular plane.

10. Section 26(8), By-law No. 7625

A minimum 1.5m wide landscaping strip along the rear property line.
The proposed landscaping is 1.34m in width at the northwest corner.

The COA approved all of the variances with the exception of variances #4 and #8 related to the rear yard setback. These variances were modified to require a rear yard setback of 3.7m as opposed to the 1.34m setback that was requested, whereas 7.5m is required by the by-law. In addition, The COA made its approval of the variances subject to the condition that the City's Payment-in-Lieu of Parking Policy be applied.

The Committee's decision was appealed by the applicant on the basis of the modification to the rear yard setback and the condition imposed regarding cash-in-lieu of parking. Following the TLAB Notice of Hearing, the Applicant submitted changes to their variance request to include the changes resulting from their revised plans to excavate the basement underneath the rear addition to use as storage. As a result there were revisions to the gross floor area and parking under by-law 7625, as listed in variance request #5 and #7 (underlined) as follows:

5. Section 26(7), By-law No. 7625

The minimum required number of parking spaces is 49 spaces, of which 24 (50%) are to be for visitors.

The proposed number of parking spaces is 0 spaces.

7. Section 64.26(12)(d), By-law No. 7625

The maximum permitted non-residential gross floor area is 200% of the lot area.

The proposed non-residential gross floor area is 260% of the lot area.

The proposed revisions had no impact on By-law # 569-2013 as the proposed basement storage area is not included in the calculation of the gross floor area under that by-law. It was the Applicant's submission that the changes to the revised plans are minor and for these reasons it is appropriate for the TLAB to exercise its discretion pursuant to subsection 45(18.1.1) of the Act to provide that no further notice of the Application is required. This position was supported by the evidence of the expert witness and there was no evidence presented to the contrary.

JURISDICTION AND MATTERS IN ISSUE

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

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

These are usually expressed as the "four tests", and all must be satisfied for each variance. In addition, TLAB must have regard to matters of provincial interest as set out in section 2 of the Act, the variances must be consistent with provincial policy statements and conform with provincial plans, as set out in s. 3 of the Act. A decision of the TLAB must therefore be consistent with the 2014 Provincial Policy Statement ('PPS') and conform to any provincial plan such as the Growth Plan for the Greater Golden Horseshoe ('Growth Plan') for the subject area. Under s. 2.1 of the Planning Act, TLAB is also to have regard for the earlier Committee decision and the materials that were before that body.

With respect to the revisions, to the extent that the variances requested differ from those before the Committee of Adjustment, TLAB accepts that the Applicant's proposed revisions are minor. As such, TLAB finds that no further notice is required pursuant to s.45 (18.1.1) of the Act, and the revisions can be considered.

EVIDENCE

The Applicant

At the commencement of the hearing counsel for the Applicant, Brad Teichman, stated that they have now satisfied the COA condition with respect to the payment-in-lieu of parking. Mr. Teichman indicated that the City council has set the Applicants payment-in-lieu of parking at \$5000 and it has now been paid. He indicated that the resident participants are asking for a greater payment; however, it is the submission of the Applicant that the amount of payment is within the right of council and there is no appeal from that.

The Applicant retained Andrew Ferancik to provide professional land use planning evidence in support of the TLAB appeal. Mr. Ferancik was qualified to give expert evidence based on his experience and training. In preparation for the hearing, he had visited the site, reviewed the COA file and relevant land use planning legislation and regulations. Mr. Ferancik prepared disclosures documents relevant to his analysis and opinion, including visual document books and a review of recent development approvals within the identified block of Avenue Road.

The subject site is located within a mixed-use area, with residential and commercial dwellings. Mr. Ferancik referred to photo's showing the subject site and its vicinity. Currently, the subject site is occupied by two 2-storey buildings with basements used as a clinic/spa with a gross floor area of approximately 646 square metres (By-law 569-2013) or 791 (By-law 7625). There are no parking spaces on the subject site.

Mr. Ferancik described the area to the north of the subject site as a two-storey mixed use building with a mix of one and predominantly two-storey mixed use buildings beyond, along Avenue Road. A gas station is located at the southwest corner of Avenue Road and Haddington Avenue. To the south is a two-storey mixed use building with a mix of two, three and four-storey mixed use buildings beyond, along Avenue Road. To the east is Avenue Road, an arterial road, on the east side of which are one- and two-storey commercial buildings. To the west is a Toronto Parking Authority (TPA) surface parking lot containing 97 parking spaces. Beyond the parking lot is a low rise residential neighbourhood. It was Mr. Ferancik's opinion that this parking lot acts as buffer between the subject lot and the residential area beyond the trees behind it.

Mr. Ferancik referred to recent development approvals within this block at 1916 Avenue Road and 1912-1914 Avenue Road, which he stated had similar variance applications as the subject property.

Mr. Ferancik stated that the proposed development consists of a two-storey addition to the rear of the existing two-storey commercial building, with revised plans to excavate the basement area underneath the addition to be used as storage. The proposed development is to be use as a dental office occupied by practitioners currently practicing in the community who are being displaced by the redevelopment of their current building.

The gross floor area of the proposed addition is 238 square metres (by-law 569-2013) or 401 metres (By-law 7625). The gross floor area of the proposed building, including the addition and the entire basement, would be 884 square metres (by-law 569-2013) or 1,192 square metres (By-law 7625). It was Mr. Ferancik's opinion that no parking spaces are proposed on the subject site as adequate short- and long-term parking for visitors to the office and retail uses is provided along Avenue Road and within nearby TPA lots. Mr. Ferancik stated that the interior layout of the space will be completed as part a future building permit application once the final area of the addition is determined following the TLAB hearing.

The proposed development requires variances to both the new City of Toronto Zoning By-law No. 569-2013 and the former North York Zoning By-law No. 7625 with respect to gross floor area, rear yard setbacks, landscaping, angular planes, loading spaces, and parking spaces. It was Mr. Ferancik's opinion that the requested variances, as modified, meet the four tests of the Planning Act for Minor Variances, represent good planning and should be approved. Mr. Ferancik provided a detailed analysis of each variance requested, a brief summary of which follows.

General Intent and Purpose of the Official Plan

It was Mr. Ferancik's opinion that the proposed variances are consistent and conform with the Growth Plan and PPS policies in that they will facilitate intensification and reinvestment within the existing built up/serviced area, along an intensification corridor, thus helping to maintain its vibrancy and attractiveness.

With respect to the Official Plan (OP), Mr. Ferancik stated that the subject site is designated 'Mixed Use Areas' in the Toronto OP, which is a land use designation that provides for a broad range of commercial, residential, and institutional uses in single or mixed-use buildings. Section 4.5.2 contains criteria for development in Mixed Use Areas, and Section 3.1.1 and 3.1.2 contain built form and public realm policies. It was his opinion that the variances maintain the general intent and purpose of these policies.

Mr. Ferancik stated that this portion of Avenue Road is also a designated 'Avenue' which is one of the areas where the City intends to focus growth and where reurbanization is anticipated and encouraged to create new job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. Mr. Ferancik indicated that the City-initiated Avenue Study was completed in April 2008 for Avenue Road between Lawrence

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Avenue and Wilson Avenue to guide new development in this area and was the basis for the development of the area specific zoning that is now in place.

Mr. Ferancik opined that the variances both individually and cumulatively meet the general intent and purpose of the Official Plan by facilitating the development of a street-oriented, low-rise office building with active uses at grade and massing that will provide a transition between Avenue Road and the Neighbourhoods designation to the west. Mr. Ferancik specifically addressed how each variance request met this test with respect to gross floor area, rear yard setbacks, landscaping, angular planes, loading spaces, and parking spaces.

With respect to the elimination of parking variances, it was Mr. Ferancik's opinion that this will maintain the general intent and purpose of the Official Plan to ensure adequate parking for development, but also to encourage alternative modes of transportation access such as transit, walking and cycling. He added that, the proximity of the TPA parking lot provides a significant local parking amenity with many other parking options available in the local area.

With respect to the rear setback variances, Mr. Ferancik opined that they will maintain an appropriate relationship to the adjacent use, which is a TPA parking lot, and will include a landscape buffer and fence. It was his opinion that the addition will be significantly buffered from the neighbourhood as a result. Mr. Ferancik added that the proposed setback is also compatible with the neighbouring commercial properties on Avenue Road, will align with the rear yard setback of the building to the south and extend minimally beyond the property to the north. Mr. Ferancik stated that rear yard setbacks in this block are not uniform, and both the COA and the Ontario Municipal Board have approved reduced rear yard setbacks (including zero setbacks) in this block for properties backing onto the TPA lot.

General Intent and Purpose of the Zoning By-law

Mr. Ferancik stated that the subject property is zoned 'Mixed Use Commercial (C4)' under By-law 7625 and 'Commercial Residential (CR)' under By-law 569-2013. It was his opinion that considered together, the variances would facilitate a form of development that is consistent with the general intent and purpose of both By-laws. Mr. Ferancik specifically addressed how each variance request met this test with respect to gross floor area, rear yard setbacks, landscaping, angular planes, loading spaces, and parking spaces.

With respect to the parking variances, Mr. Ferancik stated that providing for parking is essentially not feasible given that the subject property has no rear lane access or easements. It was his opinion that a cash-in-lieu of parking payment that the City has confirmed could be provided as an alternative, would be appropriate in this case. Mr. Ferancik referred to the City Council decision at Exhibit 8, which set the Applicants payment-in-lieu of parking at \$5000 and the receipt of payment of this amount, filed as Exhibit 9.

With respect to the rear setback variances, Mr. Ferancik stated that the proposed rear setback varies from 1.34 metres on the north side to 2.96 metres on the south side as a result of the angled rear lot line. He indicated that the proposed setback will be similar to the existing condition for many buildings within this block including the adjacent 1938 Avenue Road which is set back approximately 2.96 metres on the north side (the same as the proposal), 1954 Avenue Road which is setback 3.14 metres on the north side, 1916 Avenue Road which is setback 0m (at the 'floating' portion), and 1912-1914 Avenue Road which is setback 4.5 metres (in order to accommodate a right-of-way).

Mr. Ferancik stated that it was not uncommon to have inconsistent rear setbacks along the buildings on Avenue road. He referred to a diagram of the area showing varying setbacks in what he described as having a "saw tooth effect". Mr. Ferancik opined that the proposed setback will fit well into the pattern of rear yards that already exist and will provide for an appropriate separation distance and relationship to the neighbourhood given the existence of the intervening TPA parking lot to the rear of the subject site, which is fenced and includes mature trees. These create a visual buffer to the neighbourhood.

Desirability for the Appropriate Development of the Site and Area

It was Mr. Ferancik's opinion that the requested variances are desirable for the appropriate development of the property and the surrounding area for several reasons. These reasons included that the variances will facilitate appropriate and modest intensification and reinvestment along an Avenue on a currently under-utilized urban property that is well served by existing municipal services and public transit. Additionally, they will facilitate the development of local services near an existing residential neighbourhood, in a manner that will encourage walking and cycling as opposed to driving and serve to re-house displaced tenants of a nearby office building that is subject to redevelopment.

With respect to the neighbouring properties, Mr. Ferancik stated that there was no impact occurring on adjacent uses to the north and south of the subject property, and that there was no shadowing or privacy issues. He stated that the building to the north has a fenced area that looked paved. He noted that he did not believe it was a functional area as he did not see any amenities in this paved area, and opined that although the proposed addition would extend slightly further than this property, the use of whatever is occurring there would be able to continue unimpeded by the variance. Mr. Ferancik stated that it is a fact of life in this part of the area that some buildings extend further than others, with no consistency and minimal impact.

Minor in Nature

It was Mr. Ferancik's opinion that the requested variances both individually and cumulatively are minor in nature and will not result in any unacceptable impacts on nearby properties. His reasons for this opinion included that there will be no unacceptable adverse impacts relative to shadowing, privacy or overlook onto the residential uses to the west as result of the proposed development given the intervening TPA parking lot, fencing and landscape buffers. Mr. Ferancik noted that, the building

will be well under the angular plane as taken from the nearest residential property. He opined that accordingly, any perceived impacts of the setback and extension into the angular plane on the residential area will be much smaller than they would be on a typical Avenue Road lot, the majority of which abut residential uses directly. With respect to the parking variances, Mr. Ferancik stated that these are minor given the availability of parking on Avenue Road, and the TPA lot to the west.

The Participants

Raymond Starkman owns the property to the north, 1950 Avenue Road, which he described as half residential. He has been there as a family since 1964, when his mother opened a business on the lower level and they lived upstairs. Mr. Starkman no longer lives there, but still owns the building and has residential tenants living on the upper level. Mr. Starkman challenged the evidence of Mr. Ferancik, regarding the functionality of the area in the rear of his property. It was Mr. Starkman's evidence that it is a functional area that is maintained as a backyard patio and they have used it for barbequing. In cross examination he stated that there was a new fence in this area of his backyard that provided some privacy but agreed that it did not have the privacy of a conventional backyard.

Mr. Starkman stated that if the rear yard setback is 1.34m, as requested, it will do two things of concern : 1) it will block natural sunlight from the tenant's patio for $\frac{3}{4}$ of the day, and 2) it will create a safety issue because the rear door is her (the tenants) only entry to the building, and when she comes in at night it would be completely blocked off to the south. Mr. Starkman stated that the building to the south also has residential tenants, and he believes the proposed setback would also impact on that building, adding however that this was not his concern. It was Mr. Starkman's evidence, that his property has a 4.1m rear yard setback on the south side of his building. He submitted that with the 1.34m rear yard setback variance requested, the difference of 2.76m from his setback is huge and would cause considerable shadowing to his backyard.

Mr. Starkman stated that the majority of the buildings in the area do not exceed the rear yard setback. He stated that the buildings at 1912-1914, and 1916 are both at the end of the block, so there is not as much impact on the neighbours as buildings in the center of the block. With respect to 1916, Mr. Starkman stated that it is more of a drive way than an easement, and it is cantilevered over. He stated that if you stand next door to building to 1916, in the hair salon at 1918, you will see that there is a lot of sunlight that gets through the cantilever portion to the business next door. He submitted that although this building is set at 0m lot line, it really is not until it is 10 feet high, because it is raised up and a lot of sunlight gets through. For this reason, Mr. Starkman stated that using 1916 as a precedent for a 0 set back is not appropriate. Mr. Starkman stated further that both buildings to the north of 1916 are both commercial and not residential in use. He stated that both his property, and the property on the south site of the subject site were mixed residential and commercial.

It was Mr. Starkman's submission that the 1.34m rear yard setback requested by the Applicant does not maintain the general intent and purpose of the Official Plan. He stated that the policy for mixed used areas refers to developments maintaining access

to light for adjoining residents and it was his position that the proposed set back does not meet this. Mr. Starkman stressed that he is “pro-development”, and has no problem with the proposed addition being build, or even it being built higher than requested. Mr. Starkman indicated that his concern was with the setback, that it not be past his building. In conclusion he submitted that when speaking of community and neighbourhood intensification --all this can happen even if the building does not go back 1.34 but only 3.7m, so none of the backyards are imposed upon.

In cross examination Mr. Starkman agreed that the difference he has identified with the two adjoining buildings being longer, is the situation that currently exist on the subject site with the adjacent buildings. Mr. Starkman stated, however, that the backyard on the subject site is larger than his backyard, it is an open space and has access from both the back and front. He conceded, in cross examination, that he was not aware of any conflicts arising from the adjoining buildings being longer.

Sheila Dunlop is the Secretary of the South Armour Heights Residents' Association (SAHARA). Ms Dunlop stated that SAHARA was consulted in the development of the Avenue Road Avenue Study and have been actively involved in new build and renovation projects in the Upper Avenue, including 1912 Avenue Road. Ms Dunlop stated, however, that SAHARA was not involved in the 1916 Avenue Rd project, as it occurred over the summer and they were not aware of it.

Ms. Dunlop raised concerns with the requested rear yard setback and the parking. With respect to the rear yard setback, Ms. Dunlop submitted that the problem was that planners come in and measure the lot, without regard to the residents on the other side, because there is a parking lot behind them. She stated that several residents still live in this mixed use area, with their patio's outdoors and they need to be considered. Ms. Dunlop submitted that these issues could be addressed by having the rear yard setback be in line with the adjacent building to the north and south, so that it is not further out than the adjoining buildings.

With respect to parking, Ms. Dunlop raised concerns with the parking authorities' formula for calculating the number of parking spots required for the subject property - as well as the amount set by the City to be paid by the Applicant in lieu of parking. Ms. Dunlop stated that she has sent a letter to parking authorities asking for clarification on the formula and a letter to the City to have a review of the payment set. She stated that she was not sure if TLAB had the power to address these issues.

ANALYSIS, FINDINGS, REASONS

As previously stated, TLAB found that the Applicant's proposed revisions are minor and as such, no further notice is required pursuant to s.45 (18.1.1) of the Act. TLAB can consider the revision proposed.

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The TLAB carefully considered the opinion evidence of the applicant's expert planning witness, as well as the evidence of the participants. Turning first to the parking issue, it was the evidence of the expert witness that the 'payment in lieu of parking' condition ordered by the COA was appropriate in this instance. This condition was not challenged by the participant, as only the calculation and amount set was being disputed by SAHARA. The calculation and amount set for Payment in Lieu of parking are matters outside the jurisdiction of TLAB, and no findings are made with respect to those issues.

With respect to variance request #'s 1,2,3,5,6,7,9, and 10 as amended, (excluding the rear yard setback), TLAB accepts the uncontradicted expert evidence that these variances meet the four tests under s.45(1) of the Act. These variances proposed are minor and are desirable for the appropriate use of the land. They are consistent with the standards of the Zoning By-laws and the policies of the Official Plan, and therefore maintain the general intent and purpose of both By-laws and the Official Plan.

With respect to variance request #'s 4 and 8, dealing with the rear yard setback, the TLAB accepts the evidence of the participants that this variance request does not meet the meet the four tests under s.45(1) of the Act. While the TPL parking lot at the rear of the property may act as a buffer to the residential neighbourhood on the opposite side, there is no such buffer for the residential part of the mixed used buildings adjoining the subject property. Mr. Starkman's evidence was that the rear patio at his adjoining property was in fact functional, contrary to the suggestion of the expert witness. According to Mr. Starkman this area was used as a backyard patio and was also the tenants only entry to her unit. TLAB accepts the evidence of Mr. Starkman that the requested setback will have a negative impact for the residences adjoining the subject property.

Although there is no consistent rear yard setback in the neighborhood, except for the property at 1916 Avenue Road, there was no evidence that any of the properties have setbacks less than 3m as requested in the variance. The property at 1916 is unique in that the rear yard setback of 0m is measured from the elevated section which appears to be approximately 10 feet above the ground. The space under this elevated section is open, and visually appears to have a setback that is more in line with the bylaw requirement of 7.5m. TLAB finds that the variances with respect to the rear yard setback are not consistent with the standards of the Zoning By-laws and the policies of the Official Plan, and therefore do not maintain the general intent and purpose of both By-laws and the Official Plan.

DECISION AND ORDER

For all the reasons expressed above, the appeal is allowed in part as amended. The TLAB orders:

The variances to Zoning By-law No. 569-2013 (contingent on its effective date) and No. 7625 as listed below as 'proposed' are authorized, subject to the condition that follow.

1. Chapter 900.11.10(1543)(G), By-law No. 569-2013

The maximum permitted commercial Floor Space Index is 2.0.
The proposed commercial Floor Space Index is 2.15.

2. Chapter 200.5.10.1(1), By-law No. 569-2013

The minimum required number of parking spaces is 14.
The proposed number of parking spaces is 0.

3. Chapter 200.15.10, By-law No. 569-2013

The 10% of the required parking spaces, or 1 parking space, must comply with the minimum dimensions for an accessible parking space.
The proposed is 0 accessible parking spaces.

4. Chapter 900.11.10(1543)(H), By-law No. 569-2013

A building must be set back at least 7.5m from the rear lot line.
The proposed building is setback 3.70m from the rear lot line.

5. Section 26(7), By-law No. 7625

The minimum required number of parking spaces is 49 spaces, of which 24 (50%) are to be for visitors.
The proposed number of parking spaces is 0 spaces.

6. Section 6A(16)(a), By-law No. 7625

The minimum required number of loading space is 1.
The proposed number of loading space is 0.

7. Section 64.26(12)(d), By-law No. 7625

The maximum permitted non-residential gross floor area is 200% of the lot area.
The proposed non-residential gross floor area is 260% of the lot area.

8. Section 64.26(12)(e), By-law No. 7625

The minimum required rear yard setback is 7.5m.
The proposed rear yard setback is 3.70m.

9. Section 64.26(12)(c)(iii), By-law No. 7625

The height of any part of a building or structure, including the mechanical penthouse, shall be contained within a 45 degree angular plane projected over the entire lot from grade level at a rear property line that is also the boundary of an R1, R2, R3, R4, R5, R6, R7, G, 01 or 03 zone district.

The proposed building projects 4.45m horizontally and vertically, and 3.15m perpendicularly, into the angular plane.

10. Section 26(8), By-law No. 7625

A minimum 1.5m wide landscaping strip along the rear property line.
The proposed landscaping is 1.34m in width at the northwest corner.

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The conditions of approval are as follows:

- 1) The applicant to satisfy the requirements of the Transportation Services Division;
 - i) The City's Payment-in-Lieu of Parking Policy being applied.

If there are difficulties in the implementation of this decision, the TLAB may be spoken to.

X



S. Ruddock
Panel Chair, Toronto Local Appeal Body