

DECISION AND ORDER

Decision Issue Date Thursday, February 01, 2018

PROCEEDING COMMENCED UNDER section 53, subsection 53(19), and section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): NURUL HUDA KHAN MD

Applicant: LINA RODRIGUEZ

Property Address/Description: 78-80 PEARD RD

In order to save space, the **Committee of Adjustment Case File Numbers** and **TLAB Case File Numbers** are footnoted below¹:

Hearing date: Monday, January 22, 2018

DECISION DELIVERED BY T. YAO

INTRODUCTION

Dr. Nurul Khan² is the owner of 78 and 80 Peard Road, two adjoining properties. He wishes to divide each property into two and build a single detached house on each new lot, resulting in four houses. In addition to the two consents to sever the existing lots, he seeks 16 variances for each of three of the lots and 15 for the fourth.

The Committee of Adjustment refused the application on August 16, 2017. Dr. Khan appealed, and so his matter comes before the TLAB.

¹ Committee of Adjustment Case File Numbers: 17 154800 STE 31 CO (B0044/17TEY); 17 154812 STE 31 MV (A0524/17TEY); 17 54813 STE 31 MV (A0523/17TEY); 17 154850 STE 31 CO (B0045/17TEY); 17 154862 STE 31 MV (A0526/17TEY); 17 154863 STE 31 MV (A0525/17TEY);

TLAB Case File Numbers: 17 226227 S53 31 TLAB; 17 226228 S45 31 TLAB; 17 226229 S45 31 TLAB; 17 226235 S53 31 TLAB; 17 226236 S45 31 TLAB; 17 226237 S45 31 TLAB.

² Rokeya Sultana Khan is also an owner, but since Dr. Nurul Khan was the active party in this hearing, I will only refer to him.

The only witnesses were:

- David McKay, planner, and vice president of MacNaughton Hermsen Britton Clarkson Planning Limited, whom I qualified as entitled to give opinion evidence on land use planning, and
- George Summerfield (74 Peard Road), who was made an authorized representative by Peter Wallace (74 Peard Rd), Steve Vouzoukos (67 Peard Rd), and John Visicale (72 Peard Rd).

Notices of intention to be a participant were filed by the following: Frederick Bodmer (75 Adair Rd) and Xidias Anastasios (84 Peard Rd). Neither appeared at the hearing; only Mr. Wallace and Mr. Summerfield appeared in person.

MATTERS IN ISSUE

In granting or not granting a consent (i.e., a severance) the TLAB must “have regard for” certain matters in the *Planning Act*; in this case I consider the most relevant matters are conformity with the Official Plan and the size and shape of the lots.³

In considering the applications for variances from the Zoning By-laws, the TLAB Panel must be satisfied that the applications conform to the Growth Plan and are consistent with the Provincial Policy Statements, as well as that they meet all 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;

³ The 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)
 - (c) whether the plan conforms to the official plan.
- (f) the dimensions and shapes of the proposed lots;

- are desirable for the appropriate development or use of the land; and
- are minor.

ANALYSIS, FINDINGS, REASONS

I find that Mr. McKay's evidence demonstrated that this project meets the planning tests for both the consents and variances. While not dropping his opposition, Mr. Summerfield indicated that on some issues, valid points had been made.

Figure 1. shows both the existing property at 78 Peard Rd and an architectural drawing of the proposed south elevation of the building that will replace it.



Mr. MacKay began his planning evidence by setting out a broader neighbourhood and more immediate neighbourhood bounded by Tiago, Squires, St Clair Ave East, and Victoria Park Ave. Both areas consist of 1, 1.5 and 2 storey dwellings, in a variety of architectural styles. Many homes have been redeveloped by adding a storey to the original 1 or 1.5 storey home or by demolishing and replacing the older home with a newer larger home.

Mr. MacKay described findings from the 297 properties in the immediate area:

- Lot sizes range from 225 sq m (61 Glenburn Avenue) to 764 sq m (116 Furnival Road) with the average at 367 sq m.
- Frontages range from 7.44 m (24' 5") to 18.29 m (60 feet) with the average being 10.64 m (34.9 feet).
- Floor space index ranges from 0.14 to 1.07; the average is .43%, (that is, the internal usable space/ lot area is 0.43).
- Lot coverages range from 13% to under 54 %, the average is 29%.

Official Plan

For the subject properties, the existing frontage is 15.088 m (49 feet 6 inches) and each of the proposed new frontages will be 7.544 m (24 feet 9 inches). The test for a severance, is to have regard for the Official Plan. This also the test for a minor variance; accordingly, both tests lead to the issue of whether there is conformity with the Official Plan. It says

2.3. STABLE BUT NOT STATIC: ENHANCING OUR NEIGHBOURHOODS AND GREEN SPACES

2.3.1 By focusing most new residential development in the Centres, along the Avenues, and in other strategic locations, we can preserve the shape and feel of our neighbourhoods. However, these neighbourhoods will not stay frozen in time. The neighbourhoods where we grew up and now raise our children help shape the adults and the society we become. Some physical change will occur over time as enhancements, additions and infill housing occurs on individual sites. A cornerstone policy is to ensure that new development in our neighbourhoods respects the existing physical character of the area, reinforcing the stability of the neighbourhood.

I did not accept Mr. McKay's conclusions that "neighbourhoods should be "stable but not static" uncritically, especially having regard to the neighbours' concerns. I was also concerned that granting Dr. Khan's requests would destabilize the neighbourhood; i.e., lead to many more consent applications.

In the larger area, there were 20 variance applications for reduced frontages (i.e. less than the 12 m or 39 feet 4 inches). Of these, 9 were for severances and 11 were "new builds", on an existing undersized lot. Of the 20 variance applications, reductions from the 12 m minimum ranged from requests for variances of 7.62 m (25 feet) to 9.75 m (32 feet). Eleven of the 20 were for exactly 7.62 m (25 feet).

Examining Mr. McKay's detailed statistics, of the 297 properties, the smallest frontage is 7.44 m (24 feet 5 inches) at 61 Glenburn Ave. The proposed lots will be 7.544 m (24 feet 9 inches). Mr. McKay stated that all the approved variances were at

7.62 m (25 feet). I consider that the 8 cm difference (3 inches) imperceptible from the street and that the proposed frontage is essentially equivalent to a 7.62 m frontage.

Overall, a small but significant component of the neighbourhood; 45 out of 297 (15%) were exactly 7.62 m (25 feet), either by original design in the plan of subdivision or by subsequent severance. An additional 29 properties are between 25 feet and 29.9 feet. For Peard Road itself, 31, 38, 40, 46, 47, 50, 52, and 75 have a 7.62 m frontage (8 out of 42 properties). The majority appear to be in the 10 to 12 m range (32 feet 10 inches to 39 feet 5 inches), which are already less than the minimum of 12 m.

Any lot 12 m wide or less would be too small to be severed. This would include Mr. Wallace's lot with 10.06 m frontage (33 feet).

Mr. McKay went on to say that the four lots would "fit within the style of the overall neighbourhood". Because there are few opportunities to create two lots of 7.62 m, he felt this would not create a "dangerous precedent". I agree. "The statistics he presented show fewer than 10% (approximately) are 15.24 m (50 feet) or wider. On Peard Road, there are only 3 properties: nos. 41, 45 and 84; all at 15.24 m exactly.

Because the area has a broad range of lot frontages and lot sizes and because the character will not be undermined, Mr. McKay concluded that the test of respecting the existing physical character of the area (Official Plan 4.5.1, below) had been demonstrated. He also was of the opinion that the building height and massing tests had been satisfied so the overall intent and purpose of the official plan was maintained.

Mr. McKay stated that policy 3.1.2 identifies general criteria for which new development is "to adhere to" in order to ensure that the new development fits harmoniously within the context of the neighbourhood and is "compatible with what exists or is planned for the area". Within these design guidelines provisions exist requiring the framing of streets, front yard setbacks, and protection of trees, which the proposal met. He also mentioned light, privacy and shadow impacts, and noted that two windows on the end units had been eliminated following the refusal by the Committee of Adjustment, to be more sensitive to privacy issues.

Lot size is specifically mentioned in the design criteria in the Official plan:

4.1.5. Development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- b) size and configuration of lots;
- c) heights, massing, scale and dwelling type of nearby residential properties;

This requires an examination of past consents, and I felt it was helpful to me to see how these were related, if at all, to the other variances sought. In the neighborhood, 6 were approved at the Committee of Adjustment or OMB, of which I could identify five (presumably the sixth was outside the immediate area but in the larger neighbourhood). I set out the approved frontages, lot coverages and FSI numbers in Table 1 below.

Table 1. Comparative statistics for properties which are created by severance			
	Frontage	Lot coverage	FSI
By-law requirement	12 m	35%	.6
5 A-5B Adair	7.62 m	36%	.63
92-4 Furnival	7.62 m	35.8, 30.3	.72, .61
50-2 Peard	7.62 m	42.3%, 38.6%	.85, .77
6A 6B Holmstead	8.12 m	42%	.78, .77
13A-13B Holmstead	7.62 m	38.3%	.75
78 Peard (proposed)	7.544 m	40.6%	.78

It may be seen that the lot coverage is on the high side but not at the maximum for consents granted. There are, as well, an existing row of houses at 67 to 75 Holmstead with frontages of 7.62 m and coverages of 40%, not in the table but illustrative of the need for coverage variances when lots are only 7.62 m wide. When it comes to density, 78-80 Peard will be at the top end but also less than 50-52 Peard, which is at the very maximum.

I also examined the photographs of side by side homes created from consents. While it was apparent that these were new construction, the fact that these were created from consent applications did not “jump out”. They used the design vernacular of other recent builds. The property at 6A-6B Holmstead, with a high FSI may be due to a design solution where there is a driveway between the houses and the architect has not used an integral garage. I understood Mr. McKay’s conclusion about the new homes “fitting in”.

I find the intent of the Official Plan has been maintained.

Better use of existing infrastructure

Mr. Summerfield said:

So, it’s a matter of the density that worries us, the change of the neighbourhood and again, our feeling that this is just going to allow for more variances in the future and everything will become denser and closer together. And it will definitely change the look of the neighbourhood.

Increased density is another term for intensification, a major goal of the Growth Plan for the Greater Golden Horseshoe which states:

1.2.1 Guiding Principles

The policies of this Plan regarding how land is developed, resources are managed and protected, and public dollars are invested are based on the following principles:

...

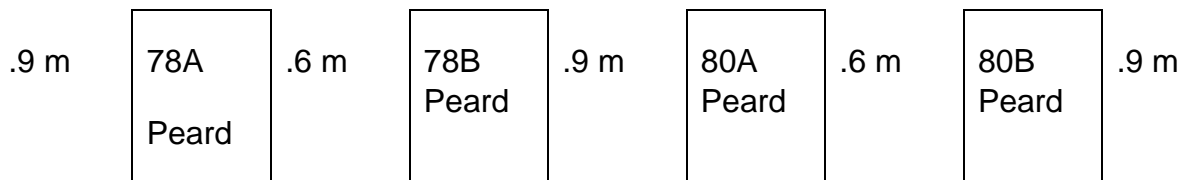
- Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.

Intensification in the Growth Plan means development of a property “at a higher density than currently exists”. It is understandable that Mr. Summerfield should feel concern. From the Provincial and public interest point of view, the physical changes that will occur will “help shape the society we become”, that is, will also be suitable for young families or older households who do not require large yards. This area is close to Topham and Jim McPherson Parks, two elementary schools and a middle school. These facilities are secured by public expenditures and the Province wishes that they be fully utilized. Besides, parks, schools and transit, the Province encourages that full use be made of hard infrastructure: roads, sewers, and water, which are already at 78-80 Peard.

I conclude that modest intensification for selected urban areas conforms to the Growth Plan.

The look of the neighbourhood

Dr. Khan’s architect proposes to alternate the side lot clearances so that the beginning house has the legally minimum side yard of .9 m, and every second house will need a variance to permit a .6 m wide side yard. This is shown schematically below:



Thus, no side yard variance is needed for the two outside lots: 78A, next to Mr. Wallace and 80B next to Mr. Anastasios. This is an improvement for the current west side setback of 78 Peard, which is .623 m, although less than the current east side setback of 80 Peard of 1.09 m. Both 76 Peard and 82 Peard have generous side lot lines to Dr. Khan’s lands; in the range of 2.9 m, far above the by-law minimums. Side yards of 0.6 m are very common in the neighbourhood and typically granted by the Committee. I am also satisfied that the “rhythm” and the relatively uniformity of the spacing reflects what is in the neighbourhood, so that the proposal “respects and reinforces the physical character of the neighbourhood.”

Length of building

Dr. Khan has lopped off .5 m from the rear of each house, after the unfavorable Committee of Adjustment decision. This has eliminated the requirement for this

variance from the City wide Zoning By-Law 569-2013 and I consider the variance from the former East York By-Law maximum building length of 16.75 m to be minor.

Number of variances sought

Each house requires 16 variances, except for 78A (nearest Mr. Wallace), which requires 15 (the difference is a minor variation in the treatment of the front door overhead feature). There are two zoning by-laws in play; and as the second (2013) by-law is under appeal and since the plan examiner is obliged to apply the most restrictive condition in either by-law, the true number of variances is effectively half the number claimed.

In severance applications in an urban situation, there is usually a request for variances for frontage and lot area. I consider the required variances fall into four groups: those associated with the severance (i.e., frontage, lot coverage etc.), which I have discussed under "Official Plan". This leaves height, length of building and side lot setbacks. The latter two have also been discussed.

Dr. Khan seeks a 9 m building height, where both by-laws limit the height to 8.5 m. This is within the range granted by the Committee and I consider this to be minor and in keeping with the other decisions.

Fire safety

[Mr. Summerfield went on to say] The other concerns that we had at the Committee are the health and safety, . . . if there was a fire or any other (emergency).

Mr. Summerfield is correct to raise this concern. "Health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality "are matters that I must have regard to in granting a consent to sever. Mr. Summerfield's concern is the narrowness of the side to side distances for a fire fighter, so I am making it a condition that the amended plans be circulated to Fire and Emergency Services and all changes they suggest be complied with.

What the world envies

Mr. Summerfield's final remarks were:

That's what a lot of people envy in Canadians; I was thirty years in the military and I saw a lot of places that were densely populated, and I was always happy to get home and see that we had wide open spaces, even in our cities, to live. So, I would have to ask myself would I live in these places, even though it is beautifully laid out, it's four

bedrooms, it's very narrow, very, long, very; small back yard and front yard, and my neighbour is . . .right there. Would I want to live there? No. Would I buy? No. I don't think it is what our neighbourhoods are about. And that is the consensus of the people who listed me as their party.

I thank Mr. Summerfield for his service to the country and for expressing the sincere concerns of the residents in this area. It is helpful to me as a decision-maker to have the views of citizens who have followed the decision-making process through the Committee of Adjustment process and who, in this case, have caused the owner to make helpful amendments to the proposal.

However, this is the issue raised before in the Official Plan discussion, that our neighbourhoods help "help shape the adults and the society we become". The proposed lots are small. Dr. Khan proposes building a house with four bedrooms and two baths on the second floor; and the house will be large enough to house a family, whose children may go to Victoria Park elementary school or play in Topham Park. This is beneficial for the use of these public assets. So even though Mr. Summerfield may himself not wish to buy these houses, they may appeal to others and the Official Plan desires that a range of housing be offered.

In closing, I find that the *Planning Act* tests have been met for both the consents and variances.

DECISION AND ORDER

I grant the requested consents and authorize the following variances upon the following conditions:

List of Revised Variances for 78-80 Peard Road

and forming part of this decision

78 Peard Road – Part 1:

1. Chapter 10.20.30.10.(1)(A), By-law 569-2013

The minimum required lot area is 370 m².

The area of the conveyed lot will be 262.1 m².

2. Chapter 10.20.30.20.(1)(A), By-law 569-2013

The minimum required lot frontage is 12 m.

The frontage of the conveyed lot will be 7.544 m.

3. Chapter 10.20.30.40.(1)(A), By-law 569-2013

The maximum permitted lot coverage is 35% of the lot area (91.74 m²).
The lot coverage will be equal to 40.63% of the lot area (106.50 m²).

4. Chapter 10.20.40.10.(1)(A), By-law 569-2013

The maximum permitted building height is 8.5 m.
The new detached dwelling will have a height of 9 m.

5. Chapter 10.20.40.10.(2)(B)(ii), By-law 569-2013

The maximum permitted height of all side exterior main walls facing a side lot line is 7 m.
The height of the side exterior main walls facing a side lot line will be 7.56 m.

6. Chapter 10.20.40.10.(6), By-law 569-2013

The maximum permitted height of the first floor of a detached dwelling above established grade is 1.2 m.
The first floor of the new detached dwelling will have a height of 2.55 m above established grade.

7. Chapter 10.20.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index of a detached dwelling is 0.6 times the area of the lot (157.26 m²).
The new detached dwelling will have a floor space index equal to 0.78 times the area of the lot (205.56 m²).

8. Chapter 10.20.40.70.(3)(B), By-law 569-2013

The minimum required side yard setback is 0.9 m.
The new detached dwelling will be located 0.6 m from the east side lot line and 0.9 m from the west side lot line.

1. Section 7.3.3, By-law 6752

The minimum required lot area is 370 m².
The area of the conveyed lot will be 262.1 m².

2. Section 7.3.3, By-law 6752

The minimum required lot frontage is 12 m.
The frontage of the conveyed lot will be 7.544 m.

3. Section 7.3.3, By-law 6752

The maximum permitted lot coverage is 35% of the lot area (91.74 m²).
The lot coverage will be equal to 40.63% of the lot area (106.50 m²).

4. Section 7.3.3, By-law 6752

The maximum permitted building height is 8.5 m.
The new detached dwelling will have a height of 9 m.

5. Section 7.3.3, By-law 6752

The maximum permitted building length for a detached dwelling is 16.75 m.
The new detached dwelling will have a building length of 17.0 m.

6. Section 7.3.3, By-law 6752

The maximum permitted floor space index of a detached dwelling is 0.6 times the area of the lot (157.26 m²).
The new detached dwelling will have a floor space index equal to 0.78 times the area of the lot (205.56 m²)

7. Section 7.3.3, By-law 6752

The minimum required side yard setback is 0.9 m.
The new detached dwelling will be located 0.6 m from the east side lot line and 0.9 m from the west side lot line.

78A Peard Road – Part 2:

1. Chapter 10.20.30.10.(1)(A), By-law 569-2013

The minimum required lot area is 370 m².
The area of the retained lot will be 262.1 m².

2. Chapter 10.20.30.20.(1)(A), By-law 569-2013

The minimum required lot frontage is 12 m.
The frontage of the retained lot will be 7.544 m.

3. Chapter 10.20.30.40.(1)(A), By-law 569-2013

The maximum permitted lot coverage is 35% of the lot area (91.74 m²).
The lot coverage will be equal to 40.63% of the lot area (106.50 m²).

4. Chapter 10.20.40.10.(1)(A), By-law 569-2013

The maximum permitted building height is 8.5 m.
The new detached dwelling will have a height of 9 m.

5. Chapter 10.20.40.10.(2)(B)(ii), By-law 569-2013

The maximum permitted height of all side exterior main walls facing a side lot line is 7 m.
The height of the side exterior main walls facing a side lot line will be 7.56 m.

6. Chapter 10.20.40.10.(6), By-law 569-2013

The maximum permitted height of the first floor of a detached dwelling above established grade is 1.2 m.

The first floor of the new detached dwelling will have a height of 2.55 m above established grade.

7. Chapter 10.20.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index of a detached dwelling is 0.6 times the area of the lot (157.26 m²).

The new detached dwelling will have a floor space index equal to 0.78 times the area of the lot (205.56 m²).

8. Chapter 10.20.40.70.(3)(B), By-law 569-2013

The minimum required side yard setback is 0.9 m.

The new detached dwelling will be located 0.6 m from the west side lot line and 0.9 m from the east side lot line.

9. Chapter 10.5.40.60.(2)(B)(i), By-law 569-2013

A canopy, awning or similar structure may encroach in a front or rear yard 1.55 m if it is no closer to a side lot line than the minimum required side yard setback.

In this case, the canopy encroaches 1.55 m and is 0.22 m closer to the east side lot line than the required setback.

1. Section 7.3.3, By-law 6752

The minimum required lot area is 370 m².

The area of the retained lot will be 262.1 m².

2. Section 7.3.3, By-law 6752

The minimum required lot frontage is 12 m.

The frontage of the retained lot will be 7.544 m.

3. Section 7.3.3, By-law 6752

The maximum permitted lot coverage is 35% of the lot area (91.74 m²).

The lot coverage will be equal to 40.63% of the lot area (106.50 m²).

4. Section 7.3.3, By-law 6752

The maximum permitted building height is 8.5 m.

The new detached dwelling will have a height of 9 m.

5. Section 7.3.3, By-law 6752

The maximum permitted building length for a detached dwelling is 16.75 m.

The new detached dwelling will have a building length of 17 m.

6. Section 7.3.3, By-law 6752

The maximum permitted floor space index of a detached dwelling is 0.6 times the area of the lot (157.26 m²).

The new detached dwelling will have a floor space index equal to 0.78 times the area of the lot (205.56 m²).

7. Section 7.3.3, By-law 6752

The minimum required side yard setback is 0.9 m.

The new detached dwelling will be located 0.6 m from the west side lot line and 0.9 m from the east side lot line.

80 Peard Road – Parts 3 and 4:

1. Chapter 10.20.30.10.(1)(A), By-law 569-2013

The minimum required lot area is 370 m².

The area of the retained lot will be 262.1 m².

2. Chapter 10.20.30.20.(1)(A), By-law 569-2013

The minimum required lot frontage is 12 m.

The frontage of the retained lot will be 7.544 m.

3. Chapter 10.20.30.40.(1)(A), By-law 569-2013

The maximum permitted lot coverage is 35% of the lot area (91.74 m²).

The lot coverage will be equal to 40.63% of the lot area (106.50 m²).

4. Chapter 10.20.40.10.(1)(A), By-law 569-2013

The maximum permitted building height is 8.5 m.

The new detached dwelling will have a height of 9 m.

5. Chapter 10.20.40.10.(2)(B)(ii), By-law 569-2013

The maximum permitted height of all side exterior main walls facing a side lot line is 7 m.

The height of the side exterior main walls facing a side lot line will be 7.56 m.

6. Chapter 10.20.40.10.(6), By-law 569-2013

The maximum permitted height of the first floor of a detached dwelling above established grade is 1.2 m.

The first floor of the new detached dwelling will have a height of 2.55 m above established grade.

7. Chapter 10.20.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index of a detached dwelling is 0.6 times the area of the lot (157.26 m²).

The new detached dwelling will have a floor space index equal to 0.78 times the area of the lot (205.56 m²).

8. Chapter 10.20.40.70.(3)(B), By-law 569-2013

The minimum required side yard setback is 0.9 m.

The new detached dwelling will be located 0.6 m from the east side lot line and 0.9 m from the west side lot line.

9. Chapter 10.5.40.60.(2)(B)(i), By-law 569-2013

A canopy, awning or similar structure may encroach in a front or rear yard 1.55 m if it is no closer to a side lot line than the minimum required side yard setback.

In this case, the canopy encroaches 1.55 m and is 0.22 m closer to the west side lot line than the required setback.

1. Section 7.3.3, By-law 6752

The minimum required lot area is 370 m².

The area of the retained lot will be 262.1 m².

2. Section 7.3.3, By-law 6752

The minimum required lot frontage is 12 m.

The frontage of the retained lot will be 7.544 m.

3. Section 7.3.3, By-law 6752

The maximum permitted lot coverage is 35% of the lot area (91.74 m²). The lot coverage will be equal to 40.63% of the lot area (106.50 m²).

4. Section 7.3.3, By-law 6752

The maximum permitted building height is 8.5 m.

The new detached dwelling will have a height of 9 m.

5. Section 7.3.3, By-law 6752

The maximum permitted building length for a detached dwelling is 16.75 m.

The new detached dwelling will have a building length of 17 m.

6. Section 7.3.3, By-law 6752

The maximum permitted floor space index of a detached dwelling is 0.6 times the area of the lot (157.26 m²).

The new detached dwelling will have a floor space index equal to 0.78 times the area of the lot (205.56 m²).

7. Section 7.3.3, By-law 6752

The minimum required side yard setback is 0.9 m. The new detached dwelling will be located 0.6 m from the east side lot line and 0.9m from the west side lot line.

80A Peard Road – Part 5:

1. Chapter 10.20.30.10.(1)(A), By-law 569-2013

The minimum required lot area is 370 m².

The area of the conveyed lot will be 262.1 m².

2. Chapter 10.20.30.20.(1)(A), By-law 569-2013

The minimum required lot frontage is 12 m.

The frontage of the conveyed lot will be 7.544 m.

3. Chapter 10.20.30.40.(1)(A), By-law 569-2013

The maximum permitted lot coverage is 35% of the lot area (91.74 m²).

The lot coverage will be equal to 40.63% of the lot area (106.50 m²).

4. Chapter 10.20.40.10.(1), By-law 569-2013

The maximum permitted height of a detached dwelling is 8.5 m.

The new detached dwelling will have a height of 9m.

5. Chapter 10.20.40.10.(2)(B), By-law 569-2013

The maximum permitted height of all side exterior main walls facing a side lot line is 7 m.

The height of the side exterior main walls facing a side lot line will be 7.56 m.

6. Chapter 10.20.40.10.(6), By-law 569-2013

The maximum permitted height of the first floor of a detached dwelling above established grade is 1.2 m.

The first floor of the new detached dwelling will have a height of 2.55 m above established grade.

7. Chapter 10.20.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index of a detached dwelling is 0.6 times the area of the lot (157.26 m²).

The new detached dwelling will have a floor space index equal to 0.78 times the area of the lot (205.56 m²).

8. Chapter 10.20.40.70.(3)(B), By-law 569-2013

The minimum required side yard setback is 0.9 m.

The new detached dwelling will be located 0.6 m from the west side lot line and 0.9 m from the east side lot line.

9. Chapter 10.5.40.60.(2)(B)(i), By-law 569-2013

A canopy, awning or similar structure may encroach in a front or rear yard 1.55 m if it is no closer to a side lot line than the minimum required side yard setback.

In this case, the canopy encroaches 1.55 m and is 0.22 m closer to the east side lot line than the required setback.

1. Section 7.3.3, By-law 6752

The minimum required lot area is 370 m².
The area of the conveyed lot will be 262.1 m².

2. Section 7.3.3, By-law 6752

The minimum required lot frontage is 12 m.
The frontage of the conveyed lot will be 7.544 m.

3. Section 7.3.3, By-law 6752

The maximum permitted lot coverage is 35% of the lot area (91.74 m²).
The lot coverage will be equal to 40.63% of the lot area (106.50 m²).

4. Section 7.3.3, By-law 6752

The maximum permitted building height is 8.5 m.
The new detached dwelling will have a height of 9 m.

5. Section 7.3.3, By-law 6752

The maximum permitted building length for a detached dwelling is 16.75 m.
The new detached dwelling will have a building length of 17 m.

6. Section 7.3.3, By-law 6752

The maximum permitted floor space index of a detached dwelling is 0.6 times the area of the lot (157.26 m²).
The new detached dwelling will have a floor space index equal to 0.78 times the area of the lot (205.56 m²).

7. Section 7.3.3, By-law 6752

The minimum required side yard setback is 0.9 m.
The new detached dwelling will be located 0.6 m from the west side lot line and 0.9 m from the east side lot line.

Conditions of Consent Approval

1. The Owner shall submit to the Committee of Adjustment 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 following conditions shall be fulfilled to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District:

Where there are no existing street trees, the owner shall submit a payment in lieu of planting one street tree on the City road allowance abutting each of the sites involved in the application or elsewhere in the community if there is no space. The current cost of planting a tree is \$583.00, subject to changes.

Within ONE YEAR of the date of the giving of this notice of decision by the Toronto Local Appeal Body, the Owner shall comply with the above-noted conditions and prepare for electronic submission to the Deputy Secretary-Treasurer, the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) or subsection 53(42) of the Planning Act, as it pertains to the conveyed land and/or consent transaction.

Conditions of Minor Variance Approval

6. The proposed dwellings shall be constructed substantially in accordance with the revised site plan and elevation drawings prepared by Tony Valentin Design, dated December 2017.
7. The owner will submit plans and drawings to the Director, Fire and Emergency Services and comply with all comments of the Director.

Decision of Toronto Local Appeal Body Panel Member: T. Yao
TLAB Case File Number: 17 226227 S53 31 TLAB
17 226228 S45 31 TLAB
17 226229 S45 31 TLAB
17 226235 S53 31 TLAB
17 226236 S45 31 TLAB
17 226237 S45 31 TLAB

8. The owner shall comply with all recommendations set out in the arborist report of July 13, 2017 to Lina Rodriguez and TVAL Planning & Design Consultants.

X

Ted Yao

T. Yao
Panel Chair, Toronto Local Appeal Body
Signed by: Ted Yao