

DECISION AND ORDER

Decision Issue Date Thursday, February 08, 2018

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

Appellant(s): 2521909 ONTARIO INC

Applicant: JOANNE LAM

Property Address/Description: 180 MUNRO ST

Committee of Adjustment Case File Number: 17 140932 STE 30 MV

TLAB Case File Number: **17 221579 S45 30 TLAB**

Hearing date: Tuesday, January 16, 2018

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 to construct a new three-storey detached duplex with a rear second storey deck ("the subject property").

The subject property is located on the west side of Munroe Street, north of Dundas Street and south of Gerrard Street East. The rear lot line of the subject property abuts a City of Toronto public works yard. The subject property is designated Neighbourhoods in the City of Toronto Official Plan ("Official Plan") and zoned R (d1.0)(x808) in Zoning By-law No. 569-2013 ("new City By-law") and R3 Z1.0 under the former City of Toronto Bylaw No. 436-86 ("the former By-law").

BACKGROUND

The Committee of Adjustment refused the applications on August 9, 2017 and the Applicant has appealed the decision. There were no other Parties or Participants.

At the outset of the hearing, the Applicant's representative, Mr. Hoffman, confirmed that a settlement had been reached with the owners to the north, who had opposed the application at the Committee. As a result, the plans were revised which affected some of the variances. These revisions and associated conditions are set out in a settlement agreement (Exhibit 4) and signed by the property owner to the north. The revised variances as a result of these changes are outline below:

1. Chapter 200.5.10.1, By-law 569-2013

A minimum of two parking spaces are required to be provided.

In this case, zero parking spaces will be provided.

2. Chapter 10.10.40.10. (2)(A), By-law 569-2013

The maximum permitted height of all front exterior main walls is 9.5 m.

The height of the front exterior main walls will be 10.9 m.

The maximum permitted height of all rear exterior main walls is 9.5 m.

The height of the rear exterior main walls will be 10.9 m.

3. Chapter 10.10.40.30. (1)(B), By-law 569-2013

The maximum permitted depth of a duplex is 14.0 m.

The new duplex will have a depth of **20.95 m**.

4. Chapter 10.10.40.40. (1)(A), By-law 569-2013

The maximum permitted floor space index of a duplex is 1.0 times the area of the lot (362.25 m²).

The new duplex will have a floor space index equal to 1.04 times the area of the lot (375.1 m²).

5. Chapter 10.10.40.17.(3)(B)(i), By-law 569-2013

The minimum required south yard setback is 1.2 metres.

The new duplex will be located 0.918 metres from the south side lot line.

1. Section 6(1)(A), By-law 438-86

A two-unit residential dwelling that does not meet the definition of a duplex as it is not constructed so as to provide horizontal division for the whole of the building, is not permitted in the R3 Zone.

In this case, the new residential dwelling will have two dwelling units that are divided from each other vertically rather than horizontally.

2. Section 6(3) Part II 3(II), By-law 438-86

The minimum required setback from the side wall of an adjacent building that contains openings is 1.2 m.

The new two-unit residential dwelling will be located 0.645 m from the side wall of the north adjacent building at 182 Munro Street.

(Variance 3 eliminated)

4. Section 6(3) Part II 5(I), By-law 438-86

The maximum permitted depth is 14.0 m.

The new two-unit residential dwelling will have a depth of **20.95 m**.

5. Section 4(3), By-law 438-86

A minimum of two parking spaces are required to be provided.

In this case, zero parking spaces will be provided.

These reasons supplement and substitute for the oral decision delivered at the January 16, 2018 hearing allowing the appeal.

MATTERS IN ISSUE

The issue is whether the revised variances meet the tests set out 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

The TLAB heard from the Applicant's professional land use planner, Mr. John Gladki. Mr. Gladki was qualified to provide land use planning opinion evidence (Exhibit 1 – Applicants documents including Expert's Witness Statement and Form 14). He described the site and the area (Exhibit 2 - Document Book). The subject property is just east of the Don Valley and has a frontage of 9.296 m and a depth of 48.221 m. Immediately south of the subject property is a 2.34 m strip of land owned by the City of Toronto, which is subject to a right of way. South of this strip are a series of two-storey row houses. To the north of the subject property is a two storey former industrial brick building now used as studios and residences with a depth of 29.7 m. Along the east of Munro Street are one, two and three-storey residences.

The subject property is located in an area with a mix of residential uses of different eras and styles. It is within walking distance of three streetcar routes with service to two subway lines. It is close to shopping and other services. The proposal is to replace the

one-storey structure with a new three-storey detached duplex. The proposed building is 10.9 m in height, less than the 12 m height limit for the area. The building has a floor space index (FSI) of 1.04, slightly greater than the by-law maximum of 1.0. The building is divided both horizontally and vertically allowing each unit will have access to all three floors and a basement as well as a large outdoor garden and rear decks.

As a result of meeting with the owner to the north following the Committee meeting, changes to the plans were made which include:

- eliminating windows along the north wall of the building which eliminates two variances;
- providing for the upper unit to have access to a screened area and adding a planter;
- shifting the second floor deck south by four metres from the north property line; and
- reconfiguring the deck to provide a 1.5 m high screen along the north edge for privacy.

The revised plans are included as Exhibit 3.

The application was reviewed by the City's Planning Division, who recommended that the length of each floor be based on the drawings filed with the Committee.

Mr. Gladki described the proposal as representing 'gentle' infill intensification as directed by the Official Plan, the Provincial Policy Statement ("PPS") and the Growth Plan. It is consistent with Sections 1.1.1 and 1.1.3.2 of the PPS and conforms to the Growth Plan which directs growth the settlement areas in a manner that supports complete communities and provides for a range and mix of housing options in a compact building form.

In Mr. Gladki's opinion, the proposal maintains the intent and purpose of the Official Plan. The subject lands are designated Neighbourhoods (S. 4.1) in the Official Plan. Neighbourhoods are considered physically stable residential areas with a mix of lower scale residential building types, no higher than four storeys. He stated that development in Neighbourhoods is to respect and reinforce the existing physical character of the neighbourhood. Infill housing is to have heights, massing and scale appropriate for the site and compatible with permitted zoning and address privacy, sunlight and sky views. In Mr. Gladki's opinion, the proposed building meets these policy directions and fits well within this section of Munro Street. The Housing policies (S. 3.2.1) call for a full range of housing forms, tenure and affordability. The proposal introduces a unique housing option to the neighbourhood. Each unit will have 3 bedrooms.

It is Mr. Gladki's opinion that the application maintains the intent and purpose of the zoning by-laws. He explained that the variances are similar between the two by-laws with the exception that the former By-law defines a duplex as having a horizontal

division of the whole building while the proposed building is somewhat of a hybrid as it will be divided both vertically and horizontally. The building would be considered a duplex under the new City By-law. He considered this a technical variance and not a substantive issue. He stated that the variances regarding sideyard setbacks, parking, building depth and front and rear yard wall heights are not unusual for infill housing in older parts of the City. The building is not as deep as the building to the north. The second and third storeys are set back and not as deep as the main floor. The right-of-way to the south provides additional distance between the proposed house and the dwelling to the south. Mr. Gladki indicated that the owners were unsuccessful in their attempt to gain access to the City right-of-way to the south in order to access the rear yard of the subject property for parking, similar to the dwellings to the south. He noted that City staff did not have a concern with providing zero parking. He advised that the subject property would be undevelopable if it was required to provide parking. If access to the rear is achieved in the future than parking could be provided.

In terms of desirable, it was Mr. Gladki's position that the variances were desirable for the appropriate development of the land. The existing building on the subject property is in an advanced state of disrepair. The variances would allow for a replacement building appropriately designed to fit well within the area context and reinforce the residential streetscape along this part of Munroe Street. The revisions address any privacy issues for the adjacent owners to the north. Landscaping will be provided at the front and the rear.

In Mr. Gladki's opinion, the variances are minor:

- Without access to the rear, parking is not possible. This site has good access to transit and is within walking distance to many services and employment.
- The height variance for the exterior main walls allows for a contemporary design and represents a numerically minor change. The overall building height is 10.4 m which is less than the height limit of 12 m.
- The FSI variance is considered a minor change. Mr. Gladki noted that the most recent Zoning review did not identify this as a required variance however out of an abundance of caution it will be maintained as a variance.
- The side yard setback variances are mitigated by the right-of-way to the south and the deletion of windows to the north.

In Mr. Gladki's opinion, the variances maintain the intent and purpose of the Official Plan and zoning by-laws are desirable for the appropriate development of the land and are minor.

ANALYSIS, FINDINGS, REASONS

The TLAB accepts Mr. Gladki's uncontradicted planning evidence.

The Applicant presented Minutes of Settlement which addressed the concerns of the owners to the north regarding privacy and overlook. The setback reduction to the south is mitigated by the City owned right-of-way separating the subject property from the property to the south. It is not possible to achieve the required parking; however, the property is situated close to transit and within walking distance to services. The City staff did not have concerns with the proposed zero parking.

The FSI variance is considered minor. The building length is less than the length of the adjacent building.

The TLAB finds that the variances, as revised, 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 infill 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 condition:

1. Chapter 200.5.10.1, By-law 569-2013

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Decision of Toronto Local Appeal Body Panel Member: L. McPherson
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4. Section 4(3), By-law 438-86

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In this case, zero parking spaces will be provided.

Conditions of Approval

1. The proposed building shall be constructed substantially in accordance with the Site Plan and Elevations dated October 23, 2017, filed as hearing Exhibit 3 (Attachment 1 hereto and forming part of this decision).

X 

Laurie McPherson

Panel Chair, Toronto Local Appeal Body

180 Munro Street Redevelopment Semi-Detached Duplex

Toronto, Ontario
for
RAW Design

PROJECT 16041
DATE 2017-10-23
ISSUED FOR Preliminary Plan Review

PROJECT CONSULTANTS

RAW DESIGN
405-317 ADELAIDE STREET WEST
TORONTO, ON M5V 1P9
(416) 599-9729

ARCHITECTURAL DRAWINGS

- ☒

A001

COVER
- ☒

A100

SITE PLAN
- ☒

A101

PLAN - BASEMENT LEVEL
- ☒

A201

PLAN - GROUND FLOOR
- ☒

A202

PLAN - LEVEL 2
- ☒

A203

PLAN - LEVEL 3
- ☒

A204

ROOF PLAN
- ☒

A401

SOUTH ELEVATION
- ☒

A402

NORTH ELEVATION
- ☒

A403

EAST ELEVATION
- ☒

A404

WEST ELEVATION
- ☒

A501

SECTION 1
- ☒

A502

SECTION 2
- ☒

A503

SECTION 3

180 Munro Street		REQUIRED	PROPOSED
Lot Frontage (@ street)			9.289 m
Lot Area			428.5 m²
Lot Area minus Bank			355.5 m²
Building Area			141.56 m²
Lot Coverage			33.0%
Lot Coverage minus Bank			39.7%
Soft Landscaping			
Front		75% = 6.65m²	5.29 m²
Rear		50% = 115.9m²	60% = 72.8 m²
75.30%			75.30%
GFA:			67 m²
Basement			140 m²
Ground			131 m²
Second			121 m²
Third			392 m²
Roof			
TOTAL(m²)(excl basement)			
Setbacks: Front (average of front yard setbacks of abutting lots)		(1.49 + 0.32)/2 = 0.91	0.91 m
Rear		7.5	22.73 m
Side (N)		1.2	0.645 m
Side (S)		0.918	0.918 m
Building Height (Flat Roof)		12 - 2.5 = 9.5	10.4 m
Building Depth		14	20.48 m
Parking per unit			0
all quantities in metric			
GFA			392 m²
Lot Coverage			0.91 FSI
GFA/Total Property			110 FSI
GFA/ (Total Property-Bank area)			

1 Project Statistics - Zoning
SCALE N/A



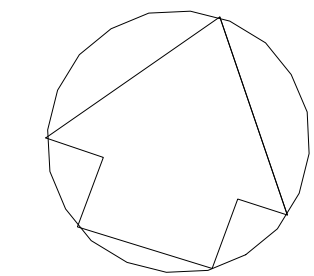
2 Context Plan
SCALE 1:1000

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ISSUED RECORD

2016-12-20 ISSUED FOR PPR
2017-03-16 ISSUED FOR CoA
2017-09-25 ISSUED FOR TLAB
2017-10-23 ISSUED FOR PPR

REVISION RECORD



NORTH

RAW

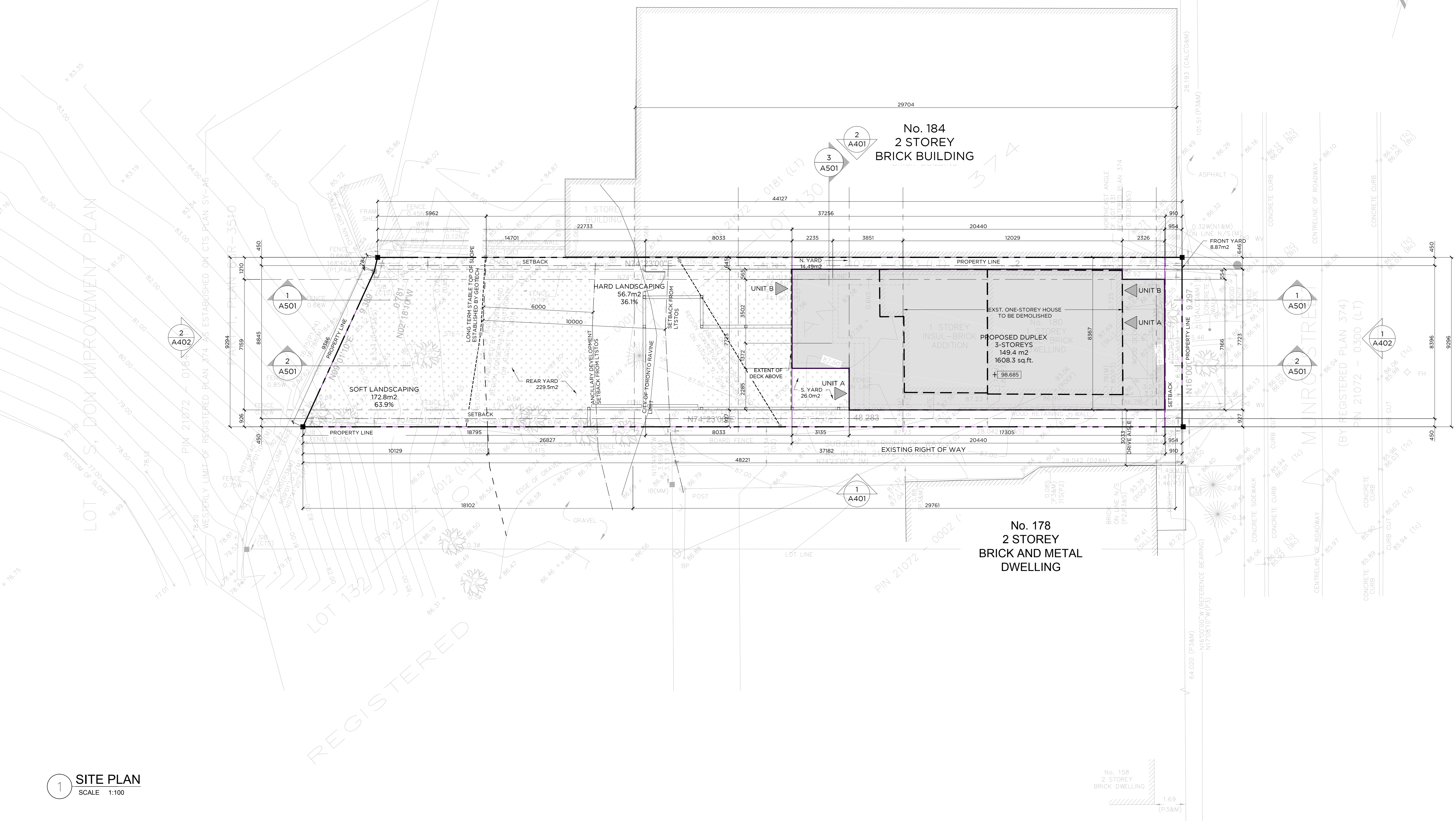
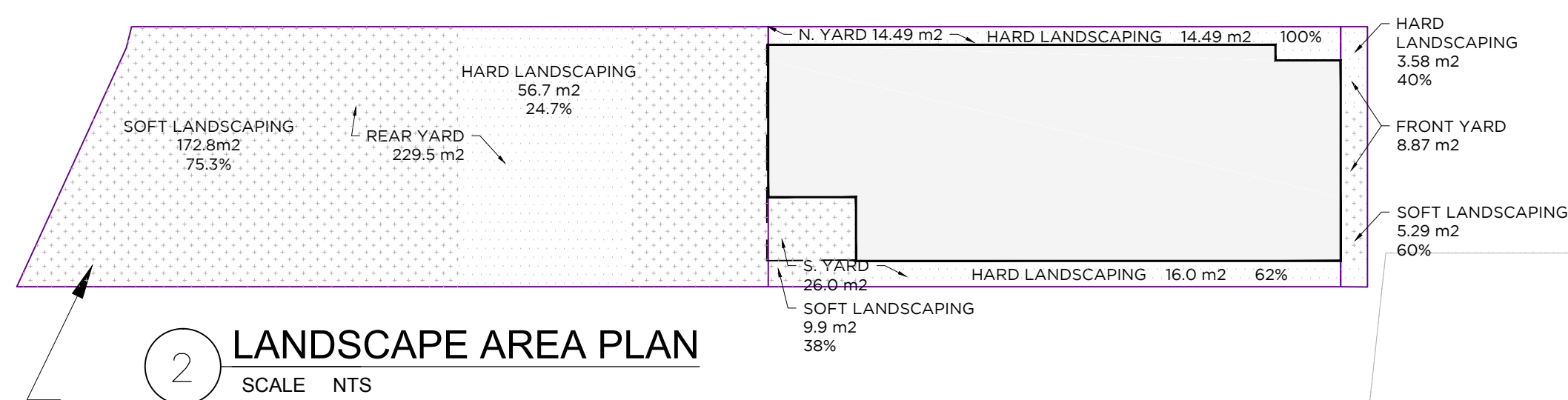
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16041

180 MUNRO STREET
TORONTO, ON

SITE PLAN

A001

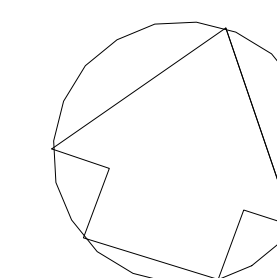


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REVISION RECORD



NORTH

RAW

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16041

180 MUNRO STREET
TORONTO, ON

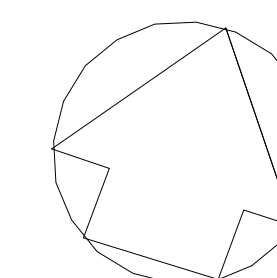
SITE PLAN

1:100

A100

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180 MUNRO ST
TORONTO, ON

A101

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1 FLOOR 1 PLAN
SCALE 1:100

MOUNTSTEPHEN STREET
(BY BY-LAW 2746)
(CLOSE STREET BY REGISTERED PLAN 374)

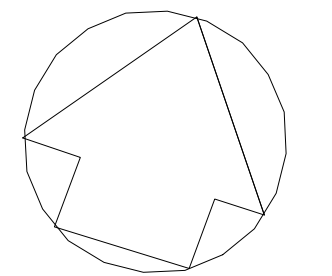
No. 184
2 STOREY
BRICK BUILDING

No. 178
2 STOREY
BRICK AND METAL
DWELLING

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2017-10-23	ISSUED FOR PPR

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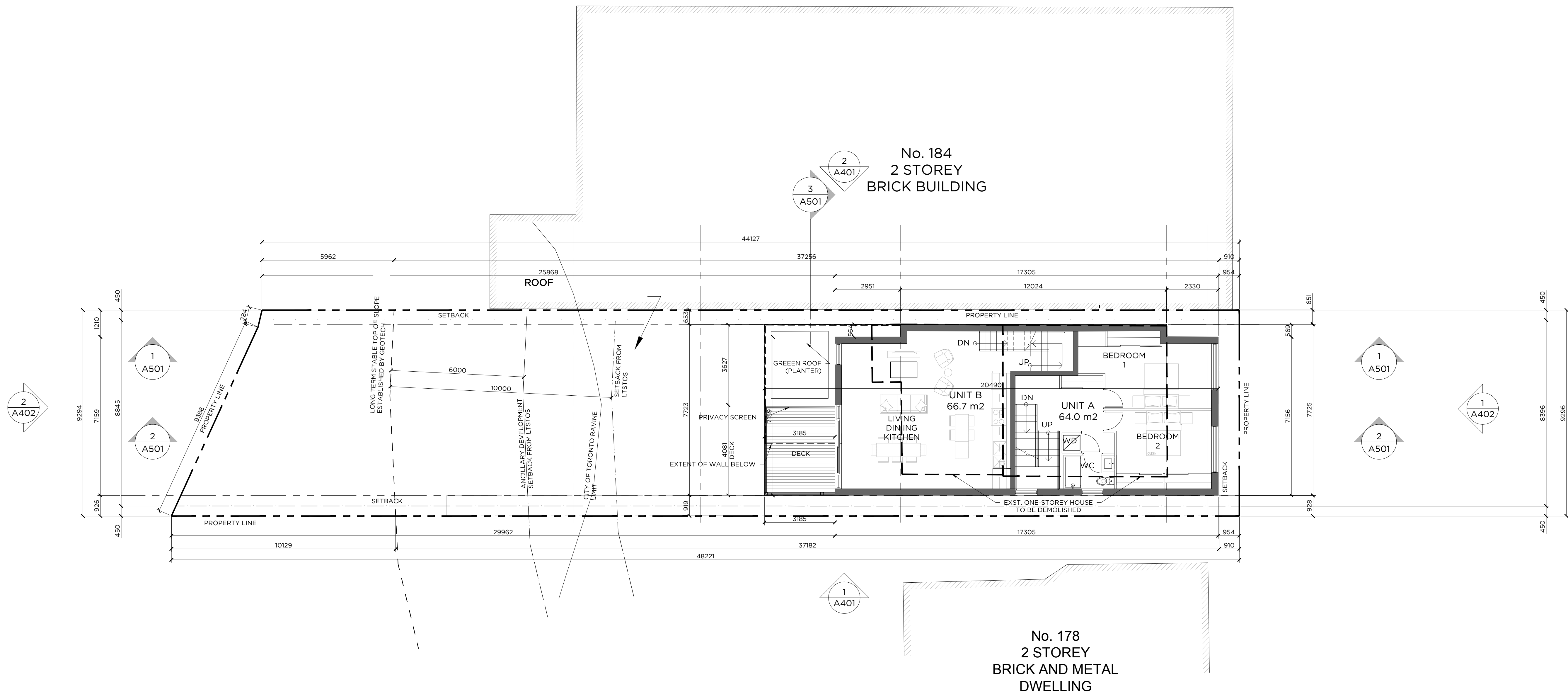
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180 MUNRO ST
TORONTO, ON

LEVEL 1
PLAN

1:100

A201

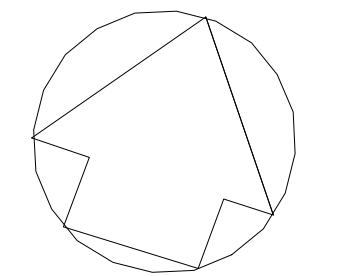


1 FLOOR 2 PLAN
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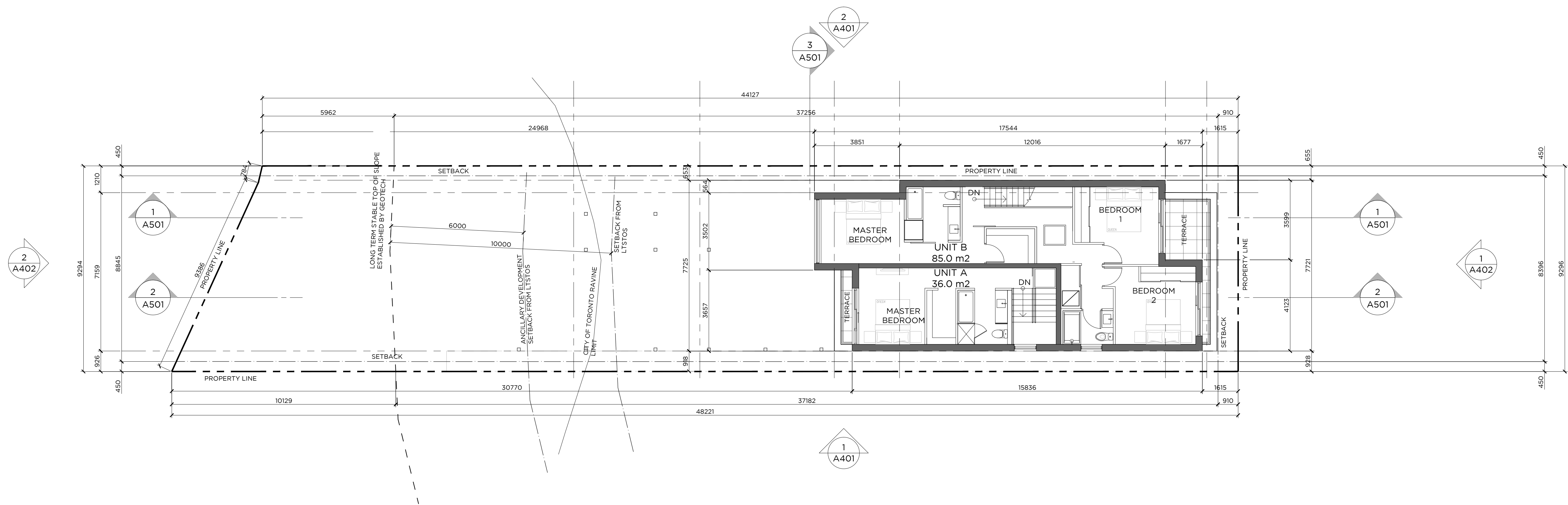
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180 MUNRO ST
TORONTO, ON

LEVEL 2
PLAN

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A202

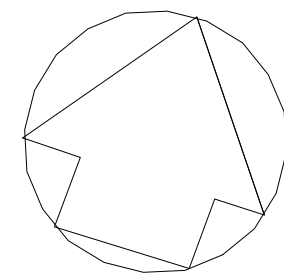


1 FLOOR 3 PLAN
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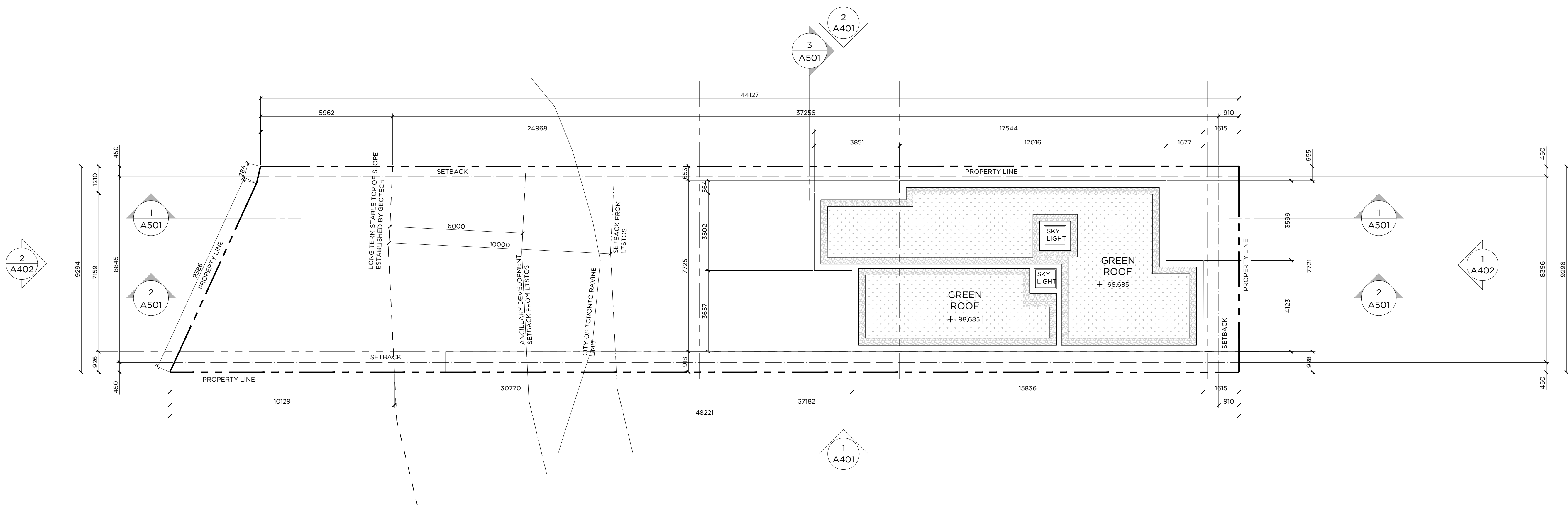
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180 MUNRO ST
TORONTO, ON

LEVEL 3
PLAN

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A203



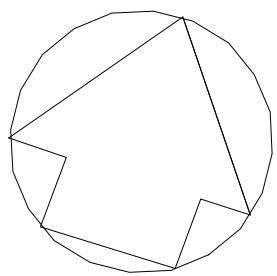
1 ROOF PLAN
SCALE 1:100

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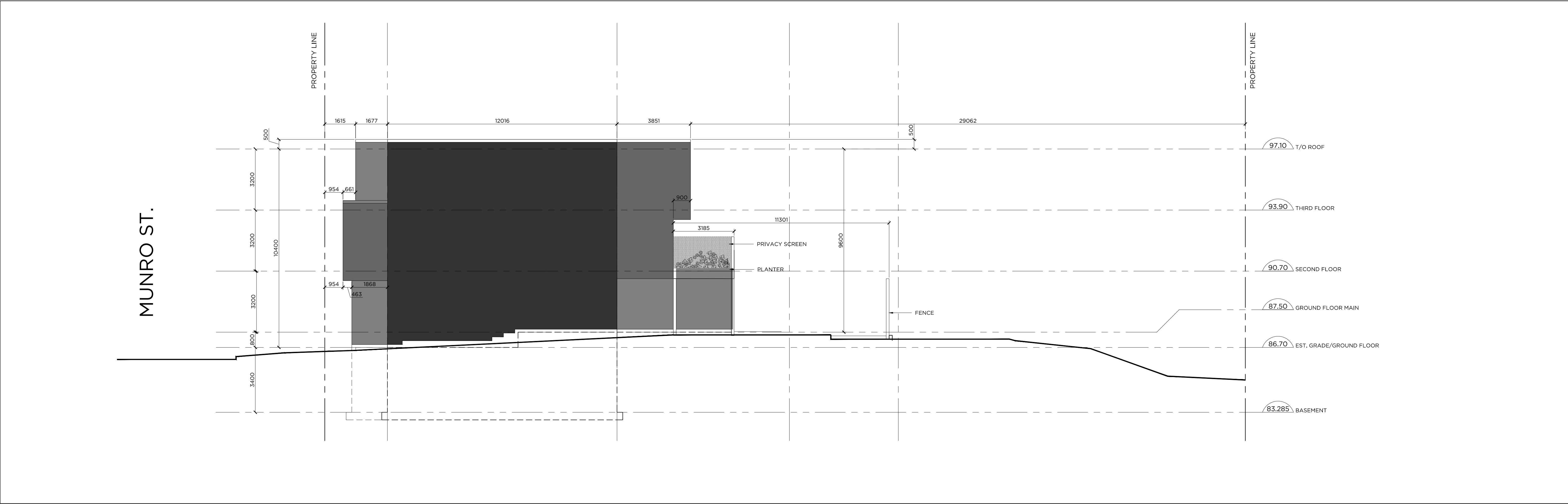
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180 MUNRO ST
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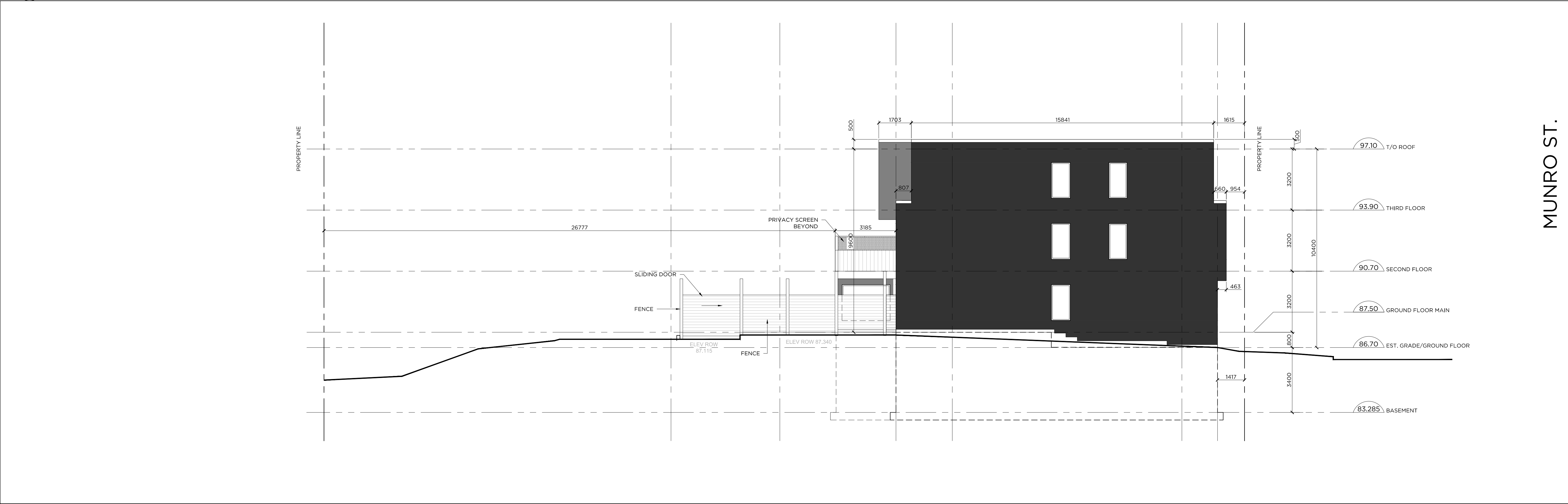
ROOF
PLAN

1:100

A204



2 NORTH ELEVATION
SCALE 1:100



1 SOUTH ELEVATION
SCALE 1:100

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REVISION RECORD		

NORTH

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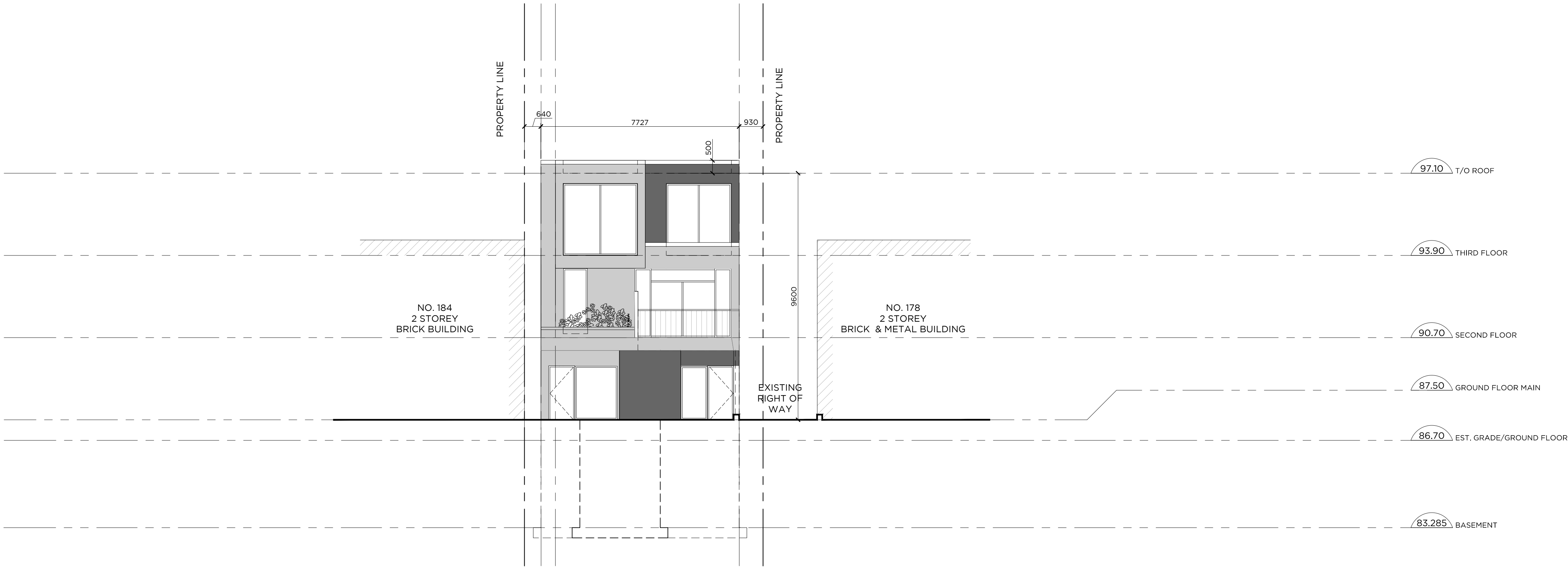
16041

180 MUNRO ST
TORONTO, ON

NORTH AND SOUTH
ELEVATIONS

1:100

A401



2 WEST ELEVATION
SCALE 1:100



1 EAST ELEVATION
SCALE 1:100

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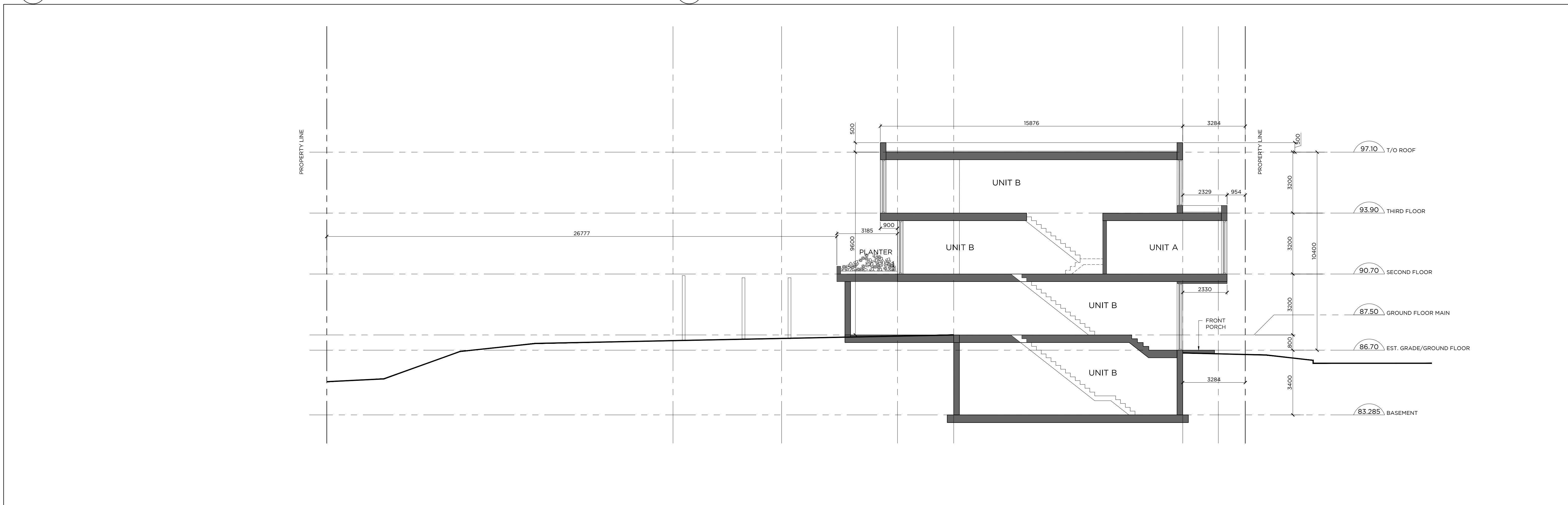
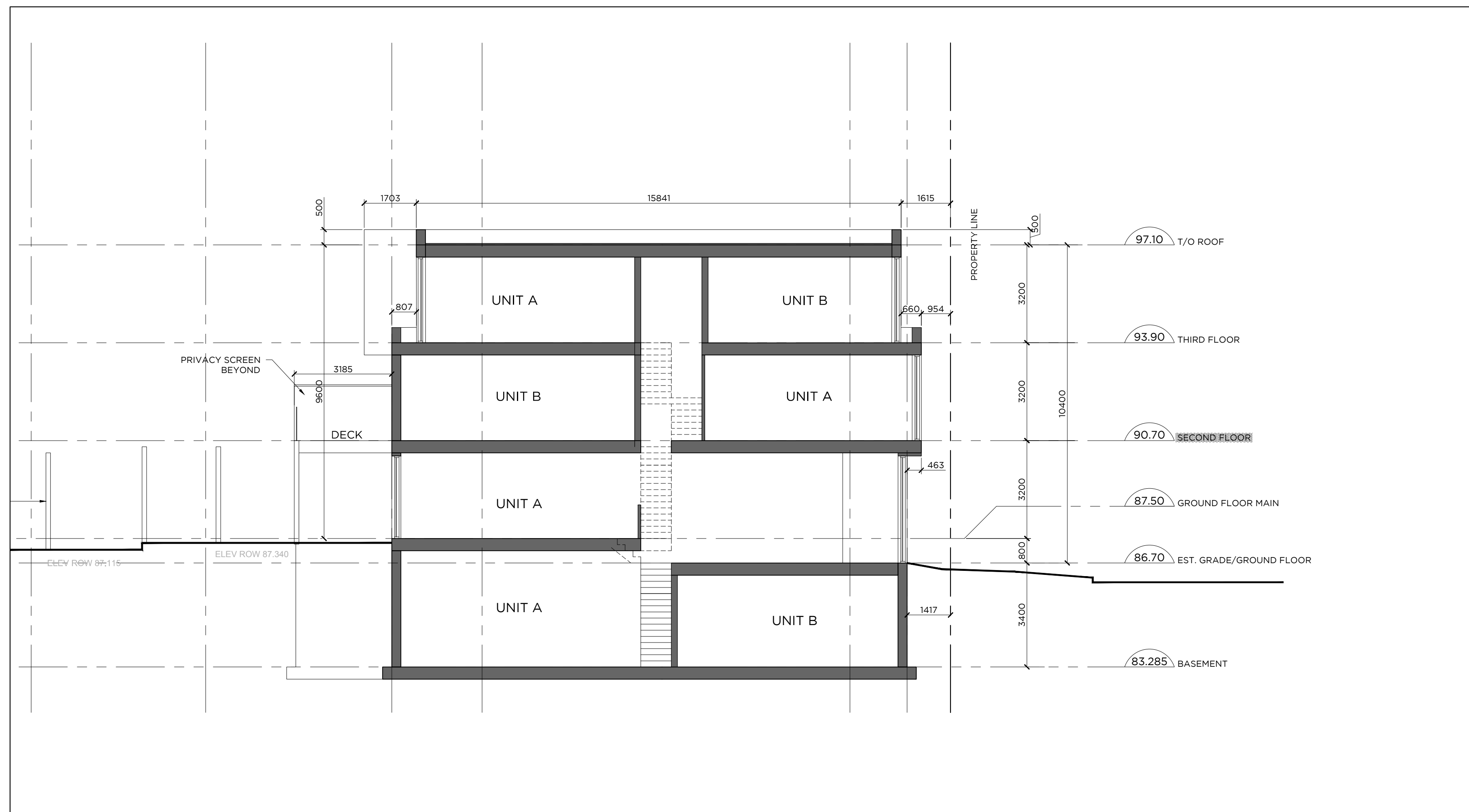
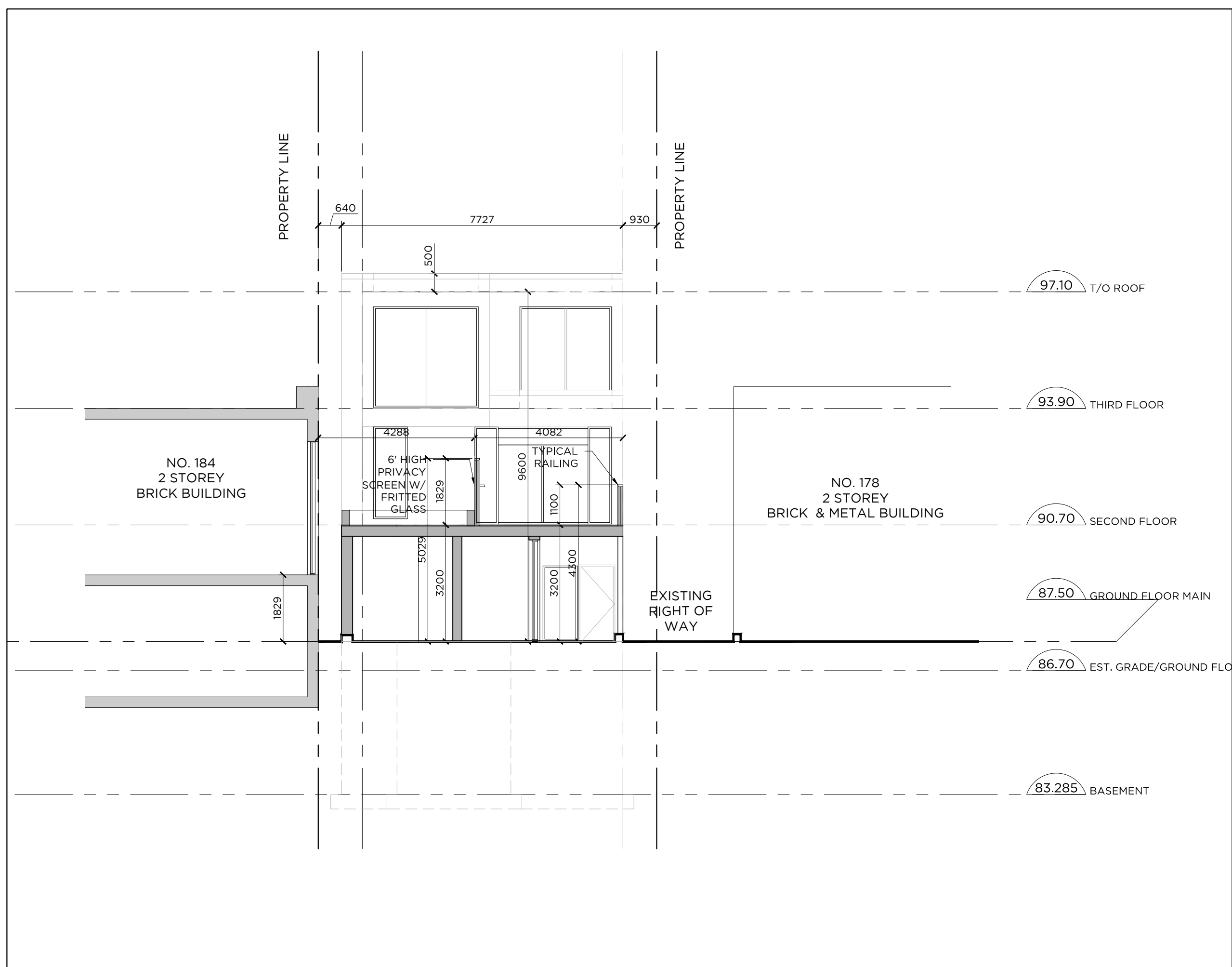
16041

180 MUNRO ST
TORONTO, ON

EAST AND WEST
ELEVATIONS

1:100

A402



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