Toronto Local Appeal Body

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DECISION AND ORDER

Decision Reissued Date Thursday, March 22, 2018

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

Appellant(s): KRISTINA JENNIE SMITH

Applicant: GOLDBERG GROUP

Property Address/Description: 6 MILLBANK AVE

Committee of Adjustment Case File Number: 17 164194 STE 21 MV

TLAB Case File Number: **17 243682 S45 21 TLAB**

Hearing date: Tuesday, March 06, 2018

DECISION DELIVERED BY Ian James LORD

APPEARANCES

Name	Role	Representative
KRISTINA JENNIE SMITH	Owner/Appellant	JOHN ALATI, Counsel
CITY OF TORONTO	Party	SARAH ROGERS, Counsel
PAULA ROCHMAN	Party	

INTRODUCTION

This matter concerns an appeal by the owner of a decision of the Toronto and East York District panel of the Committee of Adjustment ('COA') of the City of Toronto ('City') refusing 10 variances sought from City By-law 569-201 ('new Zoning By-law') and 8 variances sought from By-law 438-86 ('old Zoning By-law'). The application before the COA, and on appeal, was for the permission to construct a new three-storey detached dwelling with an integral below grade garage, following demolition of the existing residence and detached garage at 6 Millbank Avenue (the 'subject property').

The subject property is located a short distance west of Spadina Road, east of Bathurst Street north of Forest Hill Village and in an area referred to as Forest Hill West, one of the City's more prestigious communities.

BACKGROUND

It is the responsibilities of the Parties, in accordance with the Rules of the Toronto Local Appeal Body ('TLAB'), to disclose any revisions to an application arising after the disposition by the COA.

Such transparency could help maintain neighbour relations and avoid disputes. The Rules are drafted to encourage declared Parties and Participants to consider their positions; full disclosure and accountability affords an environment for sober second consideration, the narrowing of issues and the prospect of settling differences, in part or whole.

No matter who takes the initiative in this regard, the dispute resolution process envisaged by the statute is better served where matters can be isolated in number or resolved entirely.

In this matter, several of the Parties worked successfully on solutions. On the opening of the TLAB Hearing, the Parties present, notably the Appellant and the City, announced their settlement of outstanding matters, including a reduction from formerly 18 variances down to 7, split between the two by-laws. An undisclosed couple attended much of the Hearing but did not give evidence or otherwise participate.

Despite agreement by the Parties and Participants, the TLAB is independently obliged to consider and find on the merits whether the appeal should be allowed, in whole or part. While not universally the case with proposed settlements, it is often the fact that the task of the TLAB is made materially easier in circumstances where responsible decisions are taken by persons of interest, based on sound principles of good community planning.

MATTERS IN ISSUE

The subject property is a crude 'pie' shaped lot with generous frontage and severe tapering to its rear yard in a less than uniform manner. At the COA and on appeal, objection was taken to the principle built form features of height (three- storeys), an integral garage relying on a reverse negative slope, and appreciations of scale, mass and built form.

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 form 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

With the consent of the City, Mr. Alati called Michael Goldberg to present professional land use planning opinion evidence on the revised scope of the variances sought, the applicable tests, above cited and suggested conditions, if approval is granted. Mr. Goldberg has the credentials of a Registered Professional Planner, had signed the requisite acknowledgment of obligations attendant an expert witness and was therefore accepted as qualified to provide land use planning opinion testimony. He demonstrated an intimate knowledge of the Forest Hill West Community through extensive years of practice.

He reviewed: the revised plans dated January 22, 2018, Exhibit 1; the proposed list of variances sought, Exhibit 4; a proposed set of conditions derived from City circulation comments; and his own recommendations, Exhibit 5.

In introducing this settlement documentation, he noted the evolution of addressing City and neighbour concerns. A principle determinant in reducing the variances sought centered on building redesign and addressing the City's concerns with reverse sloped driveways.

On the first aspect, he noted the responsiveness of the applicant to adjust building design in shape, internal configuration and height to address the massing and built form objections that were well articulated before the COA and in letters of opposition.

By internal design modification, the 'basement' level definition in zoning was invoked, the upper (third) floor was removed entirely and the building shape was adjusted to better reflect the lot configuration. These adjustments and interpretations eliminated prior variance requests for relief from: building height; rear platforms; front deck; platform encroachment on setbacks and height of side exterior main walls (new

Zoning By-law); side lot line setbacks; rear yard setback and building height (old Zoning By-law).

As Mr. Goldberg described the variances before the Board, not only did these adjustments eliminate some 11 variances from the original relief requested, but the others remaining were improved as well. Under the City's new Zoning By-law, the permitted floor space index ('fsi') was reduced from 1.24 times the lot area initially requested, to 0.807 against the allowable 0.65. The reduction under the old Zoning By-law moved from 0.99 requested, to 0.822 revised. Mr. Goldberg provided ample support for these revisions being consistent with existing and approved permissions in his Study Area. As a result of the revisions to provide redesigned new internal stairs and a landing, the fsi was reduced due to basement space being exempted from inclusion.

It is noteworthy that this redesign triggered a new variance as the main floor level, at 1.91 m above established grade exceeds the by-law standard for first floor height: not to exceed 1.2 m above established grade. Mr. Goldberg opined this change could be considered minor; namely, neither the grade nor the elevation of the first floor level had changed in the evolution of the plans before the COA and as are revised in Exhibit 1. He suggested a new Notice would not be warranted as a result of the relabeling of 'basement' v. 'first floor' space and that variance 4 is warranted.

The previously contentious third floor, as indicated, has been removed.

At less than 3000 sq ft, the planner noted the proposed replacement house was modest in size given the lot configuration and setback constraints - as juxtaposed against the proliferation of much larger homes in excess of 5000 square feet, recently constructed in the immediate neighbourhood.

He noted a modest improvement in the requested front yard setback under the old Zoning By-law, from 2.11 m to 3.54 from the required depth from the front lot line of 4.08 m, on this inside lot.

He noted the rear of the proposed dwelling aligns with that at No. 8 Millbank.

Referring to 48 Millbank Avenue as a comparable example, Mr. Goldberg described the features of the proposed residence to have an elevated entry at the first floor level with a reverse grade integral garage. It is both of these features that occupied most of the descriptive time and evidentiary base to support the variances.

With respect to the elevated entrance, the settlement proposal underscored special landscape treatment proposed to screen the 15 steps and landings required to access the first floor level. A sketch diagram, entered as Exhibit 6, was proposed to reflect and ensure that the entrance feature of steps was properly screened. While elevated entrances are not new to Millbank Avenue and surrounding streets, they are distinguishable in design terms from abutting, adjacent and opposite parcels.

An analogous year round green vegetative screen is proposed along the subject properties rear lot line adjacent to an existing 6 foot fence which is supplemented by columnar trees (on the neighbours property), for enhanced privacy.

Perhaps the more contentious element of the application, original and revised, is the introduction of the reverse slope integral garage. Since 2009, Toronto Water has published Guidelines with a strong view towards discouraging reverse slope driveways. Mr. Goldberg produced a context map delineating in purple a great number of reverse slope driveways within his study area, of old and new vintage, some the product of distinct topography south and west of the subject property.

A design was tendered for the subject property showing a positive 2% slope from the street to the property line and a 10% downslope to the garage entrance. A series of catch basins, trench drain piping and pumping chamber depicted a return of collected storm water to the street level. The design met the concept satisfaction of Toronto Water and it is proposed to be advanced by way of condition, including provision for back-up sump pump capacity (battery or generator) and liability exclusion provisions secured by agreement.

Since a below grade garage is prohibited in the zoning by-law, significant time was expended describing the City's satisfaction to recommend a settlement and acceptance that a variance could be properly secured to permit the feature, despite its prohibition, accessed by a reverse slope driveway. A permit remains required. Ms. Rogers expressed the City's satisfaction with the 'package' of security envisaged in the permit process and the draft conditions, Exhibit 5.

Mr. Goldberg addressed the four tests, individually and cumulatively. He felt Provincial Policy was of limited applicability and that the application was a local planning matter. There was no dispute to the contrary.

He provided a comparison chart, Exhibit 3, of COA decisions compared to the revised application which itself was supported by a February 5, 2018 Zoning Examination. He felt Official Plan conformity was demonstrated by the reinvestment into the community of a residence that was compatible in type, scale, massing, character and fit. He noted there was no Official Plan policy direction on reverse sloped driveways.

He noted the purpose of the zoning by-law is to permit the use and provide for implementation through its standards, in conformity with the Official Plan. In suggesting the settlement demonstrated no undue adverse impacts, he asserted that the compatible building relationships demonstrated by the revised plans are acceptable in the immediate and broader neighbourhood: that there is 'fit' and sensitivity.

He described the prohibition on below grade garages as a 'trigger' for review and the provision of assurances, in the public interest, that the homeowner accept responsibility for the necessary reverse slope access driveway and its maintenance requirements. As well, to provide protection to the City and not be able to hold the City liable for design permission, if a below grade garage and its access are permitted. He noted the many driveway examples in the neighbourhood permitted by the COA - and on appeal.

In addressing minor, Mr. Goldberg concluded that both in magnitude and in impact, the individual requests fell within the numeric ranges of approvals - and that there was no planning perspective impact.

He felt that reinvestment in the community was desirable and contributed to its stability. He stated that the vernacular of housing and its architecture, as proposed, is in keeping with every street in his study area and is appropriate.

He felt it would be in the public interest to approve the relief sought on the conditions proposed including the plans presented, with construction to be substantially in accordance with the site plans and elevations only.

ANALYSIS, FINDINGS, REASONS

In the circumstances with all active Parties present and in agreement, as indicated, the TLAB has benefited from the comprehensive assessment provided by Mr. Goldberg and the assent of counsel to the revised plans, variances and conditions.

I am in full agreement with him that the identification of new Variance 4 under the new Zoning By-law, related to the proposed height of the first floor, is minor. I find no new notice is required under section 45 (18.1.1) of the Planning Act.

Mr. Goldberg was somewhat cavalier on the role played by Provincial Policy. The TLAB notes that its obligation is to consider consistency with the Provincial Policy Statements and conformity with the Growth Plan for the Greater Golden Horseshoe <u>at the time of its decision</u>. This is a mandatory obligation imposed by the Legislature and it is not replaced by the often cited policy direction in these documents that a primary vehicle for their implementation is the local official plan. Indeed, the current provincial contributions are more recent, in many cases, than the local Official Plan.

That said, Mr. Goldberg did not suggest that provincial policy had no applicability and in the absence of it being challenged insofar as the relief requested is concerned, no issue has appeared in this circumstance.

I therefore accept, on the uncontested evidence of the planning witness, counsel's acknowledgement of a settlement and the apparent positive contribution, on the evidence, that the redevelopment of the subject property can bring to respecting and reinforcing the character of this prestigious community - all as being compelling.

I find that the statutory policy considerations and the four 'tests' have been met by the revised proposal and the seven variances sought.

DECISION AND ORDER

The decision of the COA is set aside and relief is granted and approved in accordance with the following:

1. The plans dated January 22, 2018 identified in Exhibit 1 and attached as Attachment 1 hereto are approved. Construction shall be permitted in substantial compliance thereto related to the site plans and elevations only;

2. Despite paragraph 1, only the variances identified in Exhibit 4 and attached hereto as Attachment 2 are authorized;
3. The approval herein is subject to the conditions of approval identified in Exhibit 5, attached hereto as Attachment 3.
4. Landscaping substantially as depicted in the sketch found in Exhibit 6, p. 269 Rear Elevation and Planting drawing dated February, 2018 and attached hereto as Attachment 4 shall be an additional condition required prior to occupancy.

If there are any difficulties arising from the implementation of this decision and order the TLAB may be spoken to.

X

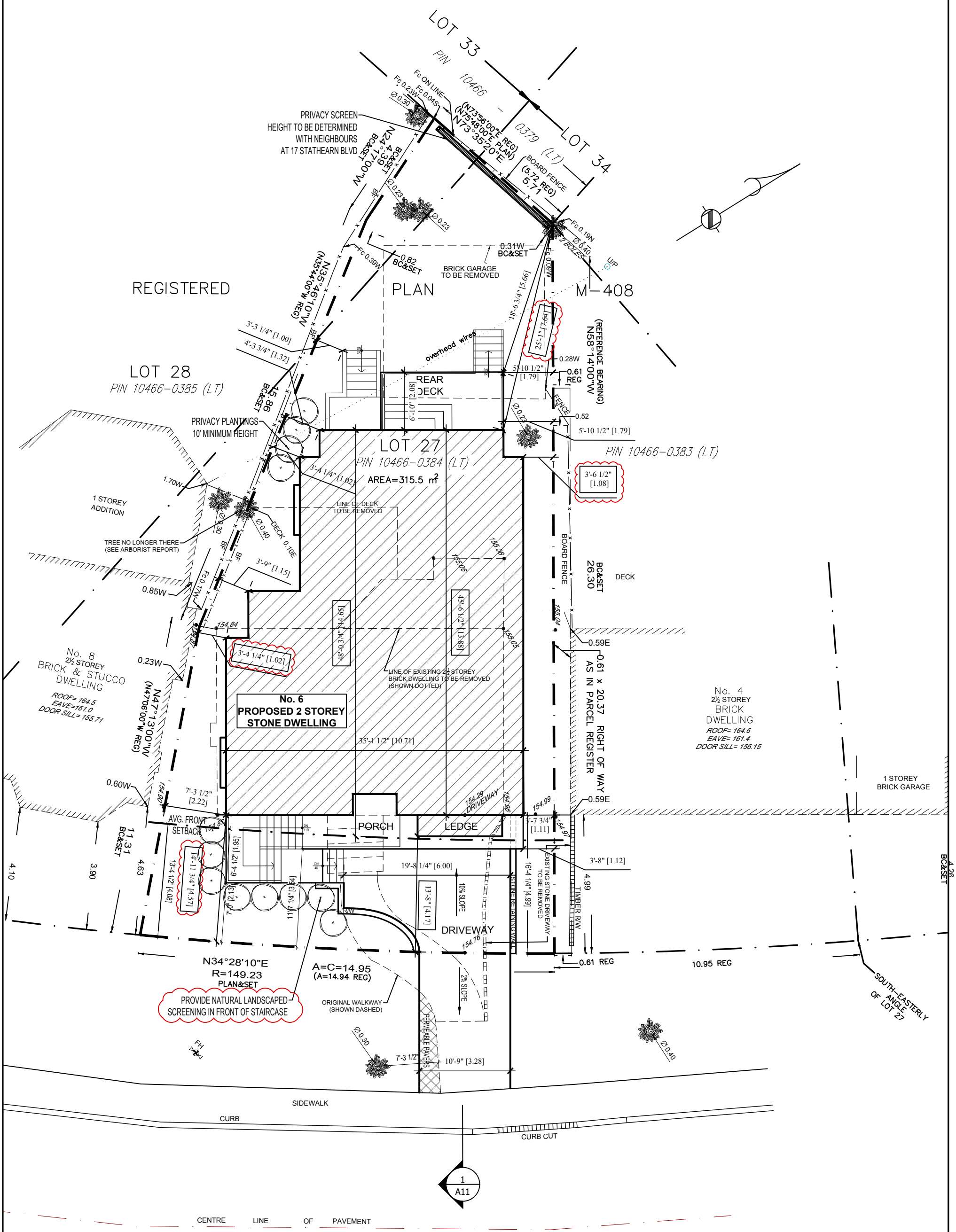
Ian James Lord

Panel Chair, Toronto Local Appeal Body

Signed by: Ian Lord

RECEIVED
By Toronto Local Appeal Body at 9:55 am, Feb 05, 2018

Attachment 1



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8	REVISED & RE-ISSUED FOR T.L.A.B.	22/01/2018	N.L.
7	REVISED & RE-ISSUED FOR T.L.A.B.	17/11/2017	N.L.
6	RE-ISSUED FOR REVISED ZONING NOTICE	14/11/2017	N.L.
5	ISSUED FOR T.L.A.B.	06/11/2017	N.L.
4	RE-ISSUED FOR REVISED ZONING NOTICE	03/11/2017	N.L.
3	RE-ISSUED FOR REVISED ZONING NOTICE	02/11/2017	N.L.
2	ISSUED FOR REVISED ZONING NOTICE	27/10/2017	N.L.

PROJECT:
6 MILLBANK AVE
TORONTO, ONTARIO

DRAWING:
SITE PLAN

SCALE:
3/32" = 1'-0"

DRAWING No:
A1

SITE PLAN OF

6 MILLBANK AVE.

PART 1
PLAN OF PART OF LOTS 27, 28, 33 & 34
REGISTERED PLAN M-408
CITY OF TORONTO

SITE INFORMATION

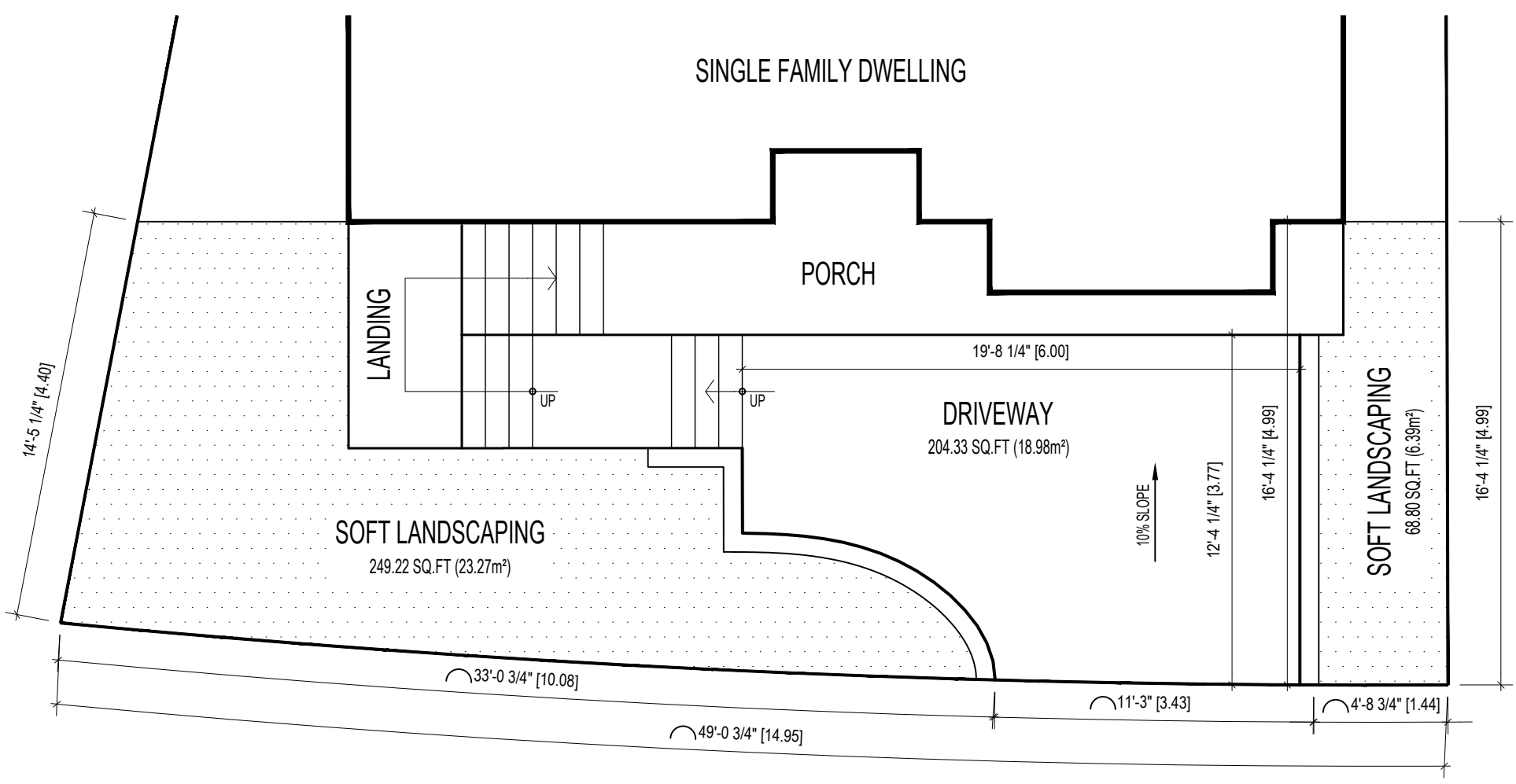
ZONING BY-LAW 569-2013	RD
FRONTAGE	49'-0 3/4" (14.95 M)
LOT DEPTH	98'-7" (30.05 M)
LOT AREA:	3396.0 SQ.FT. (315.50 SQ.M.)
ALLOWABLE LOT COVERAGE :	N/A
PROPOSED LOT COVERAGE :	N/A
MAXIMUM GROSS FLOOR AREA	65% 2,207.4 SQ. FT. (205.07 SQ.M.)
PROPOSED GROSS FLOOR AREA (BY-LAW NO. 438-86)	= 82.2% 2,792.96 SQ. FT. (259.47 SQ.M.) - (INCL. FIRST, SECOND FLOOR & BASEMENT STAIR LANDING)
PROPOSED FLOOR SPACE INDEX (BY-LAW NO. 569-2013)	= 0.807 2,740.30 SQ. FT. (254.58 SQ.M.) - (INCL. FIRST & SECOND FLOOR)

FLOORS	PROPOSED (SQ.FT/SQ.M)
BASEMENT (EXCLUDES ELEVATOR SHAFT & GARAGE)	930.66 SQ.FT. (86.46 SQ.M.)
FIRST FLOOR (EXCLUDES ELEVATOR SHAFT)	1363.70 SQ.FT. (126.29 SQ.M.)
SECOND FLOOR (EXCLUDES ELEVATOR SHAFT)	1376.60 SQ.FT. (127.89 SQ.M.)
TOTALS:	3,670.96 SQ. FT. (341.04 SQ.M.)

ZONING	ALLOWABLE	EXISTING	PROPOSED
MIN. FRONT (EAST) YARD SB.	13'-4.6" (4.08 m) (AVERAGE)	14'10.75"(4.54 m)	14'11.75"(4.57 m)
MIN. SIDE (SOUTH) YARD SB.	3'-11.94" (1.2 m)	2'1/4" (0.61 m)	3'-4.25" (1.02 m)
MIN. SIDE (NORTH) YARD SB.	3'-11.94" (1.2 m)	5'11.25" (1.81 m)	3'-6.5" (1.08 m)
MIN. REAR (WEST) YARD SB.	24'-7.32" (7.5 m)	51'10.75"(15.82 m)	25'-1" (7.64 m)
BUILDING LENGTH	55'9.29" (17 m)	30'-4" (9.25 m)	45'-6 1/2" (13.88 M)
BUILDING DEPTH	62'-4" (19 m)	30'-4.5" (9.26 m)	48'-0 3/4" (14.65 M)
BUILDING HEIGHT	36'-1" (11 m)	31'-4.37" (9.56 m)	36'-0" (9.97 M)

N.A.: NOT APPLICABLE

FRONT YARD:	581.96 SQ.FT. (54.06 SQ.M.)
DRIVEWAY:	204.33 SQ.FT. (18.98 SQ.M.) - 35%
LANDSCAPING:	377.63 SQ.FT. (34.19 SQ.M.) - 65%
SOFT LANDSCAPING:	328.36 SQ.FT. (30.50 SQ.M.) - 87% OF LANDSCAPING



2 / A1 PROPOSED FRONT LANDSCAPING CALCULATIONS
SCALE: 3/16" = 1'-0"

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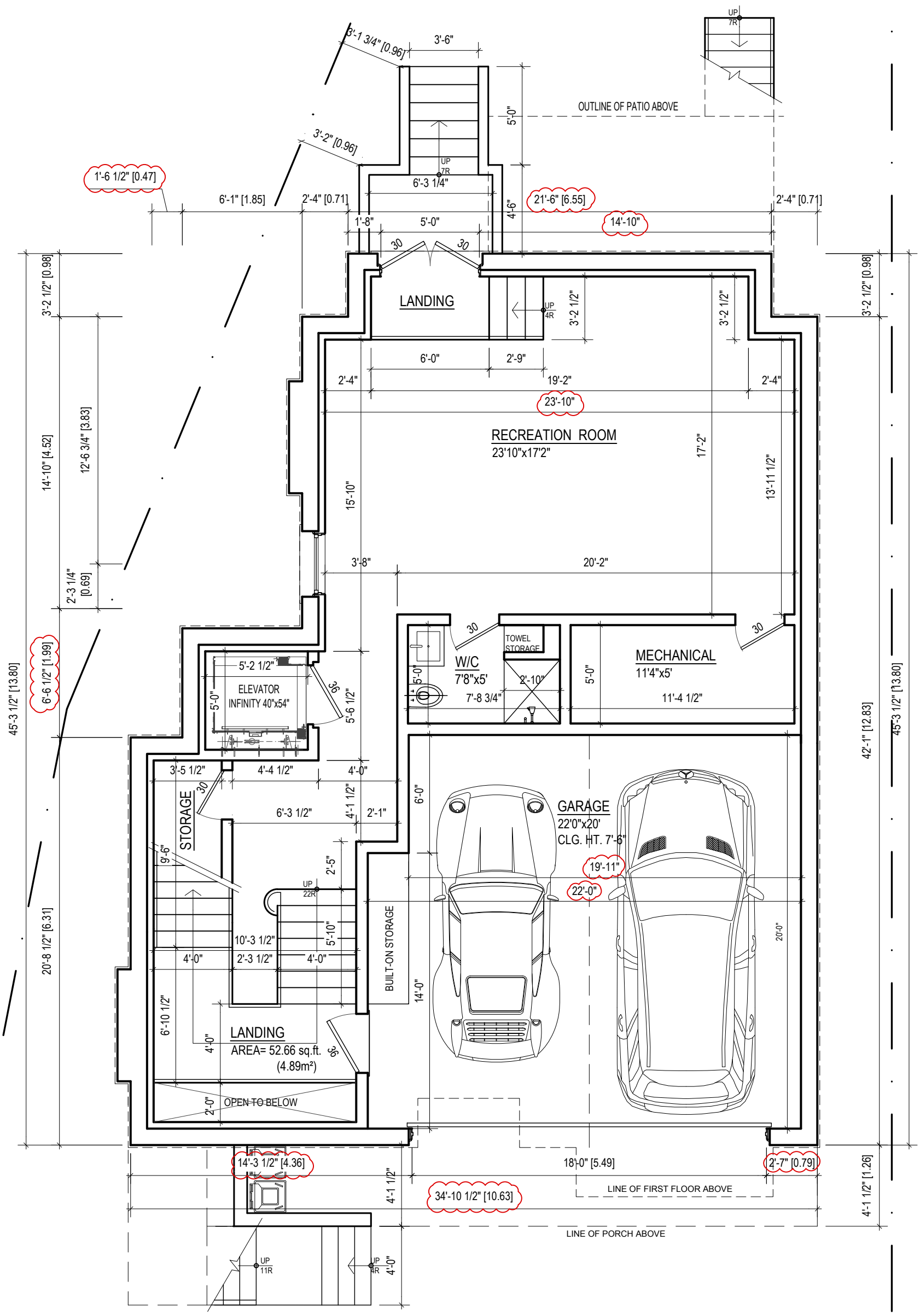
2	ISSUED FOR REVISED ZONING NOTICE	27/10/2017	N.L.

PROJECT: **6 MILLBANK AVE TORONTO, ONTARIO**

DRAWING: **SITE INFO**

SCALE: **3/16" = 1'-0"**

DRAWING No: **A1.1**



BASEMENT FLOOR PLAN

1436.77SQ. FT. - 31.25 (ELEVATOR SHAFT)
- 437.5 (GARAGE)
= 971.02 SQ.FT. (90.21m²)

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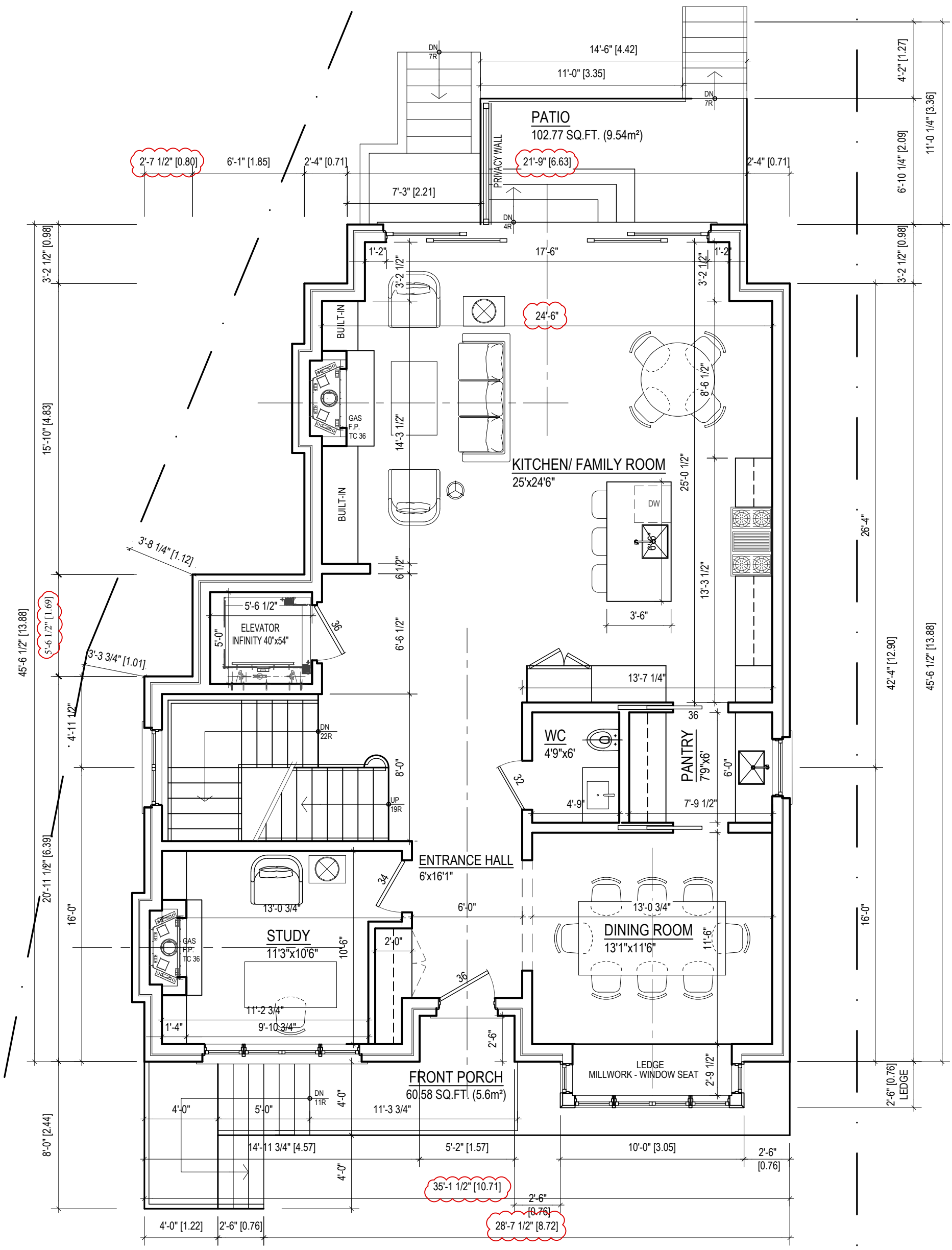
PROJECT:
6 MILLBANK AVE
TORONTO, ONTARIO

DRAWING:
BASEMENT

SCALE:
3/16" = 1'-0"

DRAWING No:
A2



FIRST FLOOR PLAN

1442.11 SQ. FT. - 33.25 (ELEVATOR SHAFT)
= 1408.86 SQ.FT. (130.88m²)

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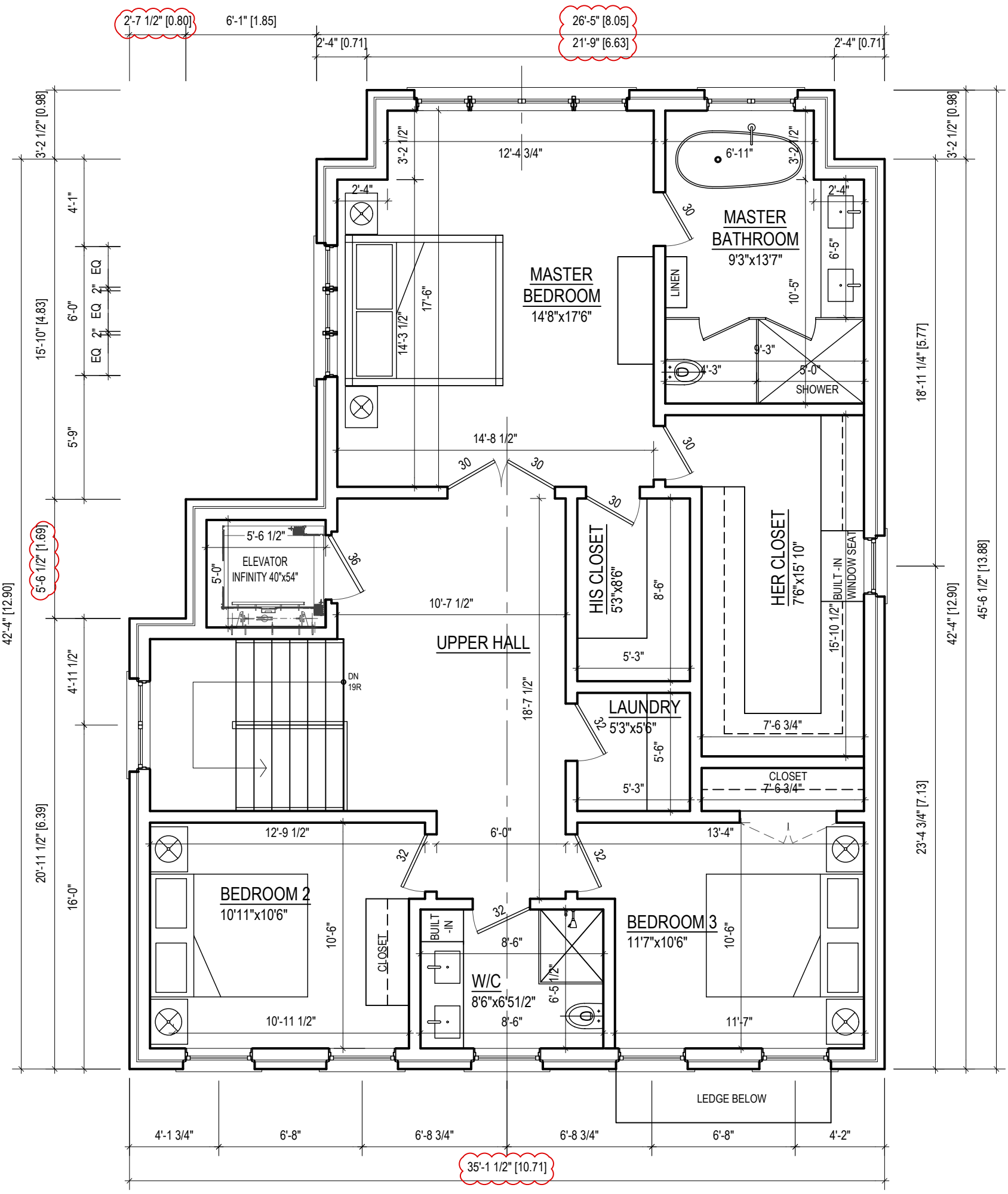
PROJECT:
6 MILLBANK AVE
TORONTO, ONTARIO

DRAWING:
FIRST FLOOR

SCALE:
3/16" = 1'-0"

DRAWING No:
A3



SECOND FLOOR PLAN

1454.98 SQ. FT. - 33.25 (ELEVATOR SHAFT)
= 1421.73 SQ.FT. (132.08m²)

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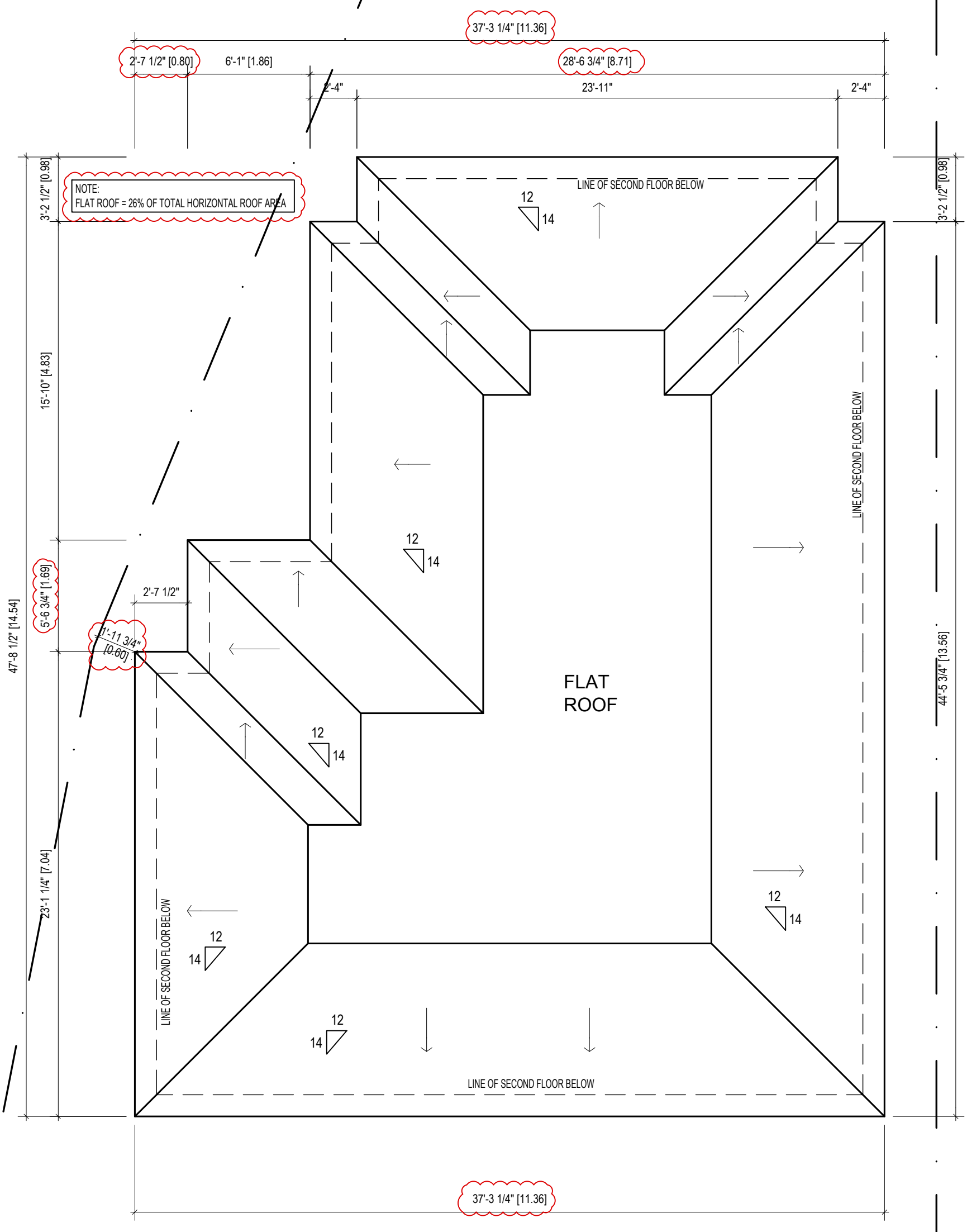
PROJECT:
6 MILLBANK AVE
TORONTO, ONTARIO

DRAWING:
SECOND FLOOR

SCALE:
3/16" = 1'-0"

DRAWING No:
A4



ROOF PLAN

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PROJECT:

6 MILLBANK AVE

TORONTO, ONTARIO

DRAWING:

ROOF PLAN

SCALE:

3/16" = 1'-0"

DRAWING No:

A5

FRONT ELEVATION (EAST)

LEGEND

ESTABLISHED GRADE: (154.90+154.97) / 2 = 154.93	
GRADE: (154.99+154.30) / 2 = 154.65	

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PROJECT:

6 MILLBANK AVE

TORONTO, ONTARIO

DRAWING:

FRONT ELEVATION

SCALE:

1/8" = 1'-0"

DRAWING No:

A6

SIDE ELEVATION (SOUTH)

LEGEND

ESTABLISHED GRADE: (154.90+154.97) / 2 = 154.93	
GRADE: (154.99+154.30) / 2 = 154.65	

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3	RE-ISSUED FOR REVISED ZONING NOTICE	02/11/2017	N.L.
2	ISSUED FOR REVISED ZONING NOTICE	27/10/2017	N.L.

PROJECT:

6 MILLBANK AVE

TORONTO, ONTARIO

DRAWING:

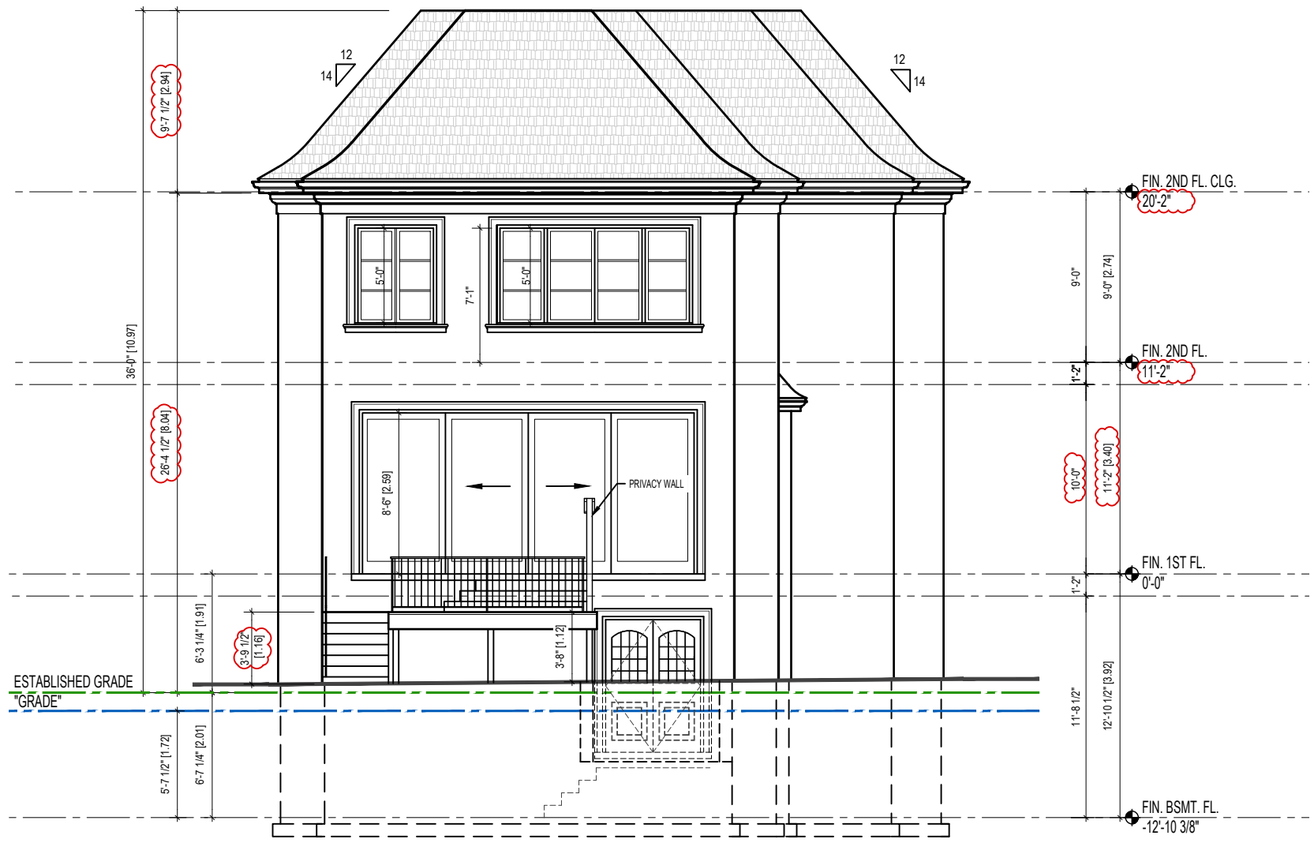
REAR ELEVATION

SCALE:

1/8" = 1'-0"

DRAWING No:

A7



REAR ELEVATION (WEST)

LEGEND

ESTABLISHED GRADE: (154.90+154.97) / 2 = 154.93	
GRADE: (154.99+154.30) / 2 = 154.65	

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122 PEARS AVENUE
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FAX: 416.944.3006

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No.	REVISIONS:	DATE:	
8	REVISED & RE-ISSUED FOR T.L.A.B.	22/01/2018	N.L.
7	REVISED & RE-ISSUED FOR T.L.A.B.	17/11/2017	N.L.
6	RE-ISSUED FOR REVISED ZONING NOTICE	14/11/2017	N.L.
5	ISSUED FOR T.L.A.B.	06/11/2017	N.L.
4	RE-ISSUED FOR REVISED ZONING NOTICE	03/11/2017	N.L.
3	RE-ISSUED FOR REVISED ZONING NOTICE	02/11/2017	N.L.
2	ISSUED FOR REVISED ZONING NOTICE	27/10/2017	N.L.

PROJECT:

6 MILLBANK AVE

TORONTO, ONTARIO

DRAWING:

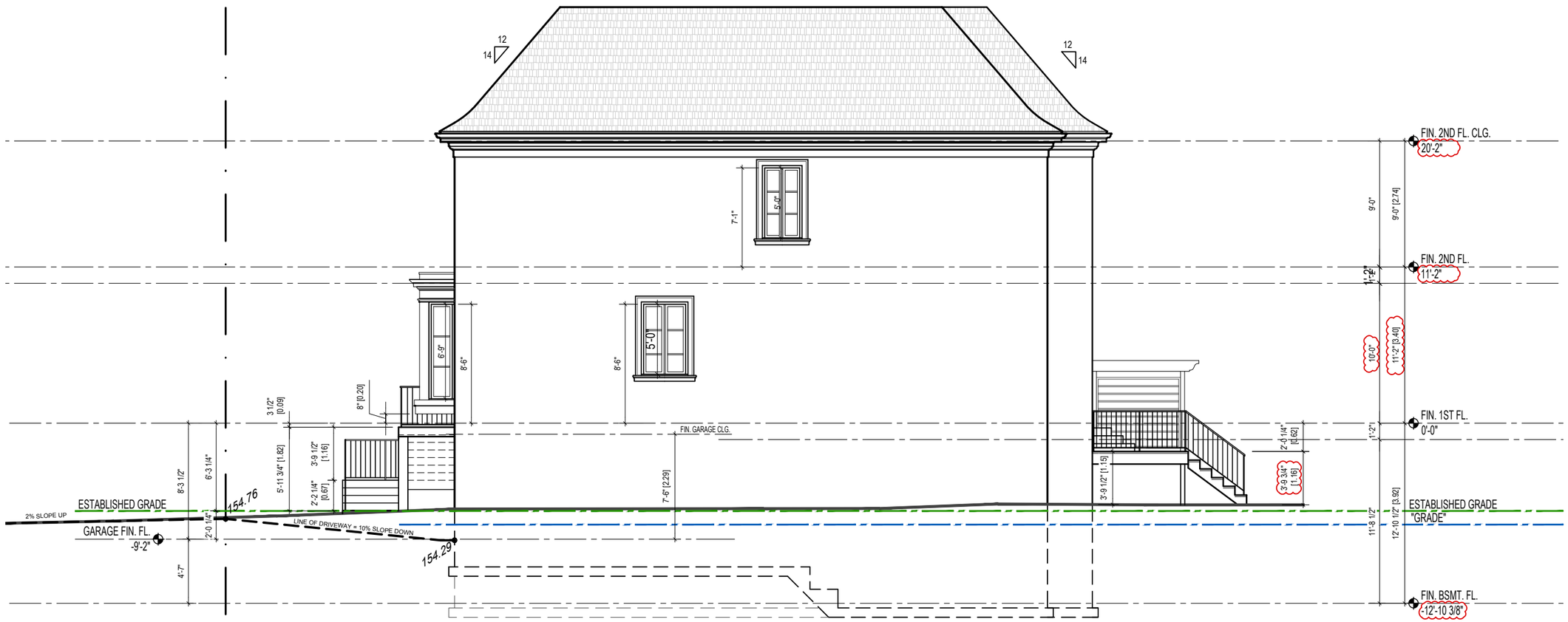
REAR ELEVATION

SCALE:

1/8" = 1'-0"

DRAWING No:

A8



SIDE ELEVATION (NORTH)

LEGEND

ESTABLISHED GRADE: (154.90+154.97) / 2 = 154.93	
GRADE: (154.99+154.30) / 2 = 154.65	

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4	RE-ISSUED FOR REVISED ZONING NOTICE	03/11/2017	N.L.
3	RE-ISSUED FOR REVISED ZONING NOTICE	02/11/2017	N.L.
2	ISSUED FOR REVISED ZONING NOTICE	27/10/2017	N.L.

PROJECT:

6 MILLBANK AVE

TORONTO, ONTARIO

DRAWING:

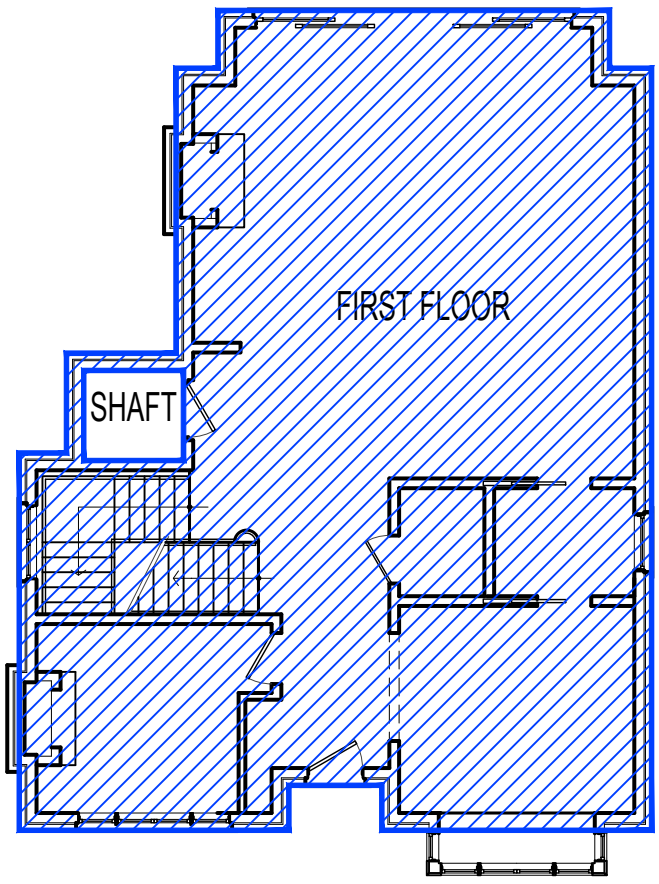
NORTH SIDE ELEVATION

SCALE:

1/8" = 1'-0"

DRAWING No:

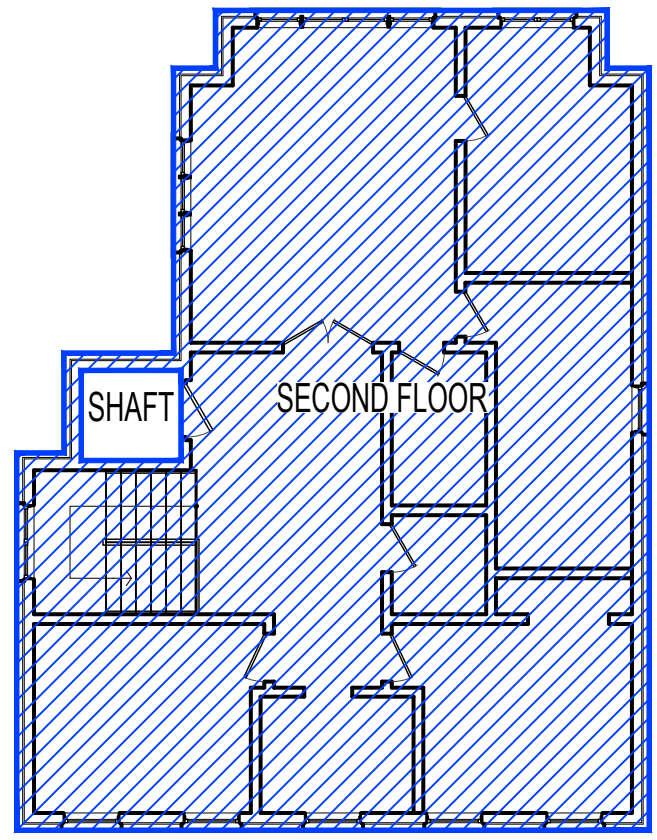
A9



FIRST FLOOR GFA KEY PLAN

3/32" = 1'-0"

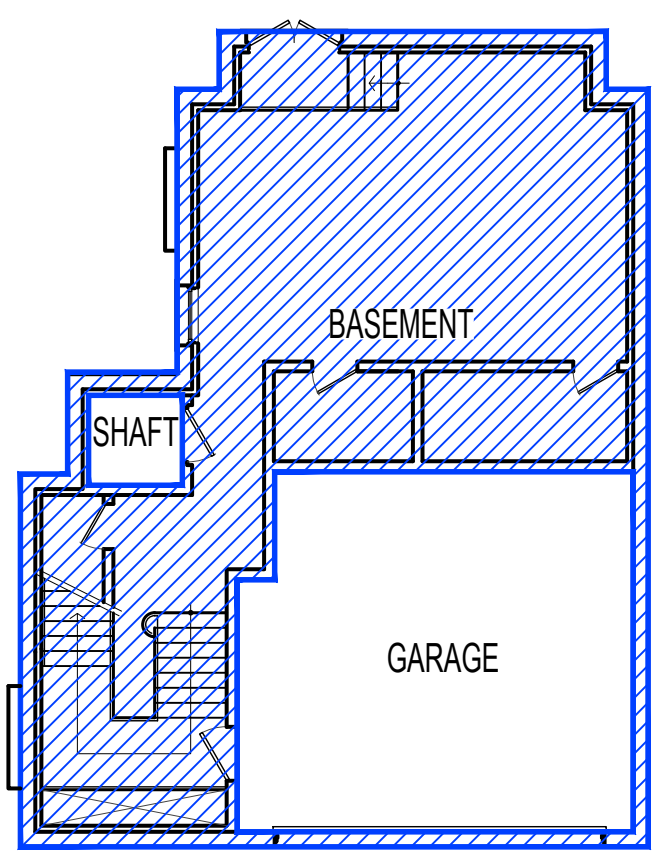
1391.41 SQ. FT. - 27.70 (ELEVATOR SHAFT)
= 1363.70 SQ.FT. (126.29m²)



SECOND FLOOR GFA KEY PLAN

3/32" = 1'-0"

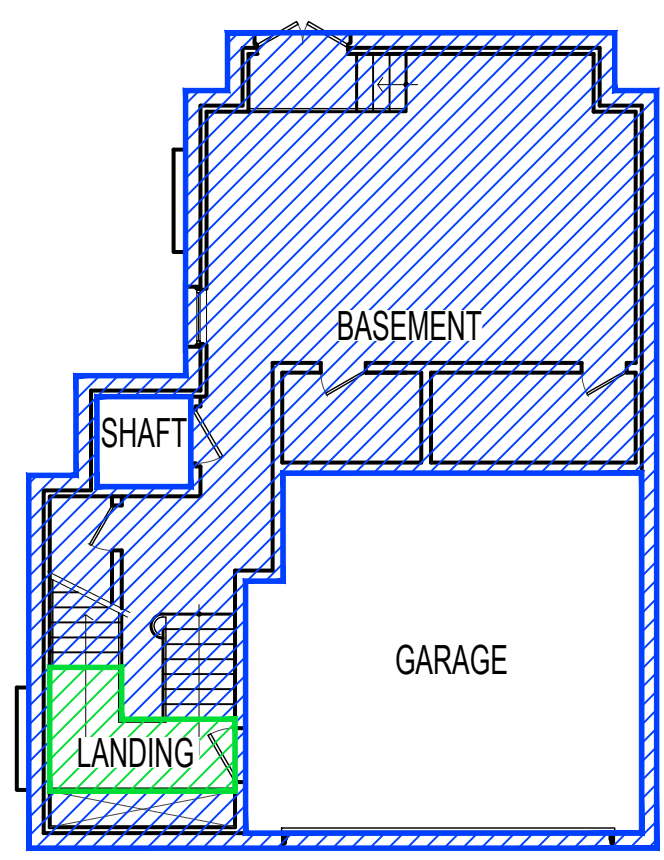
1376.60 SQ. FT. - 27.70 (ELEVATOR SHAFT)
= 1376.60 SQ.FT. (127.89m²)



BASEMENT AREA KEY PLAN

3/32" = 1'-0"

1384.93 SQ. FT. - 26.04 (ELEVATOR SHAFT)
- 427.49 (GARAGE)
= 930.66 SQ.FT. (86.46m²)



BASEMENT GFA KEY PLAN - FOR BY-LAW 438-86

3/32" = 1'-0"

52.66 SQ. FT. (4.89m²)

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3	RE-ISSUED FOR REVISED ZONING NOTICE	02/11/2017	N.L.
2	ISSUED FOR REVISED ZONING NOTICE	27/10/2017	N.L.

PROJECT:

6 MILLBANK AVE

TORONTO, ONTARIO

DRAWING:

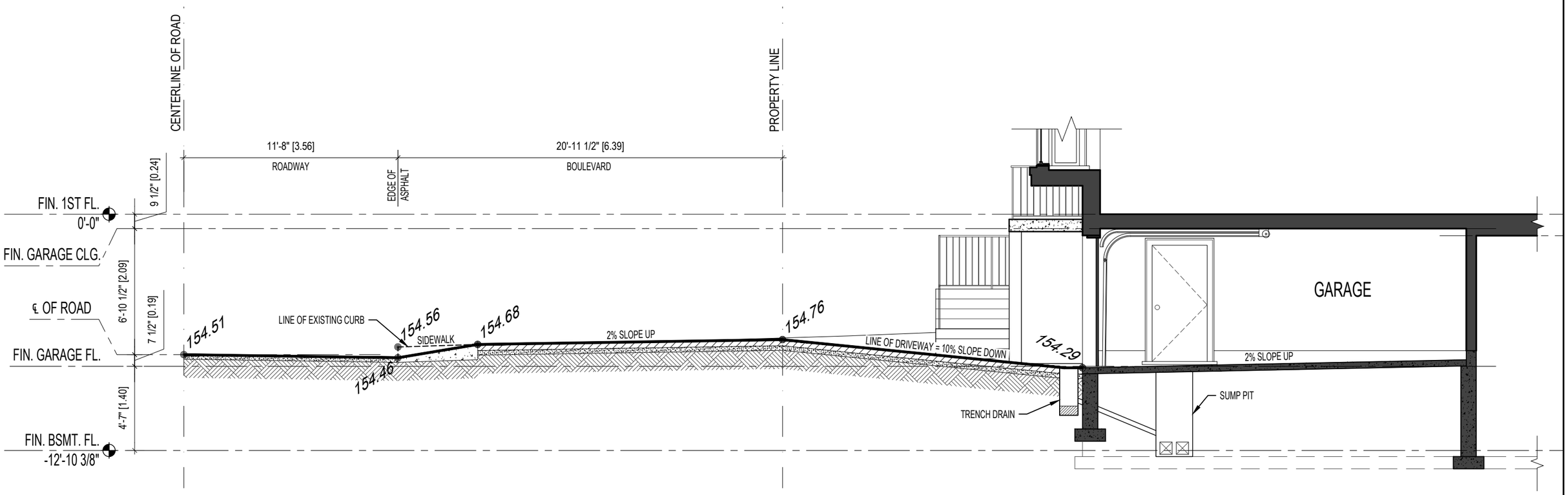
GFA KEY PLANS

SCALE:

3/32" = 1'-0"

DRAWING No:

A10



DRIVEWAY SECTION

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No.	REVISIONS:	DATE:	
7			
6			
5			
4			
3			
2	ISSUED FOR T.L.A.B.	22/01/2018	N.L.
1	ISSUED FOR T.L.A.B.	17/11/2017	N.L.

PROJECT:

6 MILLBANK AVE

TORONTO, ONTARIO

DRAWING:

DRIVEWAY SECTION

SCALE:

3/16" = 1'-0"

DRAWING No:

A11

Attachment 2

LIST OF VARIANCES
6 MILLBANK AVENUE

Variances Under By-law 569-2013

1. The new detached dwelling will have a floor space index equal to 0.807 times the area of the lot (254.58m^2), WHEREAS the maximum permitted floor space index is 0.65 times the area of the lot (205.07m^2) [ch. 10.20.40.40.(1)(A)].

2. The new detached dwelling will be located 1.08m from the north side and 1.02m from the south side, WHEREAS the minimum required side yard setback is 1.2m [ch. 10.20.40.70.(3)(C)].

3. The proposed elevation of the lowest point of a vehicle entrance in a main wall of the building is lower than the point where it intersects a lot line abutting a street, WHEREAS for a detached house, the elevation of the lowest point of a vehicle entrance in a main wall of the building must be higher than the elevation of the centreline of the driveway at the point where it intersects a lot line abutting a street [ch. 10.5.80.40.(2)].

4. The proposed height of the first floor above established grade is 1.91m, WHEREAS the maximum permitted height of the first floor above established grade is 1.2m [ch. 10.20.40.10.(6)].

Variances Under By-law 438-86

5. The new detached dwelling will have a gross floor area equal to 0.822 times the area of the lot (259.47m^2), WHEREAS the maximum permitted gross floor area is 0.65 times the area of the lot (205.07m^2) [s. 6(3) Part I 1].

6. The new detached dwelling will be located 3.54m from the front lot line, WHEREAS the minimum required front lot line setback of a building on an inside lot is 4.08m [s. 6(3) Part II 2(II)].

7. The new detached dwelling will have an integral below grade garage, WHEREAS an integral garage in a building where the floor level of the garage is located below grade and the vehicle access to the garage is located in a wall facing the front lot line is not permitted [s. 6(3) Part IV 3(II)].

Attachment 3

Proposed Conditions for 6 Millbank Ave (17 243682 S45 21 TLAB)

1. The Owner shall submit plans and a report prepared by a licenced professional engineer demonstrating that drainage from the area will not lead to flooding and meets the Reverse Slope Driveway Guideline outlined in the Design Criteria for Sewer and Watermains, November 2009 and obtain approval from General Manager, Toronto Water for the proposal. Further information can be obtained by contacting Lu Liu, P. Eng., Toronto Water Infrastructure Management (416.338.5464); and

2. The Owner shall enter into a legal agreement with the City of Toronto in order to indemnify the City against any loss or damage that may result from basement flooding caused by the below grade garage and furthermore, the Owner shall agree that it will not commence any legal action against the City as a result of any damage caused by basement flooding as a result of the reverse grade driveway. This agreement shall be registered on title to the property in perpetuity, to the satisfaction of the City Solicitor.

3. The Owner shall submit confirmation from the General Manager, Toronto Water, that conditions Nos. 1 and 2 above have been satisfied

4. The Owner agrees to plant and maintain front yard landscaping substantially in accordance with the Front Elevation and Planting drawing dated February 2018 as shown as Exhibit 6, attached.

FRONT ELEVATION + PLANTING.
6 MILLBANK RD
TORONTO FEB 2018

Attachment 4