

DECISION AND ORDER

Decision Issue Date Friday, March 02, 2018

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

Appellant(s): TARA JAHANIAN

Applicant: DUYEN NGUYEN

Property Address/Description: 116 BALSAM AVE

Committee of Adjustment Case File Number: 17 145672 STE 32 MV

TLAB Case File Number: **17 226780 S45 32 TLAB**

Hearing date: **Monday, February 05, 2018**

DECISION DELIVERED BY L. McPherson

INTRODUCTION

This is an appeal to the Toronto Local Appeal Body (the “TLAB”), by the owner (“Applicant”) of 116 Balsam Avenue (the “subject property”), of the decision of the Committee of Adjustment (“Committee”) for the City of Toronto (“City”) to refuse minor variances related to the construction of a new 2 1/2-storey detached dwelling. There were four people who elected Participant status of which one attended the hearing.

BACKGROUND

The subject property is located in the Beaches neighbourhood of Toronto on the west

side of Balsam Avenue, between Sycamore Place and Pine Avenue. It is currently occupied by a 2 1/2- storey detached dwelling and a frame shed at the front of the building.

The subject property is designated Neighbourhoods in the City of Toronto Official Plan ("the Official Plan") and is zoned R (d0.6) under Zoning By-law No. 569-2013 ("new City By-law") and R2 under Zoning Bylaw 438-86 of the former City of Toronto ("former By-law").

Following the Committee hearing, the Applicant amended the application to reduce the number of variances. Further to TLAB Rule 11, the Applicant, through his agent, filed Form 3, Applicant's Disclosure, which included intended revisions to the plans and minor variance application that was made to the Committee.

The original application before the Committee requested a total of 8 variances of which 5 applied to the new City By-law and 3 applied to the former By-law. The revised proposal requires a total of 4 variances, 2 to each By-law. The revised variances sought are as follows:

By-law 569-2013

1. A) The permitted maximum building depth for a detached house is 17.0 metres. The proposed building depth is 18.74 metres.
[10.10.40.30. (1) Maximum Building Depth]
2. A) The permitted maximum floor space index is 0.60 times the area of the lot: 358.60 square metres. The proposed floor space index is 1.03 times the area of the lot: 620.06 square metres.
Note: Fifty percent of the basement is included in the floor space index
(10.5.40.40. (3)) [10.10.40.40. (1) Floor Space Index]

By-law No. 438-86

3. The by-law limits the residential gross floor area in an area zoned R2 to 0.60 times the area of the lot: 358.60 square metres.
The proposed residential gross floor area is 505.41 square metres, 0.84 times the area of the lot.
[6(3) Part I 1 - Residential Gross Floor Area]
4. The by-law requires a detached house in an R2 district, to have a minimum side lot line setback of 7.5 metres from the side lot line for that portion of the building exceeding 17.0 metres in depth. The proposed side lot line setback is 0.91 metres on the north side and 0.91 metres on the south side.
[6(3) Part II 3.B (II) - Side Lotline Setback, 7.5 m Min (Depth Exceeding 17 M)]

I accept that these revisions are minor, were appropriately disclosed in the exchanges required by the TLAB Rules, and no further notice or consideration is required under s. 45 (18.1) of the Planning Act.

MATTERS IN ISSUE

The matter at issue is whether the revised variances meet the applicable tests under Section 45(1) of the Planning Act. The primary concern of the Participant in attendance was the proposed floor space impact ("fsi") and the impact it had on the massing of the proposed dwelling.

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 Applicant's legal representative, Mr. Ian Andres, called two expert witnesses. Mr. Trevor Whiteside was qualified as an expert in arboricultural practices. Mr. Paul Johnston was qualified to give expert evidence on land use planning matters.

Mr. Whiteside was retained following the Committee meeting. He prepared a Tree Inventory and Preservation Plan documenting the existing trees and their condition and made recommendations to the owner on changes to the original site plan to retain additional trees. His conclusion was that 4 of the 6 trees that were originally proposed to be removed could be retained with changes to the plan, and that 2 of the trees would still be required to be removed in order to accommodate a new house with a larger

footprint than the existing house. He further advised on the steps required to protect and preserve the 4 trees to be retained.

Mr. Whiteside referred to the original plans (Exhibit 1) to explain the changes made. The changes related to the preservation of the trees are summarized as follows:

- the existing driveway will be retained and not widened as originally proposed;
- the double garage has been reduced to a single garage consistent with the existing driveway location;
- the foundation and structural footings underneath the garage have been shifted further away from the southern lot line to minimize excavation in the vicinity of existing trees;
- the rear wall has been modified;
- the size of the rear deck has been decreased; and
- the rear yard retaining wall, deck stairs and support posts have been shifted east to minimize excavation in the vicinity of the trees.

Mr. Whiteside worked with the project architect to determine the location of the proposed new house foundation, retaining walls and replacement trees (Exhibit 2 – revised drawings). He also provided advice on the required tree protection zones and the tree injury applications that must be submitted to Urban Forestry in connection with the application.

Based on his recommendations being followed and the appropriate permits received, it was Mr. Whiteside's opinion that the revised proposal would enable the preservation of the large Red Oak tree on the boulevard and most of the existing Red Oak and Ash trees on the property, with the exception of one Red Oak and one Norway Maple which are within the footprint of the proposed new dwelling and would therefore require removal. He further advised that there is sufficient room on the property for the replanting of trees that will fill in overtime and replace the losses incurred by the proposal (Exhibit 3 – Witness Statement).

Mr. Paul Johnston provided expert planning evidence on behalf of the owner. He submitted an expert witness statement (Exhibit 4) and a reply expert witness statement (Exhibit 5). He described the site and surrounding area. The subject property is located in the Beaches Neighbourhood of the former City of Toronto, generally north of Queen Street East, south of Kingston Road, east of Woodbine Avenue and west of Victoria Park Avenue.

The subject property is located on the west side of Balsam Avenue, between Sycamore Place and Pine Avenue. It has a frontage of 14.58 m and a depth of 41.15 m. There is a significant drop in elevation from the front to the back of the property in the range of 8 metres. In addition, there is a 1.5 m elevation drop from north to south across the lot. Mr. Johnston described the Beaches area as a stable and very desirable residential neighbourhood, consisting of 2, 2.5 and 3-storey single detached homes and semi-detached dwellings. The lots are organized in a regular and consistent lot pattern,

although in certain locations the street pattern and lot pattern is modified to address changes in elevation, in particular around the Glen Stewart Ravine which is approximately 1 block west of the subject property.

Mr. Johnston advised that the neighbourhood is undergoing rejuvenation and reconstruction. The neighbourhood is marked by the presence of large mature trees and canopy. The physical character of the neighbourhood consists of a mix of larger homes, both old and new, in relatively close proximity with a mix of architectural styles. Using photos (Exhibit 8), Mr. Johnston referred to the mix of housing in the area and noted that more recent houses largely fill the street frontage.

Mr. Johnston indicated that the revised proposal has resulted in the elimination of the following variances:

- roof eaves variance
- south lot line setback variance
- building height variance

The remaining variances deal with fsi, building depth and side yard setbacks associated with the addition depth.

Mr. Johnston advised that the difference in the density calculation under the former By-law (0.87 fsi) and the new City By-law (1.07 fsi) relates to the steep drop at the rear of the subject property. Under the new City By-law, 50% of the basement gross floor area ("gfa") is included in the total gfa while under the former By-law, basement area was not included in the total gfa. This is because the new City By-law permits the exemption of the basement unless the established grade is higher than the average elevation of the ground along the rear main wall of the dwelling by 2.5 m or more, in which case the gfa must include 50% of the floor area of the basement. The steep grade of the subject property results in the rear main wall being lower than average grade. In his opinion, the density is not perceived from the street or adjacent properties and causes no adverse impacts.

With respect to provincial policy, Mr. Johnston reviewed the 2014 Provincial Policy Statement (PPS) which seeks to promote Ontario's long-term prosperity, environmental health and social well-being by managing change and promoting efficient land use and development patterns. In his opinion, the revised proposal results in reinvestment and rejuvenation within an existing urban area, and is consistent with the policies of the PPS.

Mr. Johnston reviewed the provisions of the 2017 Growth Plan and provided the opinion that the revised proposal results in reinvestment and rejuvenation within an existing settlement area, and conforms to the policies of the Growth Plan.

Mr. Johnston reviewed applicable sections of the Official Plan. As noted, the subject property is designated Neighbourhoods. Policy 2.3.1.1 provides that Neighbourhoods

are considered to be physically stable areas. Development within Neighbourhoods will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

Policy 3.1.2.1 (Built Form) provides that, “New development will be located and organized to fit with its existing and/or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by:

- a) locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback, and
- d) preserving existing mature trees wherever possible and incorporating them into landscaping designs”.

Policy 3.4: (The Natural Environment) provides that,

- “1. To support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment, including public works, will be environmentally friendly, based on:
- d) preserving and enhancing the urban forest by:
 - i) providing suitable growing environments for trees;
 - ii) increasing tree canopy coverage and diversity, especially of long-lived native and large shade trees; and
 - iii) regulating the injury and destruction of trees.”

Policy 4.1.5 provides Development Criteria within Neighbourhoods, as follows:

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

- c) heights, massing, scale and dwelling type of nearby residential properties;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space;
- g) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; ...

No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood”

Mr. Johnston advised that the thrust of the Neighbourhoods policies is to respect and reinforce the existing physical character of the Neighbourhood. The development criteria set out is to ensure that the area’s physical character is respected and reinforced. Neighbourhoods are “physically stable” areas but not “static”.

In his opinion, the proposal is in keeping with prevailing character of neighbourhood, specifically with respect to height, scale and massing. There is no height variance sought.

Mr. Johnston undertook an analysis of property data information for the area around the subject property received from the City of Toronto Planning Division. The area extended 4 streets to the east of Balsam Avenue, south to the rear of properties fronting on Queen Street, and north to the rear of properties on Kingston Road (Exhibit 5).

The data included information on a range of items, including: lot area, total gfa and total above grade gfa. Based on the data, Mr. Johnston calculated the fsi for the properties within the R2 (.6 fsi) zone category around the subject property based on both zoning by-laws. He advised that the zoning by-law regulates built form through a number of standards including fsi, height, depth, and length, among other matters however the absolute size of a dwelling is not regulated.

Based on the new City By-law calculation of density (1.03 fsi proposed):

- 57% of the properties had an fsi equal or less than 0.6
- 38% had an fsi greater than 0.6 and less than 1.03
- 5% had an fsi of greater than 1.03%.

Based on the former By-law calculation of density (.84 fsi proposed):

- 68% of the properties had an fsi equal to or less than .6
- 27% had an fsi greater than .6 and less than .84
- 5% had an fsi of greater than .84.

Mr. Johnston indicated that the data confirmed that a density in the Beaches in excess of .6 fsi is common, and an fsi in the order of 1.0 density is not uncommon.

Further, he noted that the proposal, whether measured from the standpoint of above/below grade gfa or above grade gfa, is within the range of density in the neighbourhood and is consistent with the built form and prior approvals in the neighbourhood.

With respect to the prevailing patterns of rear and side yard setbacks and rear landscaped open space, Mr. Johnston noted that no relief from the rear yard setback provisions is required. In his view, the building depth relief sought is modest. The depth/rear wall of the dwelling will be generally in keeping with the rear wall of 120 Balsam Avenue which is 2 properties to the north. He noted that variances have been granted in the Neighbourhood for building depth ranging from 18.57 m to 30.08 m.

In Mr. Johnston's opinion, the revised proposal is compatible in scale and massing with the neighbourhood which is defined by the coexistence of large homes, both old and new, with a mix of architectural styles. Further, in his opinion, it will be compatible with the existing streetscape and maintain the prevailing patterns of development.

Policy 3.4 of the Official Plan addresses tree protection objectives and measures. In Mr. Johnston's opinion, the revised proposal achieves conformity with the Official Plan policies related to tree protection. The plan provides for appropriate tree protection through the location of the dwelling and the recommendations of the Arborist report.

In Mr. Johnston's opinion, the general intent and purpose of the Official Plan is maintained and the revised proposal respects and reinforces the physical character of the neighbourhood.

Mr. Johnston advised that the general intent and purpose of the zoning by-laws is to protect the stable, mature low-density character of the neighbourhood through a combination of permitted residential uses and performance standards.

He noted that the revised proposal complies with all regulations of both by-laws except for maximum fsi and maximum building depth/ side yard setback for the portion of the dwelling exceeding 17 m. In his opinion, the general intent and purpose of the zoning by-laws is met.

In Mr. Johnston's opinion, the massing of the revised proposal is reasonably deployed on the lot, and complies with the as- of- right footprint in all respects except for 1.74 m. of additional depth at the rear which extends for a portion of the width of the dwelling. He noted that the building depth is 18.74 m because it is measured from the front yard setback rather than the front wall, which is behind the front yard setback.

Mr. Johnston identified that the south side yard setback variance only applies to the additional 1.5 m of depth and the north side yard setback only applies to the additional for 0.24 m of depth at the corner of the house. In his opinion, the incremental massing associated with the depth and setback variances is negligible.

He advised that the shadow, privacy and overlook impacts are not materially different than they would be from an as -of -right house and are significantly mitigated by the extensive tree cover.

In summary it is Mr. Johnston's opinion that the revised proposal is desirable for the appropriate development or use of the land and building.

With respect to minor, Mr. Johnston's opined that the revised proposal and the requested variances meet this test. He noted that there is no incremental adverse impact on abutting neighbours in terms of shadow impact, overlook or other matters relative to an as- of- right dwelling. In his opinion, from a quantitative standpoint, the quantum of the variances sought is minor, both individually and collectively.

In conclusion, it was Mr. Johnston's opinion that revised proposal meets all requirements of Section 45 (1) of the Planning Act and the variances should be approved. Further, it was his opinion that the revised proposal is consistent with the PPS, conforms to the Growth Plan (2017) and the Official Plan, and represents good planning. He agreed with the conditions recommended by the City Forestry division.

Participants

Mr. Craig Fields is the co-owner and resident of 116 Balsam Avenue, across the street from the subject property (Exhibit 9 – material submitted by Mr. Fields). He was one of the residents that appeared before the Committee meeting to object to the proposal. Mr. Fields does not believe that the revised proposal addresses the fundamental concerns that were expressed by the residents at the Committee meeting.

His concerns relate primarily to the massing of the proposed dwelling relative to the property size, which translates into an fsi issue. He advised that the gfa proposed is a 72% increase over what is permitted under the new City By-law and a 40% increase under the former By-law.

With respect to streetscape, Mr. Fields does not agree with Mr. Johnston that the proposal will have a similar presence on the streetscape as other houses. He noted that the front face is different in scale as a result of the proposed roofline. With respect to the horizontal footprint, the proposal has a setback of 0.91 m on each side for the depth of the dwelling. While acknowledging that the south facing side at the front of the house is setback 2.21 m to protect the tree, he feels there is little “airspace” at either the north or south side as the design of the roofline is flat for the majority of the roof. As a result, the half floor at the top of the dwelling has a significant gfa that is contributing to the overall high gfa. In his opinion, the proposal is unique in the area as the other properties referred to that have an fsi of about .85 have peaked roofs as opposed to flat roofs to allow for more visual space in terms of sight lines. The proposal is unique in the amount of space that is attributed to the front face of the dwelling. He referred to the visual evidence (Exhibit 6) to demonstrate the peaked roofs and visual sight lines of the other dwellings on Balsam Avenue.

Mr. Fields advised that Mr. Johnston’s analysis did not identify property types and building characteristics. The properties with an fsi of 1.3 and above included 2 buildings that are apartment buildings, and 1 containing a triplex of which each unit has been included in the survey. There are 35 properties with buildings in total, of which 19 are semi-detached buildings. This form tends to have a high fsi and small properties. Of the 11 properties that have a 1.03 fsi or greater, the largest had a gfa of 353.9 m². There are no properties that have the size of property of the subject property with an approval for an fsi of 1.03. The highest fsi for a property the size of the subject property is 0.85 (at 80 and 103 Balsam).

The data under the old by-law (only the above grade gfa) also includes a multiple unit building. Of the 30 properties, 16 are semi-detached and 13 are detached dwellings. None of which are over 300 m² in size. In Mr. Fields’ opinion, the mass of the proposed development generates an extremely large fsi which is unique in the area.

Mr. Fields analyzed the data provided to determine the relationship between the lot area and the fsi and advised that the as the property gets smaller, the fsi approvals tend to exceed the 0.6 fsi limit. When the property size gets larger than 400 m², there are no

above grade fsi's that are greater than 0.8. For above and below grade in excess of 1.03 fsi, the property at 108 Balsam Avenue is 465 m² and it is the only exception above 400 m².

He concluded that the data as it was presented doesn't take into account the details of the properties including the historical context and cannot be used to reach a conclusion of the subject property.

In conclusion, Mr. Fields' concern is that the proposed mass on the property is not in keeping with the other houses on the street, which can be seen in the fsi that is proposed.

In cross, Mr. Fields clarified that he is not speaking on behalf of an organized resident's association but on behalf of the residents who spoke at the Committee. He acknowledged that the building depth and associated setbacks are not perceptible from his house or anyone on the street.

Mr. Grant Dietrich of 118 Balsam Avenue filed a Participant Statement but was unable to attend the hearing. In his Participant Statement he noted an incorrect elevation used to determine Established Grade. This was corrected by the Applicant prior to the hearing. Mr. Johnston advised it did not alter the proposed variances. The Participant Statement raised issues with the proposed length of the building at 18.74 m whereas 17.0 m is permitted and the proposed side yard setback beyond 17.0 m. The concerns related to privacy issues. He noted that the increased depth results in an increased retaining wall and would increase the oversized appearance of the house. Photographs were provided showing the north property line and the view from Pine Crescent.

Mr. Andrew Willis of 111 Balsam Avenue also filed a Participant Statement and was unable to attend the hearing. His concern related to the architectural massing of the proposed building. In his opinion, the architectural massing significantly exceeds the other homes on the street. The Statement noted concern with the broad front façade on Balsam Avenue and the 3-storey, flat roof structure as well as the minimal setbacks from the lot line to the north and south.

ANALYSIS, FINDINGS, REASONS

The TLAB has carefully considered the submissions of the Participants, both orally and in the Participant Statements.

The Applicant made several revisions to the proposed dwelling and variances in an attempt to address issues raised by the City forestry Division and the Committee. In terms of massing and design, it is important to note that there are no longer height or side yard setback variances required under the new City By-law. The proposed variances applicable to the new City By-law are for building depth and density (fsi). Under the former City By-law, variances are required for density and side yard setbacks

for the portion of the building extending beyond 17 m.

As a result, there are three issues that are before the TLAB in this appeal; density, building depth, and side yard setbacks associated with the additional depth, particularly the south side yard setback. The north side yard variance is for a depth of 0.24 m or the equivalent of just over 8 inches. It is noted that the house itself is approximately 17.0 m in length in this location and the additional depth is largely the result of building depth being measured from the setback line. I agree with Mr. Johnston that incremental massing associated with the increased depth in this location is negligible.

With respect to the south side yard setback for the additional 1.74 m of depth, the elevation indicates that there are no windows on the south façade. The at-grade deck is setback considerably from the south lot line and is located along the westerly side of the rear wall, adjacent to the north lot line. I agree with Mr. Johnston that the incremental massing associated with the additional depth of 1.74 m adjacent to the south lot line would not be materially different than the as-of-right massing in terms of shadow, privacy and overlook impacts. The efforts to maintain the existing tree cover together with the lack of windows and location of the deck will assist in mitigating any potential impacts. While the TLAB appreciates the concerns of one of the Participants regarding privacy, there was no technical evidence to support these concerns. There is no accompanying rear yard setback variance required, and therefore there is no concern regarding a lack of rear yard amenity space. The proposed depth is not out of character with other approvals in the area and is generally in keeping with the rear yard of the property at 120 Balsam Avenue.

The Participants consider the proposed house to be out of character with the neighbourhood. One of the main concerns was the broad main façade and the style of the roof which would not permit as much skyview or sight lines as a peaked roof. While the TLAB appreciates this concern, the proposed dwelling does not require a variance for the height of the main walls or overall structure and does not require side yard setback variances for the first 17 m of depth. The design of the roofline does not require a variance. As a result of the revisions to the plans to retain an additional tree, the south side yard setback is more than double the required setback for a depth of over 7 m. The Participants equate the proposed fsi with the massing of the dwelling at the street. I agree that fsi and massing are related however I agree with Mr. Johnston that there are a number of ways to deploy the density on a site. The Applicant could remove density in at rear of the dwelling and maintain the front elevation. A reduction in fsi does not necessarily result in any change to the front of the house as there are no variances required for height or setbacks for a depth of 17.0m.

With respect to the issue of fsi, the TLAB was impressed by the approach and depth of analysis undertaken by Mr. Fields. In his evidence, Mr. Fields noted that the data indicated that there is a correlation between the gfa/fsi and the size of the lot. Specifically, he noted that the higher fsi's were generally associated with smaller lot sizes. The subject property is one of the largest in the area and, as both witnesses

agreed, the fsi being sought is at the top end of density that has been granted in the area.

There are limitations in a strictly numeric analysis of lot area data to determine neighbourhood character. Each proposal must be considered on its own merits in the context of the area and the context of the subject property. In this case, the unique circumstances of the subject property must be taken into account. As noted, the topography of the site drops approximately 8 m from front to back. As a result, the basement at the rear of the building is exposed and under the new City By-law, 50% of the basement area is included in the gfa.

I find that an analysis of the massing of the proposed dwelling on the lot with respect to the proposed building footprint, height, length and setbacks is the appropriate measure of building “fit” in this context. The resulting density, while an important indicator, is not the primary factor when considering the 4 tests. As noted in the analysis above, I find that the massing of the building is appropriate for the site and the resulting fsi is within the range of other approvals in the area. The additional massing at the rear of the building would not be perceived from the street. The existing and proposed vegetation will mitigate to some extent the extra mass at the rear.

It is noted that City Planning staff did not indicate any issues with the original variance application. The Applicant has revised the plans to address comments made by the Urban Forestry division.

The TLAB is satisfied that the revised variances meet the criteria set out in Section 45(1) of the Planning Act. The general purpose and intent of the Official Plan and Zoning By-laws is maintained. The proposal results in an appropriate and desirable development for subject property and the variances are considered minor in the context. The TLAB is satisfied that the variances are consistent with the Provincial Policy Statement and conform to the Growth Plan. The approval is subject to the conditions below from Urban Forestry. In addition, a condition will be imposed that the proposed building be built substantially in accordance with the revised plans to ensure that the elements of the plans that have been identified in this decision are reflected in the final form.

DECISION AND ORDER

I authorize the following minor variances applicable to the new City By-law and the former By-law, as below specified:

By-law 569-2013

1. A) The permitted maximum building depth for a detached house is 17.0 metres. The proposed building depth is 18.74 metres.

[10.10.40.30. (1) Maximum Building Depth]

2. A) The permitted maximum floor space index is 0.60 times the area of the lot: 358.60 square metres. The proposed floor space index is 1.03 times the area of the lot: 620.06 square metres.
Note: Fifty percent of the basement is included in the floor space index (10.5.40.40. (3))
[10.10.40.40. (1) Floor Space Index]

By-law No. 438-86

3. The by-law limits the residential gross floor area in an area zoned R2 to 0.60 times the area of the lot: 358.60 square metres.
The proposed residential gross floor area is 505.41 square metres, 0.84 times the area of the lot.
[6(3) Part I 1 - Residential Gross Floor Area]
4. The by-law requires a detached house in an R2 district, to have a minimum side lot line setback of 7.5 metres from the side lot line for that portion of the building exceeding 17.0 metres in depth. The proposed side lot line setback is 0.91 metres on the north side and 0.91 metres on the south

Conditions of Approval

1. The proposed building shall be constructed substantially in accordance with the Site Plan and Elevations dated November 16, 2017, filed as hearing Exhibit 2 (Attachment 1 hereto and forming part of this decision).

Urban Forestry:

2. Submission of complete application for permit to injure or remove privately owned trees under Municipal Chapter 813 Article III, Private trees.
3. Submission of complete application for permit to injure or remove City owned trees under Municipal Chapter 813 Article II, Street trees.
4. Approval of the variances listed in the subject application does not preclude the applicant from requiring additional approvals from Urban Forestry. Driveways, garages, porches and/or landscape proposals that necessitate removal or injury to City-owned street trees or loss of tree planting space on the road allowance will not necessarily be supported by Urban Forestry.

X 

Laurie McPherson

Panel Chair, Toronto Local Appeal Body

RECEIVED
By Toronto Local Appeal Body at 2:35 pm, Nov 24, 2017

Toronto Local Appeal Body

EXHIBIT #2

Case File Number: 17 226780 S45 32 TLAB
Property Address: 116 Balsam Ave.
Date Marked: February 05, 2018

LOT 76

P.I.N. 21006-0062 (LT)

PROPOSED REPLACEMENT TREES

P.I.N. 21006-0471 (LT)

No. 116
NEW 2.5 STOREYS
DWELLING FFE = 99.78

FRONT YARD AREA: 101.40 m²
DRIVEWAY AREA: 22.55m²
LANDSCAPING AREA: 78.85 m² (77.76%)
WALKWAY & PORCH AREA: 12.66 m²
SOFT LANDSCAPING AREA: 66.19 m² (83.94%)

LOT AREA : 597.67 m ²		LOT COVERAGE : 219.44 m ² 36.72%						
GFA	FIRST FLOOR AREA	SECOND FLOOR AREA	ATTIC FLOOR AREA	GARAGE FLOOR AREA	BASEMENT	BALCONY	TOTAL GFA NOT INCLUDING bsmnt	GFA %
TOTAL	176.62 m ²	214.87 m ²	170.32 m ²	43.57 m ²	211.36 m ²	3.79 m ²	561.81 m ²	94 %

CONTRACTOR MUST VERIFY ALL DIMENSIONS AND ASBUILT INFORMATION INCLUDING STRUCTURAL AND MECHANICAL PRIOR TO COMMENCEMENT OF WORK AND REPORT ANY DISCREPANCIES TO MEMAR CONSULTANTS INC.
DESIGN, DRAWINGS & SPECIFICATIONS ARE ALL PROPERTY OF MEMAR CONSULTANTS INC AND SHOULD NOT BE USED FOR ANY OTHER PROJECT WITHOUT WRITTEN PERMISSION FROM MEMAR CONSULTANTS INC.

DATE: 2017-11-16
ISSUED FOR: ZONING CERTIFICATE

THE UNDERSIGN HAVE REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE DESIGNER.
KHALID IBRAHIM 42365
NAME BCIN
MEMAR CONSULTANTS 36837
FIRM NAME SIGNATURE BCIN

DRAWING TITLE: SITE PLAN

K.I. M.F. CLIENT: OWNER:

PROJECT TITLE/ADDRESS: 116 BALSAM AVE. TORONTO

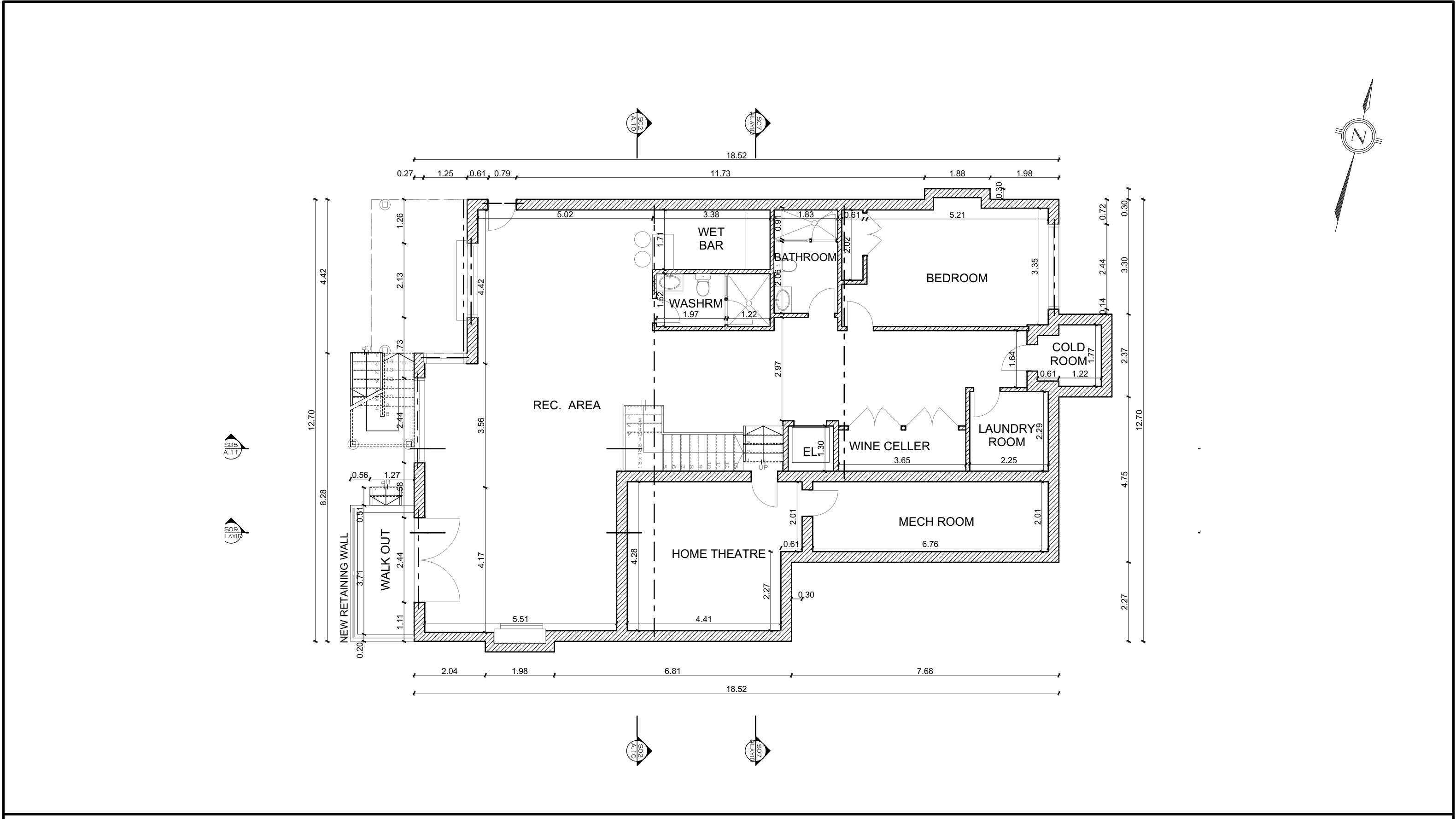
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LAST MODIFIED: 2017-11-16

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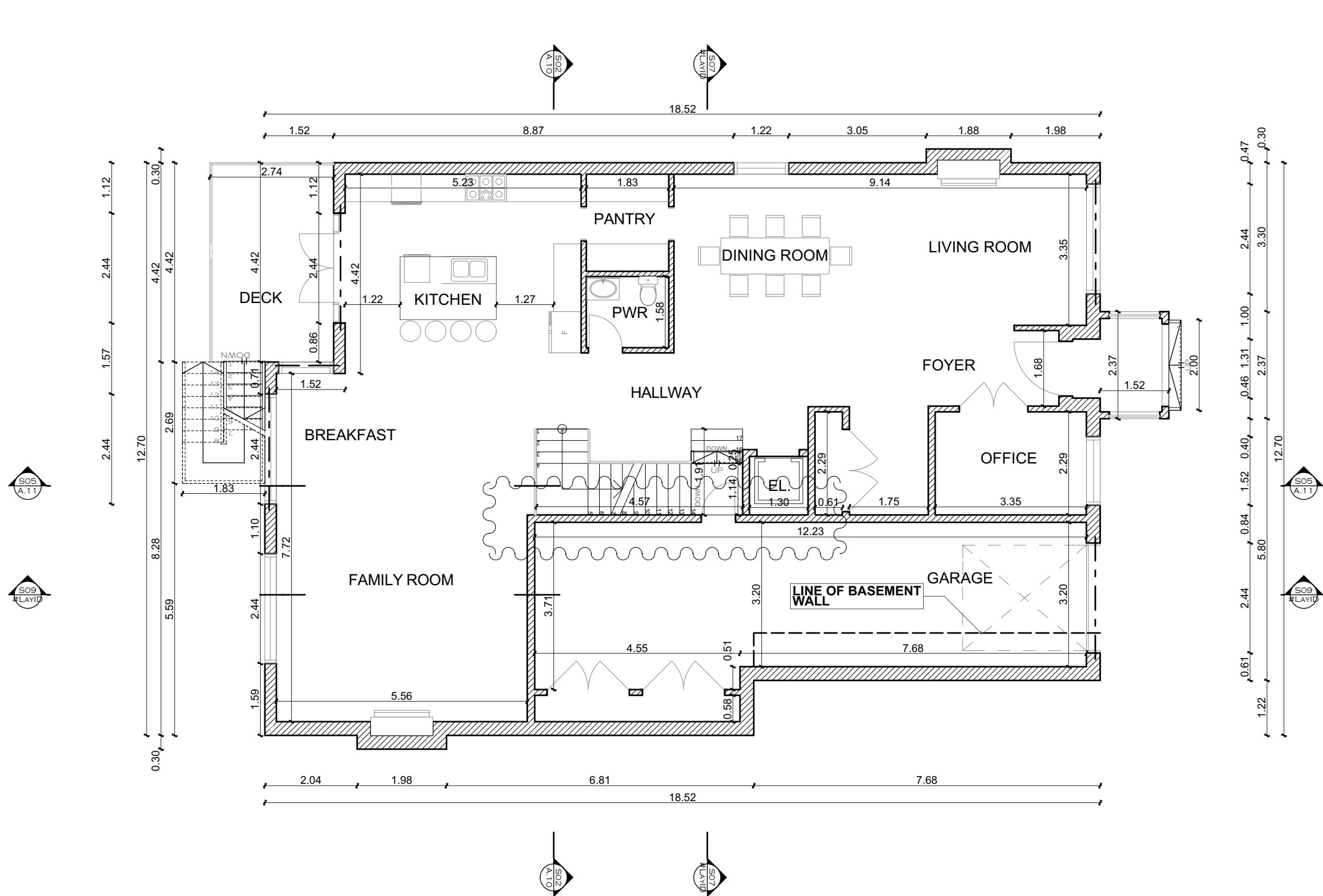
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BALSAM AVENUE
(BY REGISTERED PLAN 406 P.I.N. 21007-0033 (LT))





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				CLIENT: OWNER:			LAST MODIFIED: 2017-11-16			



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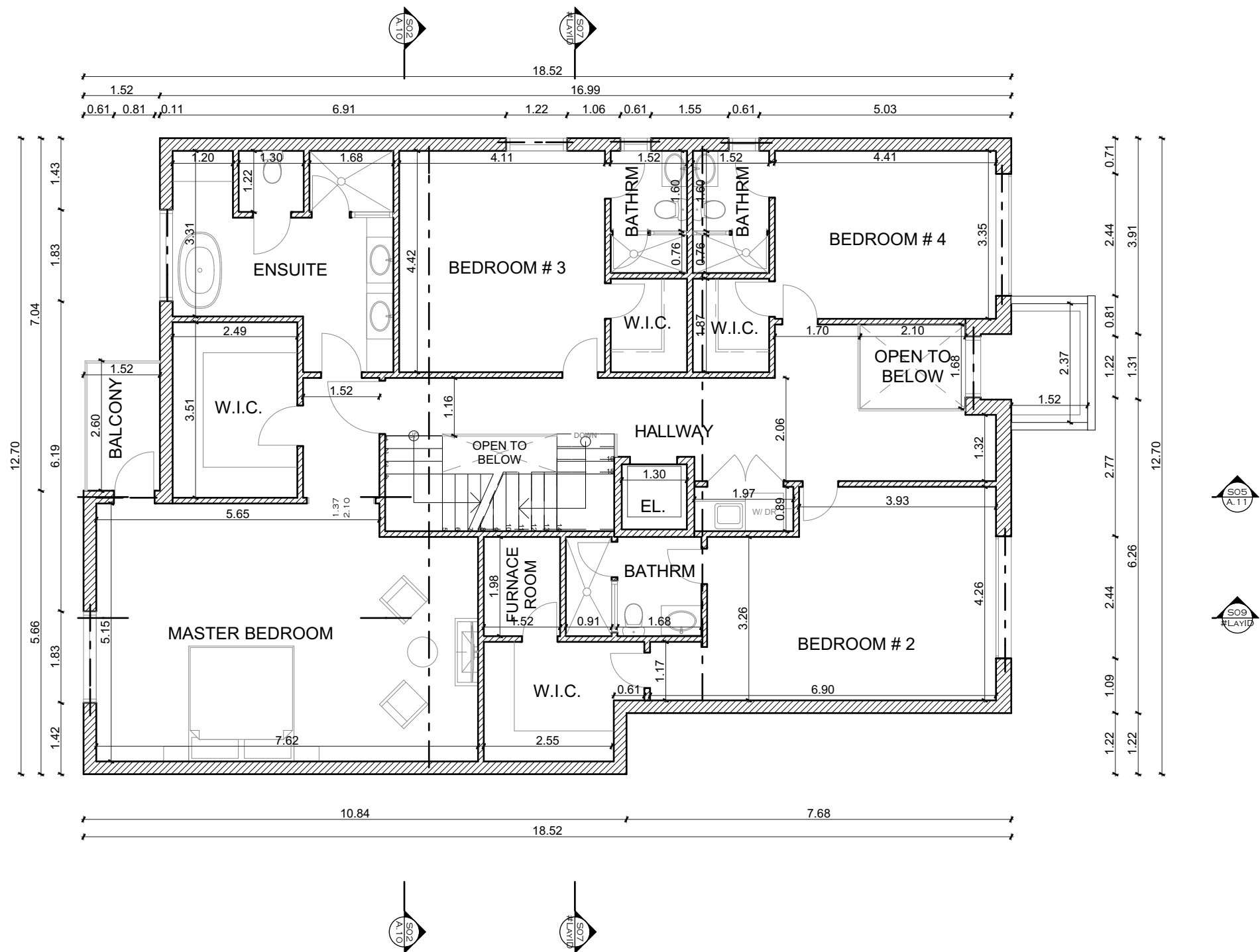
THE UNDERSIGN HAVE REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE DESIGNER.		
KHALID IBRAHIM		42365
NAME	SIGNATURE	BCIN
MEMAR CONSULTANTS		36837
FIRM NAME	SIGNATURE	BCIN

DRAWING TITLE:		
GROUND FLOOR		
K.I.	M.F.	CLIENT:
		OWNER:

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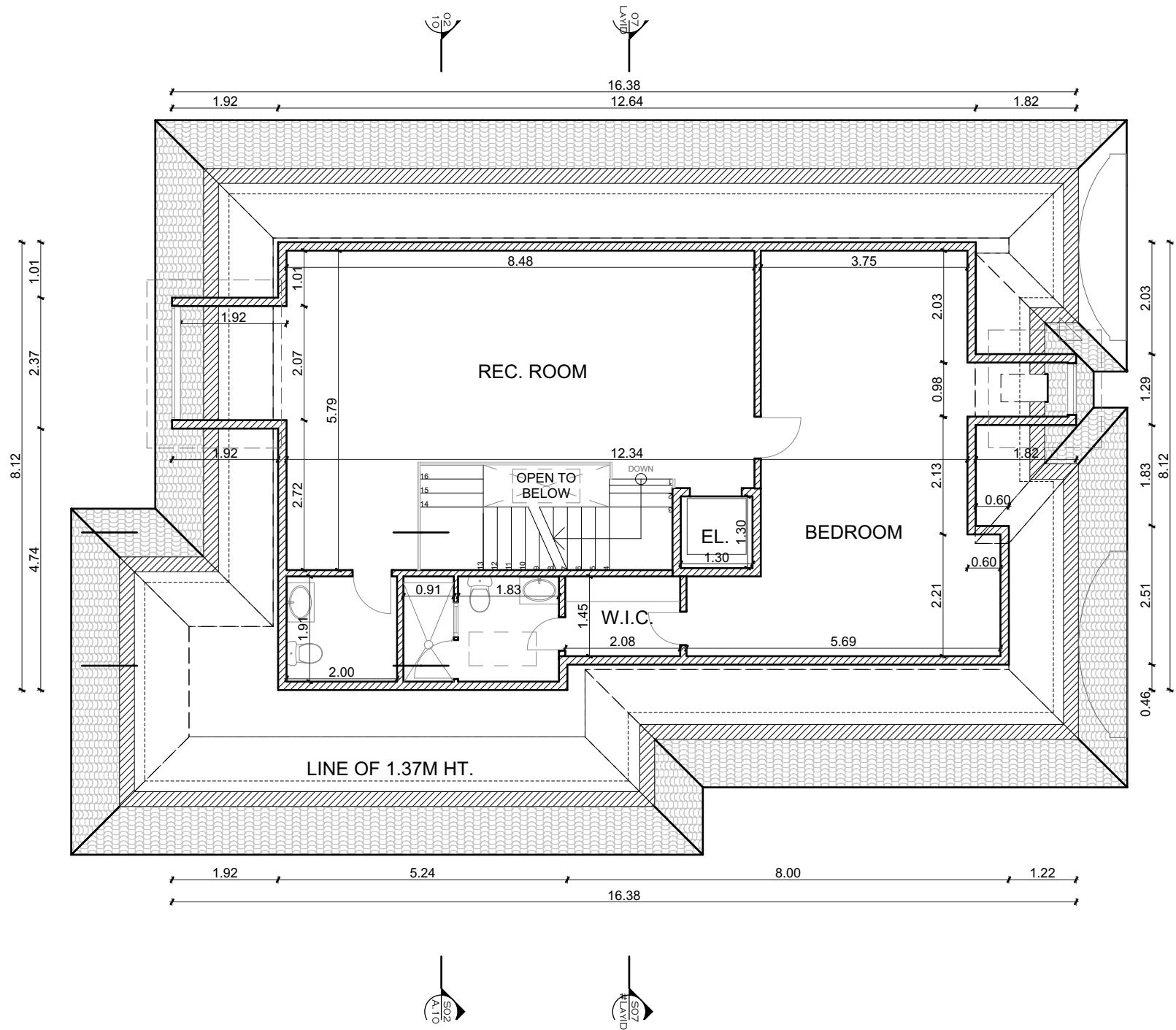
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KHALID IBRAHIM		42365
NAME	SIGNATURE	BCIN
MEMAR CONSULTANTS		36837
FIRM NAME	SIGNATURE	BCIN

DRAWING TITLE:		
SECOND FLOOR		
K.I.	M.F.	CLIENT:
		OWNER:

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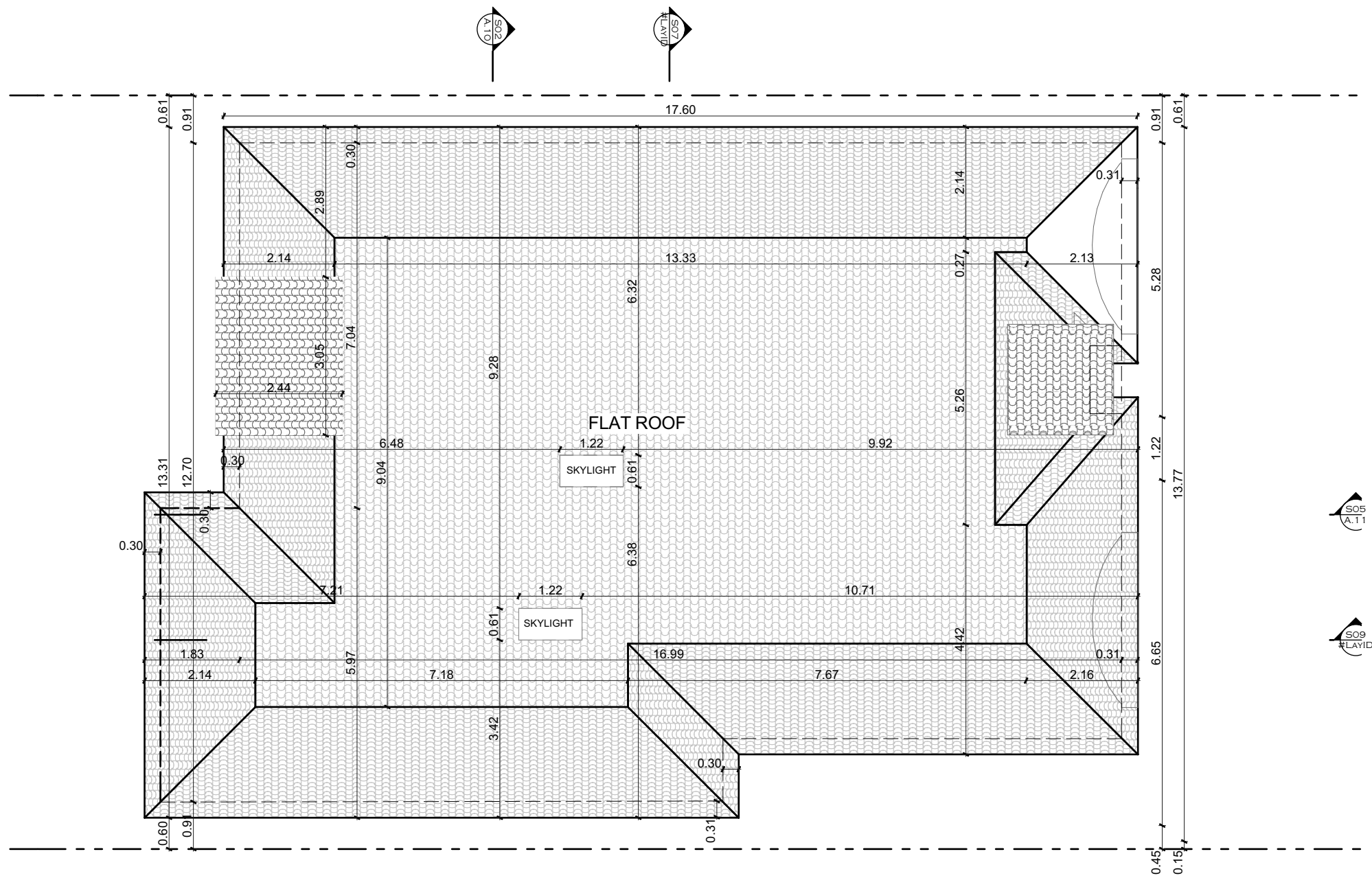
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KHALID IBRAHIM		42365
NAME	SIGNATURE	BCIN
MEMAR CONSULTANTS		36837
FIRM NAME	SIGNATURE	BCIN

DRAWING TITLE:		
ATTIC FLOOR		
K.I.	M.F.	CLIENT:
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NAME	SIGNATURE	BCIN
MEMAR CONSULTANTS		36837
FIRM NAME	SIGNATURE	BCIN

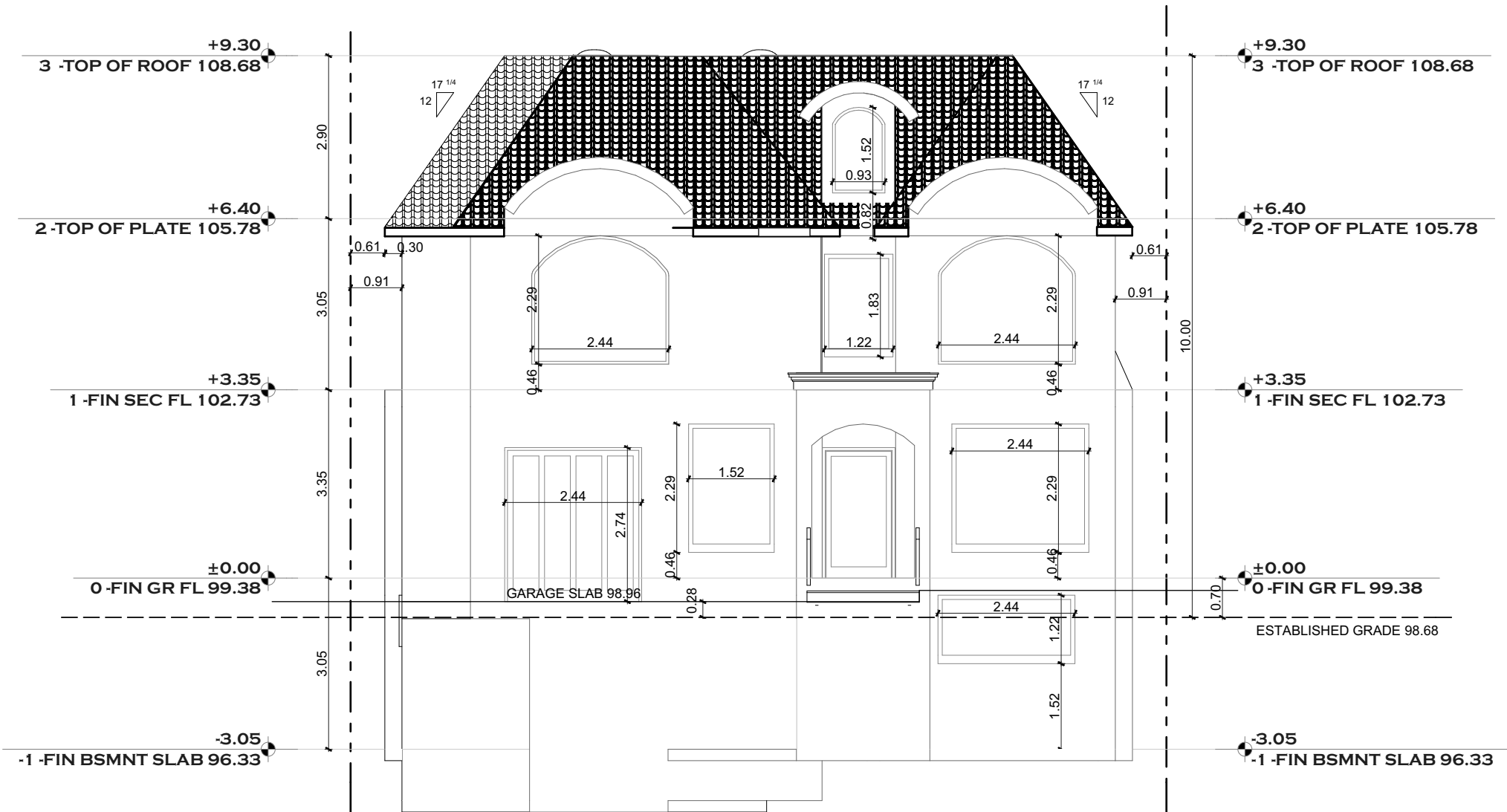
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K.I.	M.F.	CLIENT:
		OWNER:

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FIRM NAME	SIGNATURE	BCIN

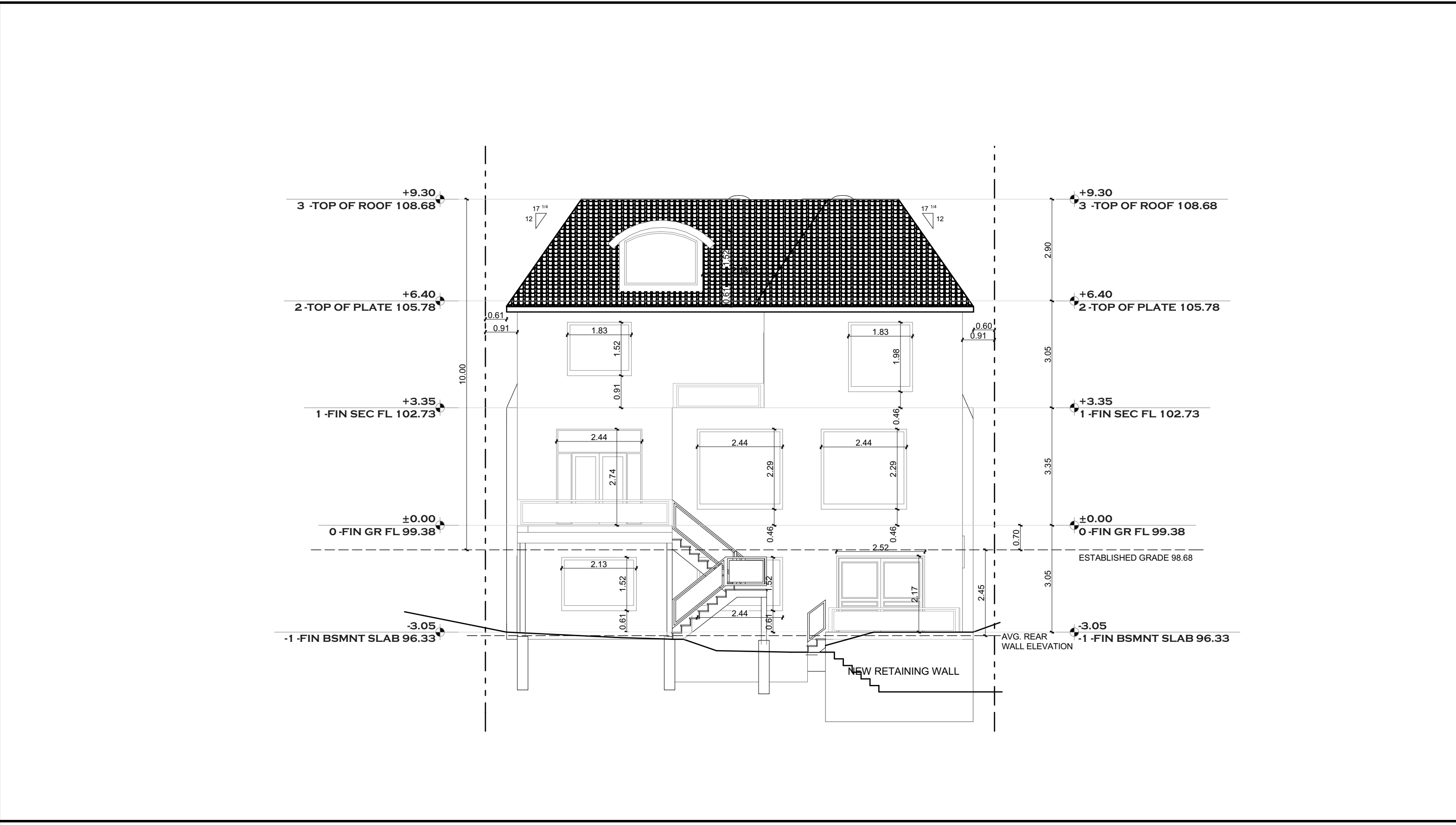
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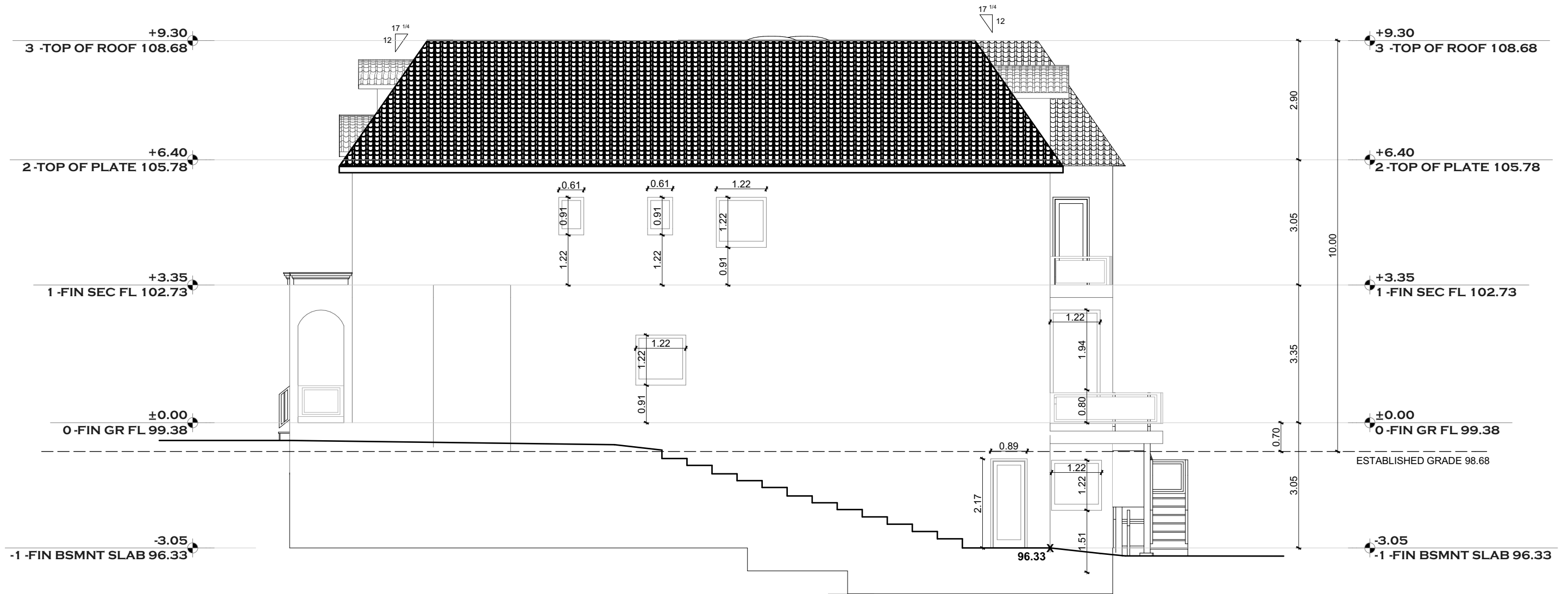
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MEMAR CONSULTANTS		36837
FIRM NAME	SIGNATURE	BCIN

DRAWING TITLE:		
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K.I.	M.F.	CLIENT:
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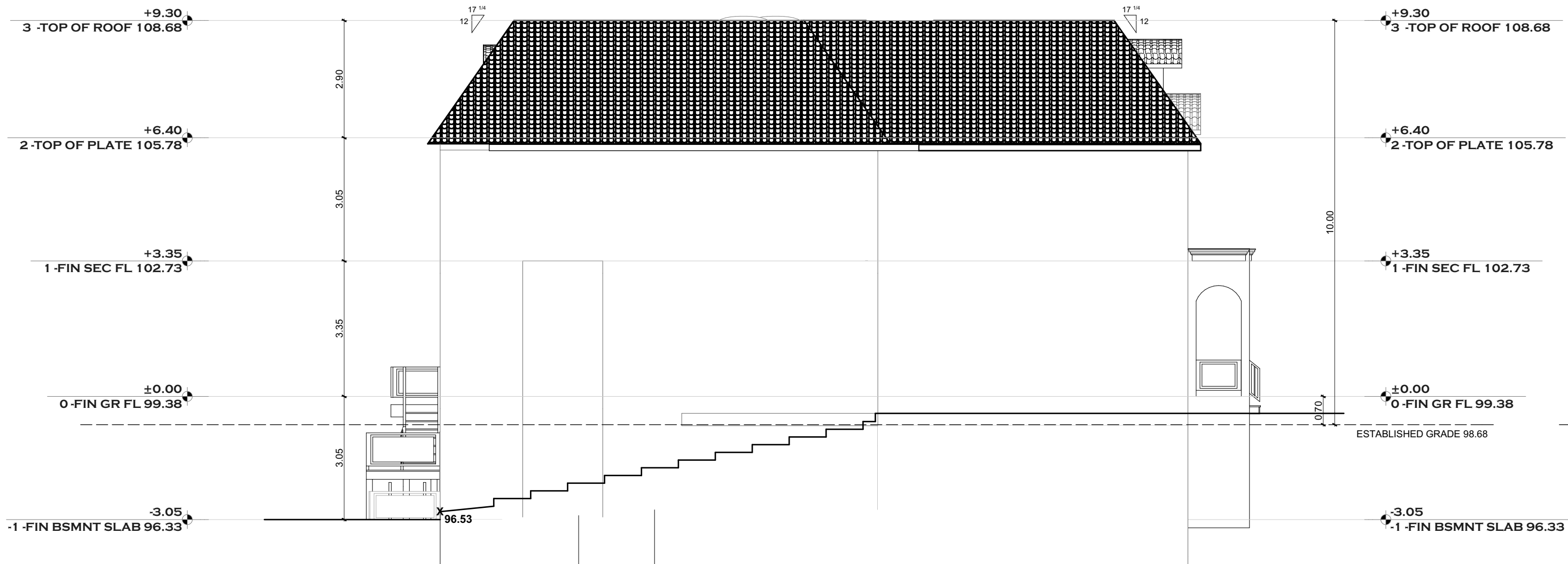
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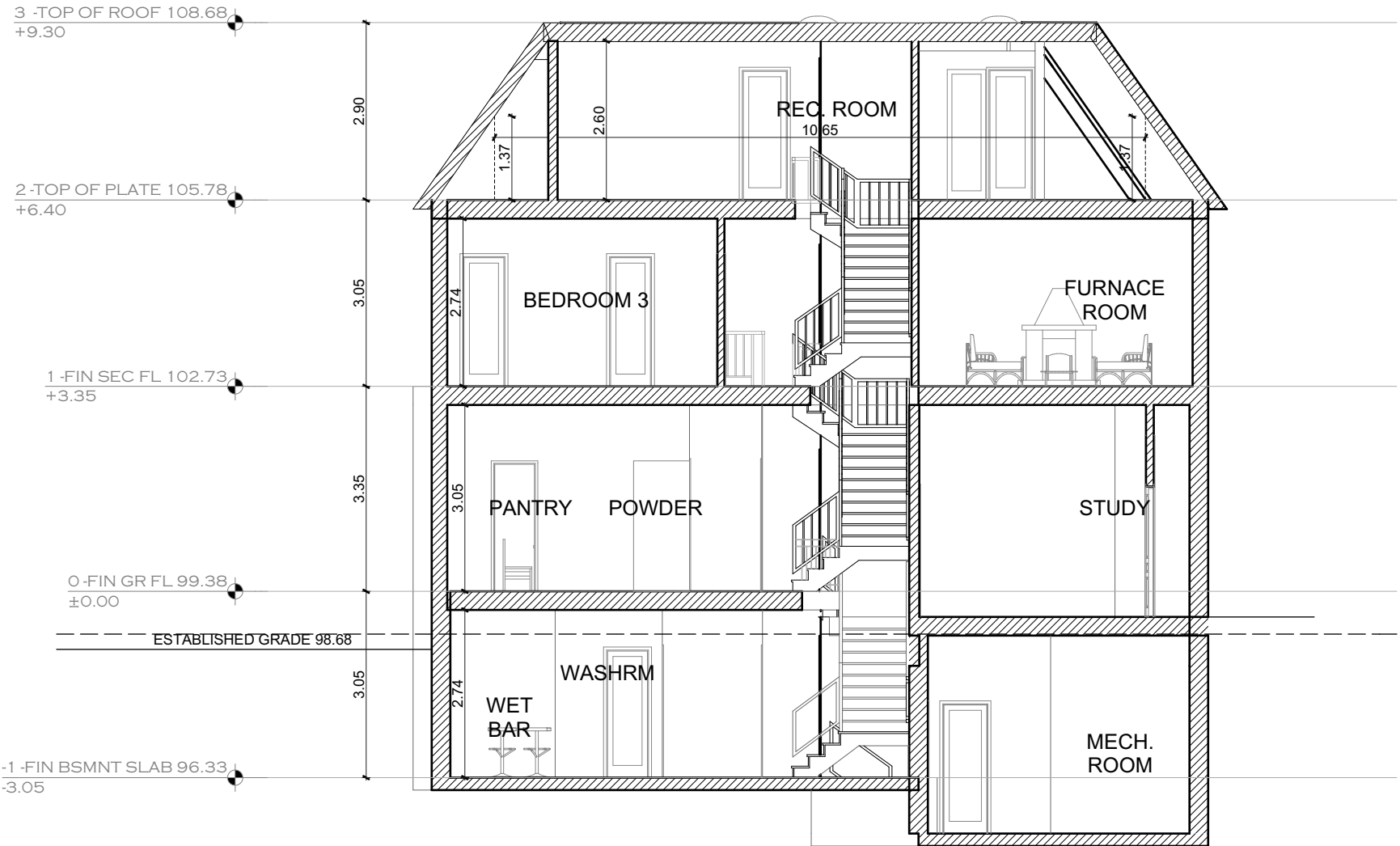
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MEMAR CONSULTANTS		36837
FIRM NAME	SIGNATURE	BCIN

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SOUTH ELEVATION		
K.I.	M.F.	CLIENT:
		OWNER:

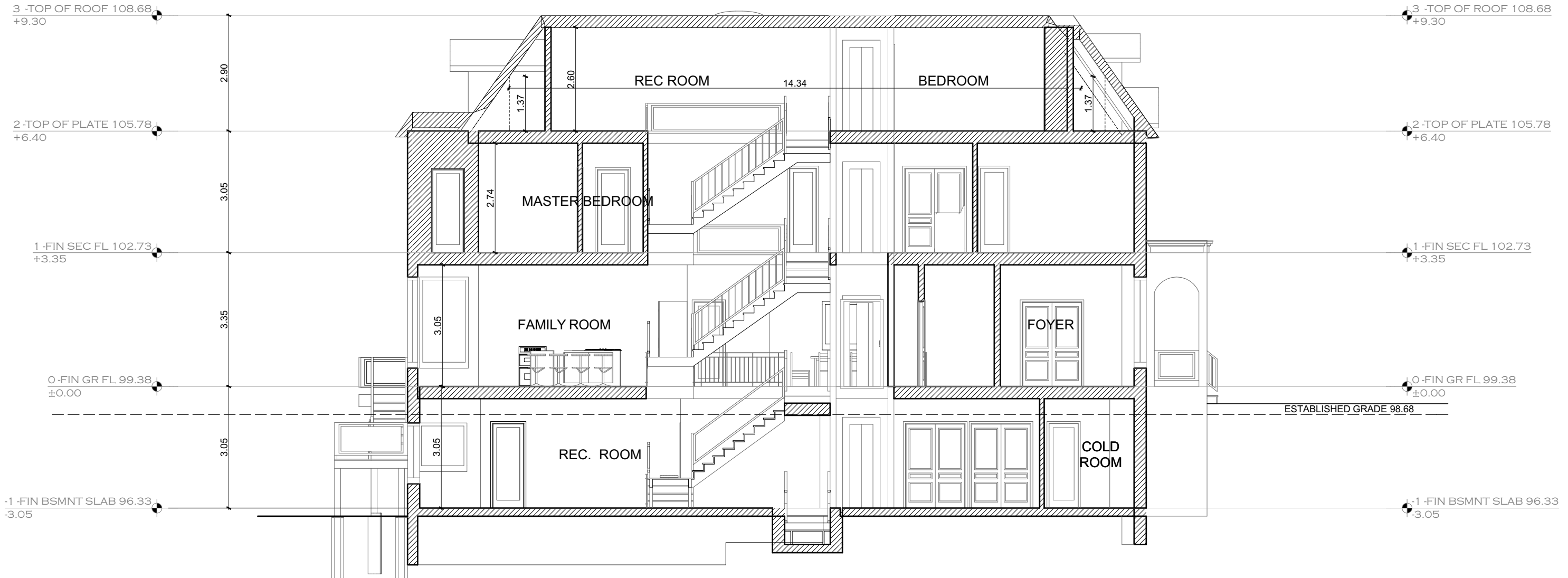
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KHALID IBRAHIM		42365
NAME	SIGNATURE	BCIN
MEMAR CONSULTANTS		36837
FIRM NAME	SIGNATURE	BCIN

DRAWING TITLE:		
SECTION 5 - 5		
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		OWNER:

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