

DECISION AND ORDER

Decision Issue Date Wednesday, March 21, 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): EDWARD ENG

Appellant's Legal Rep.: WILLIAM ROBERTS

Applicant: NAVID ARBABI

Party: ARYA SADR

Party's Legal Rep.: AMBER STEWART

Party: CITY OF TORONTO

Part's Legal Rep.: CIGDEM ILTAN, JESSICA BRAUN

Property Address/Description: 350 WALMER RD

Committee of Adjustment Case File Number: 17 188862 STE 21 CO (B0063/17TEY),
17 188867 STE 21 MV (A0740/17TEY)

TLAB Case File Number: **17 250547 S53 21 TLAB, 17 247982 S45 21 TLAB**

Hearing date: Thursday, March 01, 2018

DECISION DELIVERED BY G. BURTON

Appearances

Parties

NO 335 Taurus Ventures Ltd (previous owner)

Amber Stewart

Mr. Edward Eng

William Roberts

City of Toronto

Jessica Braun

Participant

Mr. Ed Collins

INTRODUCTION

This is an appeal by Mr. Edward Eng and the City of Toronto from decisions of the Committee of Adjustment (COA) on October 3, 2017 that approved a severance of the property at 350 Walmer Road in the Casa Loma neighbourhood of Toronto. It also approved certain variances for dwellings to be constructed on each lot. Mr. Eng owns 348 Walmer Road to the south of the subject lot, 350 Walmer Road. The City of Toronto served notice of its intention to become a party to the appeal. Although Mr. Eng appealed both the severance and the variances for the proposed 350A (Part 2 on the Site Plan) next to his property, he did not appeal the variances for 350B, the northerly lot. Thus the COA decision for Part B variances had come into effect, and was not part of this hearing.

The property is designated Residential under the City of Toronto Official Plan, and zoned R1S Z0.6 under By-law 438-86 (the “Old By-Law”) and R (f10.5;u2;d0.6) (x929) under the new City By-law 569-2013 (the “New By-law” – not yet in force.) It is a very deep lot at 53.29 m, as are many in the area.

BACKGROUND

Subsequent discussions between the appellant Mr. Eng and the new property owners, Arya Sadr, Yass Sadr, and Saeideh Mostafaei (the “owners”) resulted in Minutes of Settlement (“MOS”) on February 28, 2018, shortly before the hearing. Small adjustments to the variances for 350A are now proposed. The City participated in the discussions, but had no express instructions on the issues. Therefore it appeared at the hearing to comment rather than to oppose the appeal.

The MOS set out what would be presented in the hearing for the TLAB’s consideration and requested approval. The owners would submit revised plans (Exhibit 1) and a revised list of variances (Exhibit 2). Conditions requested, should the severance and variances be granted, are found in Exhibit 3. Mr. Eng would then make reasonable efforts to communicate the terms of the settlement to the Participants in this proceeding, and to encourage them to support the Application as revised.

MATTERS IN ISSUE

The appellant’s original concerns:

Although he opposed the severance initially as inconsistent with the streetscape pattern, I believe it fair to say that Mr. Eng's principal concerns at the time of the settlement related to the setback of the proposed new building at 350A (Part 2) to his north property line. There was insufficient space with the requested variance at 0.46 m, he had stated, rather than the required 0.9 m for the portion not exceeding 17 m in depth. He also feared damage to the large tree adjacent to the common rear lot line between 348 Walmer and the subject property.

TLAB Approval of a Settlement:

Despite the fact that the parties, including the City, now agree to the resolution of the appeal as outlined, the TLAB still must hear evidence addressing all of the statutory tests. It has the obligation to satisfy itself that these tests are met by the application as modified.

JURISDICTION

On the appeal of a consent application, the TLAB must be able to conclude that the relevant provisions of subsection 51(24) of the Act are satisfied. Subject to my editorial deletions of some of the clauses, based on the evidence I accept of the planner Mr. Goldberg in this matter, the subsection reads:

"... 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;....

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

(f) the dimensions and shapes of the proposed lots;.....

Respecting the variance appeals, the TLAB must ensure that each of the variances sought meets the tests in subsection 45(1) of the Act. This involves a reconsideration of the variances considered by the Committee in the physical and planning context. The subsection requires a conclusion that each of the variances, individually and cumulatively:

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

These are usually expressed as the “four tests”, and all must be satisfied for each variance.

In addition, TLAB must have regard to matters of provincial interest as set out in section 2 of the Act; and the variances must be consistent with provincial policy statements and conform with provincial plans (s. 3 of the Act). A decision of the TLAB must therefore be consistent with the 2014 Provincial Policy Statement (‘PPS’) and conform to (or not conflict with) any provincial plan such as the Growth Plan for the Greater Golden Horseshoe (‘Growth Plan’) for the subject area.

Under s. 2.1(1) of the Act, TLAB is also to have regard for the earlier Committee decision and the materials that were before that body.

EVIDENCE

The consent approved by the COA was to sever the property into two residential lots:

Retained – Part 1 (B)

The lot frontage is 7.62 m and the lot area is 406.62 sq. m. A new three-storey detached dwelling with an integral garage will be constructed and will require variances to the Zoning By-law.

Conveyed – Part 2 (A)

The lot frontage is 7.62 m and the lot area is 406.8 sq. m. A new three-storey detached dwelling with an integral garage will be constructed and will require variances to the Zoning By-law.

As mentioned, while Mr. Eng appealed the severance, only the COA variance decision related to Part 2 (350A) next to the Eng property was appealed. The variances for the other lot 350B are now in force. Therefore Mr. Eng provided a revised list of requested variances for Part 2 on the Site Plan (Exhibit 2).

The revised variance list for Part 2 (350A) is as follows, with those to be altered underlined:

1. Chapter 10.5.40.10(5), By-law 569-2013

A minimum of 10 m² of the first floor must be within 4 m of the front main wall.
In this case, 8.24 m² of the first floor will be within 4 m of the front main wall.

2. Chapter 10.10.30.20.(1)(A), By-law 569-2013

The minimum required lot frontage is 10.5 m.

The frontage of the conveyed lot will be 7.62 m.

3. Chapter 10.10.40.10(2)(B)(ii), By-law 569-2013

The maximum permitted height of all side exterior main walls facing a side lot line is 9.5 m.

The height of the side exterior main walls facing a side lot line will be 11.96 m.

4. Chapter 10.10.40.30.(1)(A), By-law 569-2013

The maximum permitted depth of a detached dwelling is 17 m.

The new detached dwelling will have a depth of 18.44 m.

5. Chapter 10.10.40.40.(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 (244.08 m²).

The new detached dwelling will have a floor space index equal to 0.73 times the area of the lot (295.7 m²).

6. Chapter 10.10.40.70.(3)(A), By-law 569-2013

The minimum required side yard setback for a detached house is 0.9 m (wall containing windows or doors).

The proposed south side yard setback is 0.6 m.

7. Section 6(3) Part I 1, By-law 438-86

The maximum permitted gross floor area of a new detached dwelling is 0.6 times the area of the lot (244.08 m²).

The new detached dwelling will have a gross floor area equal to 0.73 times the area of the lot (295.7 m²).

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

The minimum required side lot line setback for the portion of the building exceeding a depth of 17 m is 7.5 m.

The portion of the new detached dwelling exceeding the 17 m depth will be located 0.46 m from the north side lot line and 0.6 m from the south side lot line.

9. Section 6(3) Part II 3.B(I), By-law 438-86

The minimum required side lot line setback for the portion of a detached dwelling not exceeding a depth of 17 m is 0.9 m.

The portion of the new detached dwelling not exceeding a depth of 17 m will be located 0.46 m from north side lot line and 0.6 m from the south side lot line.

Variance 1: Ms. Stewart outlined the alterations to the variances. Principal among the alterations was an increase in the side yard setback (Variance 6, see below), resulting in a change in the size of the dwelling. It was altered to be 6 inches narrower. This permitted a reduction in Variance 1 for the minimum foyer area, to 8.24 sq. m. from 8.59 that the COA had approved.

Variance 6: At the COA, the side yard setback variance requested for both sides was 0.46 m under the Old By-law. Under the New, the required side yard setback is 0.9 m, but this can be reduced to 0.45 m if there are no openings in the side walls. Thus no variance was needed initially under the New By-law. The parties agreed to increase the side yard setback on the south side, next to Mr. Eng's to 0.6 m. This resulted in a narrowing of the dwelling by 6 inches. However, the owners also wished to place a window on the third floor level to admit light. Thus on the site plan there is a "carve-out" of the roof line on the third floor (Exhibit 1, Drawing A105) to accommodate the desired window. This would be set well back, located 3.87 m from the property line. However, on the technical interpretation by the zoning examiner after the window was added to the wall, there must be another variance added, from the New By-law requirement for a side yard setback of 0.9 m. The owners could not take advantage of the exception of 0.45 m in this instance, and so request a south side yard setback variance of 0.60 m. under the New By-law. There were conditions agreed to for this window as well – see DECISION AND ORDER below.

Variances 8 and 9: These variances for side yard setbacks under the old By-law were granted at 0.46 m for the south side lot line as well as the north. With the agreed-upon change in the south yard setback, the new minimum measurement for the south would be 0.6 m.

The changes to Variances 1, 8 and 9 and the additional variance requested must be considered in light of subsection s. 45 (18.1.1) of the Planning Act. This states that the Municipal Board (and by extension, the TLAB) is not required to give notice of such changes if, in its opinion, the amendment to the original application is minor.

To the extent that the variances requested differ from those before the COA, I accept that the Applicant's proposed revision to the foyer is a reduction (to 8.24 sq. m. rather than 8.59 sq. m.) Respecting the addition of a variance for the south side yard setback, I consider it to be merely a technical interpretation of the wording rather than a substantive change. It will have no effect on any neighbour, and Mr. Eng has agreed to this addition. As such, I find that no further notice is required pursuant to s. 45 (18.1.1) of the Act, and the revisions can be considered.

Although the FSI requested in Variance 5 (and Variance 7 for GFA) is 0.73 rather than the permitted 0.6 times the area of the lot, Ms. Stewart explained that this figure did not need to be revised, despite the narrowing of the structure. The architect had achieved this by increasing the size of the third floor within the roof line, leaving the shell of the structure unchanged.

Mr. Michael Goldberg, a highly qualified and experienced planner, provided testimony concerning the proposal's compliance with provincial plans and the tests for minor variances. His area study of the few blocks surrounding the subject yielded the conclusion that found there is a range of frontages and lot sizes, with a similar mix in housing styles, single family detached and duplexes in the main. There is significant reinvestment and new construction among the older homes. He found many frontages

on the street the same as the proposed at 7.62 m. He considered about 17 years of OMB decisions and concluded that the consent and variances requested are within the numeric range of those approved. He concluded that the type of dwelling, style and scale, plus the lot size, are in keeping with the lot fabric and the built form on Walmer Road.

In considering the immediate context, he pointed out that the dwelling on Mr. Eng's parcel at #348 was only 0.28 m from the property line, next to the proposed 350A. While not typical of the setbacks in the area, it provides an example of the eclectic nature of the lot development patterns here.

Mr. Goldberg had provided and filed a thorough expert witness statement and photo books of the area. He confirmed these, but did not review them in detail in his testimony because of the settlement. As permitted by the prefilings of evidence, I have reviewed them in detail. However, he did address the statutory tests in his oral evidence sufficient to provide justification for the application.

He reviewed variances 3 and 4, main exterior wall height and depth, pointing out how the design appeared to be only a semidetached rather than separate structures. The extra height was only at midpoint of the interior wall, sloped away from the adjacent property, and would not be visible from the front. The overall height complies with the by-laws.

He explained the length variance as caused by a bump out for the front steps and vestibule, so the south side measures 17.83 m but on the north, it would be 18.44 m.

The front step design consists of a few steps up, with the majority of the steps (7) internal to the structure. Thus there is no appearance of excessive height. This affects variance 1 concerning the vestibule as well. The City had agreed, he stated, that this variance may not be required by the By-law following the OMB appeal.

Mr. Goldberg pointed out that there was no concern expressed by the Planning Department, nor Right of Way Management, and thus no objection by the City. For the consent, he called it a moderate intensification, and well within the goals of both the PPS and the Growth Plan. He considered the criteria in subsection 51(24) of the Act for consent applications and satisfied himself that most had no application to this proposal. In any event, none posed a problem for it. Respecting the four tests for a minor variance, he was of the opinion that the Official Plan tests were met.

This property is designated *Neighbourhoods* in the Plan, and the Healthy Neighbourhoods policies in Section 2.3.1 consider *Neighbourhoods* to be physically stable areas. Development within these areas will respect and reinforce the existing physical character of buildings, streetscapes, and open space patterns. Nevertheless they are not to be static, as intensification is envisaged that respects and reinforces the physical character of the neighbourhood. This is said to be the overriding principle of these provisions.

Section 3.1.2.1. Built form policies require that new development conform to the existing and planned neighbourhood, in scale and height. The proposed dwelling fits well within the existing homes as a sensitive, gradual fit.

Policy 4.1.5 of the Plan sets out criteria for evaluating development proposals on land within the *Neighbourhoods* designation. The policy states that development will "respect and reinforce the existing physical character of the neighbourhood". This is a modest design, virtually identical to its already approved "twin" at 350B. Therefore it meets the test of respecting and reinforcing the existing physical character.

In Mr. Goldberg's opinion, the test of meeting the general intent and purpose of the Official Plan has been met with this proposal.

Likewise, the zoning standards, individually and cumulatively, have been adequately addressed, so that the proposal meets their general intent and purpose. There will be no unacceptable adverse impact of this permitted use, and the proposal is a fitting and compatible one.

Respecting the requirement that the variances be minor, he pointed to the two aspects of the concept of "minor": one, a numerical order of magnitude, and second, whether any of the variances both individually and cumulatively have an adverse impact. He concludes that this test is met, since the requested variances are modest, with no adverse impacts that have not been satisfactorily resolved. Thus they are indeed minor.

The final test is whether the proposed variances are desirable for the appropriate development or use of the land, building or structure. As a reinvestment in this neighbourhood this continues the dynamic of the many such redevelopments over the past 17 or so years, as seen in his lot study. He considers that the settlement between the parties proves that there is no adverse impact, and that the relief requested to give effect to the project, is desirable.

Thus all four tests in section 45(1) have been satisfied and in the planner's view, the variances represent good planning, and are in the public interest.

City of Toronto

Ms. Braun informed the TLAB that the City was not opposing the proposal, given the settlement and the proposed conditions. It provided no witnesses. It took no position on Variance 6, as it had no opportunity to seek instructions on it, but counsel supported the other variances as resolved in the settlement. It also believes that no further notice is required for the changes to the variances under subsection 45(18.1.1) of the Act.

Mr. William Roberts spoke on behalf of the appellant, Mr. Eng. He was hired only recently and became aware then of the issue of the non-appeal of the northerly lot.

However, Mr. Eng's main concern is, as mentioned, the side yard setback, as well as a large tree on his lot, close to the rear lot line and within the construction area of the proposed dwelling. Mr. Eng derives some comfort from the agreement to increase the side yard setback, and to protect both his home and the tree before, during and after construction. Mr. Roberts explained that it was critical that the proposed third storey window not be able to be opened. The fear was that a future owner might create a deck there, with attendant privacy and noise possibilities.

Participant – Mr. Collins

Mr. Ed Collins of Lyndhurst Blvd, the street to the west of the subject, was the only participant to attend and testify (of many who indicated this intention) as to his general objections. He and his fellow neighbours were concerned that this lot division would create a precedent for the neighbourhood. Large lots divided, and large homes on each, would disturb lot patterns and alter the streetscape dramatically. The Casa Loma Ratepayers Association has applied for a heritage status for the area. He agreed that the variances were numerically minor. He had no objection to the settlement as his concerns were of more general application.

Conditions to be imposed (Exhibit 3)

Ms. Stewart reviewed the Conditions as agreed to by the parties to the MOS. She submitted that the standard consent conditions about trees in the TLAB Practice Direction 1, clauses 3 and 4, should not be applied if the consent is approved. The conditions requested by the Urban Forestry department are specific to the site, and cannot be satisfied during the period for satisfaction of consent conditions. They should be imposed as part of approval of the Variances instead.

ANALYSIS, FINDINGS, REASONS

The TLAB has closely considered the opinion evidence of the expert planning witness and accepts Mr. Goldberg's conclusion that the four tests under s. 45(1) of the Act are met for the requested variances.

Respecting the test of "minor", the variances must be found to be minor in measurement as well as in impact for them to be approved. Numerically and practically these variances are minor, even the seemingly somewhat large GFA and FSI variances of 0.73 times the lot area, versus the By-law requirements of 0.6. The other new dwelling at 350B will be almost the identical size. The increase in height of the middle side walls will not be discernible from the street. Respecting adverse impact, none of the objecting neighbours except Mr. Collins attended the hearing. I agree with Ms. Stewart's argument that the proposed dwelling meets most of the applicable zoning standards, and that the development is appropriate for this lot. This is especially so now that the variances for 350B are now in force. Therefore I find these variances to meet the test of "minor".

Likewise the general intent of the Official Plan policies for Neighbourhoods are addressed satisfactorily by this proposal. It will result in a moderately sized structure that will fit comfortably within the size and type of lots and structures nearby. It creates the appearance of a semi-detached together with 350B, and there are similar designs to the north. It can therefore be said to be desirable for the appropriate development or use of the land, properly addressing this test in section 45(1) as well.

There is the additional requirement that the general intent and purpose of the zoning by-laws be met. The general intent and purpose of the zoning by-laws is to regulate the use of the land to ensure that development both fits on a given site and within its surrounding context, and reduces impacts on adjacent properties. The proposed size of this dwelling will require several small exceptions from the zoning limits. They are within the general intent and purpose of the zoning by-laws.

I likewise find that the development, being compatible with the City's Official Plan and zoning, properly addresses matters of provincial interest as set out in section 2 of the Act, and that the variances are consistent with and conform to provincial plans (s. 3 of the Act). It therefore is consistent with the 2014 Provincial Policy Statement ('PPS') and conforms to the Growth Plan for the Greater Golden Horseshoe ('Growth Plan').

I have had regard for all materials before the COA, as well as the statements (expert's and neighbours'), submitted prior to the date of the hearing. Having heard testimony that all parties were now in agreement that the severance and variances as revised were appropriate and met the statutory tests, I gave an oral decision as set out under Decision and Order below.

DECISION AND ORDER

1.. The consent appeal is allowed but only to the effect of granting provisional consent approval for the severance of 350 Walmer Road in accordance with the plan to create Parts 1 and 2, filed in Exhibit 1, and subject to the following conditions:

(1) 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 Survey and Mapping Services, Technical Services.

(3) Two copies of the registered reference plan of survey integrated with the Ontario Coordinate System and listing the Parts and their respective areas, shall be filed with City Surveyor, Survey & Mapping, and Technical Services.

(4) Three copies of the registered reference plan of survey satisfying the requirements of the City Surveyor, shall be filed with the Committee of Adjustment.

(5) Within ONE YEAR of the date of the giving of this notice of decision, the applicant 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.

2. The appeal of the minor variances for Part 2 (350A) is allowed in part. The variances to City of Toronto By-law 438-86 numbered 7, 8 and 9 above and shown in Exhibit 2 are authorized.

3. The variances to Zoning By-law No. 569-2013 numbered 1 to 6 above and shown in Exhibit 2 are authorized, contingent upon the relevant provisions of this By-law coming into force and effect.

4. The proposed dwelling shall be constructed substantially in accordance with the Site Plan and the Elevations dated February 28, 2018, filed in Exhibit 1.
Any other variances that may appear on these plans that are not listed in this decision are not authorized.

5. There shall be no additional windows on the south wall of the dwelling other than the third storey window that is shown on the South Elevation.

6. The permitted third storey window that is shown on the South Elevation shall not be capable of opening.

7. Prior to the issuance of a building permit, the applicant/owner shall comply, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District, with the following:

a. Submit a complete application for permit to injure or remove privately owned trees under Municipal Code Chapter 813, Article III, Private trees;

b. Provide appropriate confirmation that excavation for the Sonotube post at the corner of the deck will be done by hand, under the supervision of a certified arborist; and

c. Construct the rear deck with permeable materials and/or have a water rerouting system built in to ensure that the roots beneath will have access to water.

8. The travelled portion of the driveway entrance shall be paved with semipermeable paving materials to the satisfaction of the Manager, Right of Way Management, Transportation Services, Toronto and East York District.

X 

G. Burton
Panel Chair, Toronto Local Appeal Body

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A0

350A WALMER RD.
PART 2
TORONTO, ON

PROJECT INFORMATION:

DESIGNER:

BANANARCH

design + build

TEL: (416) 414-4900
INFO@BANANARCH.COM

ENGINEER:

2
A0 KEY PLAN
N.T.S



3
A0 DRAWING LIST
N.T.S

NOTE:
REFER TO STRUCTURAL D
STRUCTURAL INFORMATI



PROJECT STATISTICS

PROJECT STATISTICS

ZONE=R

ESTABLISH AVERAGE GRADE +118.83

	METRIC	IMPERIAL
SITE AREA	406.80 m ²	4,378.759 ft ²
LOT FRONTAGE	7.62 m	25' - 0"
LOT DEPTH	53.31 m - 53.29 m	174'- 10 3/4" / 174'-10"

SETBACKS	METRIC	IMPERIAL
FRONT YARD	7.96 m	26'- 1 1/2"
REAR YARD	26.91 m	88'- 3 1/2"
SIDE YARD (NORTH)	0.46 m	1'- 6"
SIDE YARD (SOUTH)	0.61 m	2'- 0"

PROPOSED DWELLING	METRIC	IMPERIAL
LENGTH	18.44 m	60'- 6"
WIDTH	6.55 m	21'- 6"
HEIGHT	11.96 m	39'- 3"
LOT COVERAGE	118.71 m ² (29%)	1,278.00 ft ²
FSI	295.70 m ² (X0.73)	3,182.88 ft ² (X0.73)

LANDSCAPING STATISTICS

ZONE=R

FRONT YARD	METRIC	IMPERIAL
FRONT YARD AREA	62.52 m ²	673 ft ²
DRIVEWAY AREA	21.54 m ²	232 ft ²
STEP+PORCH+WALK AREA	9.49 m ²	102 ft ²
LANDSCAPING AREA	62.52 m ²	673 ft ²
SOFT LANDSCAPING AREA	31.49 m ²	339 ft ²

REAR YARD	METRIC	IMPERIAL
REAR YARD AREA	205.18 m ²	2,209.00 ft ²
AREA OF WALKOUT,WALKWAY,DECK	21.74 m ²	234 ft ²
LANDSCAPING AREA	21.74 m ²	234 ft ²
SOFT LANDSCAPING AREA	183.44 m ²	1975 ft ²

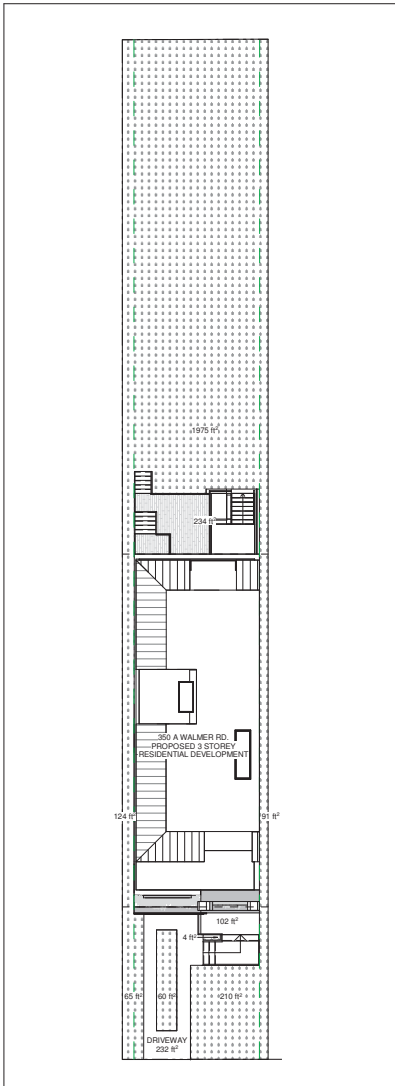
SIDE YARD	METRIC	IMPERIAL
SIDE YARD AREA (NORTH)	8.43 m ²	91 ft ²
SOFT LANDSCAPING AREA (NORTH)	8.43 m ²	91 ft ²
SIDE YARD AREA (SOUTH)	11.5 m ²	124 ft ²
SOFT LANDSCAPING AREA (SOUTH)	11.5 m ²	124 ft ²

FLOOR AREA CALCULATIONS

ZONE=R

	METRIC	IMPERIAL
GROUND FLOOR	118.71 m ²	1,278.00 ft ²
SECOND FLOOR	111.75 m ²	1,203.00 ft ²
THIRD FLOOR	66.62 m ²	717.00 ft ²
TOTAL GFA	297.08 m ²	3,198 ft ²
OPENNING AREA	3.48 m ²	38 ft ²
BASEMENT (INCLUDING MECHANICAL & COLDROOM)	102.50 m ²	1103 ft ²
BASEMENT (NOT INCLUDING MECHANICAL & COLDROOM)	84.95 m ²	914 ft ²
GARAGE	21.23 m ²	229 ft ²
NUMBER OF PARKING SPACES		1

LANDSCAPING STATISTIC



PROJECT

NORTH

THE DESIGNER SHALL VERIFY ALL DIMENSIONS AND ALLOW FOR CONDITIONS FROM TOP PROCEEDING WITH CONSTRUCTION AND REPORT ANY DISCREPANCIES AND/OR VARIATIONS TO THE CLIENT.

ALL DIMENSIONS ARE TO BE CHECKED ON SITE BY THE CONTRACTOR AND REPORTED TO BANANARCH BEFORE PROCEEDING WITH THE WORK.

ONLY THE LATEST APPROVED DRAWINGS ARE TO BE USED FOR CONSTRUCTION.

IT IS THE BUILDERS DUTY TO ENSURE THAT THEY HAVE THE LATEST APPROVED DRAWINGS AVAILABLE.

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IN CONSTRUCTION OF ALL PARTS OF THE PROJECT, THE DESIGNER'S SERVICES ARE LIMITED TO THE USE OF THESE DRAWINGS AND ANY SUPPORTING INFORMATION. THE DESIGNER IS NOT RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT OR FOR THE PERFORMANCE OF THE PROJECT. THESE ARCHITECTURAL DRAWINGS SHALL NOT BE REPRODUCED OR USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF BANANARCH.

FOR STRUCTURAL DESIGN, PLEASE REFER TO ENGINEERING DRAWINGS.

FOR MECHANICAL, ELECTRICAL, PLUMBING AND OTHER SERVICES, PLEASE REFER TO THE TRADES COMPANY DRAWINGS.

7	FEB 28 18	ISSUED FOR TLAB
6	SEP 22 17	ISSUED FOR CMA
5	SEP 18 17	ISSUED FOR CMA
4	AUG 10 17	ISSUED FOR ENG SERVICES
3	JUL 13 17	REVISED FOR CMA APPLICATION
2	JUN 07 17	ISSUED FOR ZCC
1	MAY 16 17	ISSUED FOR CLIENT REVIEW
NO.	DATE	DESCRIPTION

REVISIONS / ISSUE DATES

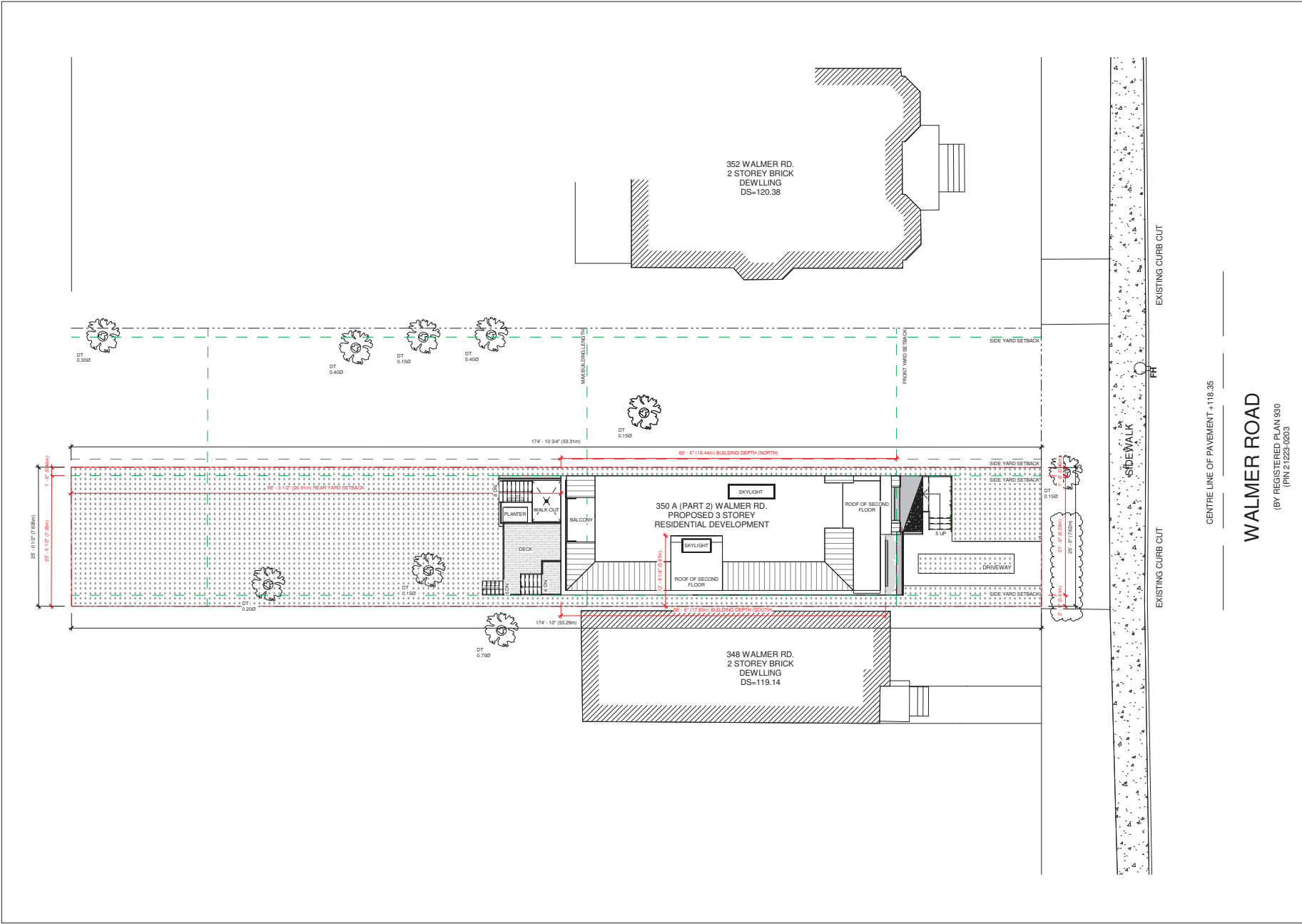
BANANARCH

design + build

TEL: (416) 414-4900
INFO@BANANARCH.COM

PROJECT:
PROPOSED DEVELOPMENT AT:
350 A (PART 2) WALKER ROAD
TORONTO, ON

DRAWN BY: M.G.	DATE: FEB 2018	
CHECKED BY: H.A.		
SCALE: 3/8" = 1'-0"	PROJECT NO: F-0127	
DRAWING TITLE: STATISTIC		DRAWING NO: A00



PROJECT NORTH

THE SUBSEDER SHALL VERIFY ALL DIMENSIONS AND ALLOW FOR CONDITIONS FROM TOPROCEEDING WITH CONSTRUCTION AND REPORT ANY DISCREPANCIES IMMEDIATELY TO BANANARCH.

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6	SEP 22 17	ISSUED FOR CMA
5	SEP 18 17	ISSUED FOR CMA
4	AUG 02 17	ISSUED FOR END SERVICES
3	JUL 13 17	REVISED FOR CMA APPLICATION
2	JUN 07 17	ISSUED FOR ZCC
1	MAY 16 17	ISSUED FOR CLIENT REVIEW

REVISIONS / ISSUE DATES

BANANARCH

design + build

TEL: (416) 414-4900

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PROJECT:
PROPOSED DEVELOPMENT AT:
350 A (PART 2) WALMER ROAD
TORONTO, ON

DRAWN BY:
M.G.

DATE:
FEB 2018

CHECKED BY:
N/A

PROJECT NO:
F-0127

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

DRAWING NO:
A0A

DRAWING TITLE:
SITE SETBACKS

LOT 27
PIN 21223-0106

PIN 21223-0104

PIN 21223-0106

PROJECT
NORTH

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118
WALMER ROAD

BY REGISTERED PLAN 930
(PIN 21223-0203)

7	FEB 28 18	ISSUED FOR TLAB
6	SEP 22 17	ISSUED FOR CoA
5	SEP 18 17	ISSUED FOR CoA
4	AUG 02 17	ISSUED FOR ENG SERVICES
3	JUL 13 17	REVISED FOR CoA APPLICATION
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NO.	DATE	DESCRIPTION
REVISIONS / ISSUE DATES		

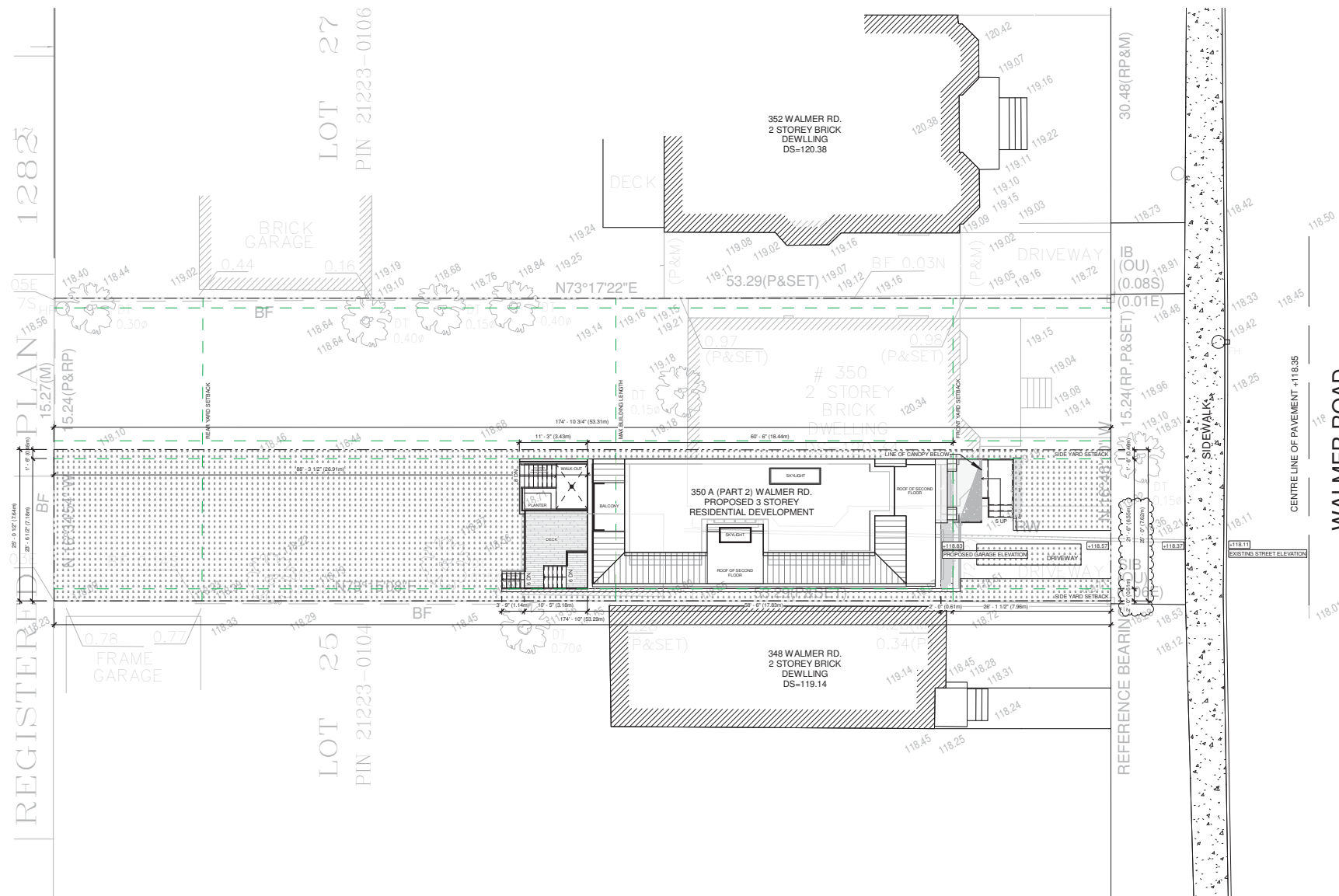
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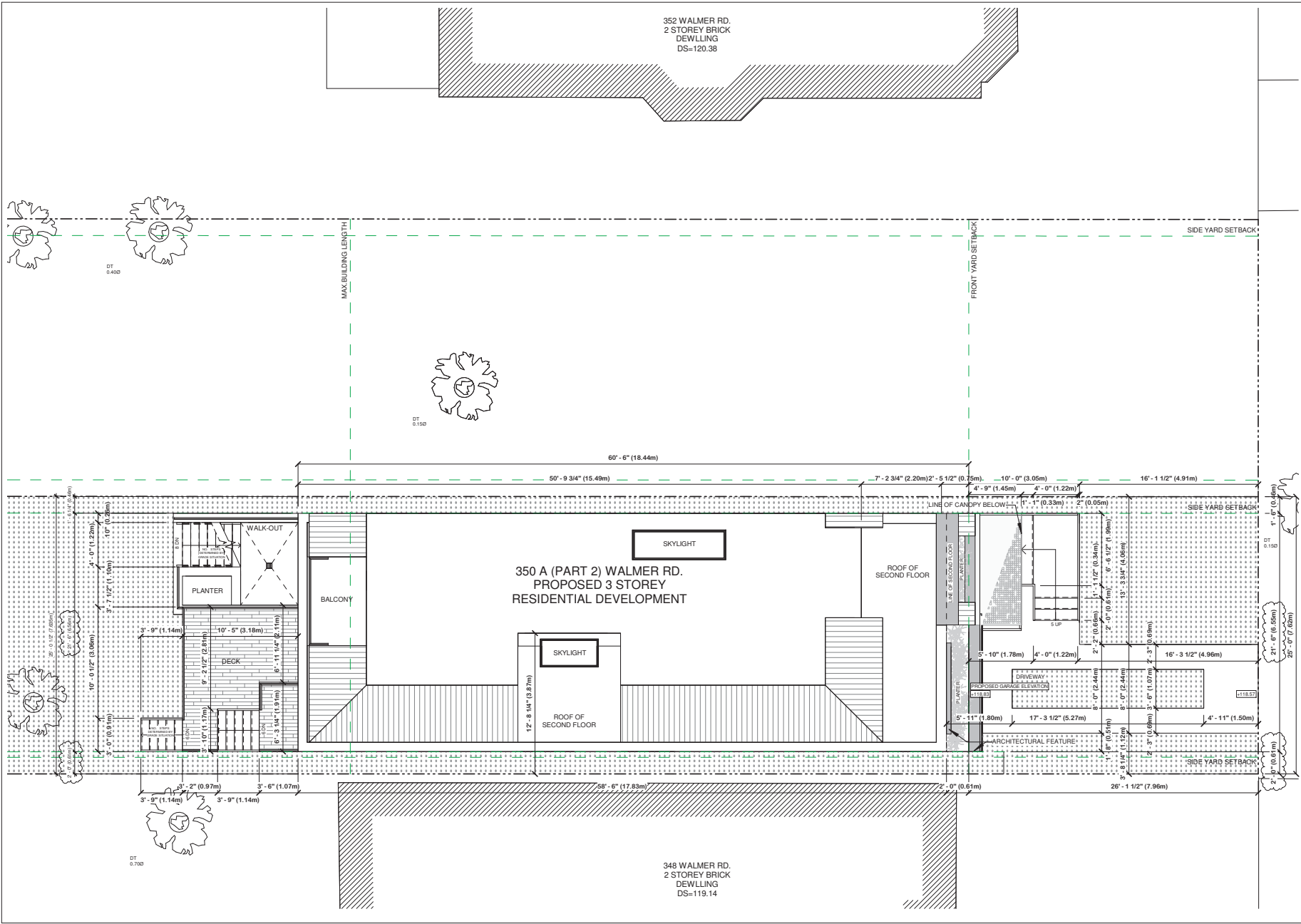
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PROJECT:
PROPOSED DEVELOPMENT AT:
350 A (PART 2) WALMER ROAD
TORONTO, ON

DRAWN BY: M G	DATE: FEB 2018	
CHECKED BY: N A		
SCALE: 1/16" = 1'-0"	PROJECT NO: F-0127	
DRAWING TITLE: SITE PLAN B		
		DRAWING NO: A101a





PROJECT NORTH

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5	SEP 18 17	ISSUED FOR CUBA
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3	JUL 13 17	REVISED FOR CUBA APPLICATION
2	JUN 07 17	ISSUED FOR Z2C
1	MAY 15 17	ISSUED FOR CLIENT REVIEW
NO.	DATE	DESCRIPTION

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PROJECT:
PROPOSED DEVELOPMENT AT:
350 A (PART 2) WALMER ROAD
TORONTO, ON

DRAWN BY:
M.G.

CHECKED BY:
H.A.

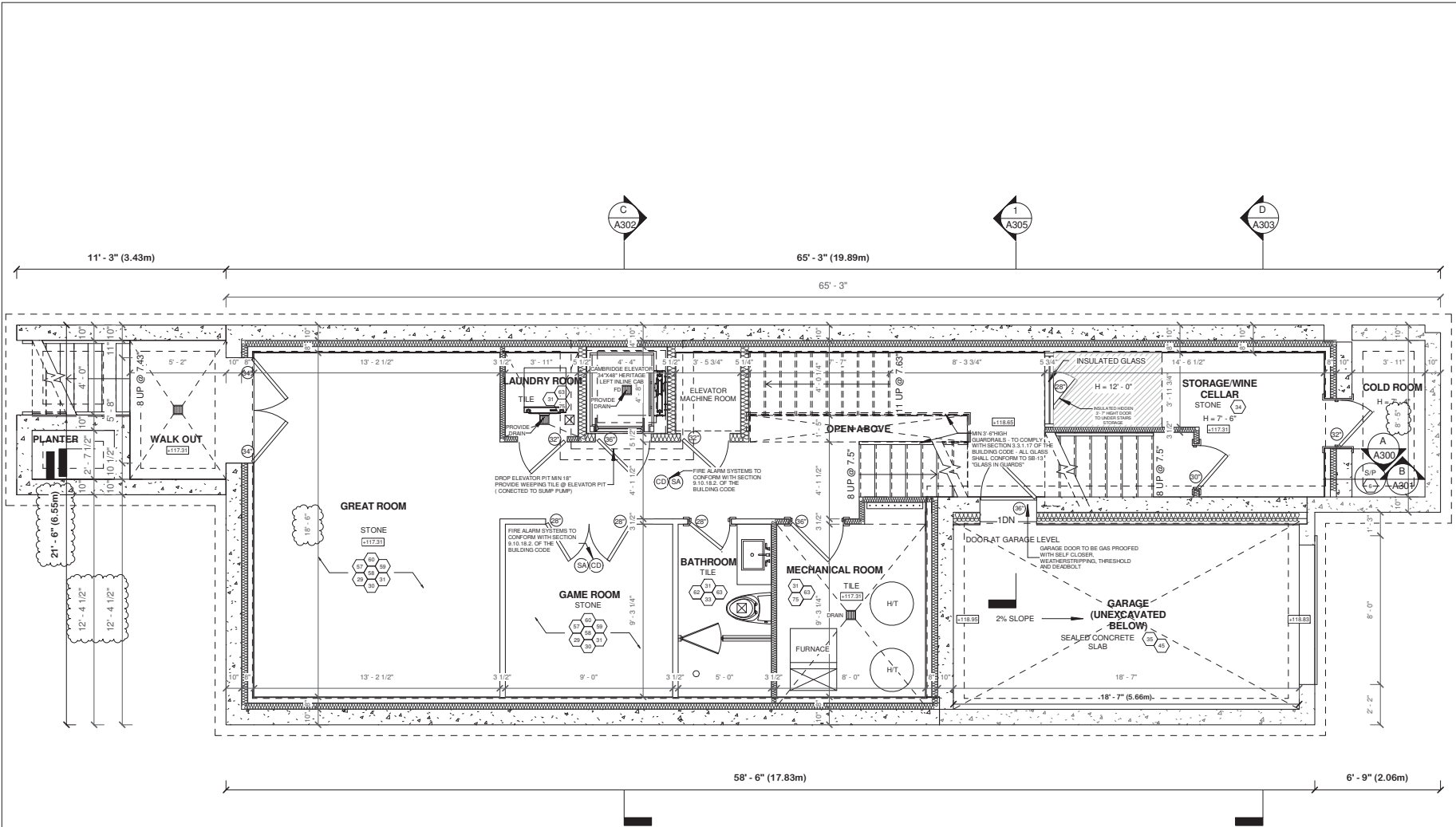
SCALE:
1/8" = 1'-0"

DRAWING TITLE:
SITE PLAN

DATE:
FEB 2018

PROJECT NO:
F-0127

DRAWING NO:
A101b



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PROPOSED DEVELOPMENT AT:

350 A (PART 2) WALMER ROAD

TORONTO, ON

DRAWN BY:

DATE:

MG

FEB 2018

CHECKED BY:

HLA

FEB 2018

SCALE:

PROJECT NO:

3/16" = 1'-0"

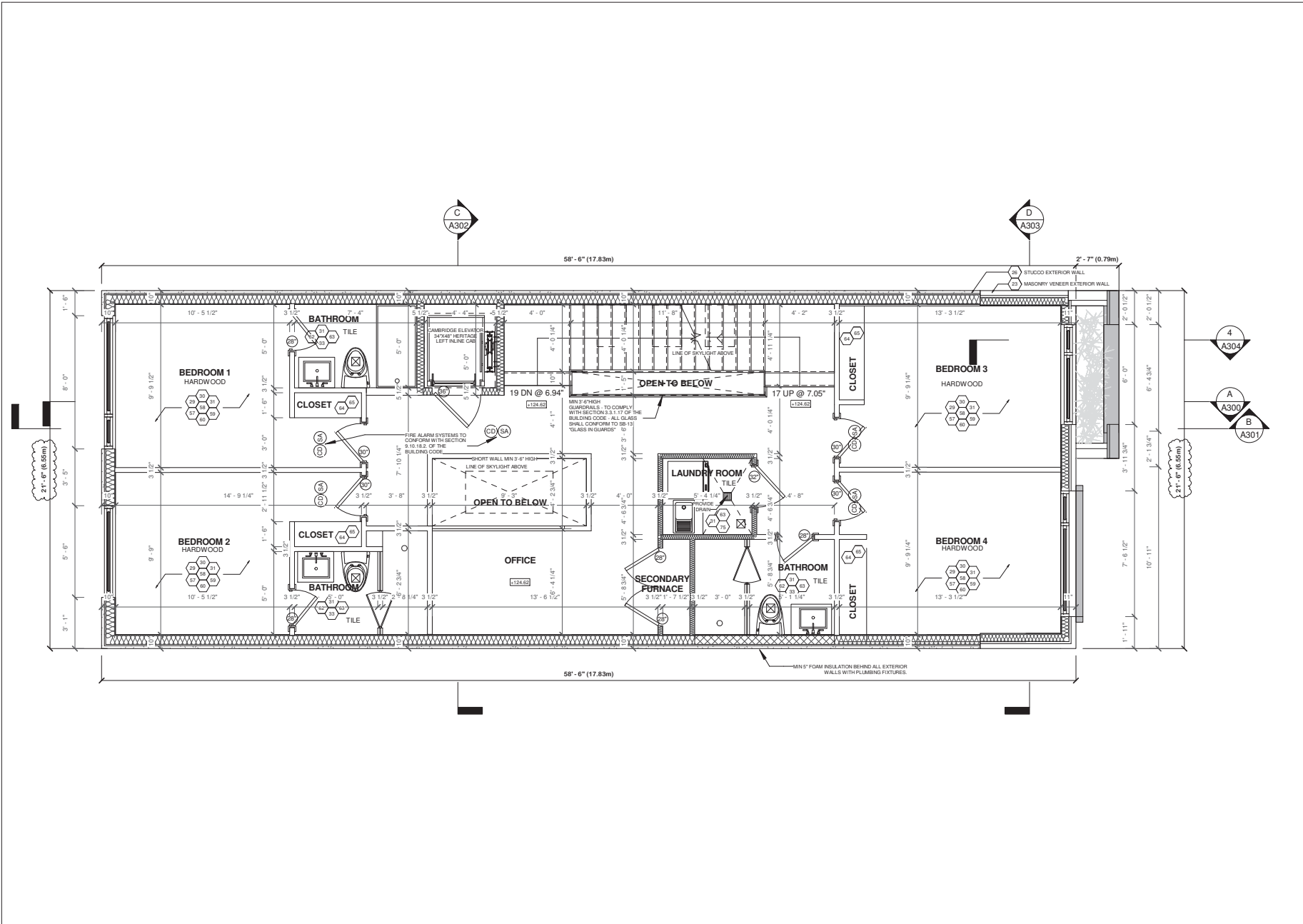
F-0127

DRAWING TITLE:

DRAWING NO:

BASEMENT

A102



PROJECT NORTH

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350 A (PART 2) WALMER ROAD
TORONTO, ON

DRAWN BY: M.G.

DATE: FEB 2018

CHECKED BY: H.A.

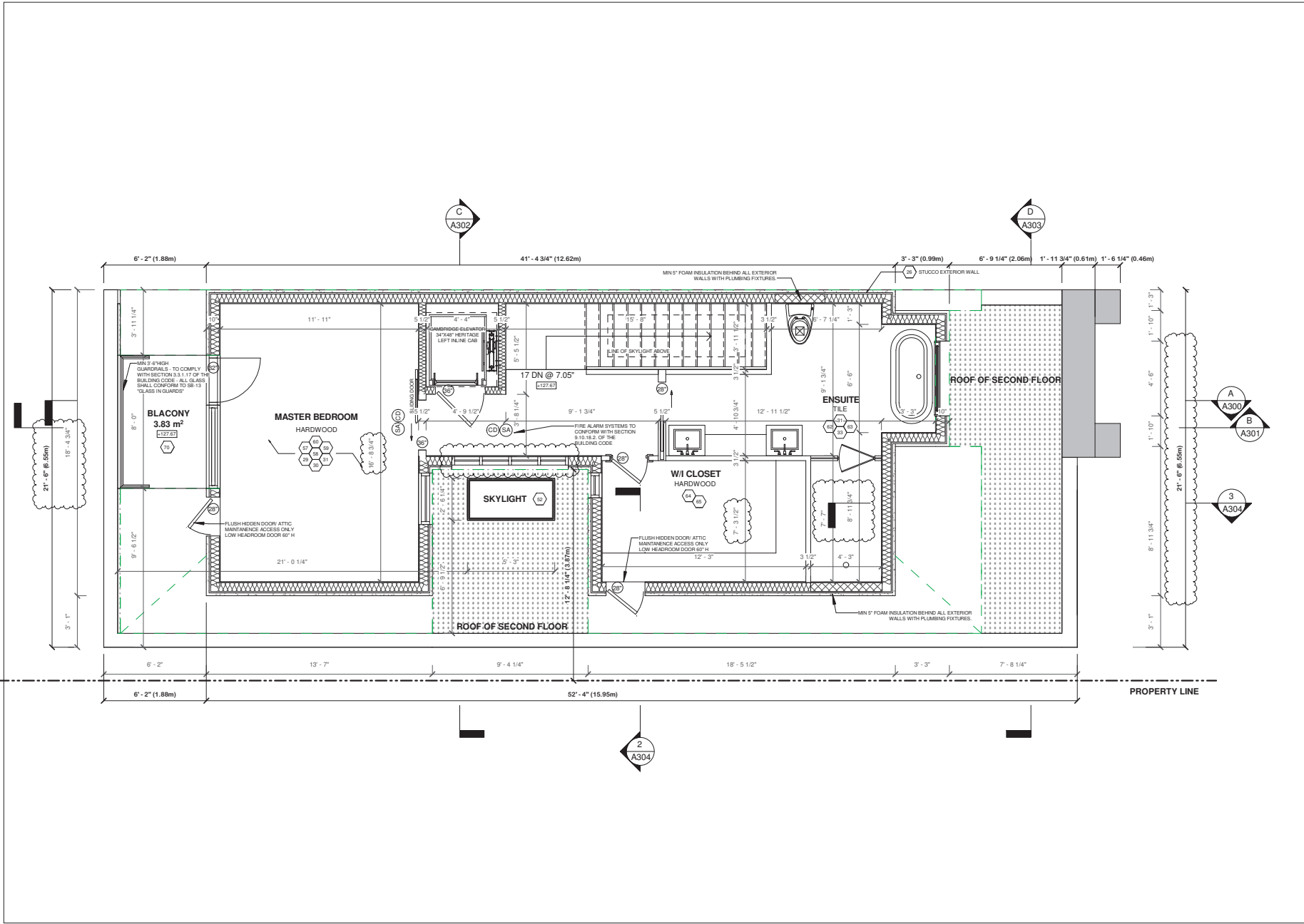
DATE: FEB 2018

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

PROJECT NO: F-0127

DRAWING TITLE: SECOND FLOOR

DRAWING NO: A104



PROJECT NORTH

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NO.	DATE	DESCRIPTION
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DATE: FEB 2018

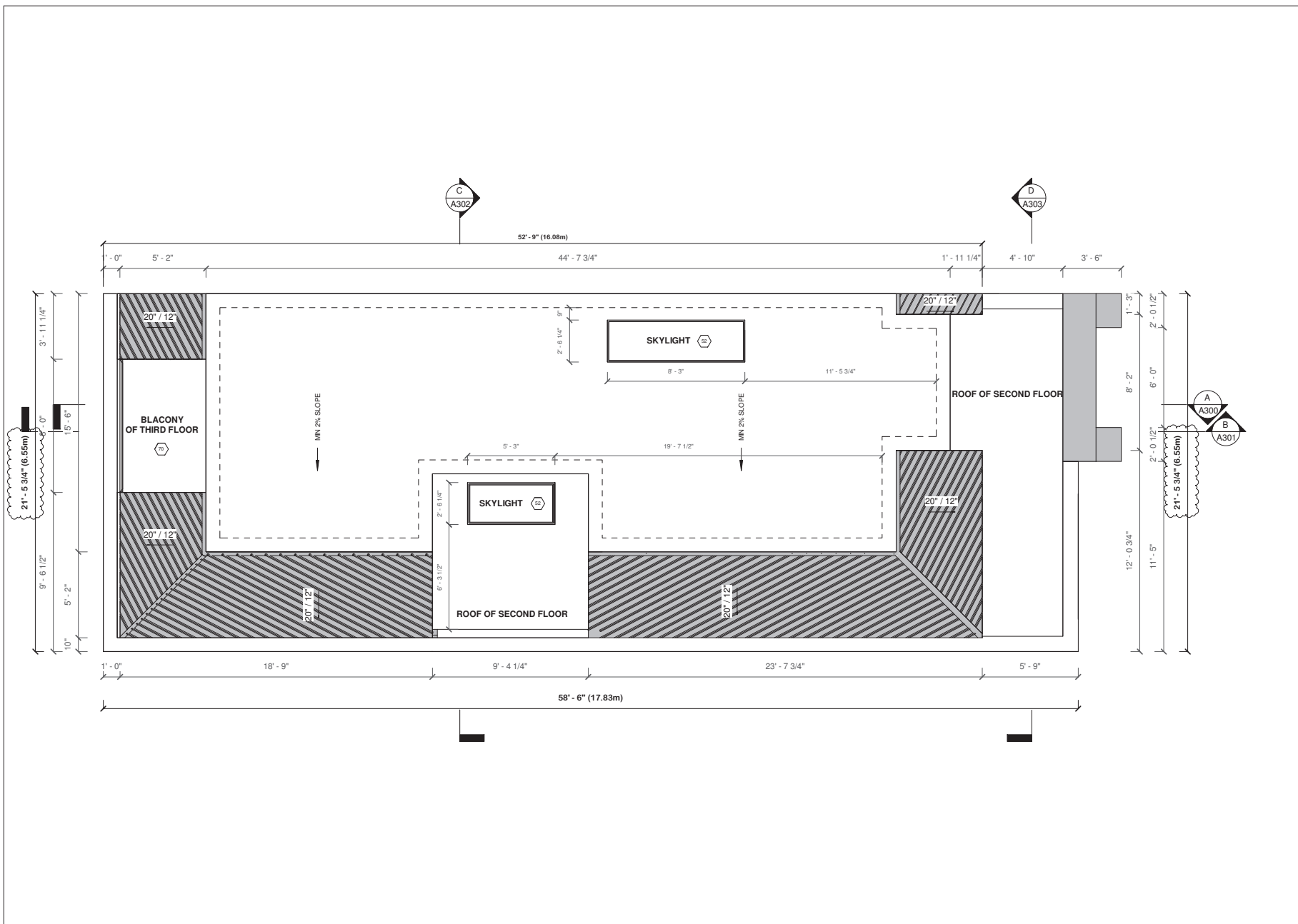
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SCALE: 3/16" = 1'-0"

PROJECT NO: F-0127

DRAWING TITLE: THIRD FLOOR

DRAWING NO: A105



PROJECT
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TORONTO, ON

DRAWN BY: M.G	DATE: FEB 2018	
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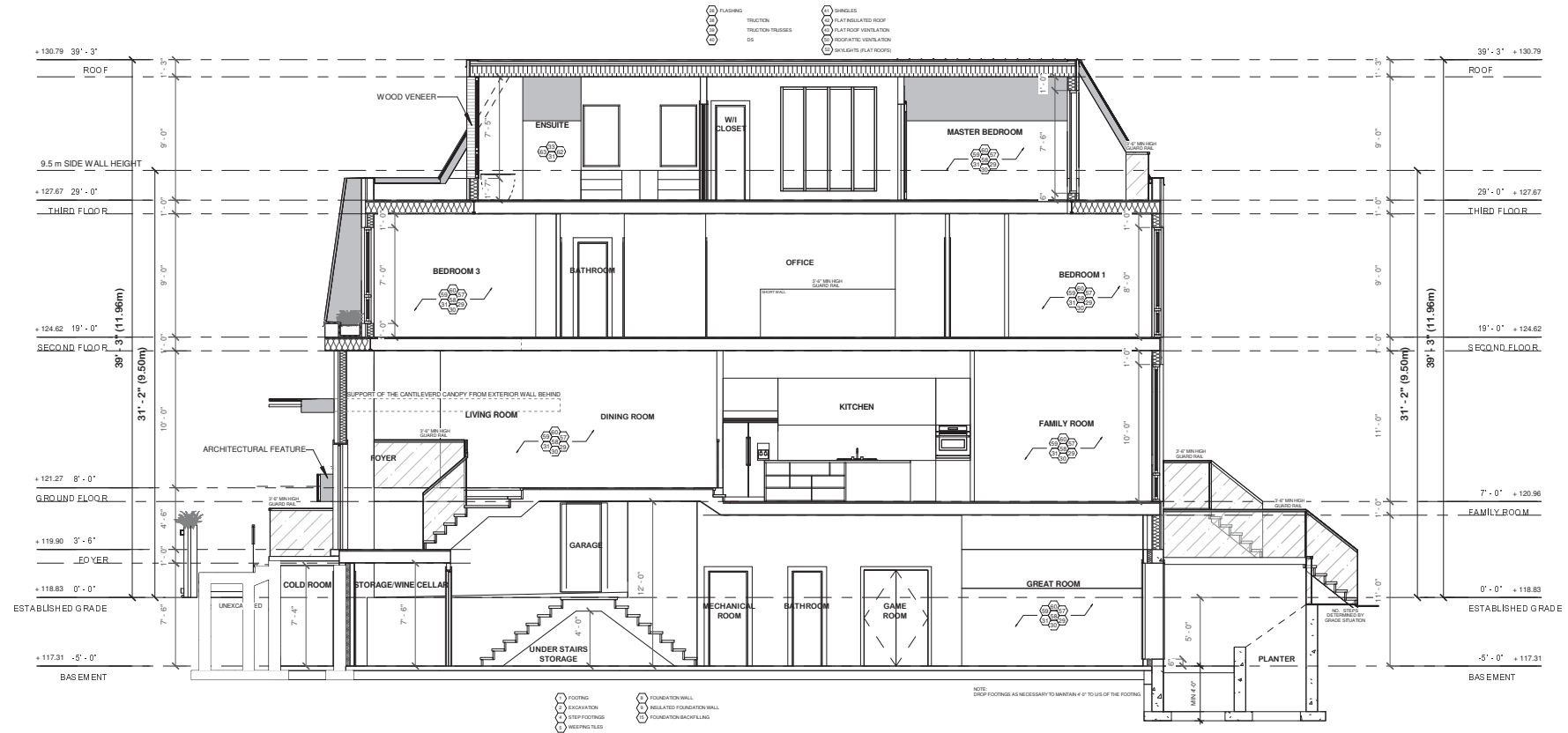
SCALE:	PROJECT NO:
3/16" = 1' 0"	E 0127

S/16 = 1-0 1-0127		
DRAWING TITLE:		DRAWING NO:

ROOF PLAN	A106
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NOTE:
DROP FOOTINGS AS NECESSARY TO MAINTAIN 4'-0" TO U/S OF THE FOOTING

DRAWN BY: M.G	DATE: FEB 2018	
CHECKED BY: N.A		
SCALE: 3/16" = 1'-0"	PROJECT NO: F-0127	
DRAWING TITLE: FRONT ELEVATION		DRAWING NO: A200



PROJECT
NORTH

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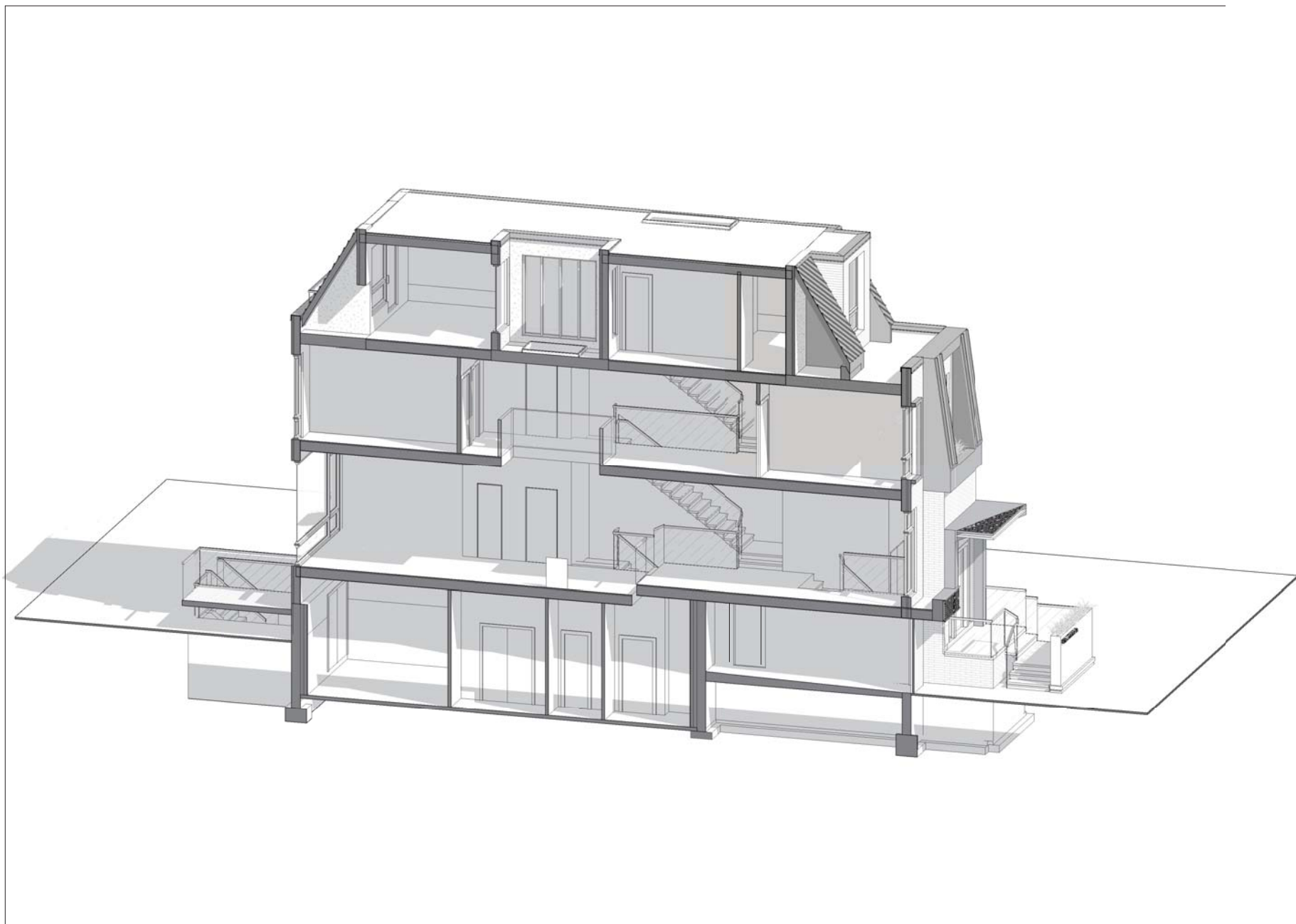
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FOR FINISHES, REFER TO FINISH SCHEDULE AND DETAILS, PLEASE
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1	MAY 18 17	ISSUED FOR CLIENT REVIEW
NO.	DATE	DESCRIPTION

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TEL: (416) 414-4900
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PROJECT:
PROPOSED DEVELOPMENT AT:
350 A (PART 2) WALMER ROAD
TORONTO, ON

DRAWN BY: M.G.	DATE: FEB 2018
CHECKED BY: H.A.	
SCALE: 1/8" = 1'-0"	PROJECT NO: F-0127
DRAWING TITLE: SECTION A	DRAWING NO: A300



Revised List of Variances – 350 Walmer Road**1. Chapter 10.5.40.10(5), By-law 569-2013**

A minimum of 10 m² of the first floor must be within 4 m of the front main wall.

In this case, 8.24 m² of the first floor will be within 4 m of the front main wall.

2. Chapter 10.10.30.20.(1)(A), By-law 569-2013

The minimum required lot frontage is 10.5 m.

The frontage of the conveyed lot will be 7.62 m.

3. Chapter 10.10.40.10(2)(B)(ii), By-law 569-2013

The maximum permitted height of all side exterior main walls facing a side lot line is 9.5 m.

The height of the side exterior main walls facing a side lot line will be 11.96 m.

4. Chapter 10.10.40.30.(1)(A), By-law 569-2013

The maximum permitted depth of a detached dwelling is 17 m.

The new detached will have a depth of 18.44 m.

5. Chapter 10.10.40.40.(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 (244.08 m²).

The new detached dwelling will have a floor space index equal to 0.73 times the area of the lot (295.7 m²).

6. Chapter 10.10.40.70.(3)(A), By-law 569-2013

The minimum required side yard setback for a detached house is 0.9 m (wall containing windows or doors).

The proposed south side yard setback is 0.6 m.

7. Section 6(3) Part I 1, By-law 438-86

The maximum permitted gross floor area of a new detached dwelling is 0.6 times the area of the lot (244.08 m²).

The new detached dwelling will have a gross floor area equal to 0.73 times the area of the lot (295.7 m²).

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

The minimum required side lot line setback for the portion of the building exceeding a depth of 17 m is 7.5 m.

The portion of the new detached dwelling exceeding the 17 m depth will be located 0.46 m from the north side lot line and 0.6 m from the south side lot line.

9. Section 6(3) Part II 3.B(I), By-law 438-86

The minimum required side lot line setback for the portion of a detached dwelling not exceeding a depth of 17 m is 0.9 m.

The portion of the new detached dwelling not exceeding a depth of 17 m will be located 0.46 m from north side lot line and 0.6 m from the south side lot line.

Schedule 3

350 Walmer Road – Conditions of Approval

Conditions of Consent Approval

- (1) 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 Survey and Mapping Services, Technical Services.
- (3) Two copies of the registered reference plan of survey integrated with the Ontario Coordinate System and listing the Parts and their respective areas, shall be filed with City Surveyor, Survey & Mapping, and Technical Services.
- (4) Three copies of the registered reference plan of survey satisfying the requirements of the City Surveyor, shall be filed with the Committee of Adjustment.
- (5) Within ONE YEAR of the date of the giving of this notice of decision, the applicant 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

- (1) The proposed dwelling shall be constructed substantially in accordance with the Site Plan and the Elevations dated February 28, 2018, filed as Exhibit 1.
- (2) There shall be no additional windows on the south wall of the dwelling other than the third storey window that is shown on the South Elevation.
- (3) The permitted third storey window that is shown on the South Elevation shall not be capable of opening.
- (4) Prior to the issuance of a building permit, the applicant/owner shall comply, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District, with the following:
 - a. Submit a complete application for permit to injure or remove privately owned trees under Municipal Code Chapter 813, Article III, Private trees;
 - b. Provide appropriate confirmation that excavation for the Sonotube post at the corner of the deck will be done by hand, under the supervision of a certified arborist; and

- c. Construct the rear deck with permeable materials and/or have a water rerouting system built in to ensure that the roots beneath will have access to water.
- (5) The driveway entrance located within the Right of Way shall be paved with semi-permeable paving materials to the satisfaction of the Manager, Right of Way Management, Transportation Services, Toronto and East York District.