

## DECISION AND ORDER

**Decision Issue Date**      **Thursday, March 22, 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): DAVID VELIKONJA

Applicant: PETER HIGGINS ARCHITECT INC

Property Address/Description: 42 MCRAE DR

Committee of Adjustment Case File Number: 17 146064 NNY 26 MV

TLAB Case File Number: **17 235290 S45 26 TLAB**

**Hearing date:**      **Thursday, February 22, 2018**

**DECISION DELIVERED BY L. McPherson**

### APPEARANCES

Name	Role
Daniela Tixi/ Bryan Loewenthal	Owner/Party
David Velikonja	Appellant
Laura Chan	Appellant
Joe Hoffman	Owner/Party's Legal Representative
Franco Romano	Owner/Party' Expert

## INTRODUCTION

On August 31, 2017 the Committee of Adjustment (“Committee”) for the City of Toronto approved, subject to conditions, an application for minor variances for the property at 42 McRae Drive (the “subject property”). The proposal was to permit: a two-storey addition to the rear of the existing dwelling; an easterly second storey addition overtop the existing garage; to enclose the existing covered front porch; and to construct a new covered porch and floor bay window at grade.

On September 19, 2017, Mr. David Velikonja, the owner of the adjacent property at 40 McCrae Drive, appealed the decision of the Committee to the Toronto Local Appeal Body (“TLAB”). Ms. Laura Chan, a co-owner of 40 McCrae Drive, also indicated her intention to be a Party. No other Parties or Participants have requested status at the hearing.

## BACKGROUND

The subject property is located on the north side of McRae Drive, east of Bayview Avenue and south of Eglinton Avenue East. It has a frontage of 13.47 m and a lot area of 337.2 m<sup>2</sup>. The subject property is currently developed with a 2- storey detached dwelling with an attached garage.

The subject property is designated *Neighbourhoods* in the City of Toronto Official Plan (“the Official Plan”) and is zoned RD (f12.0; a370; d0.6) under Zoning By-law No. 569-2013 (“new City By-law”) and R1B under the former Leaside Zoning By-law No. 1916 Zoning Bylaw 6725 of the former Borough of East York (“former By-law”).

The variances sought are as follows:

### **1. Chapter 10.5.40.70. (1), By-law No 569-2013**

The minimum required front yard setback is 5.11 m.

The proposed front yard setback is 3.95 m.

### **2. Chapter 10.20.40.40. (1), By-law No 569-2013**

The maximum permitted floor space index is 0.6 times the area of the lot.

The proposed floor space index is 0.76 times the area of the lot.

### **3. Chapter 10.20.30.40. (1), By-law No 569-2013**

The maximum permitted lot coverage is 35% of the lot area.  
The proposed lot coverage is 38.6% of the lot area.

**4. Chapter 10.5.80.10. (3), By-law No 569-2013**

A parking space may not be located in a front yard or a side yard abutting a street.  
The proposed parking space is located in the front yard.

**5. Chapter 10.20.40.70. (3), By-law No 569-2013**

The minimum required west side yard setback is 1.2 m  
The proposed west side yard setback is 0.9 m.

**6. Chapter 10.20.40.70. (3), By-law No 569-2013**

The minimum required east side yard setback for the building additions is 1.2 m.  
The proposed east side yard setback for the second storey building addition is 1.16 m.

**7. Chapter 10.5.40.60. (7), By-law No 569-2013**

The eaves of a roof may encroach into a required minimum building setback a maximum of 0.9 m, if they are no closer to a lot line than 0.3 m.  
The proposed eaves encroach 1.05 m into the required east side yard and are 0.15 m from the east side lot line.

**8. Chapter 10.20.40.70. (3), By-law No 569-2013**

The minimum required east side yard setback for the building additions is 1.2 m.  
The proposed east side yard setback for the second storey building addition above the garage is 0.3 m.

**9. Section 6.3.3, By-law No. 1916**

The maximum permitted floor space index is 0.6 times the lot area.  
The proposed floor space index is 0.76 times the lot area.

**10. Section 6.1.1, By-law No. 1916**

Every such addition may retain the side yard setback of the existing dwelling, but in no case shall the said side yards be less than 0.45 m.  
The proposed east side yard setback for the second storey of the building is 0.3 m.

**11. Section 6.1.1, By-law No. 1916**

The minimum required front yard setback is 5.16 m.  
The proposed front yard setback is 3.95 m.

**12. Section 6.3.3, By-law No. 1916**

The minimum required number of off-street parking spaces is 1 space behind the main front wall.  
The proposed number of off-street parking spaces is 1 space in front of the main front wall.

**13. Section 5.7, By-law No. 1916**

Unenclosed porches cannot be closer than 4.5 m to the front lot line.  
The proposed distance between the front porch and the front lot line is 3.09 m.

**14. Section 5.7, By-law No. 1916**

Canopies cannot be closer than 4.5 m to the front lot line.  
The proposed distance between the front canopy and the front lot line is 3.06 m.

**15. Section 5.7, By-law No. 1916**

Eaves may encroach into any required side yard to a maximum of 0.61 m.  
The proposed eaves encroach 0.75 m into the required east side yard.

The Committee approved the variances with the following conditions:

- 1) That the garage is not to contain any habitable space.
- 2) That of the 0.76 Floor Space Index, 0.04 is to be allocated to the non-habitable space of the garage.

## **MATTERS IN ISSUE**

The matter at issue is whether the revised variances meet the applicable tests under Section 45(1) of the Planning Act, including provincial policy.

## **JURISDICTION**

### **Provincial Policy – S. 3**

A decision of the Toronto Local Appeal Body ('TLAB') must be consistent with the 2014 Provincial Policy Statement ('PPS') and conform to the Growth Plan of the Greater Golden Horseshoe for the subject area ('Growth Plan').

### **Minor Variance – S. 45(1)**

In considering the applications for variances from the Zoning By-laws, the TLAB Panel must be satisfied that the applications meet all of the four tests under s. 45(1) of the Act. The tests are whether the variances:

- maintain the general intent and purpose of the Official Plan;
- maintain the general intent and purpose of the Zoning By-laws;
- are desirable for the appropriate development or use of the land; and
- are minor.

## **EVIDENCE**

The TLAB heard from the Applicant's professional land use planner, Franco Romano. Mr. Romano was qualified to provide land use planning opinion evidence (Exhibit 2 – Expert's Witness Statement). He described the subject property and the area.

The subject property is located in Leaside, a stable residential neighbourhood that consists of a mix of dwelling types ranging from 1 to 3 storeys. Dwellings are located on the front-central portion of the lots with a generally well-defined front yard alignment and a varying, undulating rear wall alignment. Using the City Property Data Maps, Mr. Romano explained that side yard setbacks in the area are generally tight and compact, with wider setbacks associated where driveways provide rear yard parking (Exhibit 1 – Consolidated Document Book). Landscaped open space is typically located within the front and rear yards, with the rear yard providing amenity space. Parking varies and includes front surface parking, rear yard parking, attached garages and integral garages. Recent developments commonly have an integral garage. Older garages are typically undersized relative to current zoning by-law standards.

Mr. Romano advised that the neighbourhood has been experiencing a gradual transition as regeneration is occurring in the form of replacement dwellings and building additions. Minor variances are common as outlined in the summary table (Decision Summary – Exhibit 1). The floor space index ("fsi") ranges from 0.2 to 1.0.

In his opinion, development has resulted in a stable residential neighbourhood that has a compact urban character.

The proposal is to permit a 2-storey addition to the rear of the existing dwelling, an easterly 2<sup>nd</sup> floor addition overtop the existing garage and to enclose to existing covered porch to create a vestibule. The existing rear building addition will be removed. The renovated dwelling has a building footprint that reflects:

- a front wall alignment that maintains the current alignment and an improved façade;
- a west side yard setback of 0.9 m which reflects the current setback;
- an east side yard setback ranging from 0.3m which reflects the existing garage to 1.16 m for the rear 2-storey addition;
- a rear yard setback of 8.95 m to 9.63 m which exceeds the minimum required setback in both By-laws;
- a building length that is generally 11.85 m at the longest point. The westerly portion has a length of 10.6 m for the portion that has a 0.9 m setback and easterly portion has a length of approximately 6.1 m for the portion that has a 0.3 m side yard;
- a lot coverage of 34.9 % under the former By-law and 38.6% under the new City By-law;

- a height of two stories (7.96 m);
- parking located behind the main front wall within an existing undersized garage;
- an fsi of 0.76 resulting from the garage being included as habitable space.

Mr. Romano explained that the City Zoning Examiner had 2 choices when dealing with the required parking space and the undersized garage: either identify a variance for the undersized garage dimensions; or, identify a variance for a parking space in the front yard (driveway). In this case, the Zoning Examiner identified a variance for a parking space in the front yard. The new City Zoning By-law permits the gross floor area (gfa) of a residential building to be reduced by the area of the required parking spaces. As a result of the garage not being considered as the required parking space because of its dimensions, the gfa of the garage was included in the total gfa of the dwelling.

Alternatively, Mr. Romano advised, the Zoning Examiner could have determined that a variance was required to recognize the substandard dimensions of the parking space in the garage, which would have resulted in the garage space being excluded from the gfa. In this scenario, a front yard parking variance would no longer have been required.

Mr. Romano noted that the garage would continue to be used as a garage and is not part of the living space of the house. He explained that the Planning staff report assumed that the garage would be used for habitable space. Planning staff recommended that the fsi be reduced to 0.72 to be in line with other approvals in the area. When the gross floor area of the garage is removed, the fsi is 0.72. He noted that the Committee recognized this circumstance and imposed the above-noted conditions as part of the approval, restricting the size and use of the garage. Mr. Romano noted that the Transportation Services division had no objections to the proposal.

With respect to the other variances, Mr. Romano indicated that the front yard setback variance is a result of the proposal to enclose the existing porch to form a vestibule. This would be similar to the dwelling at 40 McRae Drive and not uncommon in the area.

With respect to the side yard setbacks, Mr. Romano explained that the former By-law encouraged additions to buildings by permitting an addition to maintain a side yard setback of 0.45 m. This has resulted in the tight side yard setback condition that is part of the neighbourhood character. No side yard variance is required under the former By-law.

The property to the east at 44 McRae Drive currently extends beyond the subject property. The east side yard variance for the second storey reflects the current garage location with enough of a setback to ensure the eaves does not extend beyond the subject property. The eaves overhang is typical in this neighbourhood because of the tight side yards however the dwelling has been designed to ensure that the eaves stay within the lot. The setback for the extension is 1.16 m as opposed to the required 1.2 m.

The proposed setback for the addition adjacent to 40 McRae Drive is 0.90 m. Since the current side yard setback of 40 McRae Drive is negligible ranging from .05 m to .11 m, Mr. Romano indicated that the setback between dwellings would be provided on the subject property. Mr. Romano advised that the 0.90 m setback is in excess of the former requirement of 0.45 m and is in keeping with the physical character of the neighbourhood. He noted that the length of the building from the porch to the rear wall is 11.8 m, which is well within the maximum building length and depth and that the proposed rear yard setback exceeds the By-law requirements.

Mr. Romano explained that the building has been designed so that the roofline slopes away from the side elevations to reduce potential shadowing on the neighbours. The front elevation has been articulated and designed to break up the building mass from the street and add interest. In his opinion, the proposal is in keeping with what could be generally anticipated in the area. He advised that a balanced approach has been taken to integrate the dwelling into the neighbourhood.

In terms of the policy framework, it was Mr. Romano's opinion was that the proposal properly implements the policy thrust and direction of the Provincial Policy Statement which provides for a settlement area designation for the subject property. The development would be consistent with the policy thrust of making better, more efficient use of existing infrastructure and achieving an appropriate mix and range of housing. The subject property is in a delineated settlement area in the 2017 Growth Plan. In his opinion, the proposal conforms and does not conflict with the Growth Plan.

With respect to the Official Plan, the subject property is designated Neighbourhoods. The Official Plan policies recognize that change within neighbourhoods will occur over time. New development should respect and reinforce the physical character of the area (S. 2.3.1). Mr. Romano noted that the policies do not require a duplication of the existing physical character but instead provides that new development should reinforce the general physical patterns to maintain the stability of the neighbourhood.

In this regard, in his opinion the proposed height, scale and massing is compatible with the neighbourhood and the proposed rear and side yard setbacks fit within the prevailing neighbourhood patterns.

In his opinion the proposal would satisfy the Built Form policies of the Official Plan to ensure a good fit within the Neighbourhood (S. 3.1.2). The setbacks are typical of the area and the front entrance is oriented towards the street and maintains a good front wall alignment. Existing trees have been preserved where possible in the site design. Parking is maintained in its current form.

The massing and exterior façade has been designed to fit harmoniously and limit impact on its surrounding and implements the direction of the Plan. In Mr. Romano's opinion, the proposal contributes positively and in a sensitive manner to the character of the surrounding area. The proposal incorporates appropriate transition in scale. While there will be some impact, the proposal allows for adequate light and privacy.

The Housing policies of the Official Plan (3.2.1) recognize that a full of range of housing should be achieved and the existing housing stock is to be maintained and replenished.

Chapter 4 contains the land use designation policies. Neighbourhoods are generally made up of low-rise residential buildings. The development criteria reinforce the general theme of the Official Plan of maintaining the stability of neighbourhoods. Physical change must be sensitive, gradual and generally fit the existing physical character. New development is to reflect and reinforce the general physical patterns in the neighbourhood. Section 4.1.5 sets out the elements that a proposal should consider. In his opinion, all of the elements are being implemented appropriately by the proposal as summarized below.

- a) patterns of streets, blocks and lanes, parks and public building sites – no effect
- b) size and configuration of lots – no effect
- c) heights, massing, scale and dwelling type of nearby residential properties- the proposal is for a 2 –storey dwelling. In the area, houses are built lot line to lot line with modest to tight side yard setbacks. Building lengths vary and are typically less than the zoning by-law allows. The Official Plan does not address floor area in itself but the deployment of floor area and how it results in the height, mass and scale, which include building length and setbacks. In his opinion, the proposal utilizes the existing conditions resulting in a 2-storey building in an anticipated location.
- d) prevailing building type(s) – the prevailing building type is single detached as proposed.
- e) setbacks of buildings from the street or streets – the proposal has a good front wall alignment.
- f) prevailing patterns of rear and side yard setbacks and landscaped open space- prevailing patterns of rear yard setbacks is close to but generally greater than the zoning By-law minimum. Amenity is located in the rear along with landscaped open space is located in the rear. The side yard setbacks in the area are tight to modest similar to the proposal
- g) n/a
- h) n/a

In addition, the Policy states, “No changes will be made through...minor variance, ... that are out of keeping with the physical character of the neighbourhood.”



In Mr. Romano's opinion the proposal is very much in keeping with physical character of the neighbourhood. In summary it is his opinion all of the development criteria are satisfied with the proposal.

Section 8 of the Official Plan indicates that the Zoning by-law will set out the criteria in order that development can be compatible with and coexist in harmony with existing development. In Mr. Romano's opinion, the proposal results in a compatible site development within the subject property's context.

In summary, it was Mr. Romano's opinion that the proposal has been sensitively designed to minimize impacts and results in a site development that respects and reinforces the physical character of the neighbourhood and maintains the stability of the neighbourhood. The proposal incorporates appropriate design features to minimize impacts on neighbouring properties and the surrounding area and the result is a site development that conforms with and meets the general intent and purpose of the Official Plan.

With respect to the Zoning By-law, in Mr. Romano's opinion, the proposal reflects a site development which is orderly, reasonable and appropriate within the subject property's context that fits well within the compact urban environment. The general intent and purpose of the Zoning By-law is to achieve an orderly and compatible site development.

The purpose of the fsi provision is to ensure that the deployment of the floor area is appropriate given the subject site's context. He noted that the majority of the floor area is generally within the existing footprint and the By-law anticipates a 2 –storey building. It was Mr. Romano's opinion that the floor area has been deployed appropriately in terms of the height, length and position of the dwelling on the subject property. There is an adequate amount of space for landscaping and outdoor amenity.

In terms of parking, the intent and purpose is to ensure that suitable parking is provided. He noted that front yard parking is a common feature in the neighbourhood, especially when the older dwelling is maintained. There were no concerns from the Transportation staff with respect to the parking.

With regard to setbacks, he advised that the intent and purpose of the Zoning By-law was to provide for access and maintenance and this has been provided with the 0.9 m setback. The eaves do not encroach into the adjacent property. The east setback recognizes the current building footprint.

The front canopy is subordinate to the main building and an accessory function maintaining the intent and purpose of the Zoning By-law.

Mr. Romano concluded that the proposed variances, individually and cumulatively, meet the general intent and purpose of the Zoning By-laws.

In terms of minor, it was Mr. Romano's opinion that the variances, both individually and cumulatively, are minor and that the order of magnitude of the variances is reasonable and can be accommodated on the subject property. The variances are reflective of the neighbourhood physically and are within the numeric range of other approvals. In his opinion, the proposal creates no unacceptable adverse impact, including shadow, privacy and overlook. Mr. Romano stated that while there will be a slight increase in overlook and shadow, the proposal is reasonable in the context of the urban neighbourhood and does not reach a level of having significant adverse impact.

It was Mr. Romano's opinion that the proposal represents a sensitive and well balanced site design that makes reasonable and practical use of the existing development characteristics. The result is a compatible site development which will contribute to the mixed housing character of the neighbourhood while incorporating compatible and complementary built form and site design characteristics. In his opinion, the proposal is desirable for the appropriate use and development of the land.

In summary, it was Mr. Romano's opinion that the proposal satisfies the four tests of the Planning Act, represents good planning and should be authorized, subject to the conditions imposed by the Committee.

Ms. Chan and Mr. Velikonja ("the Appellants") are co-owners and residents of 40 McRae Drive, immediately to the west of the subject property. Their concern related to the overall fsi and the west side yard variance abutting their property (Exhibit 4 -Witness Statement). They indicated that the lot is wide and shallow which is not typical in the neighbourhood. As a result, the proposal would extend across approximately 30% of the current backyard. The side yard setback variance on the west side is a 25% decrease, from 1.2 m to 0.9 m.

In their view, the combined increase in the fsi and setback reduction would result in a larger house being closer to their property. They do not feel that this is minor and introduces an impact on 40 McRae Drive.

The Appellants produced Exhibit 5 which illustrates the proposed setbacks on the east and west side yards. They would like the same setback as is proposed along the east side yard where the setback is proposed to be 1.2 m along the extension. In their opinion, the impact is less for 44 McRae Drive. Currently, the Appellant's are adjacent to a 1-storey addition which does not create any shadowing. The second storey addition would affect their tree and garden in terms of shadow. The result would be a large volume of building extending north. They are concerned that the fsi proposed would set a precedent in the area as the staff report indicated that the approved fsi's have been in the range of 0.66 to 0.72.

The Appellants are also concerned with the windows on the rear of the house and the impact on privacy.

The Appellants undertook an analysis of the lot frontages in the area (Exhibit 7) which demonstrated that just over 19% of the lots in the area have a frontage greater than 12 m with the majority (65.38%) having a frontage of 9 m to 12 m (which increases to 73.91 % if corner properties are excluded). In addition, the majority of properties (over 73 %) do not have an attached garage. In their opinion, since the lot is wider than average there should be no need for a side yard variance. The combination of the fsi and the west side yard setback would have an impact on their property and they will feel boxed in.

They also noted their concern regarding the Committee meeting. They were not able to attend and made a submission for consideration. The letter was not part of the Minutes of the meeting and therefore they do not know if their concerns were taken into consideration.

In summary, the Appellant's believe that the garage area should be included in the fsi and the resulting density is too high. In their view, the intent of the By-law is not maintained. The variances would result in a large home close to their property line. In their opinion, the variances are not minor and are much larger than what is found in the Neighbourhood. There would be less morning sunlight on their windows and the shadow would extend over their garage. The impact would be great and would impact their enjoyment of their backyard.

## **ANALYSIS, FINDINGS, REASONS**

The TLAB has carefully considered the evidence of the Applicant and the Appellants, both orally and in the Witness Statements.

The proposal is for additions to an existing, older dwelling. The Official Plan encourages the maintenance of the existing housing stock. The variances must be considered within this context and recognize the existing conditions. The variances would be considered differently if the proposal was for a new replacement dwelling.

One of the two main issues of the Appellants is the proposed fsi of 0.76. Planning staff recommended an fsi of 0.72 in keeping with other approvals in the area. The main contention was the approach taken to the garage. The calculation of the gfa is somewhat unusual in this situation. Planning staff had assumed that the garage would be used for habitable space. The Zoning Examiner did not consider the garage as the required parking space as it is undersized based on current By-law standards. As a result, the area of the garage was not deducted from the total gfa. Ironically, if the garage were larger, the area would then qualify as the required parking space and would be deducted from the gfa, resulting in a lower fsi. As indicated by Mr. Romano, the Zoning Examiner could have taken a different approach and identified a variance for an undersized parking space and the gfa would have been excluded. The Committee appeared to understand this issue by allowing the variance and imposing conditions related to the use of the garage.

Regardless of the technical argument related to the inclusion or exclusion of the existing garage area in the gfa, the TLAB must determine whether the resulting proposed dwelling is an appropriate fit in the context of the subject property with respect to the deployment of the density. This includes consideration of the building footprint, height, length and setbacks. The resulting fsi, while an important indicator, is not the only factor when considering the variance within the context of the four tests.

It is noted that there are no variances required for building length which is proposed to be 11.85 m whereas the new City By-law would permit a building length of 17.0 m. There is also no variance required for building height which is proposed to be 7.96 m while the new City By-law would permit 8.5 m. While the Appellants were concerned with the large amount of the rear yard that would be developed as a result of the proposal, there is no rear yard setback required as the proposed setback exceeds the minimum By-law requirement.

In terms of the proposed west side yard variance from 1.2 m to 0.9 m, which is the substantive issue in this appeal, I understand the Appellant's concern that the difference will be significant as the proposed addition will be 2- storeys. As noted in the Planning staff report, the 0.9 m west side yard is an existing condition of the current dwelling and is not being further modified through this minor variance application. The proposed side yard setback must be viewed in context. This is not a new dwelling but an addition to an existing building which currently has a west side yard setback of 0.9 m whereas the former By-law would have required only 0.45 m.

The addition is a total of 2.6 m from the existing 1-storey component of the house. As noted, the dwelling could be longer and taller based on the as-of-right zoning. There are no new windows on the west façade.

Taken together, the TLAB is satisfied that the reduction in setback of 0.3 m (approximately 12 inches) for the 2.6 m addition will not cause any undue adverse impacts in terms of shadow, privacy or overlook. While the TLAB appreciates the concerns of the Appellant, there was no evidence to support these concerns. The Applicant could have proposed a longer, taller building with an additional 0.3 m side yard setback which would have had a greater impact on the neighbour in terms of massing without the necessity for a side yard variance.

I agree with Mr. Romano's evidence related to the remaining variances. The front yard setback recognizes the enclosed porch and maintains an appropriate relationship to the street. Similarly the porch and canopy variances under the former By-law result in an appropriate and common relationship to the street. The front yard parking space is expected in an area where the attached garages are typically undersized based on current standards. The east side yard setback recognizes the existing footprint of the garage and for the remainder of the length the addition meets the By-law requirement from a practical perspective (1.16 m vs. 1.2 m).

I find that the addition has been sensitively designed and the resulting density is appropriate. The proposed increase in coverage is from 35% to 38.6% is minor and negligible.

The TLAB is satisfied that the 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 imposed by the Committee and the condition recommended in the first Planning staff report that the proposal be built substantially in accordance with the site plan drawings to ensure the projections are as shown.

## **DECISION AND ORDER**

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

**1. Chapter 10.5.40.70. (1), By-law No 569-2013**

The minimum required front yard setback is 5.11 m.

The proposed front yard setback is 3.95 m.

**2. Chapter 10.20.40.40. (1), By-law No 569-2013**

The maximum permitted floor space index is 0.6 times the area of the lot.

The proposed floor space index is 0.76 times the area of the lot.

**3. Chapter 10.20.30.40. (1), By-law No 569-2013**

The maximum permitted lot coverage is 35% of the lot area.

The proposed lot coverage is 38.6% of the lot area.

**4. Chapter 10.5.80.10. (3), By-law No 569-2013**

A parking space may not be located in a front yard or a side yard abutting a street.

The proposed parking space is located in the front yard.

**5. Chapter 10.20.40.70. (3), By-law No 569-2013**

The minimum required west side yard setback is 1.2 m

The proposed west side yard setback is 0.9 m.

**6. Chapter 10.20.40.70. (3), By-law No 569-2013**

The minimum required east side yard setback for the building additions is 1.2 m.

The proposed east side yard setback for the second storey building addition is 1.16 m.

**7. Chapter 10.5.40.60. (7), By-law No 569-2013**

The eaves of a roof may encroach into a required minimum building setback a maximum of 0.9 m, if they are no closer to a lot line than 0.3 m.

The proposed eaves encroach 1.05 m into the required east side yard and are 0.15 m from the east side lot line.

**8. Chapter 10.20.40.70. (3), By-law No 569-2013**

The minimum required east side yard setback for the building additions is 1.2 m.

The proposed east side yard setback for the second storey building addition above the garage is 0.3 m.

**9. Section 6.3.3, By-law No. 1916**

The maximum permitted floor space index is 0.6 times the lot area.

The proposed floor space index is 0.76 times the lot area.

**10. Section 6.1.1, By-law No. 1916**

Every such addition may retain the side yard setback of the existing dwelling, but in no case shall the said side yards be less than 0.45 m.

The proposed east side yard setback for the second storey of the building is 0.3 m.

**11. Section 6.1.1, By-law No. 1916**

The minimum required front yard setback is 5.16 m.

The proposed front yard setback is 3.95 m.

**12. Section 6.3.3, By-law No. 1916**

The minimum required number of off-street parking spaces is 1 space behind the main front wall.

The proposed number of off-street parking spaces is 1 space in front of the main front wall.

**13. Section 5.7, By-law No. 1916**

Unenclosed porches cannot be closer than 4.5 m to the front lot line.

The proposed distance between the front porch and the front lot line is 3.09 m.

**14. Section 5.7, By-law No. 1916**

Canopies cannot be closer than 4.5 m to the front lot line.

The proposed distance between the front canopy and the front lot line is 3.06 m.

**15. Section 5.7, By-law No. 1916**

Eaves may encroach into any required side yard to a maximum of 0.61 m.

The proposed eaves encroach 0.75 m into the required east side yard.

Conditions:

**Decision of Toronto Local Appeal Body Panel Member: L. McPherson**  
**TLAB Case File Number: 17 235290 S45 26 TLAB**

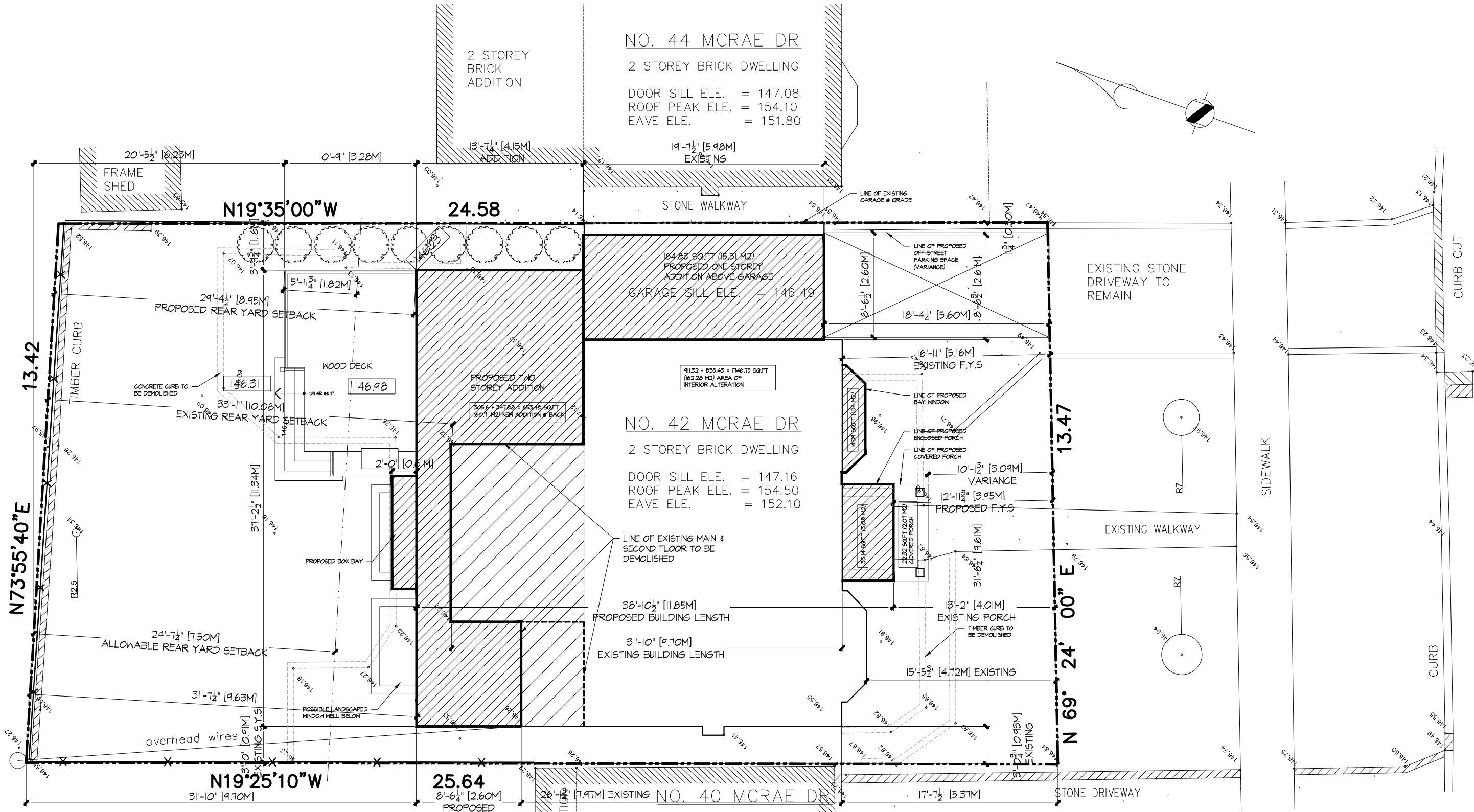
- 1) That the garage is not to contain any habitable space.
- 2) That of the 0.76 Floor Space Index, 0.04 is to be allocated to the non-habitable space of the garage.
- 3) That the proposal be developed substantially in accordance with the site plan submitted to the Committee of Adjustment, attached, dated September 2016.

**X** 

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Enter Panel Member Name

Panel Chair, Toronto Local Appeal Body



REVISIONS / ISSUE DATES		
NO.	DATE	DESCRIPTION
1	FEB 17/17	ISSUED FOR CLIENT REVIEW
2	FEB 22/17	ISSUED FOR ZC
3	MAR 6/17	RE-ISSUED FOR ZC
4	APR 12/17	ISSUED FOR C of A

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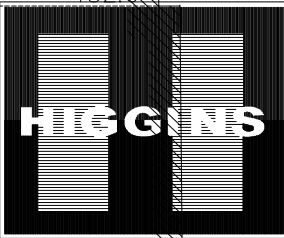
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124 MERTON STREET, SUITE 204  
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OFFICE: (416) 481-6229  
FAX: (416) 481-8084



PROJECT:  
PROPOSED RENOVATION & ADDITION  
**42 MCRAE DRIVE**  
LEASIDE, ONTARIO

DRAWN BY: L.L.	DATE: SEP 2016
CHECKED BY: PJH.	BCIN 4208 3486
SCALE: 1/8"=1'-0"	DRAWING TITLE SITE PLAN
PROJECT NO: 16-043	

PROJECT  
NORTH

DRAWING NO:

**A-1**



42 MCRAE DRIVE - ZONING INFORMATION

ZONING:	RD (R12.0; a370; d0.6) [BY-LAW 569-2013]	RI B [BY-LAW 1916]
LOT AREA:	±337.20 M2 (3629.70 SQ.FT.)	
ALLOWABLE FSI (60.0%) :	202.4 M2 (2177.82 SQ.FT.)	
ALLOWABLE COVERAGE (35%):	118.02 M2 (1270.39 SQ.FT.)	

AREA CALCULATION	EXISTING	ADDITION	TOTAL
MAIN FLOOR		<div><div>• NEW ADDITION @ BACK</div><div>• NEW BAY WINDOW @LIVING RM</div><div>• EXTENDED FRONT PORCH</div></div> <div><div>305.60 SQ.FT.</div><div>14.39 SQ.FT.</div><div>33.14 SQ.FT.</div></div>	
	84.66 M2 (911.32 SQ.FT.)	32.81 M2 (353.13 SQ.FT.)	117.47 M2 (1264.45 SQ.FT.)
GARAGE	14.39 M2 (154.94 SQ.FT.)	0 M2 (0 SQ.FT.)	14.39 M2 (154.94 SQ.FT.)
SECOND FLOOR		<div><div>• NEW ADDITION ABOVE GARAGE</div><div>• NEW ADDITION @ BACK</div></div> <div><div>164.83 SQ.FT.</div><div>347.88 SQ.FT.</div></div>	
	77.61 M2 (835.43 SQ.FT.)	47.63 M2 (512.71 SQ.FT.)	125.24 M2 (1348.14 SQ.FT.)
BASEMENT		<div><div>• NEW ADDITION</div><div>• EXTENDED GOLD ROOM</div></div> <div><div>303.12 SQ.FT.</div><div>52.83 SQ.FT.</div></div>	
	82.09 M2 (883.69 SQ.FT.)	33.07 M2 (355.95 SQ.FT.)	115.16 M2 (1239.64 SQ.FT.)

TOTAL FIRST, SECOND FLOOR & GARAGE 257.05 M2 (2767.53 SQ.FT.)  
EXCLUDING BASEMENT

PROPOSED FSI (0.76):	117.47 + 139.63 = 257.10 M2 (2767.53 SQ.FT.)	VARIANCE
PROPOSED COVERAGE (38.6%):	115.80 + 14.39 = 130.19 M2 (1401.35 SQ.FT.)	VARIANCE

SETBACKS	ALLOWABLE		EXISTING	PROPOSED	
	BY-LAW 1916	BY-LAW 569-2013			
FRONT	6.00 M (19'-8 1/4")	5.11 M (16'-9")	5.16 M (16'-11")	3.95 M (12'-11 3/4")	VARIANCE
REAR	7.50 M (24'-7 1/4")	7.50 M (24'-7 1/4")	10.08 M (33'-1")	8.95 M (29'-4 1/2")	
SIDE (EAST)	0.45 M (1'-5 1/2")	1.20 M (3'-11 1/4")	0.00 M (0'-0")	0.30 M (11 3/4")	VARIANCE
SIDE (WEST)	0.45 M (1'-5 1/2")	1.20 M (3'-11 1/4")	0.91 M (3'-0")	EXISTING	VARIANCE
FRONTAGE	12.00 M (39'-4 1/2")	12.00 M (39'-4 1/2")	13.47 M (44'-2 1/4")	EXISTING	
BUILDING LENGTH	16.75 M (54'-11 1/2")	17.00 M (55'-9 1/2")	9.70 M (31'-10")	11.85 M (38'-10 1/2")	
BUILDING HEIGHT	8.50 M (27'-10 3/4")	8.50 M (27'-10 3/4")	7.96 M (26'-1 1/4")	EXISTING	
MIN. PARKING WIDTH	3.00 M (9'-10")	2.60 M (8'-6 1/2")	2.59 M (8'-6")	2.60 M (8'-6 1/2")	
MIN. PARKING LENGTH	5.50 M (18'-0 1/2")	5.60 M (18'-4 1/2")	5.52 M (18'-1 1/4")	5.60 M (18'-4 1/2")	
PARKING SPACES BEHIND	1	1	0	0	VARIANCE
FRONT WALL (2.6M X 5.6M)					

REVISIONS / ISSUE DATES			BUILDERS SHALL VERIFY ALL DIMENSIONS AND ALL JOB SITE CONDITIONS PRIOR TO PROCEEDING WITH CONSTRUCTION AND REPORT ANY DISCREPANCIES IMMEDIATELY TO THE ARCHITECT.	These architectural drawings are the property of Peter Higgins Architect Inc. 124 Merton Street, Suite 204, Toronto, Ontario.
NO.	DATE	DESCRIPTION		
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2	FEB 22/17	ISSUED FOR ZC		
3	MAR 6/17	RE-ISSUED FOR ZC		
4	APR 12/17	ISSUED FOR C of A	ONLY THE LATEST APPROVED DRAWINGS ARE TO BE USED FOR CONSTRUCTION.	
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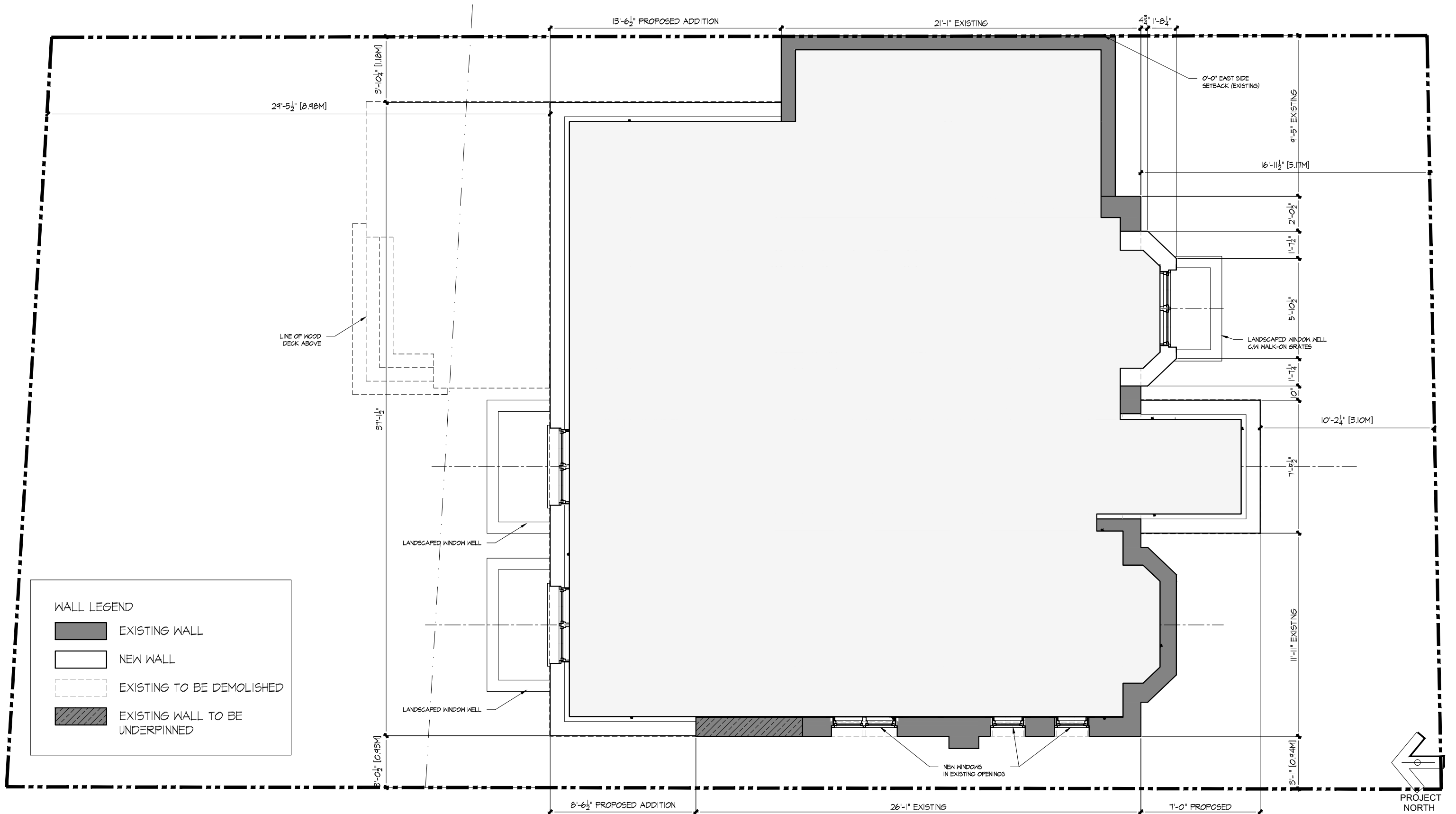


PROJECT:  
  
PROPOSED RENOVATION & ADDITION  
  
42 MCRAE DRIVE  
LEASIDE, ONTARIO

DRAWN BY L.L	DATE: SEP 2016
CHECKED BY: PJH.	BCIN 4208 3486
SCALE: -	DRAWING TITLE SITE STATS
PROJECT NO: 16-043	

DRAWING NO:

A-2



<b>REVISIONS / ISSUE DATES</b>			<b>BUILDERS SHALL VERIFY ALL DIMENSIONS AND ALL JOB SITE CONDITIONS PRIOR TO PROCEEDING WITH CONSTRUCTION AND REPORT ANY DISCREPANCIES IMMEDIATELY TO THE ARCHITECT.</b>  ONLY THE LATEST APPROVED DRAWINGS ARE TO BE USED FOR CONSTRUCTION.  IT IS THE BUILDER'S DUTY TO ENSURE THAT THEY HAVE THE LATEST APPROVED DRAWINGS IN HAND.	<b>These architectural drawings are the property of Peter Higgins Architect Inc. 124 Merton Street, Suite 204, Toronto, Ontario.</b>  In consideration for full payment of the architectural services rendered, the use of these drawings and any supporting attachments is granted to the client/agency responsible for the construction of the forementioned titled project, as designed, depicted and detailed on these drawings.  These architectural drawings shall not be reproduced or used for any other purpose at any other address by any other person, firm or corporation without the written consent of Peter Higgins Architect Inc.
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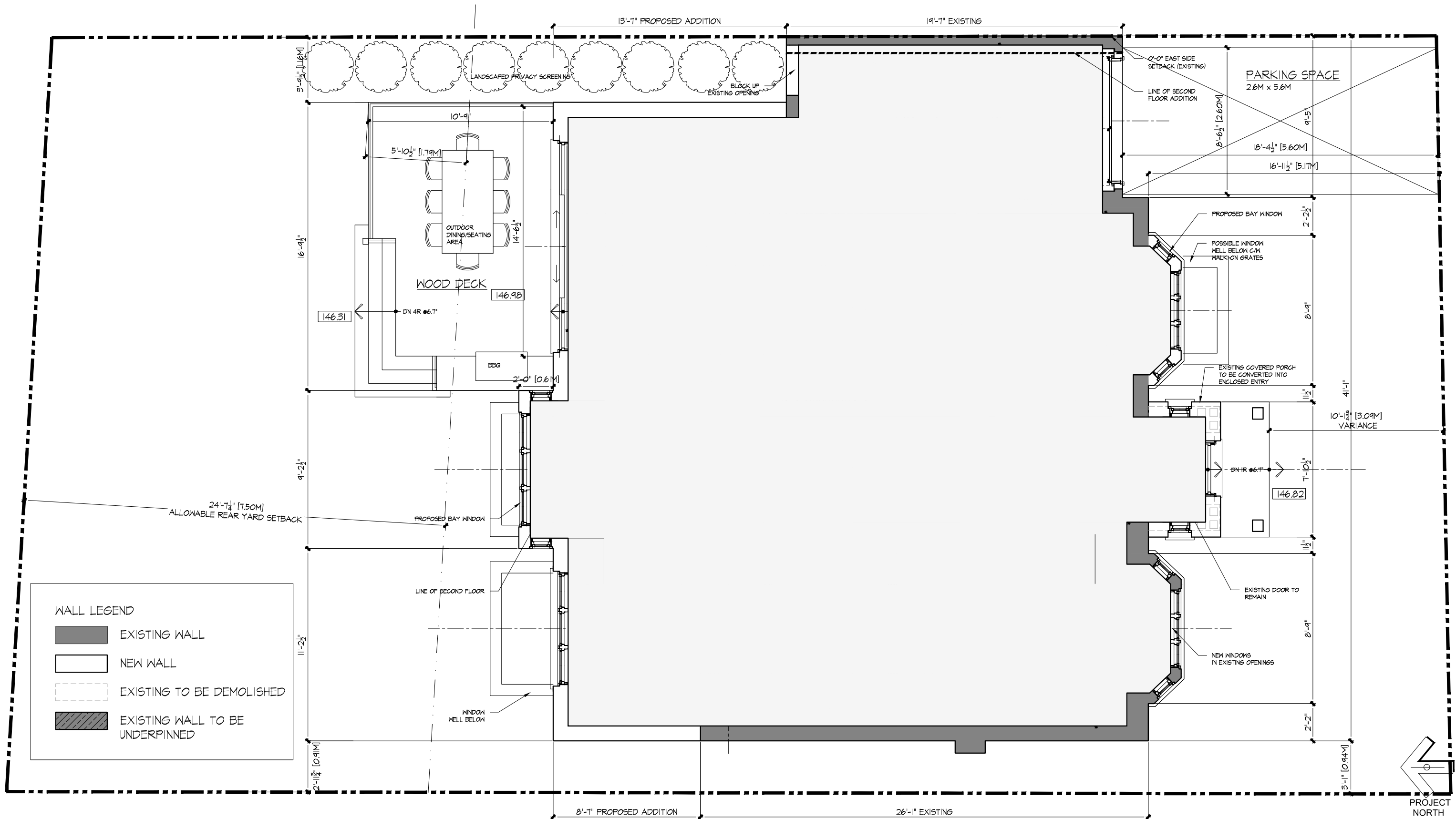
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ONTARIO ASSOCIATION  
OF  
ARCHITECTS  
PETER JAMES HIGGINS  
LICENCE  
4208

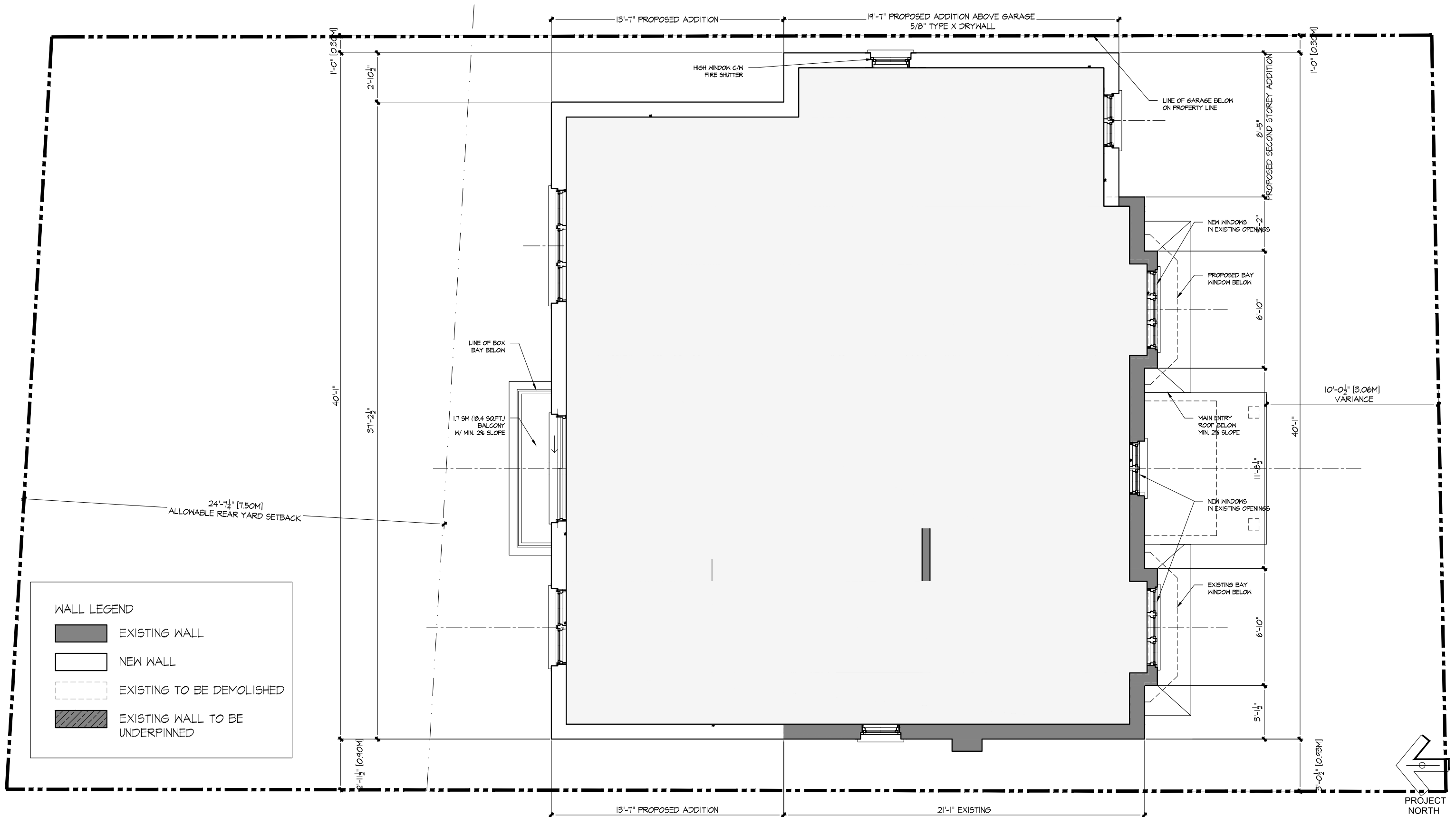
<b>PROJECT:</b>  PROPOSED RENOVATION & ADDITION  42 MCRAE DRIVE LEASIDE, ONTARIO	
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<b>DRAWN BY:</b> L.L.	<b>DATE:</b> NOV 2016
<b>CHECKED BY:</b> PJH.	<b>BCIN:</b> 4208 3486
<b>SCALE:</b> 3/16"=1'-0"	<b>DRAWING TITLE:</b> LOWER LEVEL
<b>PROJECT NO:</b> 16-043	

**DRAWING NO:**  
  
A-3



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			<div><div><div></div><div>HIGGINS</div></div><div>PETER HIGGINS ARCHITECT INC. 124 MERTON STREET, SUITE 204 TORONTO, ONTARIO, M4S 2Z2 OFFICE: (416) 481-6229 FAX: (416) 481-8084</div><div>ONTARIO ASSOCIATION OF ARCHITECTS PETER JAMES HIGGINS LICENCE 4208</div></div> <div><div>PROJECT:</div><div>PROPOSED RENOVATION &amp; ADDITION</div><div>42 MCRAE DRIVE LEASIDE, ONTARIO</div></div> <div><div>DRAWN BY: L.L.</div><div>CHECKED BY: PJH.</div><div>SCALE: 3/16"=1'-0"</div><div>PROJECT NO: 16-043</div><div>DATE: NOV 2016</div><div>BCIN 4208 3486</div><div>DRAWING TITLE: MAIN FLOOR</div></div> <div>DRAWING NO:  A-4</div>	



#### WALL LEGEND

- EXISTING WALL
- NEW WALL
- EXISTING TO BE DEMOLISHED
- EXISTING WALL TO BE UNDERPINNED

REVISIONS / ISSUE DATES		
NO.	DATE	DESCRIPTION
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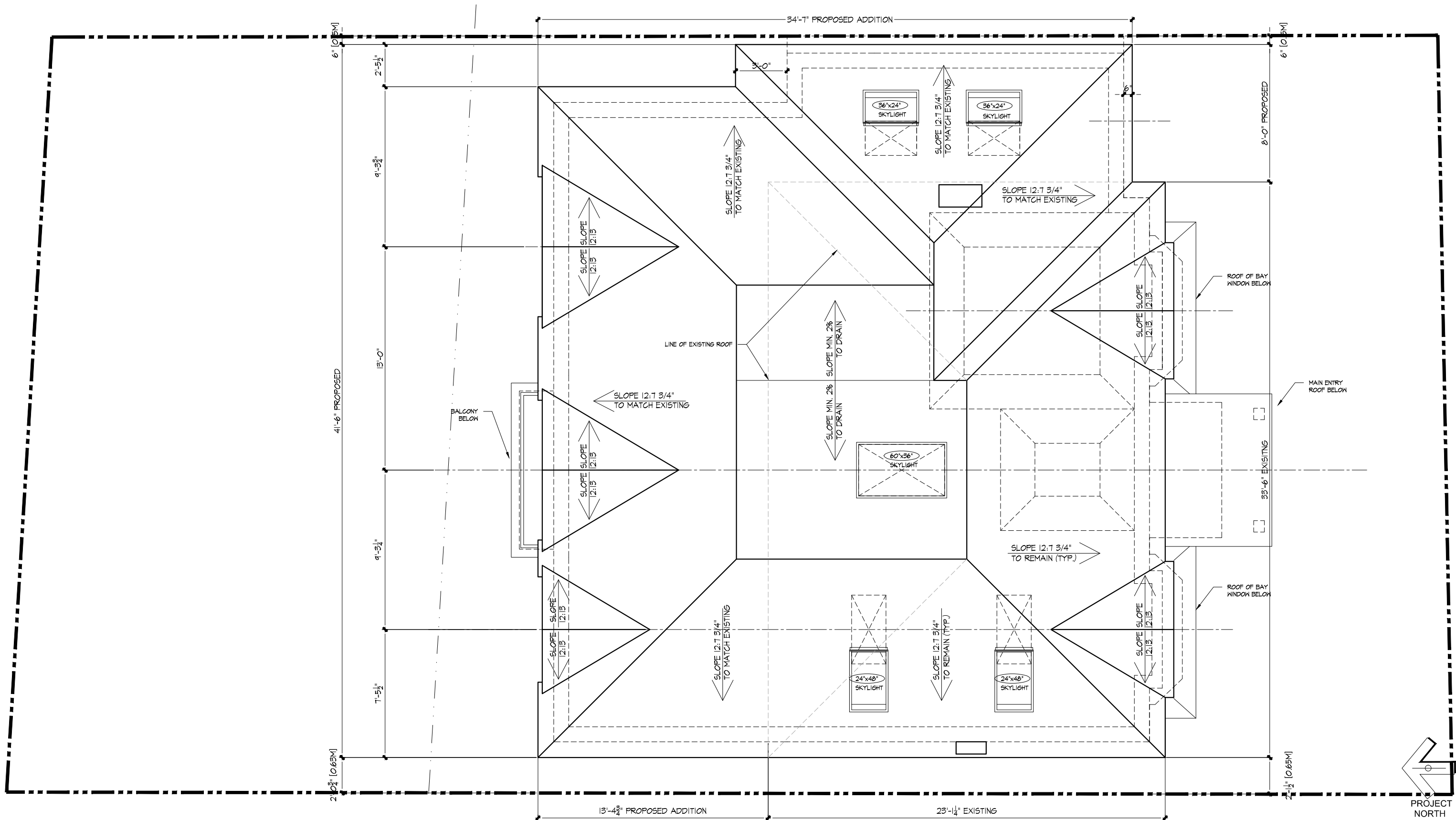


PROJECT:  
PROPOSED RENOVATION & ADDITION  
**42 MCRAE DRIVE**  
LEASIDE, ONTARIO

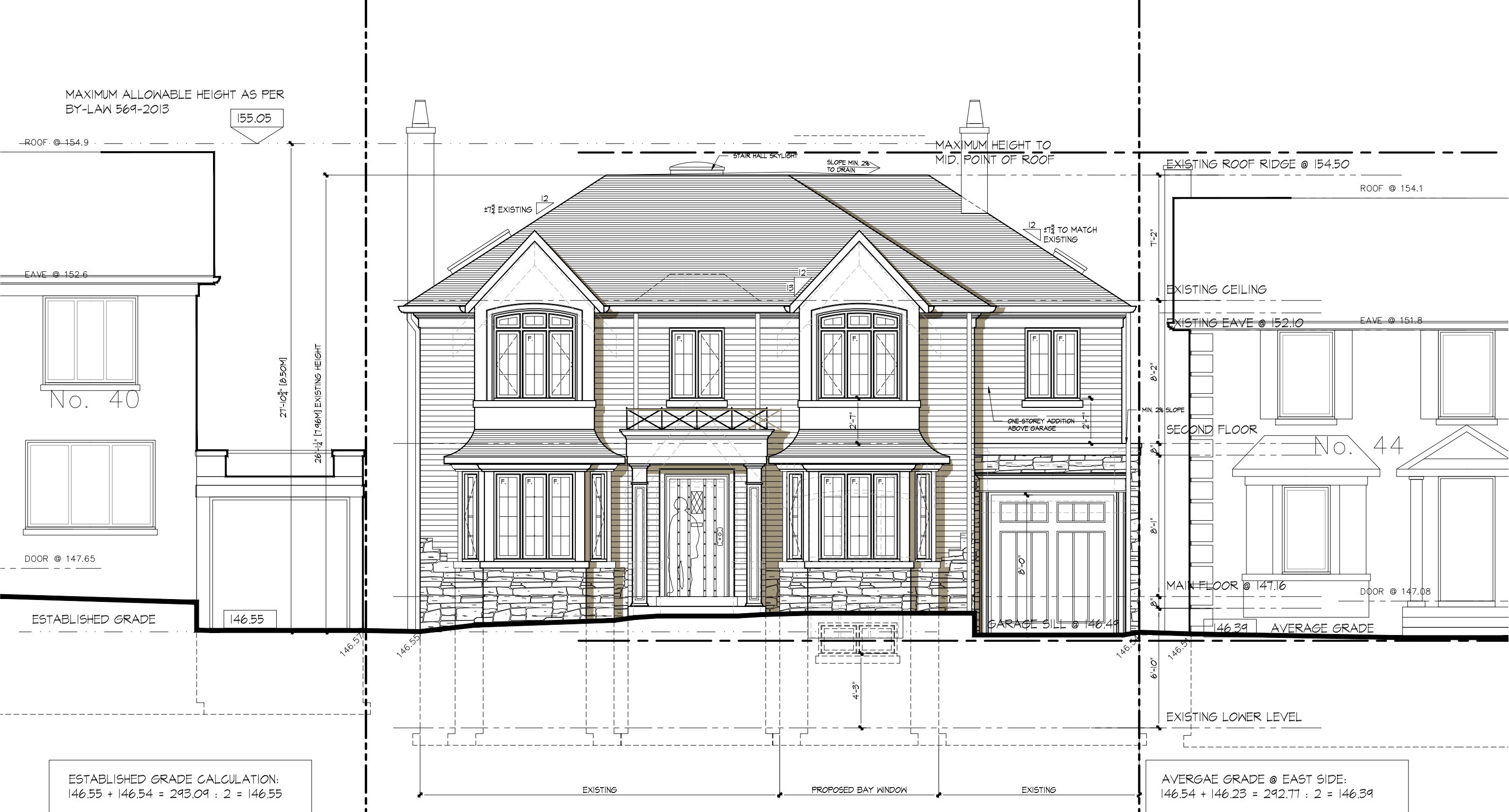
DRAWN BY: L.L.	DATE: NOV 2016
CHECKED BY: P.J.H.	BCIN 4208 3486
SCALE: 3/16"=1'-0"	DRAWING TITLE: SECOND FLOOR
PROJECT NO: 16-043	

DRAWING NO:

**A-5**



<b>REVISIONS / ISSUE DATES</b>			<p>BUILDERS SHALL VERIFY ALL DIMENSIONS AND ALL JOB SITE CONDITIONS PRIOR TO PROCEEDING WITH CONSTRUCTION AND REPORT ANY DISCREPANCIES IMMEDIATELY TO THE ARCHITECT.</p> <p>ONLY THE LATEST APPROVED DRAWINGS ARE TO BE USED FOR CONSTRUCTION.</p> <p>IT IS THE BUILDER'S DUTY TO ENSURE THAT THEY HAVE THE LATEST APPROVED DRAWINGS IN HAND.</p>	<p>These architectural drawings are the property of Peter Higgins Architect Inc. 124 Merton Street, Suite 204, Toronto, Ontario.</p> <p>In consideration for full payment of the architectural services rendered, the use of these drawings and any supporting attachments is granted to the client/agency responsible for the construction of the forementioned titled project, as designed, depicted and detailed on these drawings.</p> <p>These architectural drawings shall not be reproduced or used for any other purpose at any other address by any other person, firm or corporation without the written consent of Peter Higgins Architect Inc.</p>	<div><div><div>HIGGINS</div></div><div><div>PETER HIGGINS</div><div>ARCHITECT INC.</div><div>124 MERTON STREET, SUITE 204</div><div>TORONTO, ONTARIO, M4S 2Z2</div><div>OFFICE: (416) 481-6229</div><div>FAX: (416) 481-8084</div></div><div><div>ONTARIO ASSOCIATION</div><div>OF</div><div>ARCHITECTS</div><div>PETER JAMES HIGGINS</div><div>LICENCE</div><div>4208</div></div></div>	<p>PROJECT:</p> <p>PROPOSED RENOVATION &amp; ADDITION</p> <p>42 MCRAE DRIVE</p> <p>LEASIDE, ONTARIO</p>	<p>DRAWN BY</p> <p>L.L.</p>	<p>DATE:</p> <p>NOV 2016</p>	<p>DRAWING NO:</p> <p>A-6</p>		
<p>NO.</p>	<p>DATE</p>	<p>DESCRIPTION</p>					<p>CHECKED BY:</p> <p>P.J.H.</p>	<p>BCIN</p> <p>4208</p> <p>3486</p>		<p>SCALE:</p> <p>3/16"=1'-0"</p>	<p>DRAWING TITLE:</p> <p>ROOF PLAN</p>
<p>1</p>	<p>DEC 15/16</p>	<p>ISSUED FOR CLIENT REVIEW</p>									
<p>2</p>	<p>JAN 18/17</p>	<p>ISSUED FOR CLIENT REVIEW</p>									
<p>3</p>	<p>FEB 22/17</p>	<p>ISSUED FOR ZC</p>									
<p>4</p>	<p>MAR 6/17</p>	<p>RE-ISSUED FOR ZC</p>									
<p>5</p>	<p>APR 12/17</p>	<p>ISSUED FOR C of A</p>									



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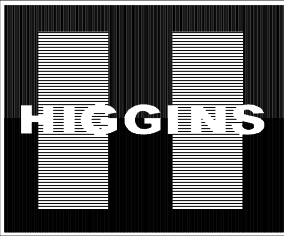
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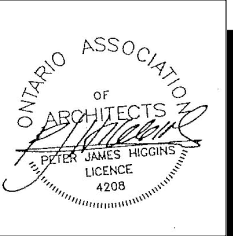
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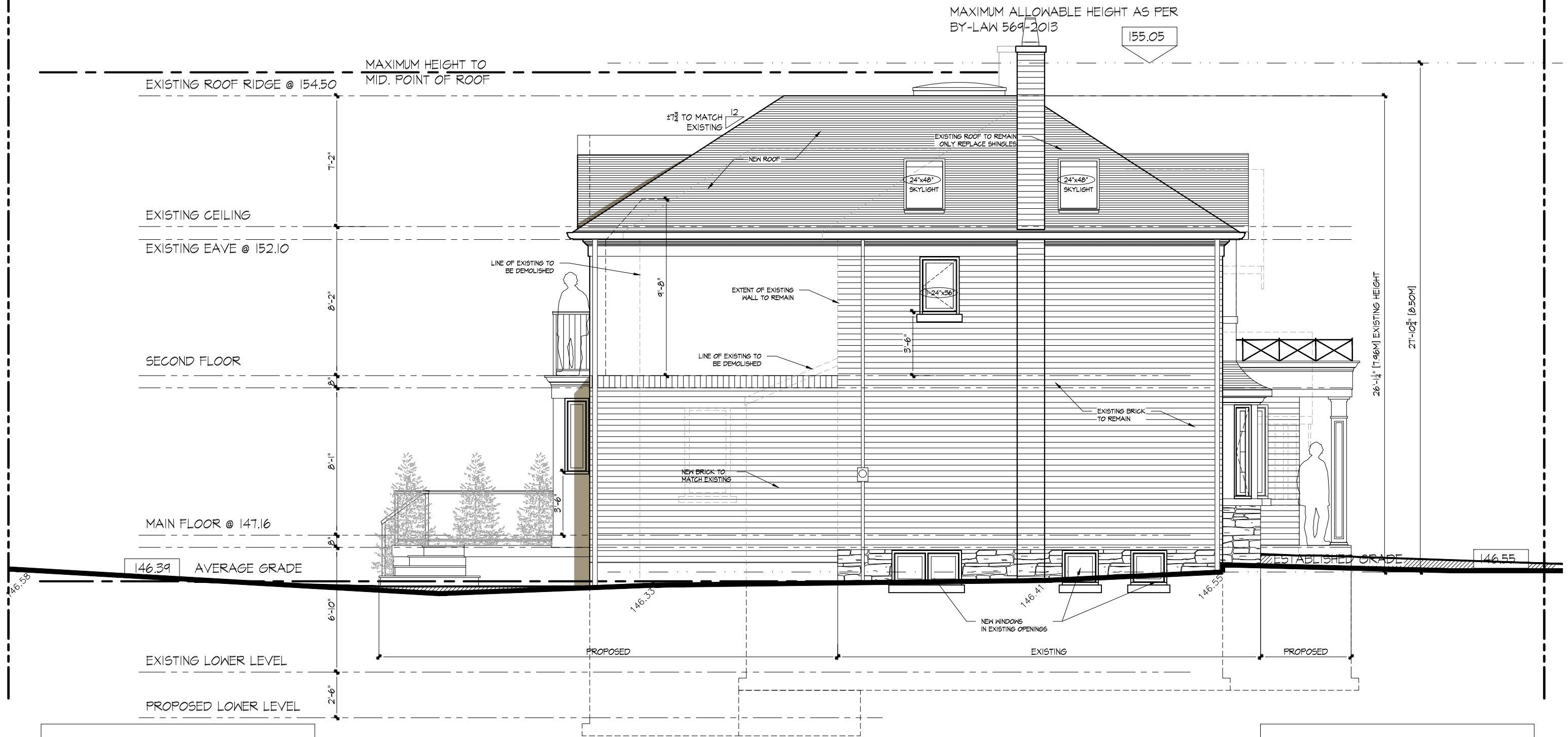


PROJECT:  
PROPOSED RENOVATION & ADDITION  
42 MCRAE DRIVE  
LEASIDE, ONTARIO

DRAWN BY: L.L.	DATE: NOV 2016
CHECKED BY: PJH.	BCIN 4208 3486
SCALE: 3/16"=1'-0"	DRAWING TITLE: SOUTH ELEV.
PROJECT NO: 16-043	

DRAWING NO:  
**A-7**





AVERAGE GRADE @ EAST SIDE:  
 $146.54 + 146.23 = 292.77 : 2 = 146.39$

ESTABLISHED GRADE CALCULATION:  
 $146.55 + 146.54 = 293.09 : 2 = 146.55$

REVISIONS / ISSUE DATES		
NO.	DATE	DESCRIPTION
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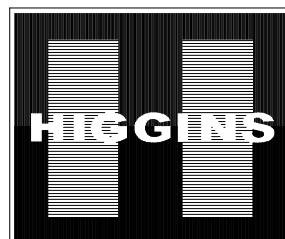
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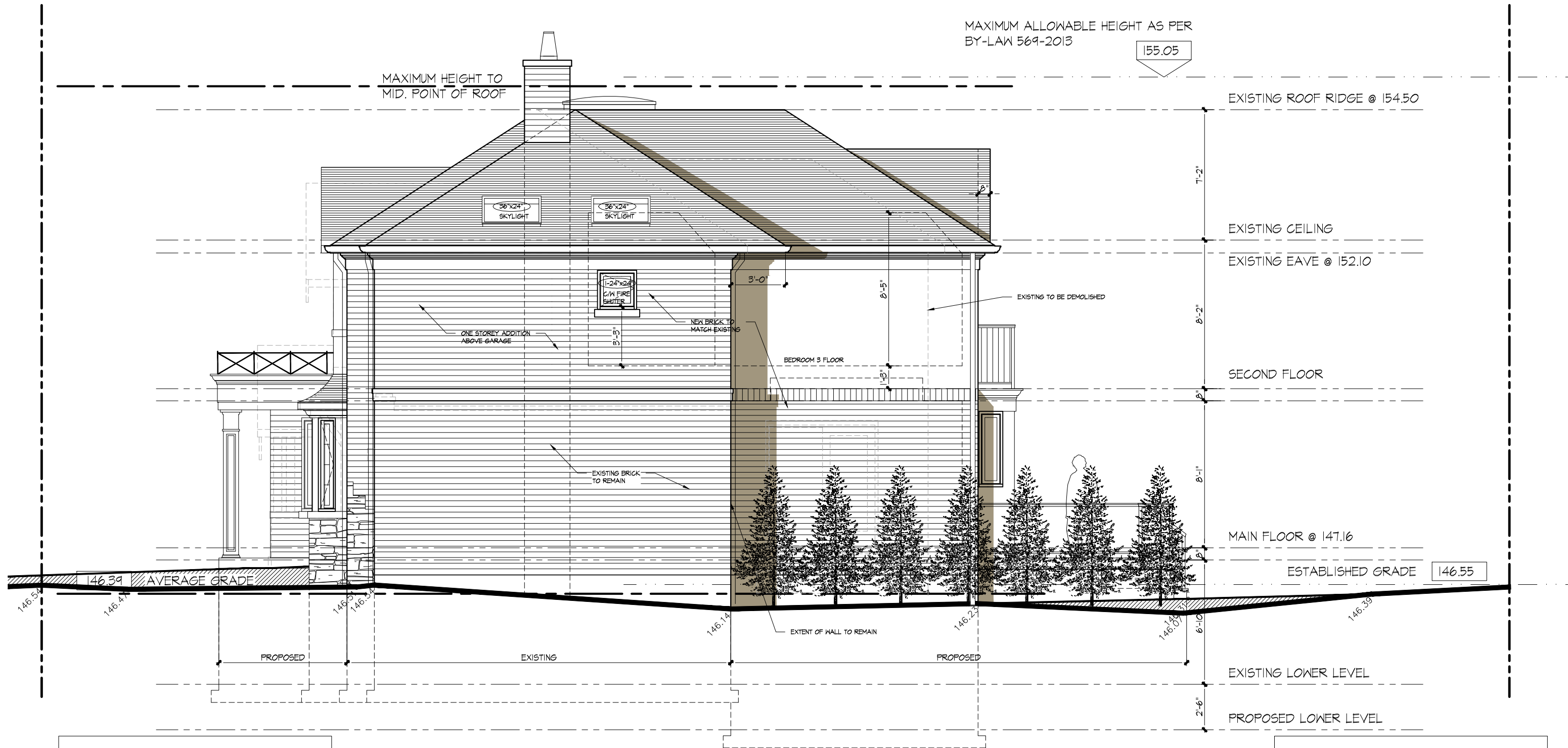


PROJECT:  
 PROPOSED RENOVATION & ADDITION  
 42 MCRAE DRIVE  
 LEASIDE, ONTARIO

DRAWN BY: L.L.	DATE: NOV 2016
CHECKED BY: PJH.	BCIN 4208 3486
SCALE: 3/16"=1'-0"	DRAWING TITLE: WEST ELEV.
PROJECT NO: 16-043	

DRAWING NO:  
**A-9**





AVERAGE GRADE @ EAST SIDE:  
 $146.54 + 146.23 = 292.77 : 2 = 146.39$

ESTABLISHED GRADE CALCULATION:  
 $146.55 + 146.54 = 293.09 : 2 = 146.55$

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PROJECT:  
PROPOSED RENOVATION & ADDITION  
**42 MCRAE DRIVE**  
LEASIDE, ONTARIO

DRAWN BY: L.L.	DATE: NOV 2016
CHECKED BY: PJH.	BCIN 4208 3486
SCALE: 3/16"=1'-0"	DRAWING TITLE: EAST ELEV.
PROJECT NO: 16-043	

DRAWING NO:

**A-10**