

DECISION AND ORDER

Decision Issue Date **Monday, March 26, 2018**

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

Appellant(s): MARTIN FERREIRA

Applicant: ROCKIM DESIGN INC

Property Address/Description: 212 WOODMOUNT AVE

Committee of Adjustment Case File Number: 17 165684 STE 31 MV (A0605/17TEY)

TLAB Case File Number: 17 248259 S45 31 TLAB

Hearing date: Wednesday, March 21, 2018

DECISION DELIVERED BY S. MAKUCH

APPEARANCES

Name	Role	Representative
Rockim Design Inc	Applicant	
Martin Ferreira	Appellant	Rock Kim

INTRODUCTION

This is an appeal to the Toronto Local Appeal Body (TLAB) by ROCKIM, Design Inc., on behalf of the owner of 212 Woodmount Avenue, of a decision of the Committee of Adjustment refusing the following variances:

1. Chapter 10.40.40.1 0.(2)(A)(i). By-law 569-2013

The maximum permitted eight of all front exterior main walls is 7.0 in.

The height of the front exterior main walls will be 7.77 m.

2. Chapter 10.40.40.10.(2)(A)(ii), By-law 569-2013

The maximum permitted height of all rear exterior main walls is 7.0 m.

The height of the rear exterior main walls will be 7.77 m.

3. Chapter 10.40.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index is 0.75 times the area of the lot (165.48 m²).

The floor space index will be 0.9 times the area of the lot (199.38 m²).

4. Chapter 10.40.40.40.(1)(A), By-law 569-2013

A minimum of 10.0 m² of the first floor must be within 4.0 m of the front main wall.

The area within 4.0 m of the front main wall will be 6.24 m².

5. Chapter 10.40.30.30.(I) (A), By-law 569-2013

The maximum permitted lot coverage is 35% of the lot area (77.22 m²).

The lot coverage will be 45.15% of the lot area (99.69 m²).

6. Chapter 10.40.30.40.(1) (A), By-law 569-2013

The maximum permitted height of the first floor above established grade is 1.2 m.

The height of the first floor above established grade will be 1.32 m.

7. Chapter 10.5.40.60.(1)(A)(i). By-law 569-2013

A platform without main walls, attached to or less than 0.3 m from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required front yard setback 1.39 m if it is no closer to a side lot line than the required side yard setback.

The platform will encroach 1.52 m into the required front yard setback.

8. Chapter 10.5.40.60.(3) (A)(iii), By-law 569-2013

Exterior stairs providing pedestrian access to a building or structure may encroach into a required

building setback if the stairs are no closer to a lot line than 0.6 m.

The stairs will be 0.23 m from the west front lot line.

1. Section 5.6 b(iii) By-law 6752

Steps or stairs required for access to the first storey of a permitted building may encroach into any yard, provided such steps or stairs shall be set back a minimum of 1.5 m from any lot line adjacent to a street.

The stairs will be 0.23 m from the west (front) lot line.

2. Section 7.1.1(1), By-law 6752

The maximum permitted coverage is 35% of the lot (77.22 m²).

The lot coverage will be 46.51% (102.63 m²).

3. Section 7.5.3, By-law 6752

The maximum permitted building length is 16.75 m.

The altered building will have a length of 16.99 m.

4. Section 7.1.1(1), By-law 6752

The minimum required side yard setback is 0.45 m.

The north side yard setback will be is 0.3 m.

5. Section 7.5.3, By-law 6752

The maximum permitted floor space index is 0.75 times the area of the lot (165.48m²).

The floor space index will be 0.9 times the area of the lot (199.38 m²).

BACKGROUND

The purpose of the variances is to permit the construction of a second floor and rear addition to an existing one story dwelling. No one appeared in opposition to the appeal.

MATTERS IN ISSUE

As there was no one opposing the appeal there were no matters in issue raised, except whether the application could be approved with the following alterations:

1. A reduction in the length of the addition from 3.66m to 3.05m
2. A change in the total floor space index from 199.38 m² (90%) to 192.24 m² (87.13%)
3. A change in the total lot coverage from 102.63 m² (46.51%) to 99.65 m² (45.16%)

I am content that these changes are minor and that no further notice is required on them, as permitted by section 45 (18.1.1) of the Planning Act.

JURISDICTION

TLAB has the authority to approve variances on appeal under s. 45(1) of the Planning Act which requires that 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.

TLAB must also find that the variances are consistent with provincial policy and plans.

EVIDENCE

TLAB heard evidence from Kim Rock, a designer who is a graduate of Humber College and who designs houses as a profession. His work applies the zoning bylaws and official plan of the City. He designs homes to fit in the physical character of the neighbourhood.

His evidence was that the design, with a number of minor alterations which reduced the variances, meets the four tests and maintains the general intent and purpose of the official plan and zoning bylaw as it fits within the character of this regenerating neighbourhood. The minor alterations are as set out above.

ANALYSIS, FINDINGS, REASONS

TLAB finds, based on the evidence presented, that the variances: have no negative impact on neighbouring properties, as the neighbours have been spoken to and do not object; and fit with the character of a changing neighbourhood, as can be seen from photos of surrounding properties and thus will result in a two story dwelling appropriate for the development of the property. The variances cumulatively and individually meet the four tests. There is no alteration in the use and the additions will result in a more efficient use of the property in accordance with provincial policy and plans.

DECISION AND ORDER

TLAB allows the appeal, approves the variances sought before the Committee of Adjustment, as altered above and as are set out below.

1. The variances are approved on the condition that the additions be constructed substantially in accordance with the plans prepared by ROCKIM DESIGN INC. dated January 03, 2017, filed with TLAB, March 19, 2018 and attached to this decision as **Attachment 1**.

2. The variances as approved are:

1. Chapter 10.40.40.1 0.(2)(A)(i). By-law 569-2013

The maximum permitted height of all front exterior main walls is 7.0 m.
The height of the front exterior main walls will be 7.77 m.

2. Chapter 10.40.40.10.(2)(A)(ii), By-law 569-2013

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3. Chapter 10.40.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index is 0.75 times the area of the lot (165.48 m²).
The floor space index will be 192.24 m² (87.13%)

4. Chapter 10.40.40.40.(1)(A), By-law 569-2013

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The area within 4.0 m of the front main wall will be 6.24 m².

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5. Section 7.5.3, By-law 6752

The maximum permitted floor space index is 0.75 times the area of the lot (165.48m²).

Decision of Toronto Local Appeal Body Panel Member: S. Makuch
TLAB Case File Number: 17 248259 S45 31 TLAB

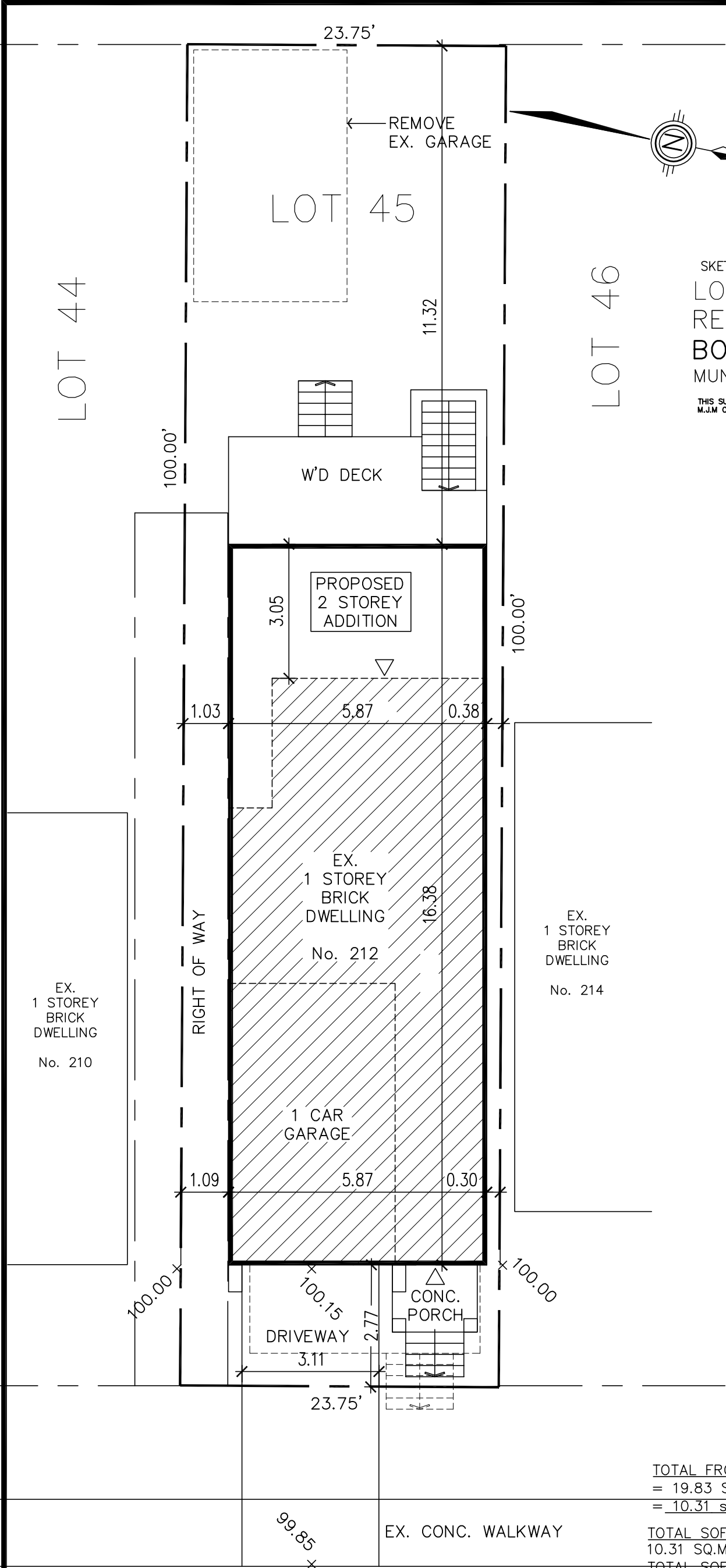
The floor space index will be 192.24 m² (87.13%)

X 

S. Makuch
Panel Chair, Toronto Local Appeal

Attachment 1

RECEIVED March 19 2018
By Toronto Local Appeal Body



SKETCH SHOWING
LOT 45
REG'D PLAN 1587
BOROUGH OF EAST YORK
MUNICIPALITY OF METROPOLITAN OF TORONTO
THIS SURVEY INFORMATION IS TAKEN FROM
M.J.M O.L.S. ON NOV., 1974

SITE DATA

Lot Area	220.63 Sq.m
Existing building area	
Ground floor area	75.32 Sq.m
Proposed building area	
Ground floor area	20.80 Sq.m
Porch area	3.53 Sq.m
Second floor area	96.12 Sq.m
Total Floor Index Area	192.24 Sq.m (87.13 %)
TOTAL COVERAGE	99.65 Sq.m (45.16 %)

TOTAL FRONT YARD LANDSCAPE AREA – PRINCIPLE DRIVEWAY
= 19.83 SQ.M.(100%) minus 9.52 sq.m.(2.7mx3.1m)
= 10.31 sq.m.(51.99%) MIN. REQUIRED 60%
TOTAL SOFT LANDSCAPE AREA –HARD (STAIR, PORCH)
10.31 SQ.M. MINUS 4.55 SQ.M. = 5.76 SQ.M
TOTAL SOFT=5.76 SQ.M (55.86%) 75% MIN.REQUIRED.

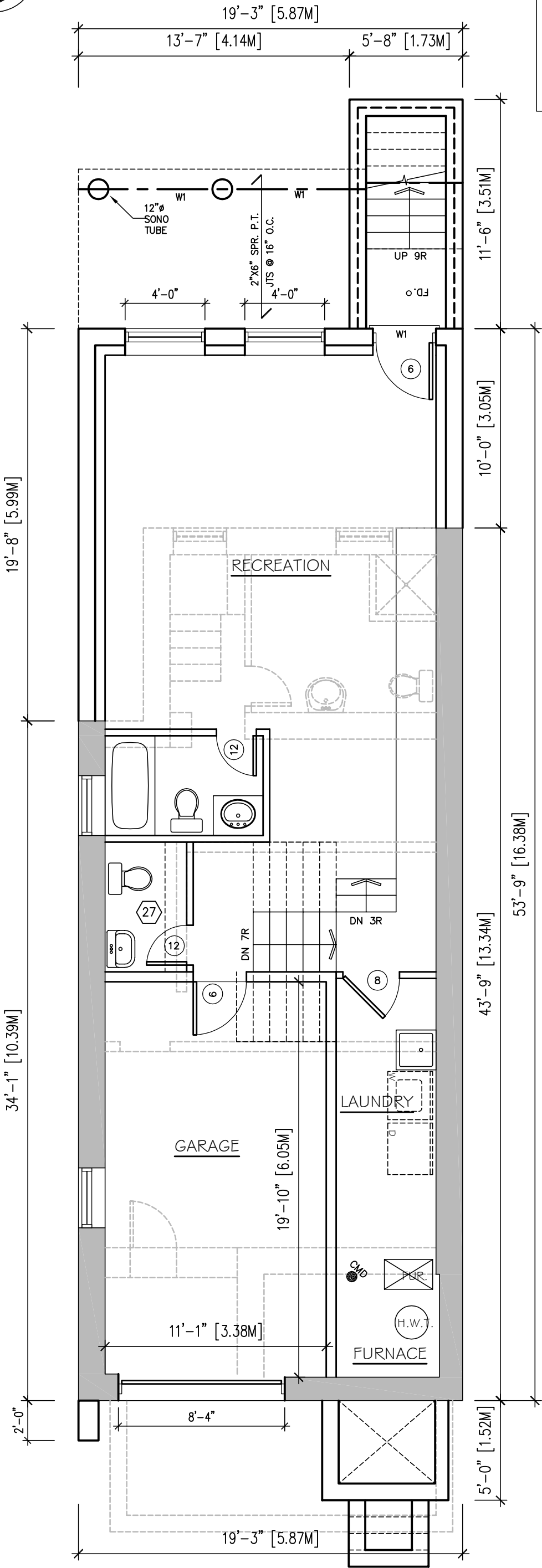
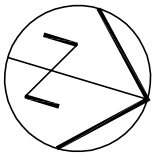
The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.
Required unless design is exempt under 3.2.5.1 of the building code
QUALIFICATION INFORMATION
Name
Signature
Firm Name
REGISTRATION INFORMATION
Date
Required unless design is exempt under 3.2.4.1 of the building code
Firm Name
BCIN#

GENERAL NOTES: This drawing, as an instrument of service, is provided by and is the property of the DESIGNER. The contractor must verify and accept responsibility for all dimensions and conditions on site and must notify the DESIGNER of any variations from the supplied information. The Designer is not responsible for the accuracy of survey, structural, mechanical, electrical, etc., engineering information shown on this drawing. Refer to the appropriated engineering drawings before proceeding with the work. Construction must conform to all applicable codes and requirement of authorities having jurisdiction. This drawing is not to be scaled.			
REVISIONS			
No:	DESCRIPTION	DATE	BY
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PROJECT	PROPOSED ADDITION FOR RESIDENCE 212 WOODMOUNT AVENUE TORONTO, ON
DRAWING TITLE	SITE PLAN

DRAWN BY	R.K.
CHECKED BY	
SCALE	1:100
DATE	JAN., 2016
PROJECT NUMBER	

DRAWING NUMBER	A-1
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PARTITION LEGEND

- DENOTES PARTITION OR WALL TO BE REMOVED
- DENOTES EXISTING PARTITION OR WALL TO REMAIN
- DENOTES PROPOSED INTERIOR PARTITION

1 BASEMENT FLOOR PLAN

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

The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

Required unless design is exempt under 3.2.5.1 of the building code

ROCK KIM 36340 BCIN#

Signature Date
JAN. 03, 2017

Required unless design is exempt under 3.2.4.1 of the building code
ROCKIM DESIGN INC. 45379 BCIN#

Firm Name
rockkim22@gmail.com 647-466-2767

GENERAL NOTES:
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REVISIONS

No.	DESCRIPTION	DATE	BY
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PROPOSED ADDITION
FOR RESIDENCE

212 WOODMOUNT AVE
TORONTO, ON

FLOOR PLAN

DRAWING NUMBER

A-2

DRAWN BY
R.K.

CHECKED BY
R.K.

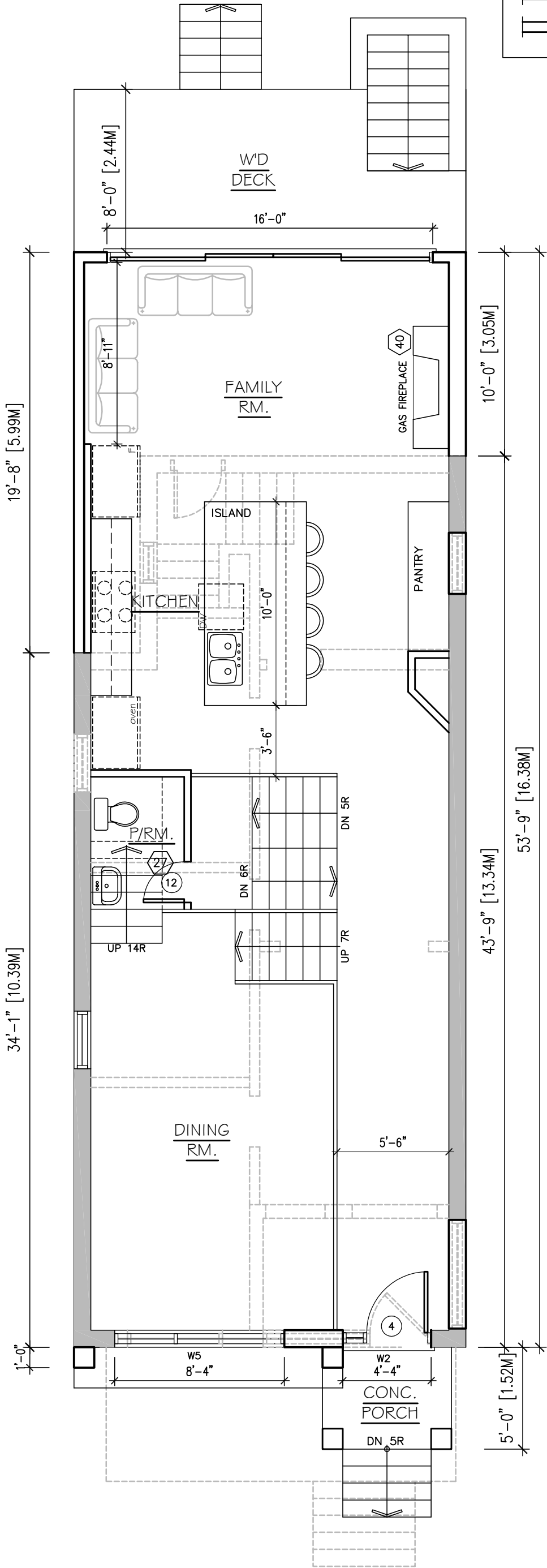
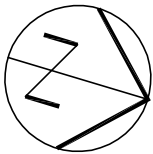
SCALE

AS NOTED

DATE

APR., 2017

PROJECT NUMBER



PARTITION LEGEND

- DENOTES PARTITION OR WALL TO BE REMOVED
- DENOTES EXISTING PARTITION OR WALL TO REMAIN
- DENOTES PROPOSED INTERIOR PARTITION

DRAWING NUMBER

A-3

DRAWN BY
R.K.

CHECKED BY
R.K.

SCALE

AS NOTED

DATE

APR., 2017

PROJECT NUMBER

PROPOSED ADDITION
FOR RESIDENCE

212 WOODMOUNT AVE
TORONTO, ON

FLOOR PLAN

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REVISIONS

NO.	DESCRIPTION	DATE	BY
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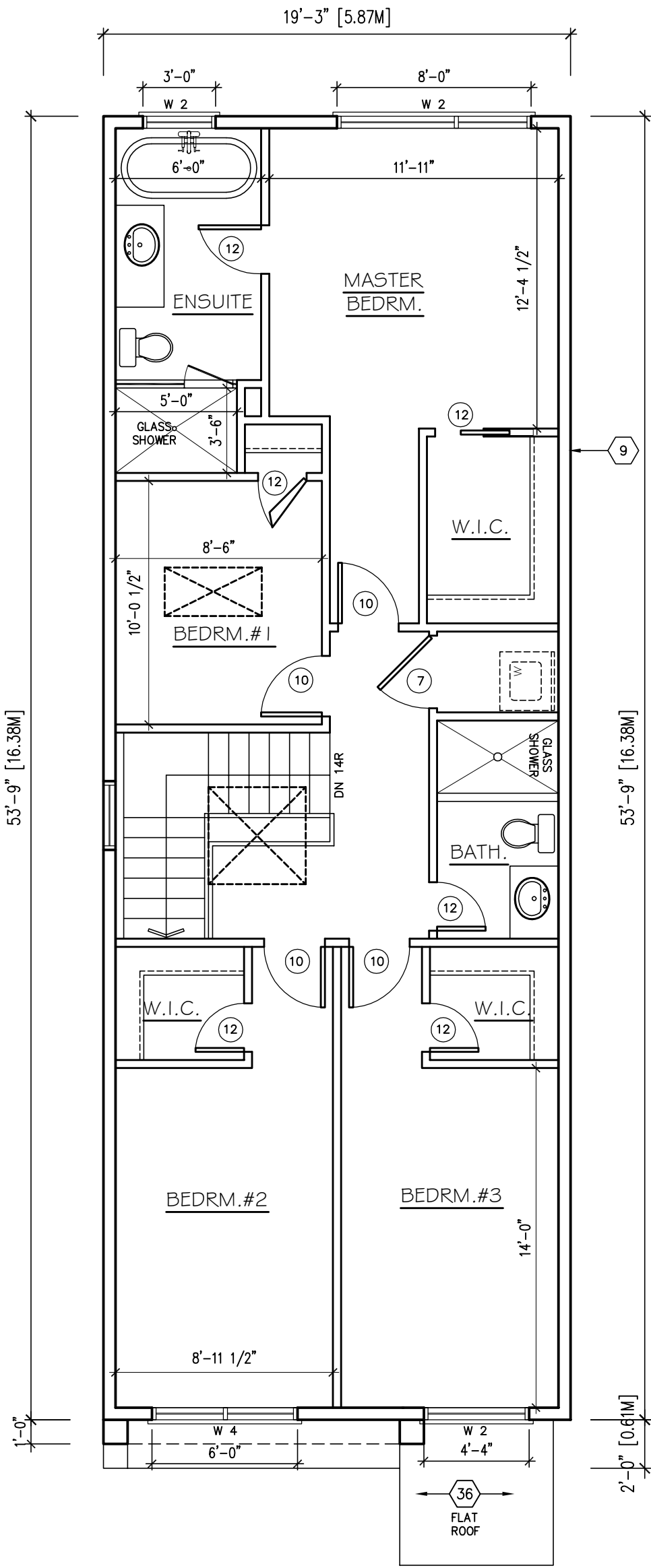
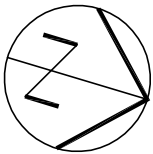
QUALIFICATION INFORMATION

Required unless design is exempt under 3.2.5.1 of the building code
ROCK KIM BCIN# 36340

Signature Date
ROCKIM DESIGN INC. JAN. 03, 2017

Required unless design is exempt under 3.2.4.1 of the building code
ROCKIM DESIGN INC. 45379

Firm Name BCIN#
rockkim22@gmail.com 647-466-2767



PARTITION LEGEND

- DENOTES PARTITION OR WALL TO BE REMOVED
- DENOTES EXISTING PARTITION OR WALL TO REMAIN
- DENOTES PROPOSED INTERIOR PARTITION

1 SECOND FLOOR PLAN

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

A4

DRAWING NUMBER

A-4

DRAWN BY	R.K.
CHECKED BY	R.K.
SCALE	AS NOTED
DATE	APR., 2017
PROJECT NUMBER	

PROPOSED ADDITION
FOR RESIDENCE

212 WOODMOUNT AVE
TORONTO, ON

FLOOR PLAN

GENERAL NOTES:
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REVISIONS		
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QUALIFICATION INFORMATION

Required unless design is exempt under 3.2.5.1 of the building code

ROCK KIM

Signature

Date

JAN. 03, 2017

Required unless design is exempt under 3.2.4.1 of the building code

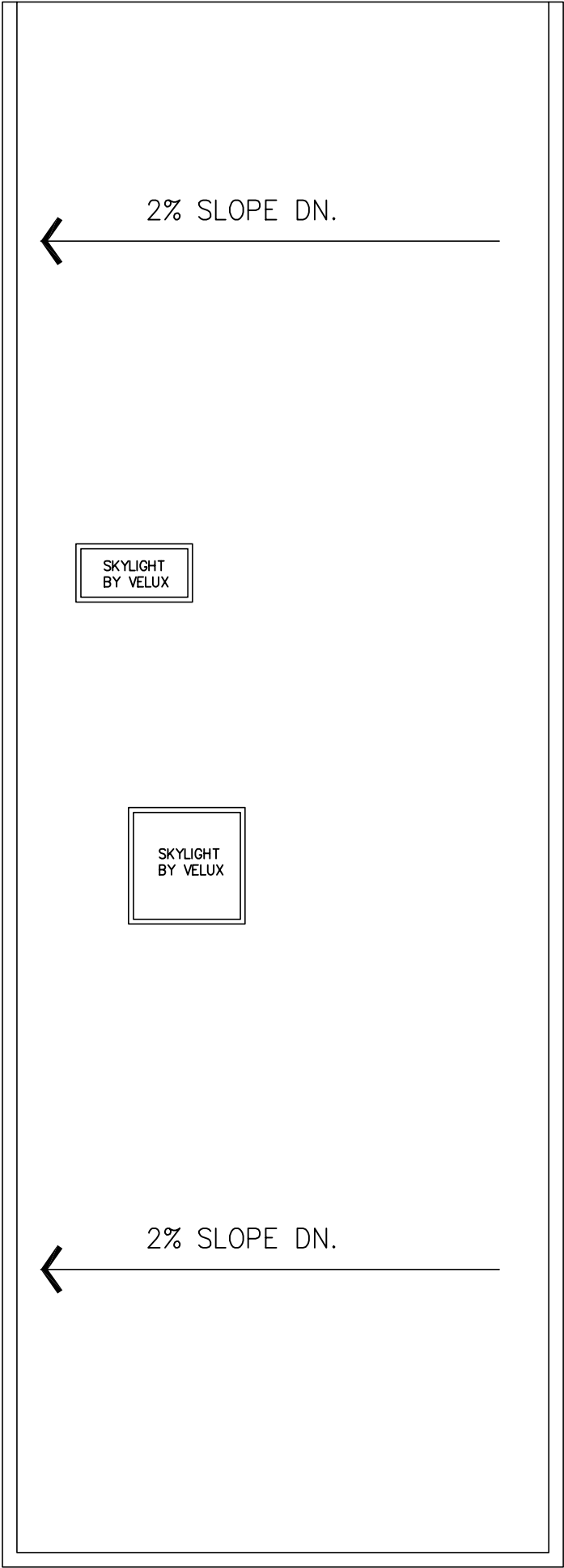
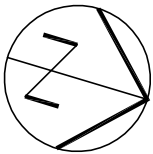
ROCKIM DESIGN INC.

Firm Name

45379

rockkim22@gmail.com

647-466-2767



PARTITION LEGEND

- DENOTES PARTITION OR WALL TO BE REMOVED
- DENOTES EXISTING PARTITION OR WALL TO REMAIN
- DENOTES PROPOSED INTERIOR PARTITION

1 ROOF PLAN

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

The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION

Required unless design is exempt under 3.2.5.1 of the building code
ROCK KIM 36340 BCIN#

Signature  Date JAN. 03, 2017

Required unless design is exempt under 3.2.4.1 of the building code
ROCKIM DESIGN INC. 45379 BCIN#

Firm Name rockkim22@gmail.com 647-466-2767

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REVISIONS

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PROPOSED ADDITION FOR RESIDENCE

212 WOODMOUNT AVE
TORONTO, ON

ROOF PLAN

DRAWING NUMBER

A-5

DRAWN BY
R.K.

CHECKED BY
R.K.

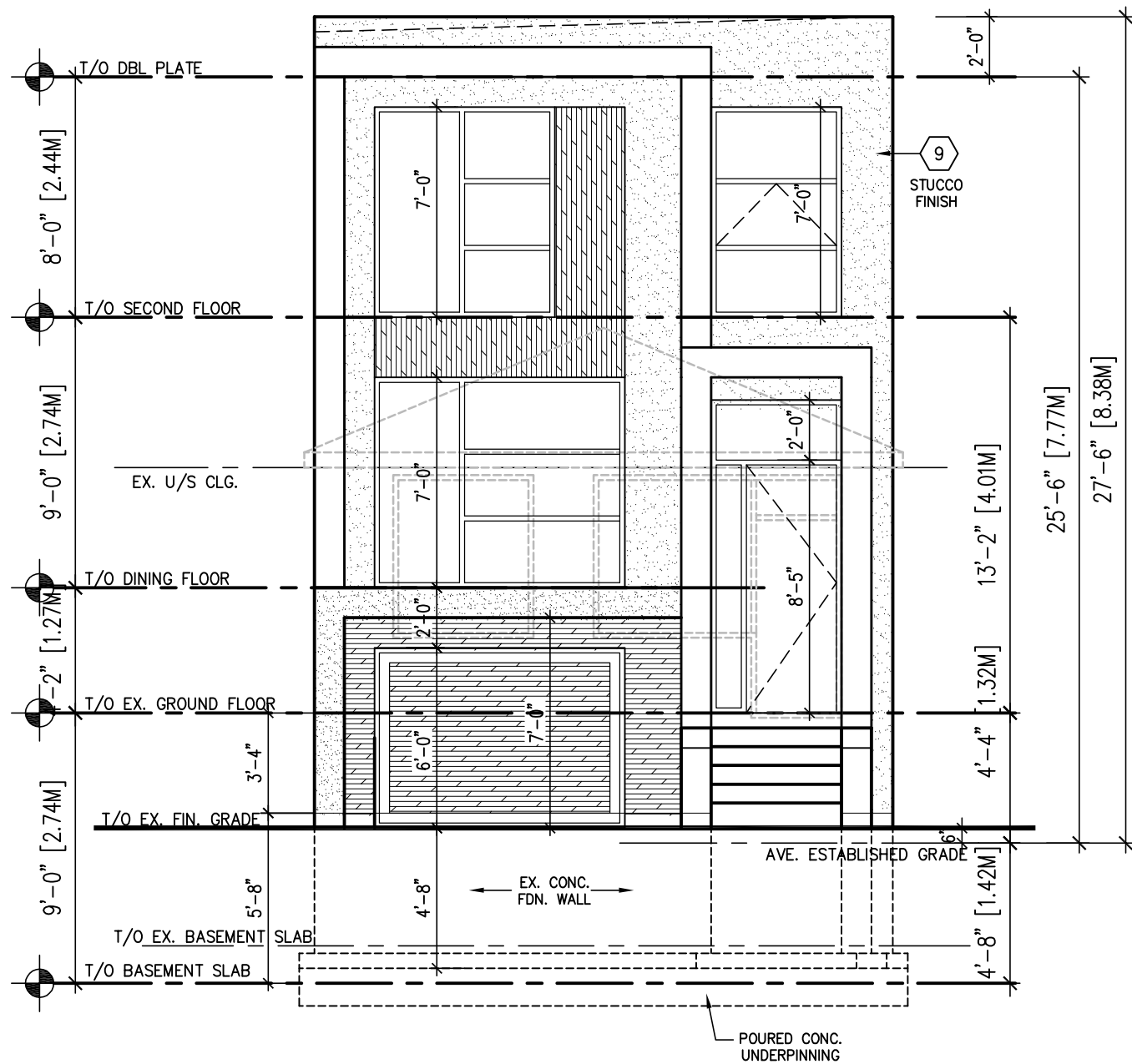
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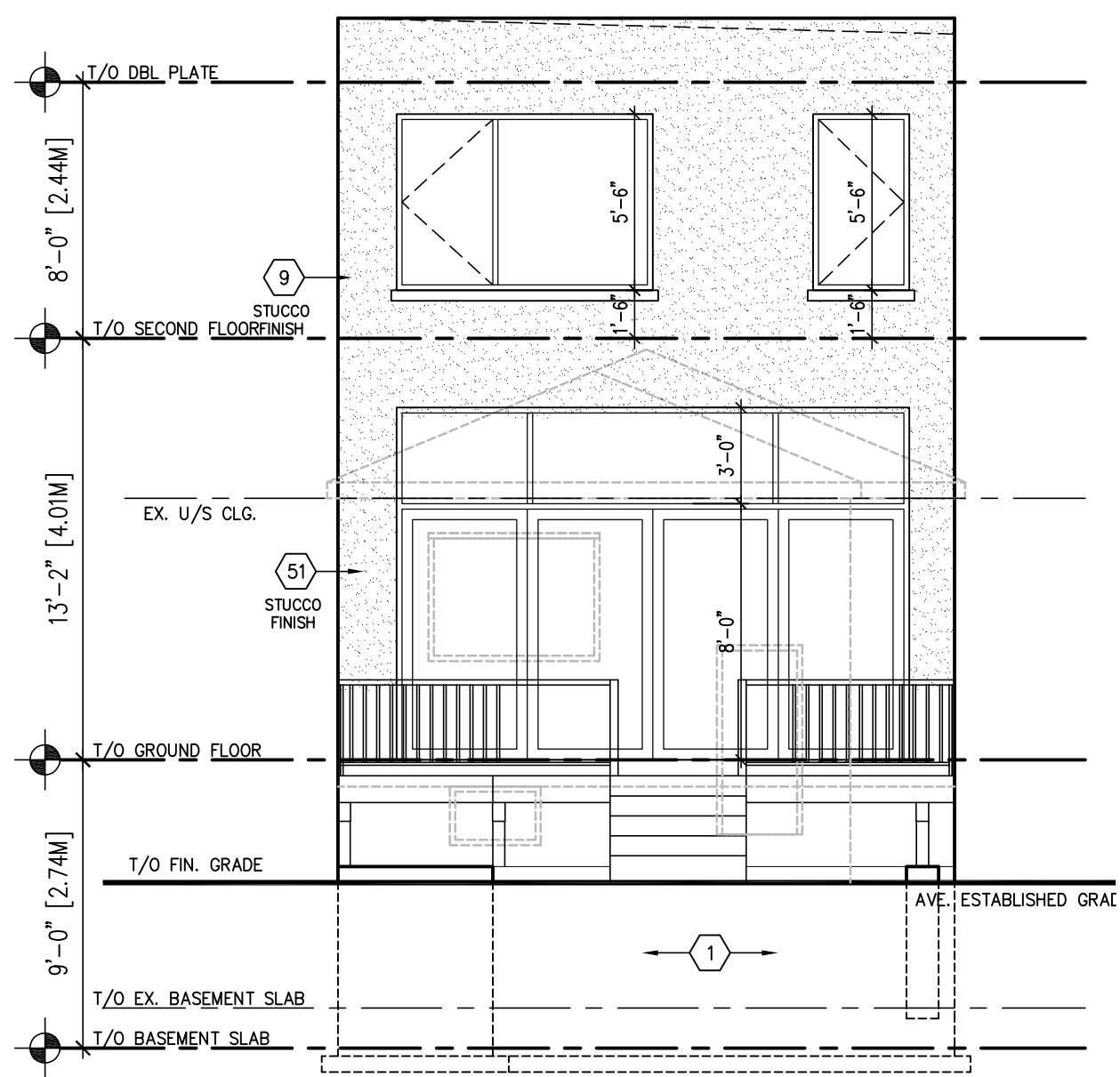
DATE

APR., 2017

PROJECT NUMBER



1 EAST SIDE ELEVATION
SCALE: 3/16"=1'-0"



2 WEST SIDE ELEVATION
SCALE: 3/16"=1'-0"

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No.	DESCRIPTION	DATE	BY
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The undersigned has reviewed & taken responsibility for this design, and has the Qualification to meet the requirements set out in the Ontario Building Code to be a Professional Engineer.

Required unless design is exempt under 3.2.5.1 of the building code

ROCK KIM
Signature: *[Signature]*
Date: JAN. 03, 2017
BCIN# 36340

Required unless design is exempt under 3.2.4.1 of the building code

ROCKIM DESIGN INC.
Firm Name: rockkim22@gmail.com
BCIN# 45379
647-466-2767

PROJECT
PROPOSED ADDITION
FOR RESIDENCE

212 WOODMOUNT AVENUE
TORONTO, ON

DRAWING TITLE
ELEVATIONS

DRAWN BY
R.K.

CHECKED BY

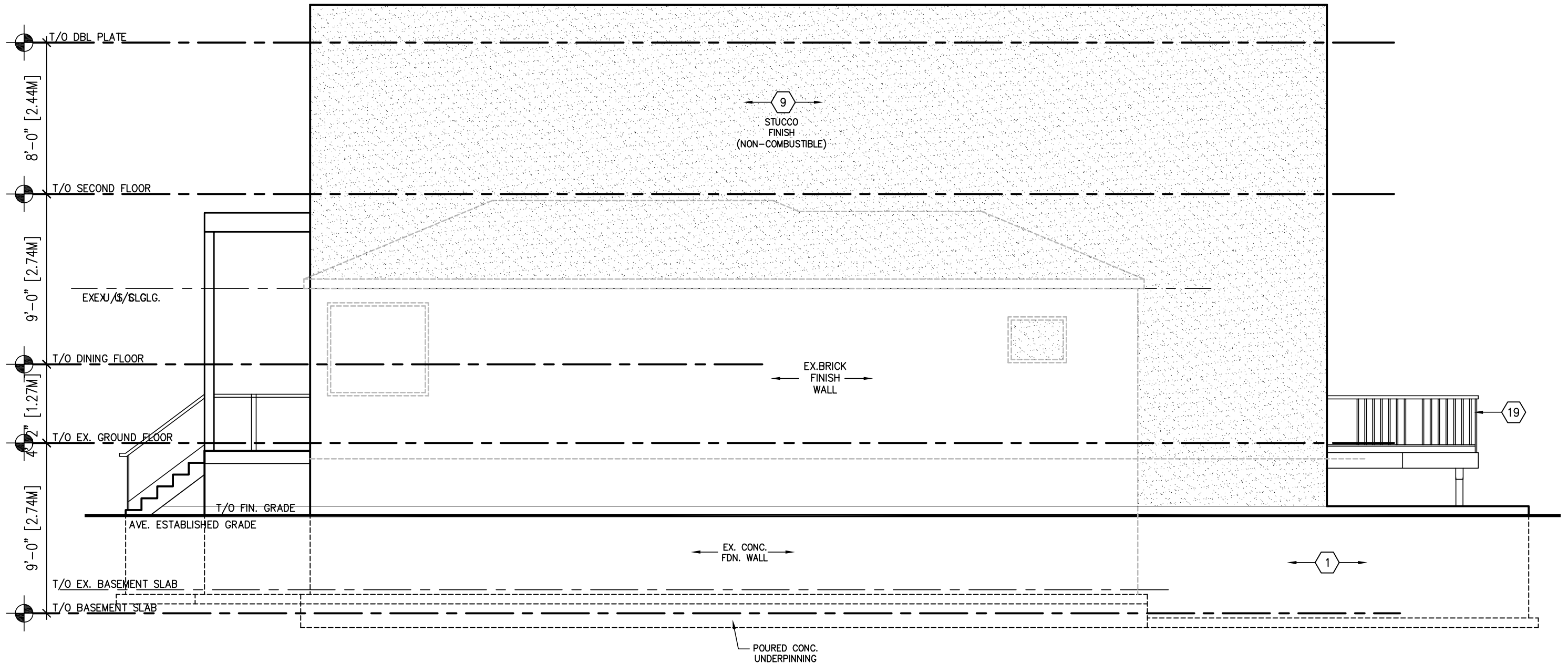
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AS NOTED

DATE
JAN., 2016

PROJECT NUMBER

DRAWING NUMBER

A-6



1 NORTH SIDE ELEVATION
A7 SCALE: 3/16"=1'-0"

The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

Required unless design is exempt under 3.2.5.1 of the building code

QUALIFICATION INFORMATION

ROCK KIM 36340

Name BCIN#

Signature JAN. 03, 2017

Date

Required unless design is exempt under 3.2.4.1 of the building code

REGISTRATION INFORMATION

ROCKIM DESIGN INC. 45379

Firm Name BCIN#

rockkim22@gmail.com 647-466-2767

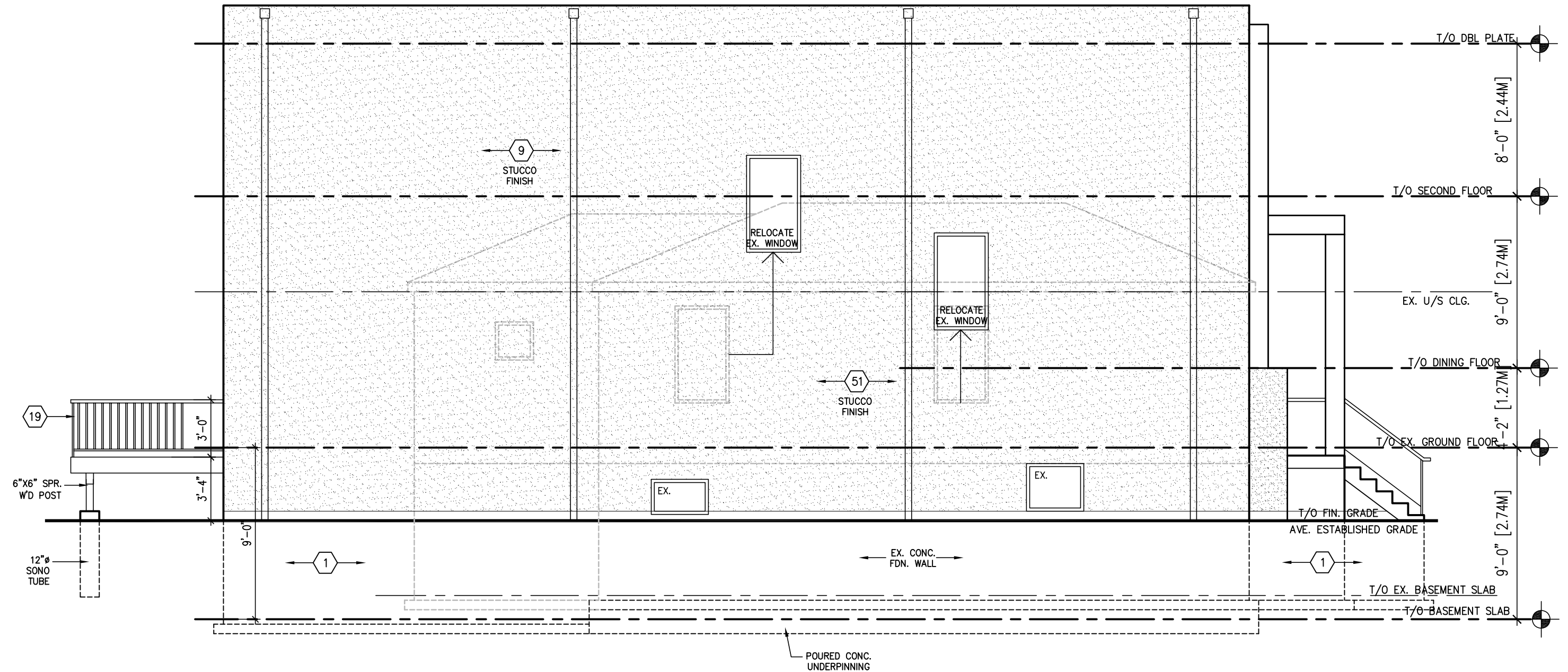
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PROJECT	
PROPOSED ADDITION FOR RESIDENCE	
212 WOODMOUNT AVE TORONTO, ON	
DRAWING TITLE	
ELEVATIONS	

DRAWN BY	R.K.
CHECKED BY	R.K.
SCALE	AS NOTED
DATE	APR., 2017
PROJECT NUMBER	

A-7

DRAWING NUMBER



1 SOUTH SIDE ELEVATION
A8 SCALE: 3/16"=1'-0"

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Required unless design is exempt under 3.2.5.1 of the building code

QUALIFICATION INFORMATION

ROCK KIM 36340

Name BCIN#

Signature JAN. 03, 2017

Date

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REGISTRATION INFORMATION

ROCKIM DESIGN INC. 45379

Firm Name BCIN#

rockkim22@gmail.com 647-466-2767

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	212 WOODMOUNT AVE TORONTO, ON
DRAWING TITLE	
ELEVATIONS	

DRAWN BY	R.K.
CHECKED BY	R.K.
SCALE	AS NOTED
DATE	APR., 2017
PROJECT NUMBER	

A-8

DRAWING NUMBER