Toronto Local Appeal Body

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DECISION AND ORDER

Decision Issue Date Wednesday, April 04, 2018

PROCEEDING COMMENCED UNDER Section 53, subsection 53(19), section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): JEFFREY KANSUN

Applicant: RICHARD WENGLE ARCHITECT INC

Property Address/Description: 123 GLENGROVE AVE W

Committee of Adjustment Case File Number: 17 139560 NNY 16 CO (B0026/17NY), 17 139619 NNY 16 MV (A0345/17NY), 17 139620 NNY 16 MV (A0344/17NY)

TLAB Case File Number: **17 249584 S53 16 TLAB, 17 249585 S45 16 TLAB, 17 249587 S45 16 TLAB**

Hearing date: Tuesday, March 20, 2018

DECISION DELIVERED BY Ian James LORD

INTRODUCTION

This matter comes on appeal from the North York Panel of the City of Toronto ('City") Committee of Adjustment ('COA'). The Applicant sought severance and variance approvals to create two lots and permit construction of two detached dwellings at 123 Glengrove Avenue (the 'subject property').

The subject property is located on the south side of Glengrove Avenue, a short distance east of Avenue Road and slightly east of John Ross Robertson Public School, located on the opposite side of the street. Glengrove Avenue intersects two major arterials at signalized intersections: Avenue Road in the west and Yonge Street, in the east.

The relief requested involved multiple variances under by-law 438-86 (the 'existing By-law') and By-law 569-2013 (the 'new By-law') of the City. The proposed lot division would create two parcels (Lot A and B, east to west), each with a frontage of 7.59 m, whereas the applicable standard under both zoning by-laws is 10.5 m.

The applications were opposed successfully before the COA by several residents.

Ms. Mary Flynn-Guglietti assisted by Ms. Kailey Sutton represented the Appellant on the appeals. There were no other registered Parties or Participants.

BACKGROUND

The matters on appeal were preceded by a Motion on behalf of the Appellant to permit the introduction of revisions to the variances on appeal. The Motion was uncontested. It was supported by the affidavit of Ms. Janice Robinson sworn March 9, 2018. Ms. Robinson was present; I qualified her as an expert in the discipline of land use planning and admitted her qualifications as Exhibit 1.

The affidavit, part of the Motion Record admitted as Exhibit 3, attests to the fact that prior to the COA Hearing, the development plans for the subject property were 'modified' and, as modified, were refused by the COA on September 28, 2017. Since then, while there have be no changes to the plans, the Applicant sought and received a revised Zoning Notice 'to verify the variances sought' (affidavit, Exhibit 3, paragraph 8). Zoning Notices for each proposed lot were subsequently received containing certain different variances from those that were before the COA.

Ms. Robinson attested to these changes at paragraph 10:

> "10. I have reviewed the variances identified in the Zoning Notices compared to the variance lists in Exhibit "C" (represented as being before the COA via the Architect) and have determined that the differences include one new variance for Lot B that previously had not been identified and some numerical differences in some other variances. The additional variance is for a side yard setback to a front porch that has always been on the plan since the original submission in April 5, 2017. The other differences relate to the gross floor area of the dwelling on Lot B, which is slightly higher and likely as a result of the different method of calculating gross floor area used by the zoning examiner (it is not uncommon for there to be a difference between the floor area calculations by the architect and the zoning examiner). The other differences are minor adjustments to the areas of the vestibules, with the resulting areas being higher in the Zoning Notices and, in effect, being less of a variance." (Underlining mine)

She provided the opinion that the changes were minor and were based upon the plans that had not changed as before the COA and as filed pursuant to the disclosure obligations under the Rules of the Toronto Local Appeal Body (the 'TLAB').

A full list of the requested variances for proposed Lot A and B and for each by-law, with the revisions shown in bold, were attached to her affidavit as Exhibit "F". As presented, they are attached hereto as **Attachment 1** to this decision.

Subsequent to the issuance by the TLAB of the Notice of Hearing on November 15, 2017 just two communications were filed expressing opposition to the matters on appeal.

Despite that, several members of the public, being local residents, attended much of the TLAB Hearing. Several indicated a desire to speak in opposition to the applications.

I advised that I had attended at the subject property, had walked adjacent streets and reviewed much of the material on the TLAB website, including the submissions before the COA and subsequent filings. In reviewing the Rules of the TLAB respecting disclosure, respected by the Applicant/Appellant, I noted that the intent of disclosure is founded on the fairness principle, the obligation of persons of interest to identify their positions and the reasons therefore and permit an assessment of the possibility of satisfaction, settlement, mediation or the reduction of issues.

While allowing that those present could speak, I directed the evidence required of the Appellant be heard first and that, where possible, a spokesperson for the residents be appointed for the avoidance of repetition. These aspects proved useful both in terms of clarification and participation. Two residents, Mr. James Connolly (#129 Glengrove Avenue) and Mr. Steven Green (#127 Glengrove Avenue) very creditably and eloquently communicated the neighbours concerns. They expressed, as to the COA and also to the TLAB, their continuing opposition, mainly to the severance. I am grateful for this contribution, as later expressed.

MATTERS IN ISSUE

The Motion required resolution as to whether revisions to the variances at the late stage of the Hearing is appropriate.

On the matter of the relief sought by the appeals, there were three groupings of issues: the Appellants obligation to address the statutory requirements (identified below as ‘Jurisdiction’); the appropriateness of the severance; and concerns arising from various aspects of the proposed new dwelling units, including school safety.

JURISDICTION

Provincial Policy – S. 3

A decision of the Toronto Local Appeal Body (the ‘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’).

Consent – S. 53

TLAB must be satisfied that a plan of subdivision is not necessary for the orderly development of the municipality pursuant to s. 53(1) of the Act and that the application for consent to sever meets the criteria set out in s. 51(24) of the Act. These criteria require that " 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;

(b) whether the proposed subdivision is premature or in the public interest;

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

(d) the suitability of the land for the purposes for which it is to be subdivided;

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

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

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

(h) conservation of natural resources and flood control;

(i) the adequacy of utilities and municipal services;

(j) the adequacy of school sites;

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

Minor Variance – S. 45(1)

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

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

EVIDENCE

The Appellant relied solely on the professional opinion evidence of Ms. Robinson in support of the appeal files. Her evidence on all three matters was unchallenged by qualified peer opinion evidence. The architect, identified as Mr. Richard Wengle, while present, was not called upon.

Apart from the Motion Record, Exhibit 3, Ms. Robinson drew heavily from her Witness Statement (Exhibit 1) and the Applicants Document Book (Exhibit 2).

She described a Study Area and 'neighbourhood' bounded by Avenue Road and Yonge Street (excluding their frontage properties), the Chatsworth Ravine and institutions in the north, and properties on the south side of Glencairn Avenue, to the south (Exhibit 1, p.43, Attachment 6). She employed this Lot Frontage and Width descriptor of 508 lots, variously, to identify some 6% of the area had lot frontages comparable to those proposed; further, that some 14% had a size in excess of 15.2 m, as theoretically eligible for severance. The area was chosen on criteria of: clear boundaries; the 'dog walk'; and zoning. She advised that the zoning standard for floor space index (fsi) at .35 times lot area, acted as a check valve for reviewing applications for redevelopment, noting 'most existing properties' exceeded the zoning standard.

Ms. Robinson thoroughly addressed the required assessment criteria of provincial policy, the provisions of section 51(24) and the 'four tests' elicited in section 45(1) of the *Planning Act* against the applications. She noted that despite the number of matters raised by the variance requests identified in Attachment 1, no relief was sought for a number of the assessment criteria germane to 'respecting and reinforcing the physical character of the neighbourhood', namely: east and west side yards at .92 m; rear or front yard setbacks; lot area; main wall height and dwelling type.

She noted that the design plan steps back on the second floor at the year and the third storey proposed was also stepped back such that the building mass lessened with height. In her evidence, she demonstrated that three storey dwellings were somewhat common to the neighbourhood, including directly across the street. Further, that third floor 'dormer' presentations, as proposed, also appeared frequently, including on nearby properties. She opined that the combination of dormers, sloped third floor

roof and its smaller floor area reflected compatible similarities to neighbourhood dwellings, despite the more modernistic approach to architecture proposed.

She noted that building height, to the top of the second floor was 7.03 m. On my questioning, she demonstrated that the proposed buildings were very similar in height and 'cornice' presentation to the existing building as well as known values for adjacent properties.

Through an extensive evidentiary review of photographs, research, COA and Ontario Municipal Board decisions over a 10 year period, she demonstrated that the following variances were 'within the numeric range of approvals granted' for:

a) Building length and depth;
b) Floor space index
c) Building height
d) Side yard setbacks as a derivative of building length

From these she opined that the proposed buildings, in length, depth, dwelling type and scale will be in keeping with the built form a lot fabric of the neighbourhood.

She noted other variances required that were more unique to the site or of more recent zoning origin than were addressed in her canvass of decisions, Exhibit 1:

e) Vestibule space (not observable);
f) Lot frontage at 7.59 m where 10.5 m is required;
g) Interior side yard setbacks at .53 m resulting in a combined building separation of 1.06 m;
h) Recognition of 3 stories;
i) Provision of 2 rear platforms at or above the second storey due to the elevated main floor level above grade;
j) Exceeding the size for a platform from 4 sq m to 9 sq m, as a main floor patio;
k) Allowing integral garages despite a lot with under 7.62 m; and
l) Recognizing reduced separation distances to adjacent buildings.

It is instructive from this review, on the issue of the requested severance approval, that there were no severance decisions considered in the 10 year study period.

On the consent issue, germane to lot frontage, she noted that from her study some 93 lots or 18.3% of the lots within the study area are 7.62 m or less. She called my attention to the independent study of City Planning Staff that recognized (for a 423 lot Study Area), that 21% were of a 7.62 m frontage, or less. While presumably most of these are existing lots of record, each could be redeveloped similar to that proposed. She noted that City Planning Staff did not oppose the severance.

Ms. Robinson did not address, in chief, the question of precedent, a matter clearly raised in correspondence and before the COA. When questioned by me on the

potential for precedent, she acknowledged there was no evidence of consent/severances in the area for a very long time and that any decision on such an application established a precedent. In this circumstance, she noted a paucity of candidate lots for severance and few in close proximity to the subject site. She noted that with the by-law standard (minimum 10.5 m), likely only lots at or in excess of 15 m frontages might realistically apply. She noted that extensive renewal and new construction has already taken place on existing lots of record, likely diminishing eligibility. On her Lot Study area chart, 71 lots or 14% held potential for eligibility, in whatever condition. In the City's lot study, only 23 lots or 5% of its study area lots might be eligible.

She opined that the prospect for precedent was not in her mind or that of Staff to the degree to cause concern; she felt the proposed consent would not result in a destabilization of the neighbourhood.

As indicated, Ms. Robinson reviewed the criteria of S. 51(24) and section 45(1) of the Act, and policy. She stated the proposal was a very modest form of intensification consistent with sections 1.1.3.1 and 1.1.3.2 of the Provincial Policy Statements and in conformity with the Growth Plan. She applied the considerations of section 2.3.1 ('cornerstone') directives of the Official Plan to respect and reinforce the physical characteristics of the area with built form (section 3.1.2 and 3.2.1) housing that replenished and intensified the housing stock while meeting all the criteria of policy section 4.1.5.

She concluded the proposal was of a compatible character, without impacts on the community or any neighbours.

In addressing the unique site variances, she noted the frontage reduction for the integral garage was imperceptible, separation distances had been improved and are at 'standard' or are otherwise adequate and that privacy screening provided for in her recommended conditions of consent and variance approval address any impact on the deep rear yards of adjacent buildings.

She felt the significant reinvestment proposed in the subject property ensured appropriate, desirable, compatible and minor variations for acceptable scale, character and built form.

She recommended the variances in Attachment 1, the consent as proposed and a series of conditions in respect of both proposed parcels. Her conditions are found on pages 111 and 112 of her Witness Statement, Exhibit 1, and are attached as **Attachment 2**, hereto.

Ms. Robinson recommended for the TLAB's approval the severance represented in the plans and elevations, the variances listed in Attachment 1 and the Conditions identified in Attachment 2.

The recommended site plan, elevations, floor plans and tree preservation plan only for both Lot A and Lot B, found in Exhibit 1, attachments 2 and 3, are attached as **Attachment 3** hereto.

There was no cross examination.

Responding to my request to avoid repetition, two residents spoke on behalf of others who had attended and been before the COA.

Mr. James Connolly identified and addressed the seminal point of the severance issue: he described the original lot pattern of the neighbourhood as having been established approximately 100 years ago. He eschewed use of lots fronting on Glencairn and Glenview Avenues in the north west and south east of Ms. Robinson's Study Area, as being concentrated at 25 foot frontages. He described the 'neighbourhood' as it is known locally is larger: "Lytton Park". He noted the properties on Lytton Park Avenue are universally of 50 foot frontages, but have been excluded from the Study Area. He expressed a strong preference for retaining the character of 50 foot lots for the diversity, spacing and physical appearance they offered. He objected to the 'bias' of lot selection criteria with smaller frontages, arguing the proposal is 'too small a lot' with, on a cumulative basis, too many variances.

In questioning, he acknowledged his own lot was a part of the neighbourhood fabric, enjoyed a similar frontage of 7.62 m (for 100 years) and that he had been to the COA, twice, for building additions relief.

Mr. Steven Green, the immediate neighbour to the west of the subject property, spoke for himself and others to the severance being the issue. He noted the proximity to the public school and the 12 years of experience of parents dropping off students, without a proper lay-by for traffic safety control. He saw the proposal as further burdening the road system, adding an access driveway and an additional curb cut, and reducing already stressed parking conditions.

He saw the matter as one of pedestrian and student safety. He raised his understanding of there being a 'cross-walk' in the location of the proposed driveway access to the subject property, if divided. He suggested this disruption would further heighten concerns for pedestrian safety, particularly for children. He proffered as an exhibit a photograph of the 'crosswalk' facility/improvement; based on the earlier Ruling and acknowledgement by the persons attending (but who had not filed Participant elections or Statements) that they would speak only to existing filings, the photography was not admitted. A search of existing photography with Mr. Green and the assistance of counsel was not able to confirm or deny the existence of a crosswalk or curb cut. Certainly, none in the pictures evidenced a traditional lighted and signed 'pedestrian crossing' marked and often seen in the City. The photographs that were enlarged did reveal a speed bump sign behind a parked car in the general location indicated.

He opposed the severance, as well, on the basis that redevelopment, not lot division, has occurred on existing lots with variances as required. He suggested that the splitting of the lot could and should not be justified on the use of Glenview Avenue comparables; further, that to do so would disrupt the generosity of space between dwellings. He said tight housing units of uniform narrow design and height would disrupt area character: "large, tall and close together".

He was concerned for precedent but noted that there were few 50 foot and many 35 foot lots in proximity to the subject property. He acknowledged his own lot was a part of the neighbourhood, enjoyed a similar frontage of 7.62 m (for 97 years) and that his home provided no east side yard setback.

He was not aware of a neighbourhood ratepayers association.

In questioning, he acknowledged the paucity of 50 foot lots and the absence of Planning Staff having raising precedent as a concern, finding only 5% of 423 lots fit the criteria. He declined to agree that a curb cut for a two car garage on the subject property, if redeveloped, could lose an equivalent street parking opportunity.

ANALYSIS, FINDINGS, REASONS

I allowed the Motion by oral decision on the basis of the uncontested opinion that the changes to the variance relief could be called minor and not warrant additional notice. I reviewed the changes highlighted graphically in the affidavit and bolded on Attachment 1 hereto. I find them to be minor; indeed, none were the subject of substantive adverse comment in the evidence. Mr. Green did raise the presence of the proposed high, second balcony at the rear of the westerly proposed residence. However, he acknowledged the presence of privacy screening as recommended by Ms. Robinson, the limited 3 foot depth of the balcony and its usefulness for Fire Code purposes, were factors of relevance.

I found the revisions requested to be within the spirit and letter of section 45(18.1.1) and accepted them for consideration without further Notice.

With respect to considering the application for lot division, I find that a plan of subdivision approach is not required in this circumstance.

The substantive issue in this appeal is the severance. Being the first severance in the neighbourhood in a recorded 10 year period, it is understandable that the request would attract attention. It is regrettable that no neighbourhood association exists in the area to represent, on a more general basis, the interests of the community. Neighbourhood associations can provide the resources, monitor inconsistencies and present a voice to express concerns and act as a representative body for the value that might provide.

That is not to say that the spokespersons at this hearing did not do an admirable job of identifying the issue and causing its close examination. On balance, that examination supports the relief requested by the Applicant, more so than the apprehension that the severance may detract from the character and safety of the area or destabilize the prestigious, single detached dwelling character of the area.

I find this conclusion to be the case for a number of reasons. I accept that the proposed lots are undersized in respect of zoning by-law frontage and require relief from the advisedly and artificially restrictive fsi of .35 times the lot area. The lots themselves, however, are not undersized, contrary to a resident comment. The lots are

represented by similar sizes and frontages in very close proximity by those of the immediate neighbours. Similar sized lots of record are sprinkled throughout both study areas of the planners who examined the issue, in substantial numbers. Over time, they have become and are representative of the physical character of the area, the test most prevalent in the City Official Plan. While not the predominant form in the aspect of frontage, on this one measure of character I consider that they cannot be described as an aberration.

I note that the Study Area of the Applicants planner was challenged on the credible input of including a bias to narrow frontage lots, while excluding the large lot phenomenon of the larger 'Lytton Park' community. I cannot accept this suggestion; a Registered Professional Planner has the obligation to make assessments respecting the primary duty of protecting the public interest. I have no basis to suggest this obligation was not fulfilled by both planners. There was no contrary evidence called to challenge the relevance of the two study areas presented.

I agree with Ms. Robinson that any of these similar sized lots could, in theory, build nearly identical buildings to those proposed.

And I am content that the issue of precedent, including its concern to this Member, in this case is more imaginary than real. Not only has significant redevelopment occurred and maintained lots of record of all scales, but those remaining lots with potential for severance are in the minority, (5%) by one measure and study area. There is no evidence of applications waiting or proposed. There is no evidence that the neighbourhood is under an assault, despite this being the first application in a substantial period. I agree with Ms. Robinson, that in her study area, with impressive redevelopment already in hand, the fear of precedent is lessened and the prospect of destabilization is remote and not a determinant factor.

I agree with the evidence of Ms. Robinson that the severance, despite the need for reduced frontage, meets the criteria of Section 51(24) of the Act – and, as indicated above, her opinion that a plan of subdivision is not required.

In this regard I have considered the contrary decision of the COA. I recognize that school safety and the protection of children from vehicle accidents is a governing concern. In this case, I note that neither the Engineering Services, Traffic Services nor the Planning divisions of the City have raised any alarm. I have a direct planning opinion that there is no issue of public health or safety engaged by the applications or the approvals sought before me. I note the evidence that a further curb cut or enlargement requires a permit process for review by a public authority. I was not requested to do so nor do I see the need, or jurisdiction, to address the implications of an additional dwelling unit or its' required off street parking further, by way of a further condition.

I further agree that the variances required, while numerous, are not specifically in issue. The literal number of variances sought is not an indicator of merit. While two by-laws are engaged, duplication is readily apparent. Variances can often be required, as well, to recognize existing conditions. A closer scrutiny is required.

Ms. Robinson examined each in light of the provincial policy, the City Official Plan and zoning by-law, the tests of meeting these, and the considerations of minor and appropriateness/desirability. I accept her evidence based on what is 'on the ground', the extensive photographic record, the presence of three storey dwellings, the Witness Statement, the record of COA and OMB decisions offered, the City Staff position and the lengthy oral evidence provided.

I accept that these architect designed homes, if constructed as proposed, can be compatible and appropriate in scale, character and built form.

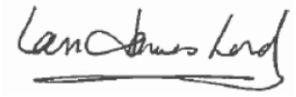
DECISION AND ORDER

The appeals are allowed and the decision of the Committee of Adjustment is set aside.

A severance of the subject property at 123 Glengrove Avenue is allowed and provisional consent is given thereto subject to the Conditions of Consent approval identified in **Practice Direction #1** of the Toronto Local Appeal Body as well as those indicated as "Conditions of Approval' in **Attachment 2** hereto. To the extent there is any distinction or difference in requirements, the more prescriptive requirement shall govern.

Variance approval is granted to the variances identified as 'proposed' in **Attachment 1** hereto subject to the Conditions of Approval for 'Minor Variance Conditions' contained in **Attachment 2** hereto. For greater certainty, the plans referenced in Attachment 2 hereto extend to and shall include those provided in **Attachment 3** hereto but only to the extent of the site plans, elevations and tree preservation plan.

The TLAB may be spoken to if there is a difficulty in the implementation of this matter.

X 

Ian Lord
Panel Chair, Toronto Local Appeal Body

Attachment 1

This is Exhibit "F" referred to in
the Affidavit of Janice Robinson,
sworn before me this 9th day
of March, 2018.

A Commissioner for Taking Affidavits etc.

Alma Borojeni, a Commissioner, etc.,
Province of Ontario, while a Student-at-Law.
Expires March 23, 2019.

LIST OF VARIANCES
123 GLENGROVE AVE W – LOT A

Variances Under By-law 569-2013

1. The proposed first floor area is **7.92m^2** within 4.0m of the front main wall, WHEREAS a minimum of 10m^2 of the first floor area must be within 4.0m of the front main wall [ch.10.5.40.10.(5)].

2. The proposed lot frontage is 7.59m, WHEREAS the minimum required lot frontage is 10.5m [ch.10.20.30.20.(1)].

3. The proposed building length is 19.14m, WHEREAS the maximum permitted building length is 17.0m [ch.10.20.40.20.(1)].

4. The proposed building depth is 19.14m, WHEREAS the maximum permitted building depth is 19.0m [ch.10.20.40.30.(1)].

5. The proposed floor space index is 0.7651 times the lot area (293.52m^2), WHEREAS the maximum permitted floor space index is 0.35 times the lot area (134.24m^2) [ch.10.20.40.40.(1)].

6. The proposed west side yard setback is 0.53m, WHEREAS the minimum required side yard setback is 0.9m [ch.10.20.40.70.(3)].

7. The proposed building height is 9.94m, WHEREAS the maximum permitted building height is 7.2m [ch.10.20.40.10.(1)].

8. The proposed number of storeys is three (3), WHEREAS the maximum permitted number of storeys is two (2) [ch.10.20.40.10.(4)].

9. The proposed number of platforms located on the rear wall is two (2), WHEREAS the maximum permitted number of platforms at or above the second storey located on the rear wall of a detached house is one (1) [ch.10.20.40.50.(1)].

10. The proposed platform at the second storey is 9.0m^2, WHEREAS the maximum permitted area of each platform at or above the second storey is 4.0m^2 [ch.10.20.40.50.(1)].

Variances Under By-law 438-86

11. The proposed gross floor area is 0.5817 times the lot area (223.17m^2), WHEREAS the maximum permitted gross floor area is 0.35 times the lot area (134.24m^2) [s. 6(3) Part I 1].

12. The proposed west side yard setback is 0.53m for the portion of the dwelling exceeding 17.0m in depth, WHEREAS the minimum required side yard setback is 7.5m for the portion of the dwelling exceeding 17.0m in depth [s. 6(3) Part II 3.B(II)].

13. The proposed east side yard setback is 0.92m for the portion of the dwelling exceeding 17.0m in depth, WHEREAS the minimum required side yard setback is 7.5m for the portion of the dwelling exceeding 17.0m in depth [s. 6(3) Part II 3.B(II)].

14. The proposed integral garage is in a wall that faces the front lot line, WHEREAS the By-law does not permit an integral garage in a building on a lot having a frontage of less than 7.62m where the access to the garage is located in a wall facing the front lot line [s. 6(3) Part IV 3(I)].

15. The proposed building is located 1.06m from the adjacent building to the west, WHEREAS the By-law requires that the proposed building be located no closer than 1.2m to the side wall of the adjacent building [s. 6(3) Part II 3(II)].

16. The proposed west side yard setback is 0.53m, WHEREAS the minimum required side yard setback is 0.9m for that portion of the building not exceeding 17.0m in depth [s. 6(3) Part II 3.B(II)].

17. The proposed building height is 10.96m, WHEREAS the maximum permitted building height is 10m [s. 4(2)].

LIST OF VARIANCES
123 GLENGROVE AVE W – LOT B

Variances Under By-law 569-2013

1. The proposed first floor area is **8.54m^2** within 4.0m of the front main wall, WHEREAS a minimum of 10m^2 of the first floor area must be within 4.0m of the front main wall [ch.10.5.40.10.(5)].

2. The proposed lot frontage is 7.59m, WHEREAS the minimum required lot frontage is 10.5m [ch.10.20.30.20.(1)].

3. The proposed building length is 18.34m, WHEREAS the maximum permitted building length is 17.0m [ch.10.20.40.20.(1)].

4. The proposed building depth is **19.15m**, WHEREAS the maximum permitted building depth is 19.0m [ch.10.20.40.30.(1)].

5. The proposed floor space index is **0.7613** times the lot area (292.07m^2), WHEREAS the maximum permitted floor space index is 0.35 times the lot area (134.24m^2) [ch.10.20.40.40.(1)].

6. The proposed east side yard setback is 0.53m, WHEREAS the minimum required side yard setback is 0.9m [ch.10.20.40.70.(3)].

7. The proposed building height is 9.88m, WHEREAS the maximum permitted building height is 7.2m [ch.10.20.40.10.(1)].

8. The proposed number of storeys is three (3), WHEREAS the maximum permitted number of storeys is two (2) [ch.10.20.40.10.(4)].

9. The proposed number of platforms located on the rear wall is two (2), WHEREAS the maximum permitted number of platforms at or above the second storey located on the rear wall of a detached house is one (1) [ch.10.20.40.50.(1)].

10. The proposed platform at the second storey is **8.71m^2**, WHEREAS the maximum permitted area of each platform at or above the second storey is 4.0m^2 [ch.10.20.40.50.(1)].

11. **The proposed front porch is set back 0.53m from east side yard setback, WHEREAS all platforms and decks must comply with the required minimum building setback by the zone, 0.9m [ch.10.5.40.50.(2)].**

Variances Under By-law 438-86

12. The proposed gross floor area is **0.5886** times the lot area (225.83m^2), WHEREAS the maximum permitted gross floor area is 0.35 times the lot area (134.24m^2) [s. 6(3) Part I 1].

13. The proposed east side yard setback is 0.53m for the portion of the dwelling exceeding 17.0m in depth, WHEREAS the minimum required side yard setback is 7.5m for the portion of the dwelling exceeding 17.0m in depth [s. 6(3) Part II 3.B(II)].

14. The proposed west side yard setback is 0.92m for the portion of the dwelling exceeding 17.0m in depth, WHEREAS the minimum required side yard setback is 7.5m for the portion of the dwelling exceeding 17.0m in depth [s. 6(3) Part II 3.B(II)].

15. The proposed integral garage is in a wall that faces the front lot line, WHEREAS the By-law does not permit an integral garage in a building on a lot having a frontage of less than 7.62m where the access to the garage is located in a wall facing the front lot line [s. 6(3) Part IV 3(I)].

16. The proposed building is located 1.06m from the adjacent building to the east and 1.09m to the west, WHEREAS the By-law requires that the proposed building be located no closer than 1.2m to the side wall of the adjacent building [s. 6(3) Part II 3(II)].

17. The proposed east side yard setback is 0.53m, WHEREAS the minimum required side yard setback is 0.9m for the portion of the building not exceeding 17.0m in depth [s. 6(3) Part II 3.B(II)].

18. The proposed building height is 10.95m, WHEREAS the maximum permitted building height is 10m [s. 4(2)].

CONDITIONS OF APPROVAL
123 GLENGROVE AVENUE WEST

Minor Variance Conditions

URBAN FORESTRY

1. The applicant shall submit the necessary application for permits to injure or remove street trees to Urban Forestry, City of Toronto Municipal Code Chapter 813, Article II.

2. The applicant shall submit the necessary application for permits to injure or remove private trees to Urban Forestry, City of Toronto Municipal Code Chapter 813, Article III.

COMMUNITY PLANNING

1. The applicant is to provide permanent opaque screening or fencing along the edges of each of the proposed rear balcony/platform at the second storey and third storey with a minimum height of 1.5 metres from the floor of the balcony/platform.

2. The proposed dwelling shall be built substantially in accordance with the Site Plan, Front Elevation, Rear Elevation, North Elevation and South Elevation, prepared by Richard Wengle Architect Inc. and dated December 19, 2017.

CONDITIONS OF APPROVAL
123 GLENGROVE AVENUE WEST

Consent Conditions

1. Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.

2. Two copies of the registered reference plan of survey integrated to NAD 83 CSRS (3 degree Modified Transverse Mercator projection), delineating by separate Parts the lands and their respective areas, shall be filed with the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services.

3. Municipal addresses for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services.

4. Three copies of the registered reference plan of survey satisfying the requirements of the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services 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.

Attachment 2

Attachment 3

LEGEND

- TREE REMOVED WITHIN THE LAST CALENDAR YEAR NOT REQUIRING PERMIT
- PROTECTED TREE REMOVED WITHIN THE LAST CALENDAR YEAR
- TREE REMOVAL NOT REQUIRING PERMIT
- TREE REMOVAL DUE TO HEALTH OR SOUNDNESS REQUIRING PERMIT
- TREE REMOVAL REQUIRING PERMIT
- TREE REQUIRING PERMIT TO INJURE
- TREES TO BE PROTECTED
- PROPOSED TREES
- LIGHT OR HAND HELD EQUIPMENT IN THIS AREA DURING DEMOLITION AS PER ARBORIST REPORT
- 8FT. HIGH PLYWOOD TREE PROTECTION
- 4FT. HIGH SNOW FENCE ON WOOD FRAME, TREE PROTECTION
- LOCATION OF TREE PROTECTION WARNING SIGN

NOTE: PERMITTED FRONT YARD SETBACK = 5.46M

NOTE: ESTABLISHED GRADE = 175.35

NOTE: AVERAGE GRADE AT LOW SIDE = 174.10

NOTE: AVERAGE GRADE AT PERIMETER OF HOUSE = 174.25

LOT 124

LOT 125

LOT 126

LOT 127

REGISTERED PLAN M-87

15.27

N74°06'00"E

7.63

7.63

25'-3" [7.70m]

overhead wire

CHAIN LINK FENCE

LATICE FENCE

Fc 0.18W

Fc 0.16N, 0.43W

Fc 0.34N, 0.43W

N16°01'40"W

50.39

AREA= 767.3 m²

LOT A AREA= 383.65 m²

LOT B AREA= 383.65 m²

N15°56'11"W

50.41

RC&SET

TREE #014 Ø 0.30

TREE #013 Ø 0.63

TREE #015 Ø 1.10

TREE #016 Ø 0.21

TREE #017 Ø 0.23

TREE #018 Ø 0.14

TREE #019 Ø 0.12

TREE #012 Ø 0.65

TREE #011 Ø 0.21

TREE #010 Ø 0.40

TREE #009 Ø 0.38

TREE #008 Ø 0.19

TREE #006 Ø 0.13

TREE #004 Ø 0.22

TREE #003 Ø 0.22

TREE #002 Ø 0.35 2 BOLES

TREE #005 Ø 0.56

TREE #001 Ø 0.48

TREE #007 Ø 0.57

8'-10½" [2.70m]

15'-10" [4.83m]

6'-7" [2.01m]

15'-11" [4.85m]

6'-3½" [1.92m]

8'-9" [2.68m]

84'-7½" [25.79m] REAR YARD SETBACK

84'-7" [25.78m]

1 STOREY ADDITION

DECK

3.94

1.14 TC&SET

0.91E

0.94

ROOF= 185.0
EAVE= 181.6
DOOR SILL = 176.34

BRICK DWELLING
2 STOREY
No. 119

No. 111

RC&SET 0.45

1st STOREY BAY WINDOW WITH FOUNDATION

TC&SET 1.21

IRF

3'-0" [0.92m]

0.39

SHED

0.36

Fc 0.06E

NO. 123 A PROPOSED THREE-STOREY DWELLING

NO. 123 B PROPOSED THREE-STOREY DWELLING

0.0 = 175.75

0.0 = 175.67

55'-9" [17.00m]

165'-4" [50.39m]

62'-9½" [19.14m]

62'-10" [19.15m]

60'-2" [18.34m]

3'-5½" [1.06m]

1'-9" [0.53m]

3RD

2ND

ROOF= 184.3
EAVE=181.3
DOOR SILL = 176.11

BRICK DWELLING
2 STOREY
No. 127

0.17 SVN&SET

0.05W

SVN&SET 0.17

BAY WINDOW WITH FOUNDATION

No. 137

Fc 0.02E

Fc 0.14W

0.23E

24'-11" [7.60m]

17'-11" [5.46m] FRONT YARD SETBACK

20'-7" [6.27m] FRONT YARD SETBACK

SLOPE UP 2%

6.11

5.33

5.47

6.06

5.62

5.58

6.04

RC&SET 90°03'15"

RC&SET 6.11

CURB

7.59

15.19

N74°05'00"E

7.59

3.05

WIDENING BY BY-LAW 9835, INSTRUMENT NO. LT213443

11'-4½" [3.46m]

13'-8" [4.17m]

SIDEWALK

CURB

CURB CUT

CURB

MH

MH

BY REGISTERED PLAN M-87

GLENGROVE AVENUE WEST

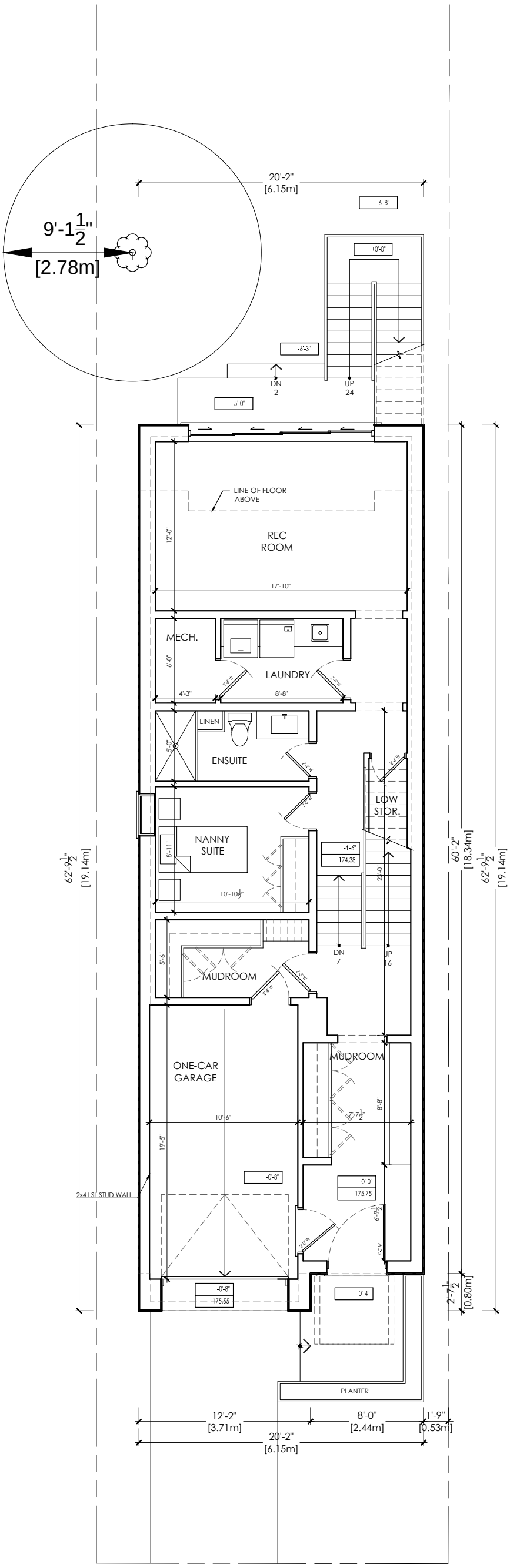
CENTRE LINE OF PAVEMENT

RICHARD WENGLE
ARCHITECT INC.

PRIVATE RESIDENCE

123 GLENGROVE AVENUE WEST
TORONTO, ONTARIO
DECEMBER 19, 2017
1701

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



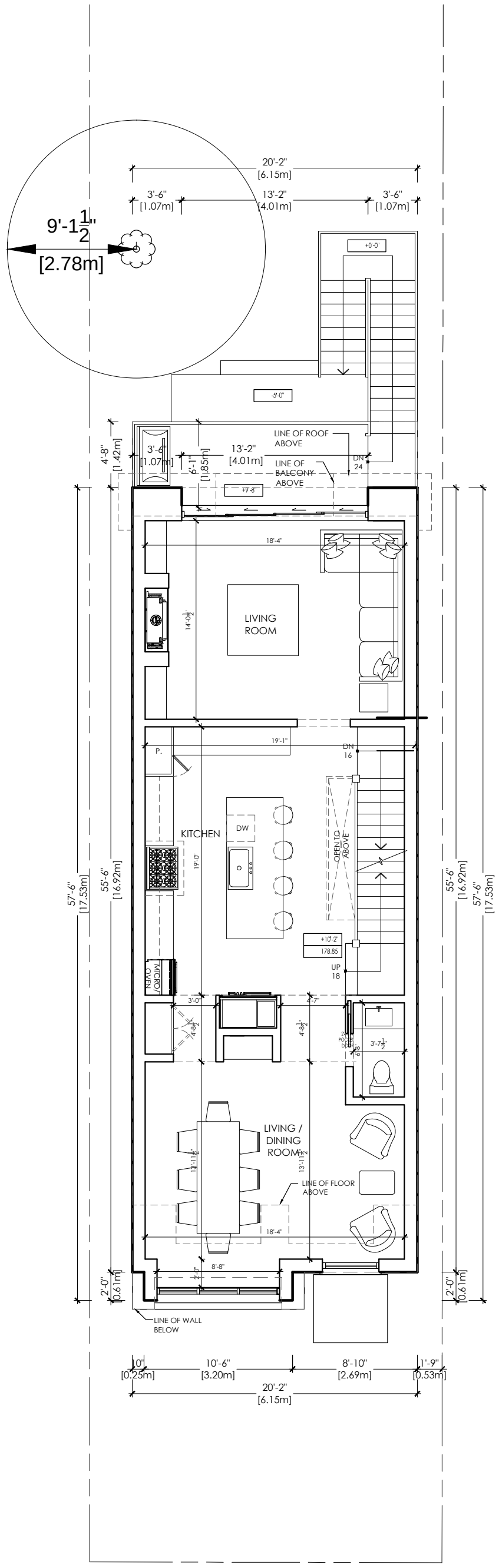
RICHARD WENGLE
ARCHITECT INC.

PRIVATE RESIDENCE

123A GLENGROVE AVENUE WEST
TORONTO, ONTARIO
DECEMBER 19, 2017
1701

GROUND FLOOR PLAN

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



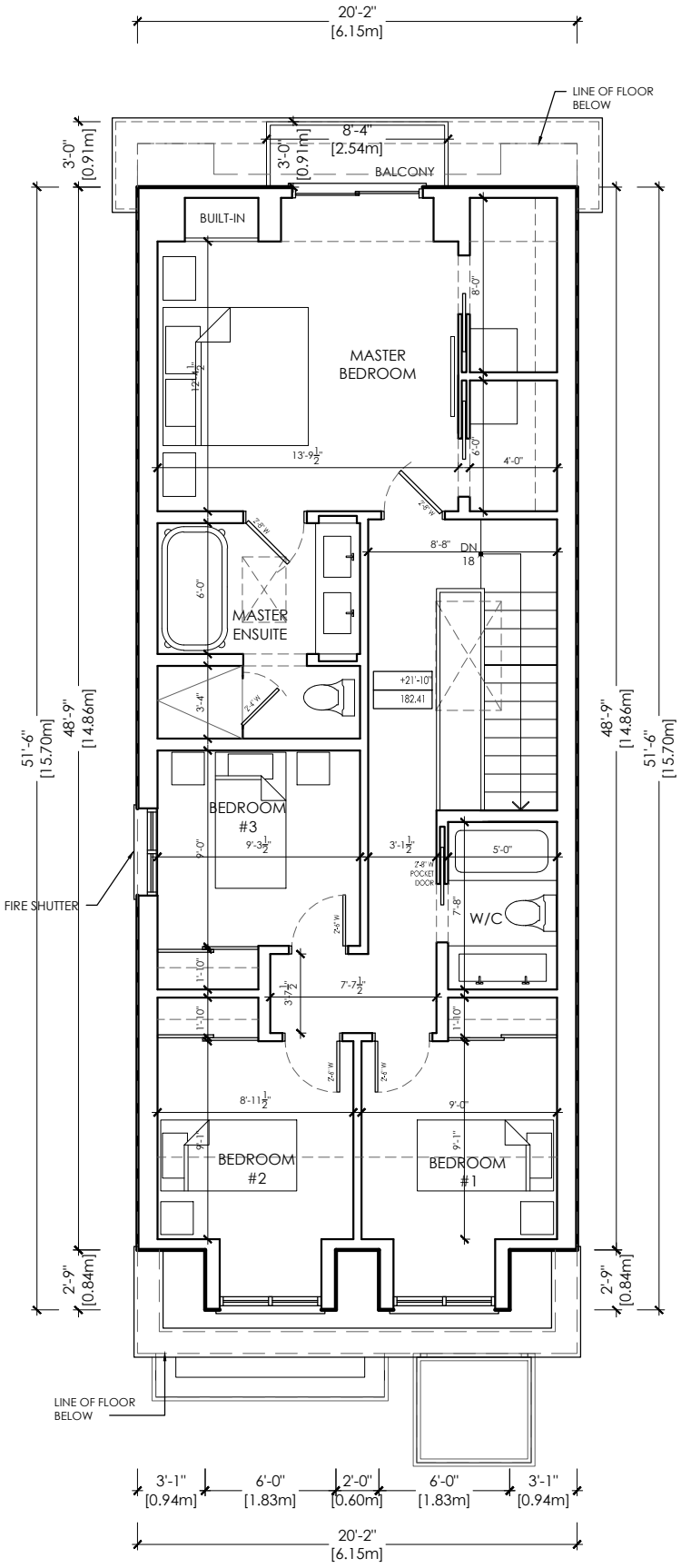
RICHARD WENGLE
ARCHITECT INC.

PRIVATE RESIDENCE

123A GLENGROVE AVENUE WEST
TORONTO, ONTARIO
DECEMBER 19, 2017
1701

SECOND FLOOR PLAN

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



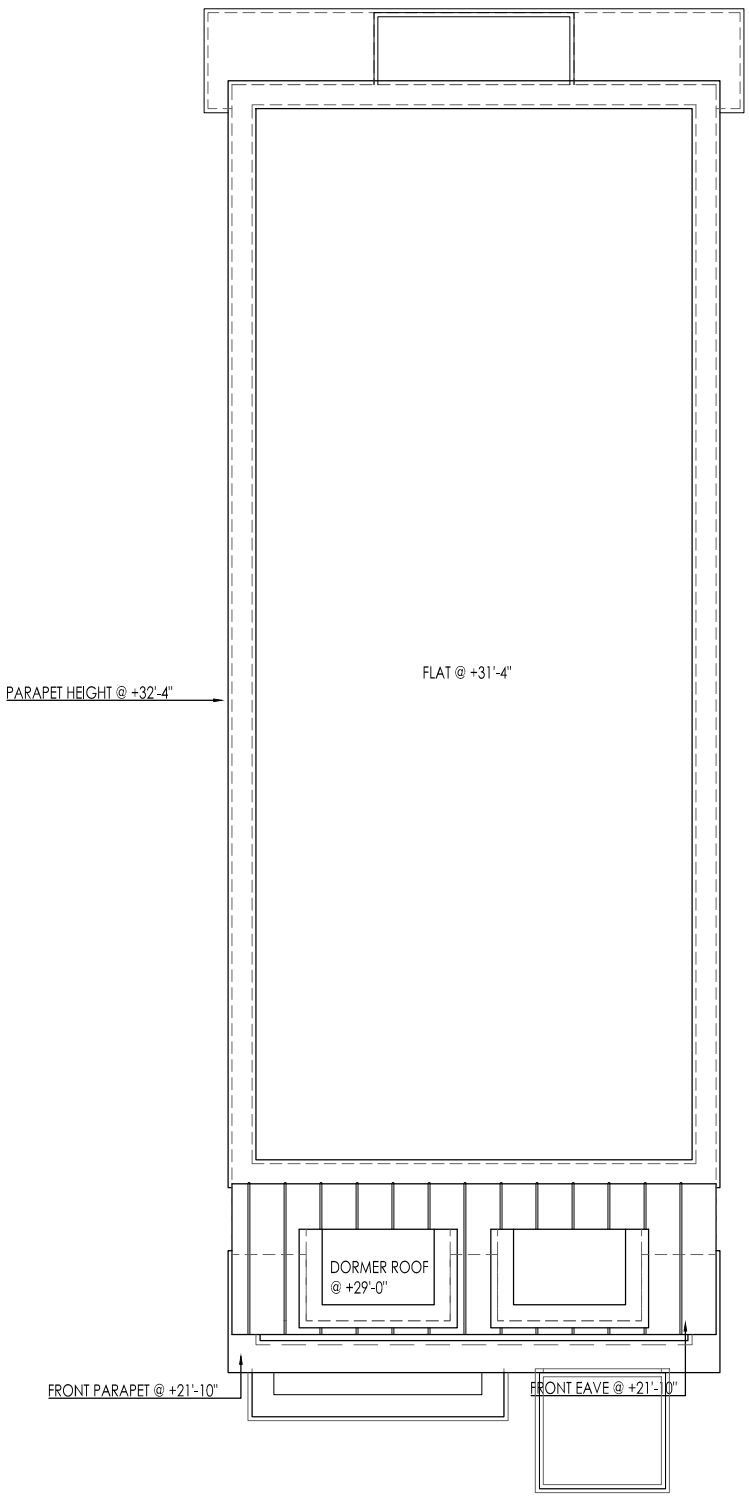
RICHARD WENGLE
ARCHITECT INC.

PRIVATE RESIDENCE

123A GLENGROVE AVENUE WEST
TORONTO, ONTARIO
DECEMBER 19, 2017
1701

THIRD FLOOR PLAN

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



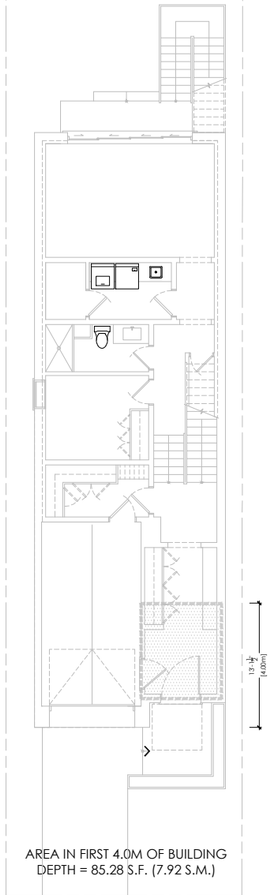
RICHARD WENGLE
ARCHITECT INC.

PRIVATE RESIDENCE

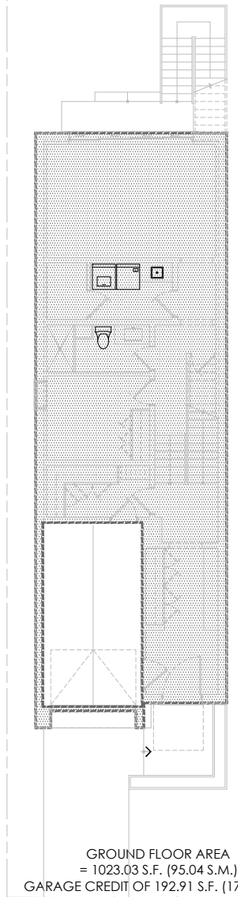
123A GLENGROVE AVENUE WEST
TORONTO, ONTARIO
DECEMBER 19, 2017
1701

ROOF PLAN

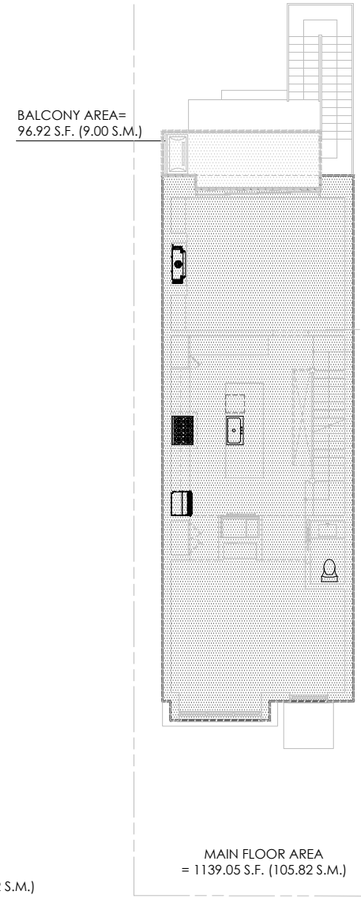
SCALE: 1/8" = 1'-0"



AREA IN FIRST 4.0M OF BUILDING
DEPTH = 85.28 S.F. (7.92 S.M.)



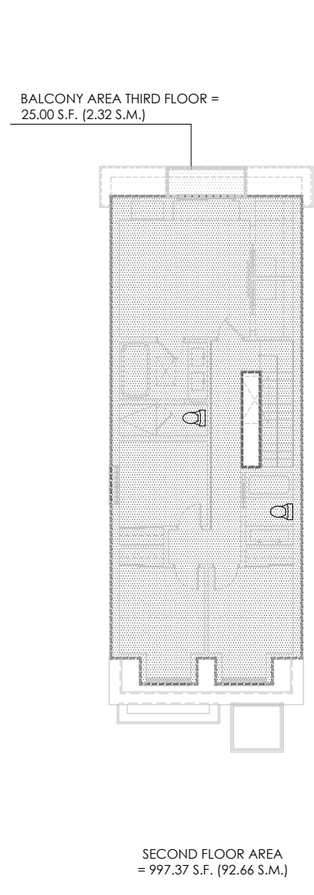
GROUND FLOOR AREA
= 1023.03 S.F. (95.04 S.M.)
GARAGE CREDIT OF 192.91 S.F. (17.92 S.M.)
HAS BEEN EXCLUDED



MAIN FLOOR AREA
= 1139.05 S.F. (105.82 S.M.)

FLOOR AREA = 3159.45 S.F. (293.52 S.M.)
LOT AREA = 4129.57 S.F. (383.65 S.M.)

= 76.51%



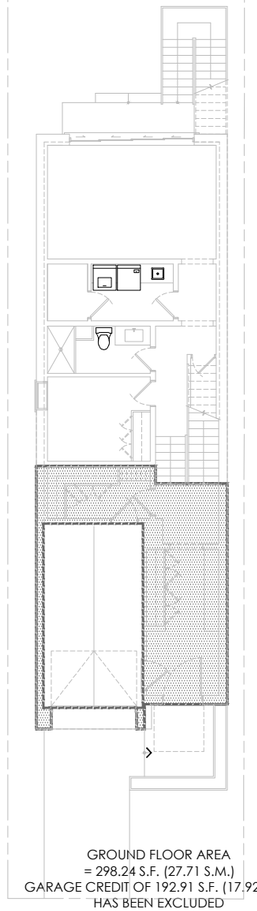
SECOND FLOOR AREA
= 997.37 S.F. (92.66 S.M.)

ICHARD WENGLE
ARCHITECT INC.

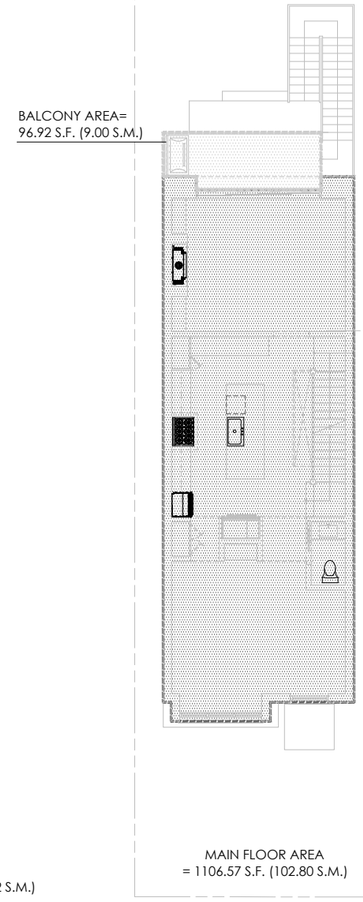
PRIVATE RESIDENCE

123A GLENGROVE AVENUE WEST
TORONTO, ONTARIO
DECEMBER 19, 2017
1701

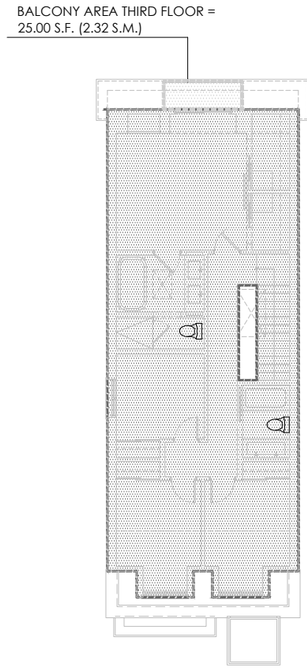
NEW BYLAW
AREA CALCULATIONS
N.T.S.



GROUND FLOOR AREA
= 298.24 S.F. (27.71 S.M.)
GARAGE CREDIT OF 192.91 S.F. (17.92 S.M.)
HAS BEEN EXCLUDED



MAIN FLOOR AREA
= 1106.57 S.F. (102.80 S.M.)



SECOND FLOOR AREA
= 997.37 S.F. (92.66 S.M.)

FLOOR AREA = 2402.18 S.F. (223.17 S.M.)
LOT AREA = 4129.57 S.F. (383.65 S.M.)

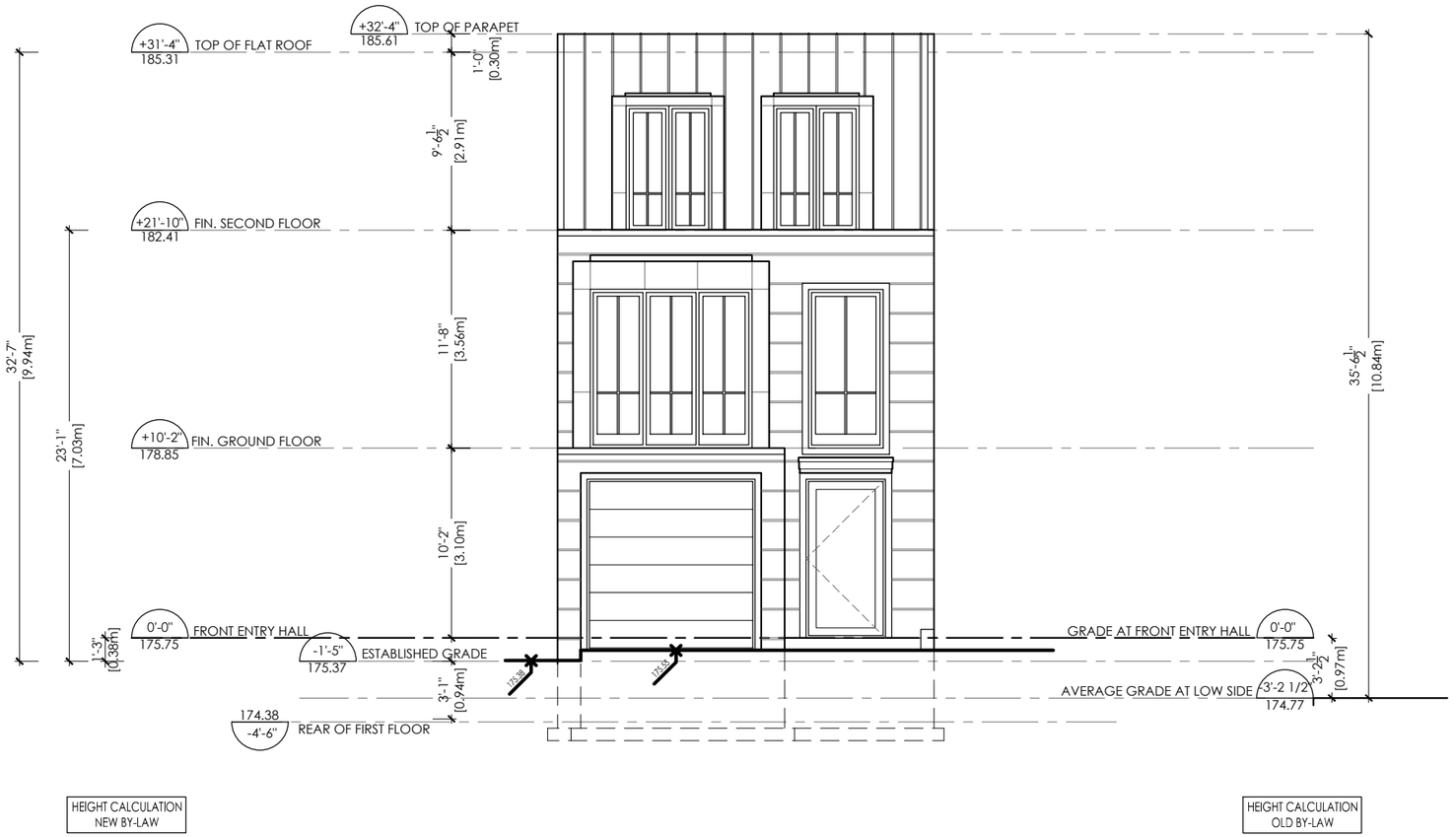
= 58.17%

ICHARD WENGLE
ARCHITECT INC.

PRIVATE RESIDENCE

123A GLENGROVE AVENUE WEST
TORONTO, ONTARIO
DECEMBER 19, 2017
1701

OLD BYLAW
AREA CALCULATIONS
N.T.S.



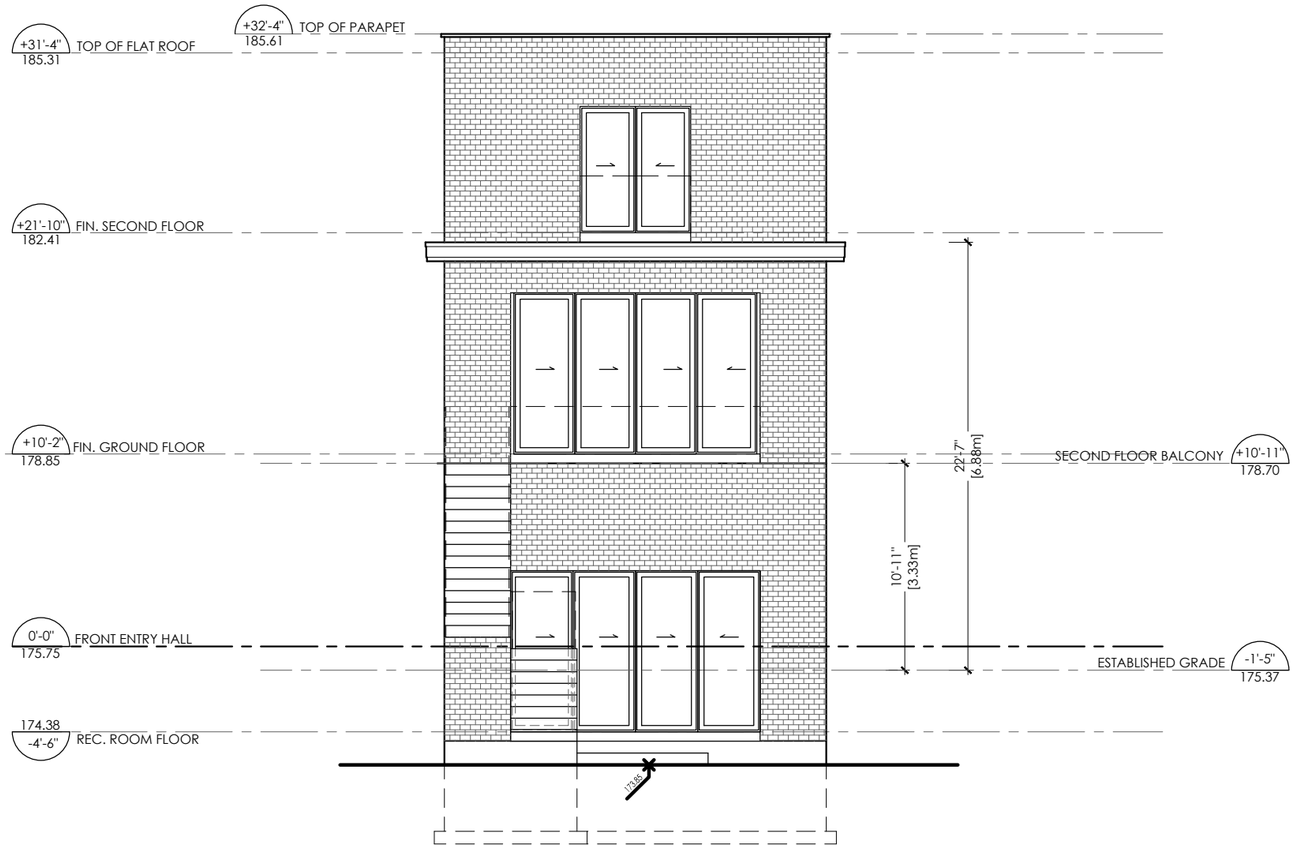
ICHARD WENGLE
ARCHITECT INC.

PRIVATE RESIDENCE

123A GLENGROVE AVENUE WEST
TORONTO, ONTARIO
DECEMBER 19, 2017
1701

FRONT ELEVATION

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



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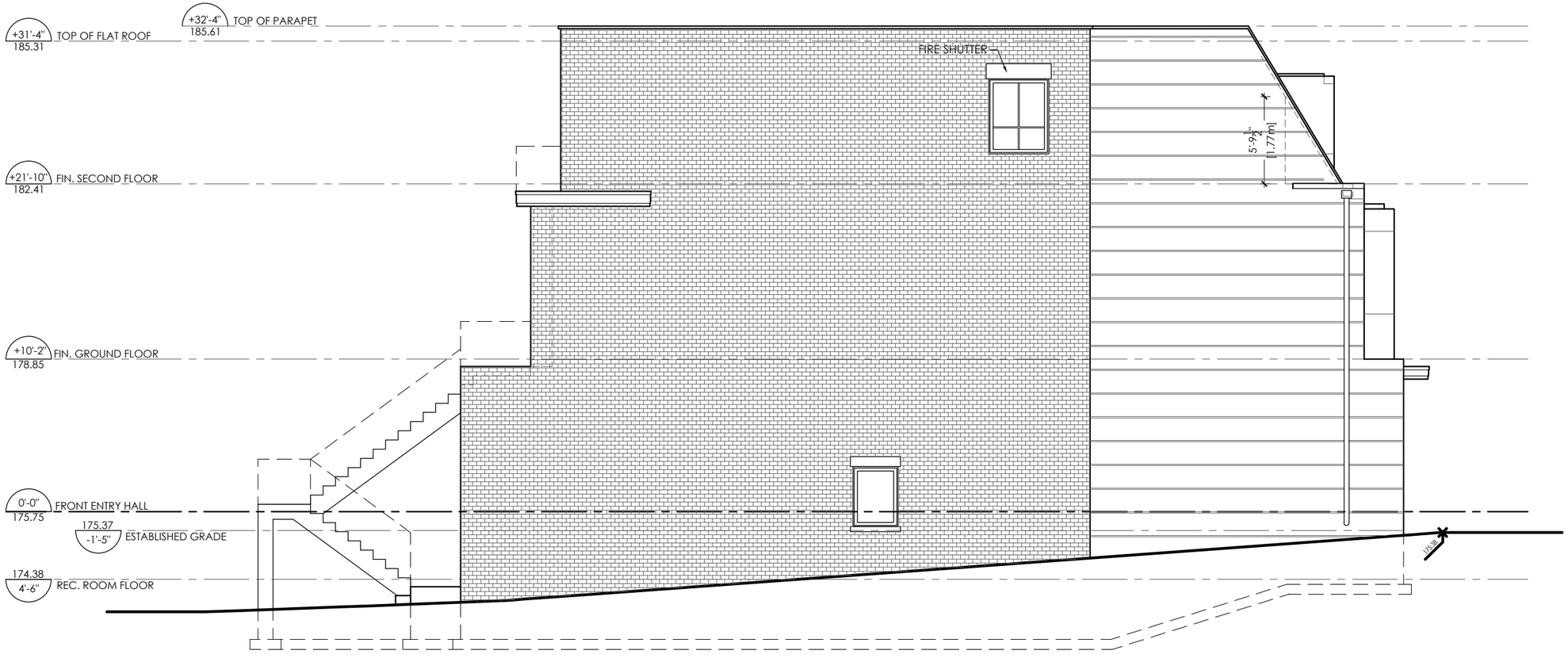
123A GLENGROVE AVENUE WEST
TORONTO, ONTARIO
DECEMBER 19, 2017
1701

REAR ELEVATION

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



ICHARD WENGLE
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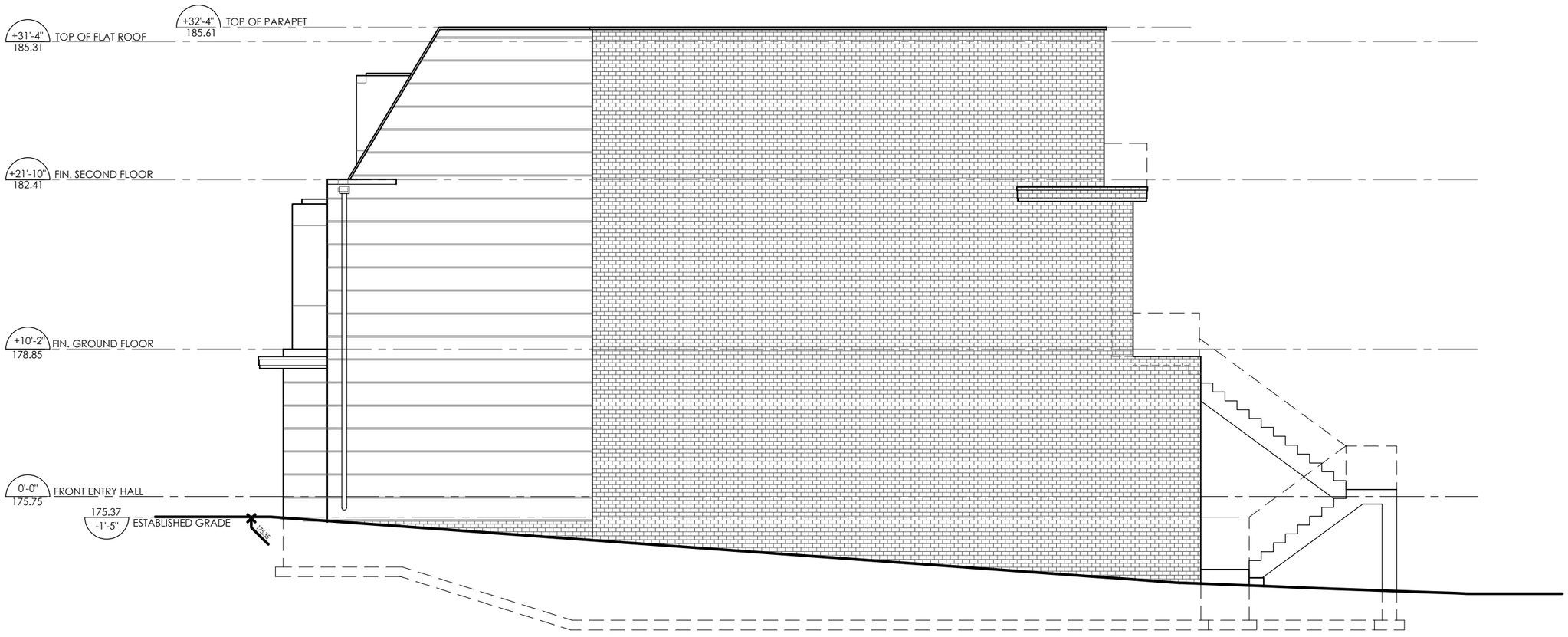
PRIVATE RESIDENCE

123A GLENGROVE AVENUE WEST
TORONTO, ONTARIO
DECEMBER 19, 2017
1701

EAST ELEVATION

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



ICHARD WENGLE
ARCHITECT INC.

PRIVATE RESIDENCE

123A GLENGROVE AVENUE WEST
TORONTO, ONTARIO
DECEMBER 19, 2017
1701

WEST ELEVATION

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

Attachment 3

LEGEND

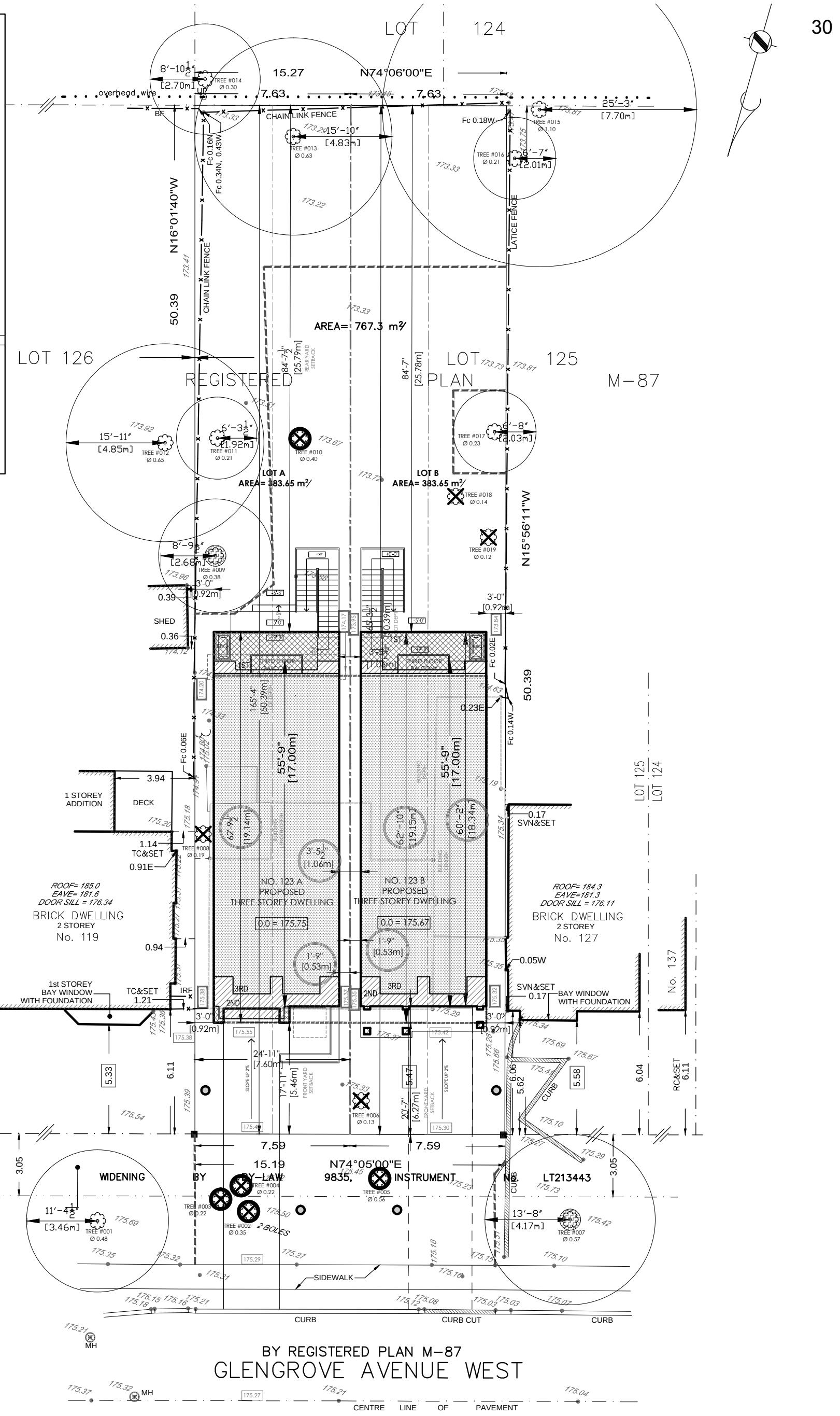
- TREE REMOVED WITHIN THE LAST CALENDAR YEAR NOT REQUIRING PERMIT
- PROTECTED TREE REMOVED WITHIN THE LAST CALENDAR YEAR
- TREE REMOVAL NOT REQUIRING PERMIT
- TREE REMOVAL DUE TO HEALTH OR SOUNDNESS REQUIRING PERMIT
- TREE REMOVAL REQUIRING PERMIT
- TREE REQUIRING PERMIT TO INJURE
- TREES TO BE PROTECTED
- PROPOSED TREES
- LIGHT OR HAND HELD EQUIPMENT IN THIS AREA DURING DEMOLITION AS PER ARBORIST REPORT
- 8FT. HIGH PLYWOOD TREE PROTECTION
- 4FT. HIGH SNOW FENCE ON WOOD FRAME, TREE PROTECTION
- LOCATION OF TREE PROTECTION WARNING SIGN

NOTE: PERMITTED FRONT YARD SETBACK = 5.46M

NOTE: ESTABLISHED GRADE = 175.35

NOTE: AVERAGE GRADE AT LOW SIDE = 174.10

NOTE: AVERAGE GRADE AT PERIMETER OF HOUSE = 174.25

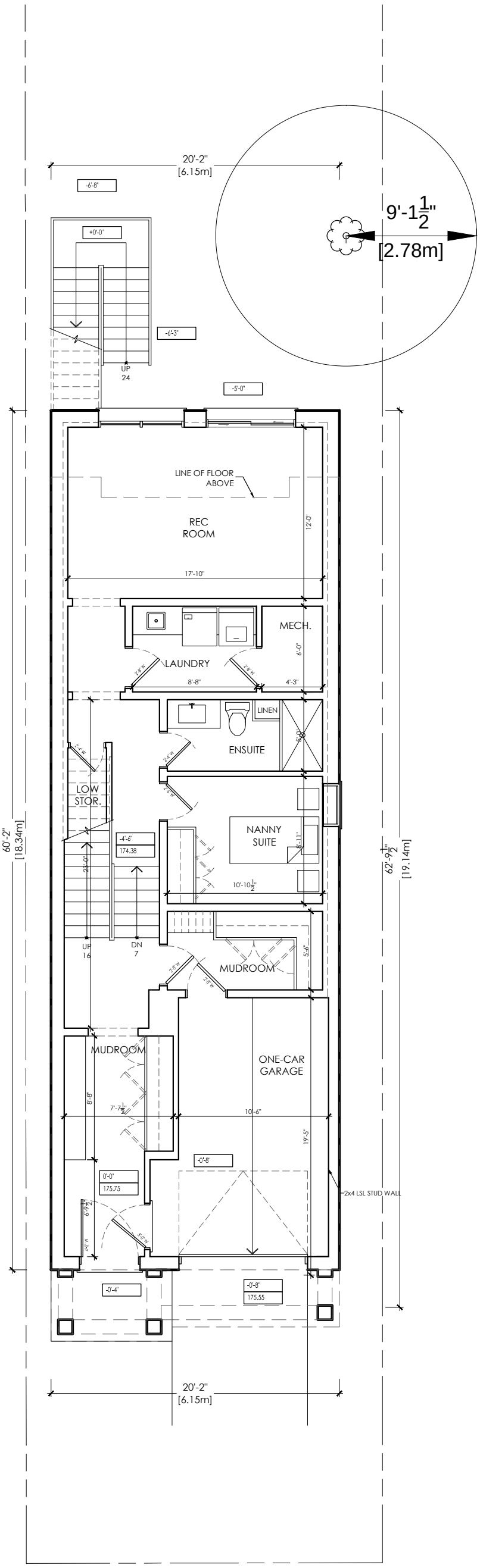


RICHARD WENGLE
ARCHITECT INC.

PRIVATE RESIDENCE

123 GLENGROVE AVENUE WEST
TORONTO, ONTARIO
DECEMBER 19, 2017
1701

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



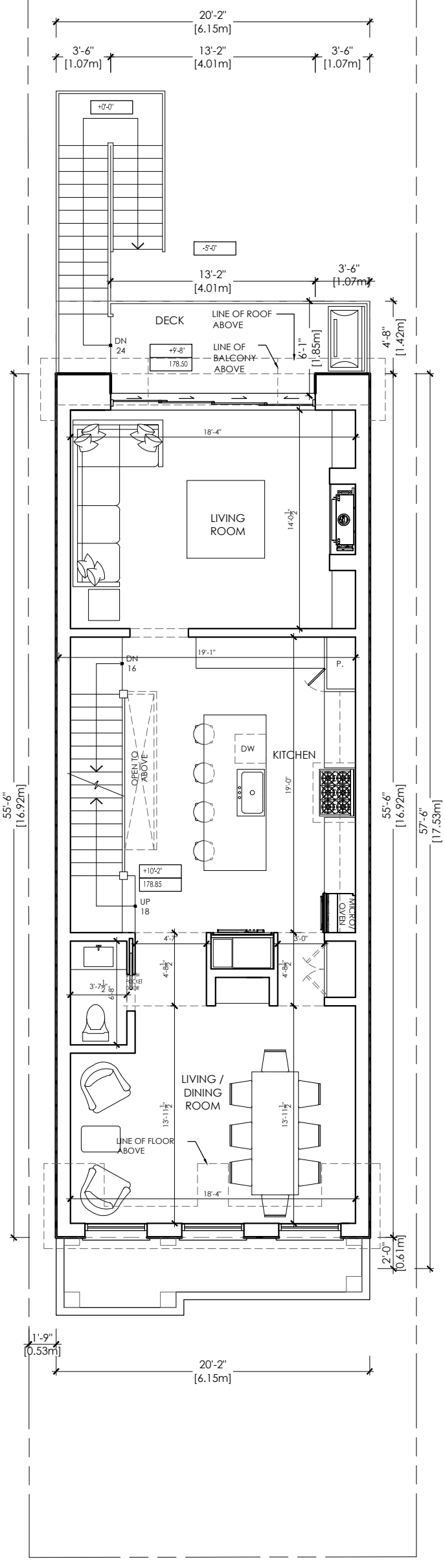
RICHARD WENGLE
ARCHITECT INC.

PRIVATE RESIDENCE

123B GLENGROVE AVENUE WEST
TORONTO, ONTARIO
DECEMBER 19, 2017
1701

GROUND FLOOR PLAN

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



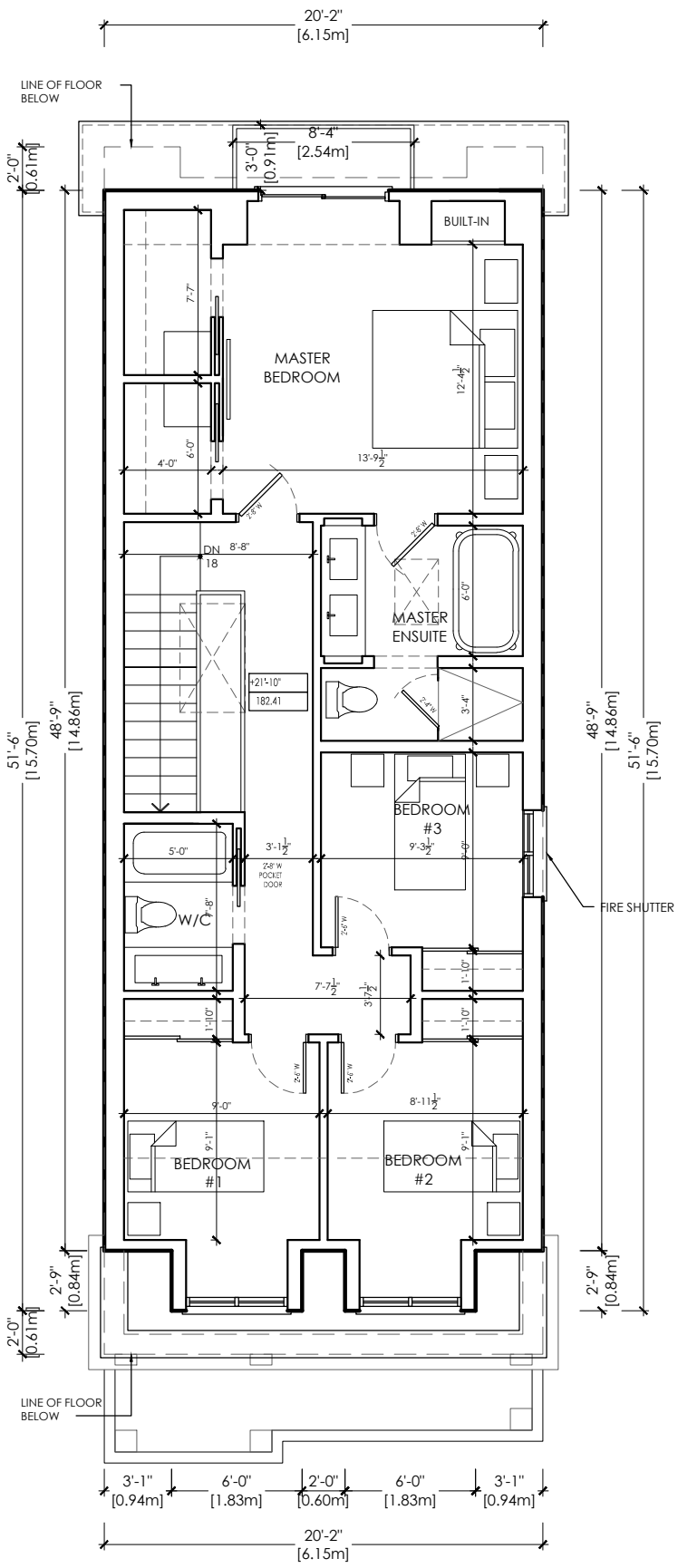
RICHARD WENGLE
ARCHITECT INC.

PRIVATE RESIDENCE

123B GLENGROVE AVENUE WEST
TORONTO, ONTARIO
DECEMBER 19, 2017
1701

SECOND FLOOR PLAN

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



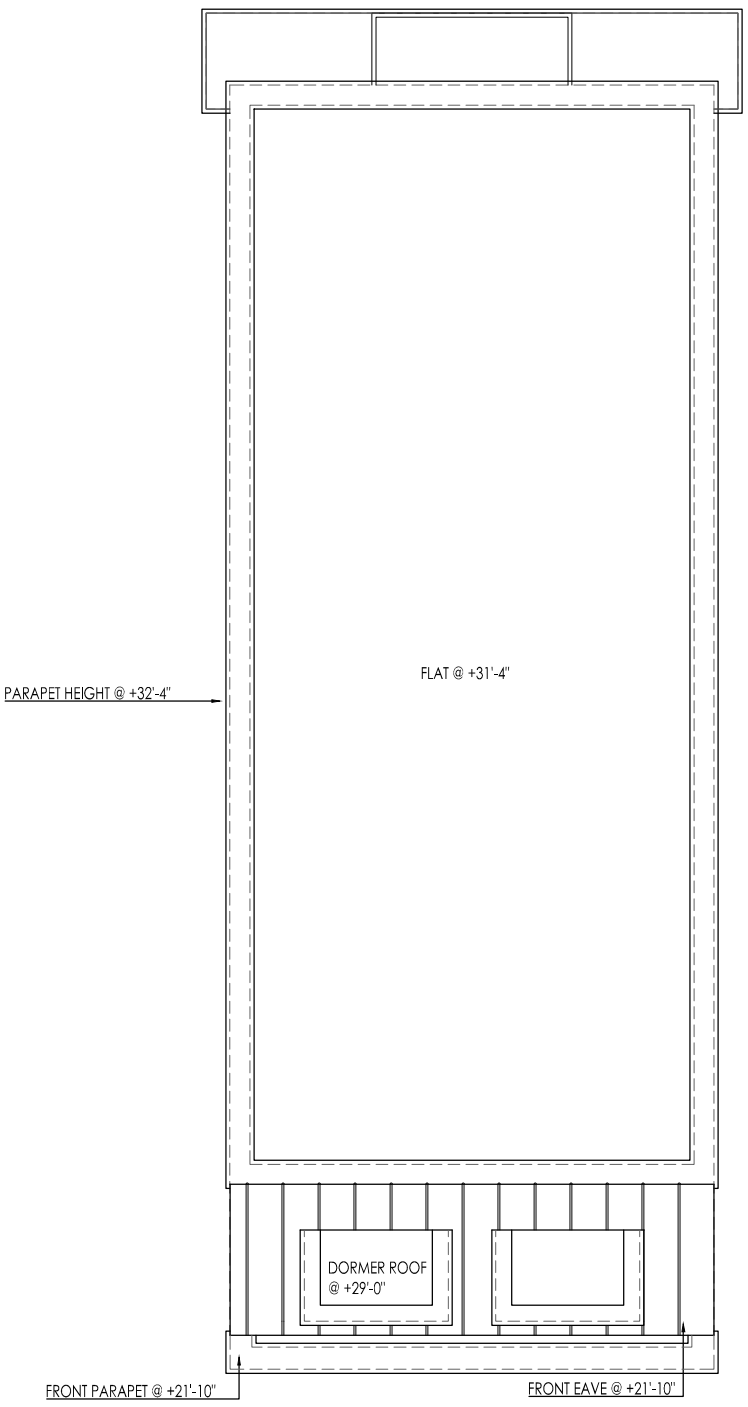
RICHARD WENGLE
ARCHITECT INC.

PRIVATE RESIDENCE

123B GLENGROVE AVENUE WEST
TORONTO, ONTARIO
DECEMBER 19, 2017
1701

THIRD FLOOR PLAN

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



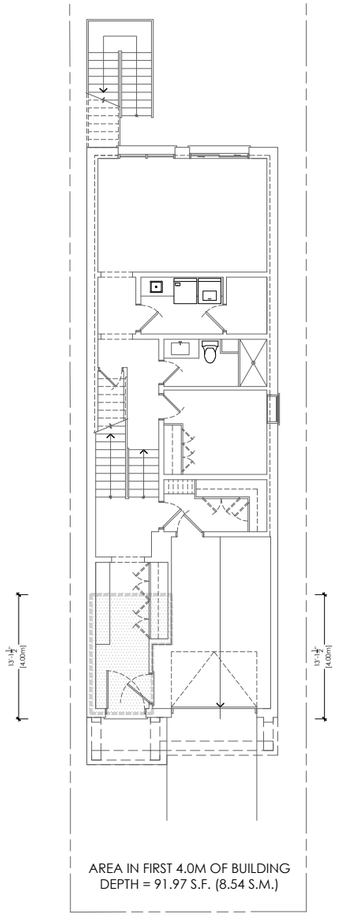
RICHARD WENGLE
ARCHITECT INC.

PRIVATE RESIDENCE

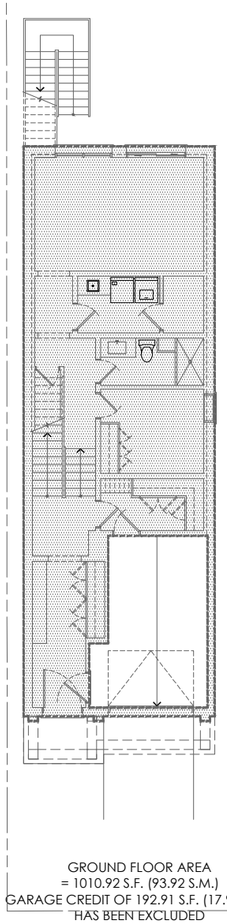
123B GLENGROVE AVENUE WEST
TORONTO, ONTARIO
DECEMBER 19, 2017
1701

ROOF PLAN

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

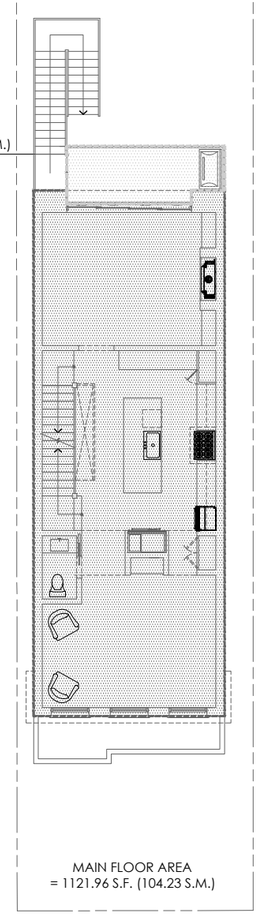


AREA IN FIRST 4.0M OF BUILDING
DEPTH = 91.97 S.F. (8.54 S.M.)



GROUND FLOOR AREA
= 1010.92 S.F. (93.92 S.M.)
GARAGE CREDIT OF 192.91 S.F. (17.92 S.M.)
HAS BEEN EXCLUDED

BALCONY AREA=
93.72 S.F. (8.71 S.M.)

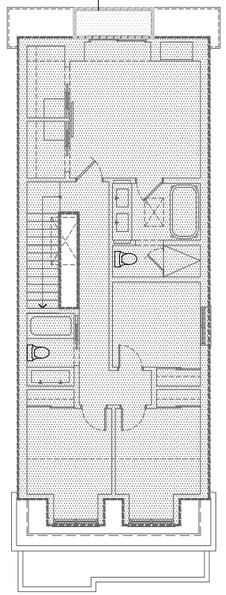


MAIN FLOOR AREA
= 1121.96 S.F. (104.23 S.M.)

FLOOR AREA = 3130.25 S.F. (290.81 S.M.)
LOT AREA = 4129.57 S.F. (383.65 S.M.)

= 75.80%

BALCONY AREA THIRD FLOOR =
25.00 S.F. (2.32 S.M.)



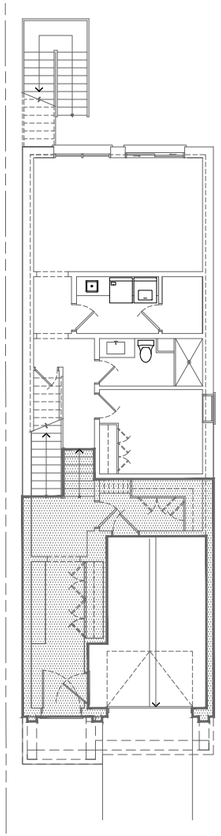
SECOND FLOOR AREA
= 997.37 S.F. (92.66 S.M.)

ICHARD WENGLE
ARCHITECT INC.

PRIVATE RESIDENCE

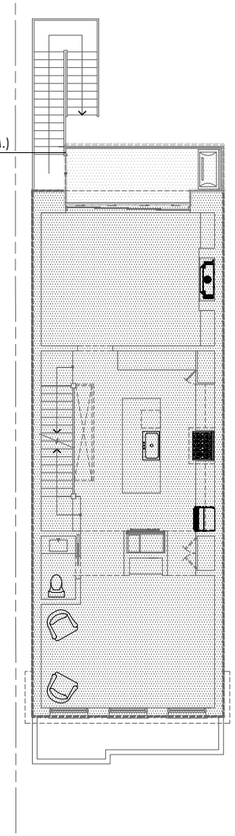
123B GLENGROVE AVENUE WEST
TORONTO, ONTARIO
DECEMBER 19, 2017
1701

NEW BYLAW
AREA CALCULATIONS
N.T.S.



GROUND FLOOR AREA
= 297.90 S.F. (27.68 S.M.)
GARAGE CREDIT OF 192.91 S.F. (17.92 S.M.)
HAS BEEN EXCLUDED

BALCONY AREA=
93.72 S.F. (8.71 S.M.)

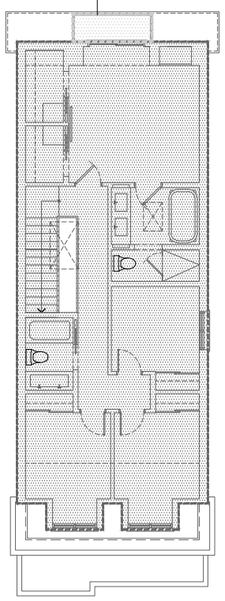


MAIN FLOOR AREA
= 1121.96 S.F. (104.23 S.M.)

FLOOR AREA = 2417.23 S.F. (224.57 S.M.)
LOT AREA = 4129.57 S.F. (383.65 S.M.)

= 58.53%

BALCONY AREA THIRD FLOOR =
25.00 S.F. (2.32 S.M.)



SECOND FLOOR AREA
= 997.37 S.F. (92.66 S.M.)

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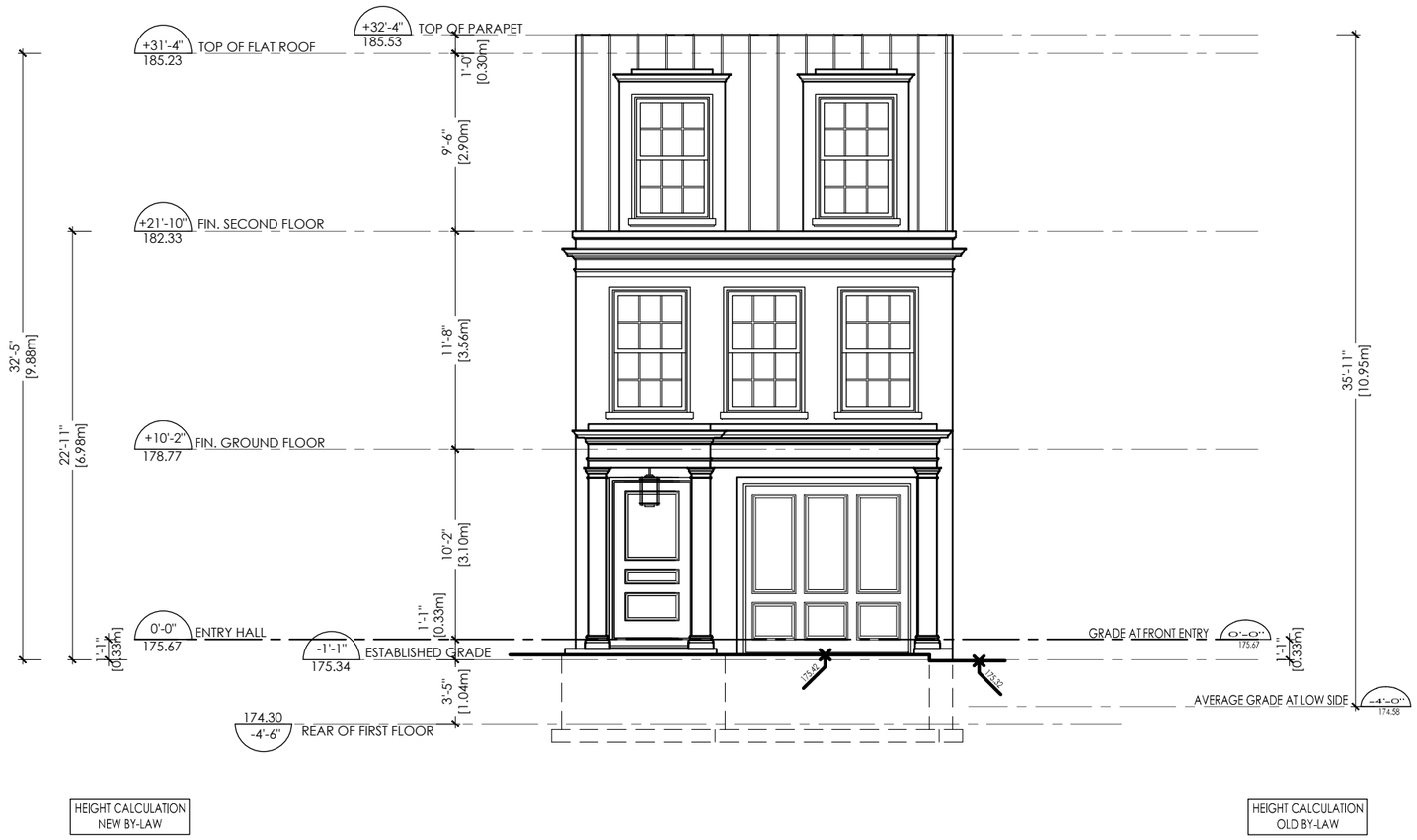
OLD BYLAW
AREA CALCULATIONS
N.T.S.



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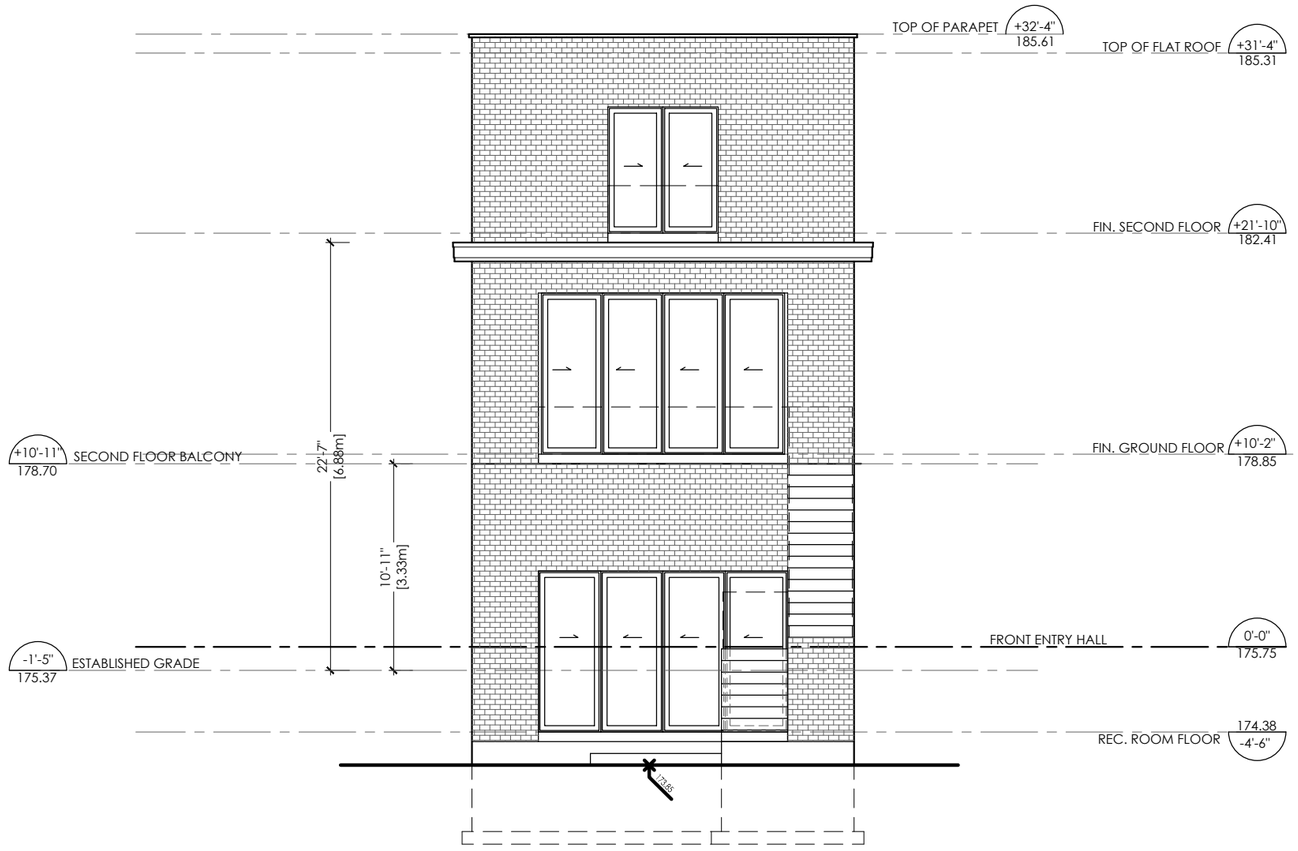
FRONT ELEVATION

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



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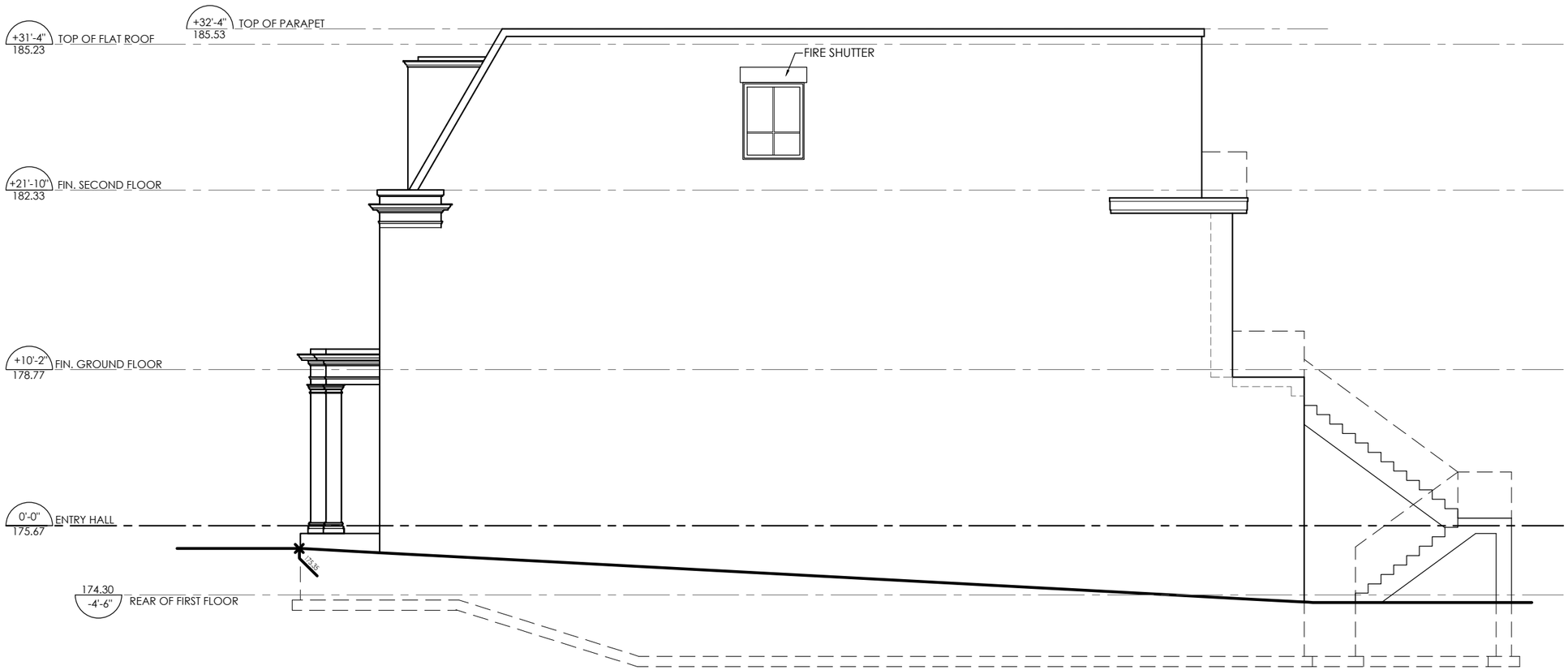
REAR ELEVATION

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



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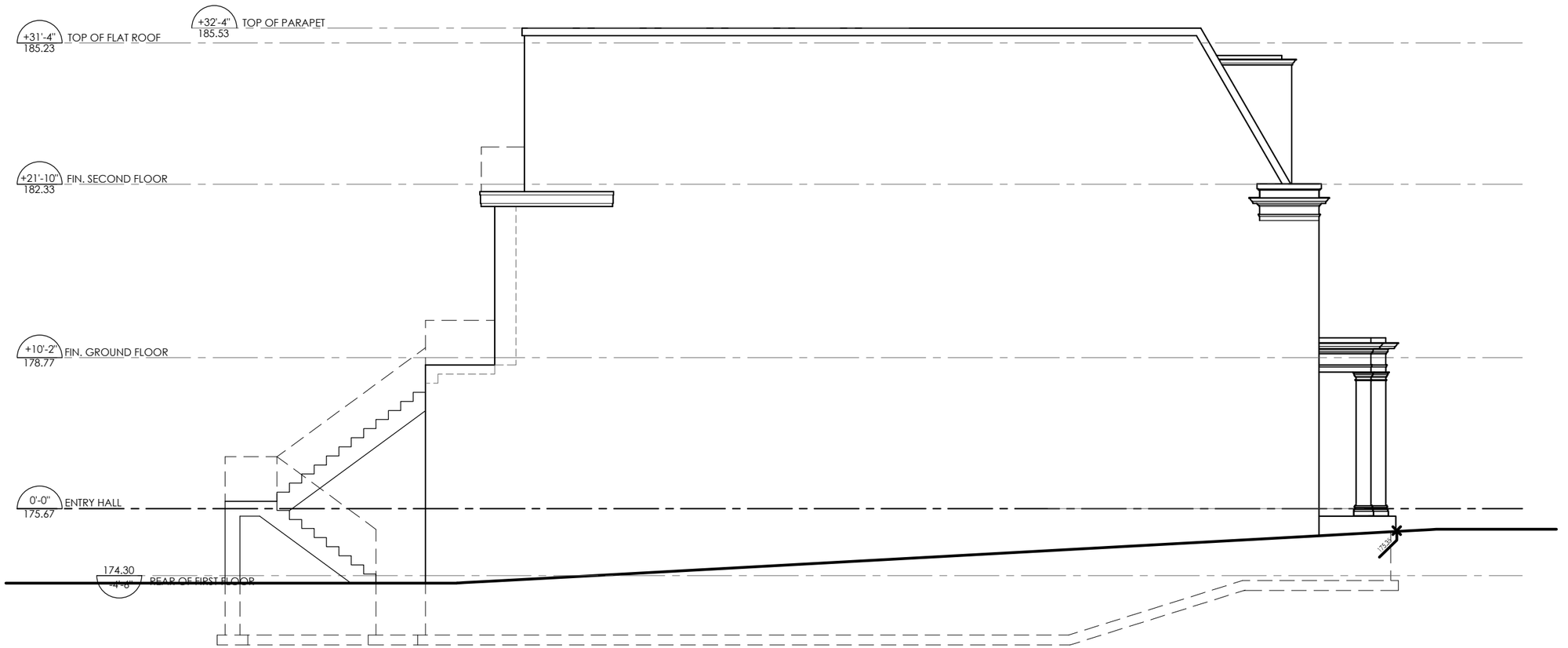
WEST ELEVATION

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



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EAST ELEVATION

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