

DECISION AND ORDER

Decision Issue Date Thursday, March 29, 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): LAURA LEE ALTILIA

Applicant: SPARROW STUDIO

Property Address/Description: 1 HUNT CLUB DR

Committee of Adjustment Case File Number: 17 164770 ESC 36 MV (A0178/17SC)

TLAB Case File Number: **17 252906 S45 36 TLAB**

Hearing date: Monday, March 26, 2018

DECISION DELIVERED BY L. McPherson

INTRODUCTION

This is an appeal to the Toronto Local Appeal Body (the "TLAB") by Ms. Altilia of the decision of the Committee of Adjustment ("Committee") for the City of Toronto ("City") to approve minor variances to construct a new 2-storey detached dwelling at 1 Hunt Club Drive (the "subject property").

The subject property is located at the northeast corner of Hunt Club Drive and Briar Dale Blvd. The subject property is designated Neighbourhoods in the City of Toronto Official Plan ("Official Plan") and zoned RD (f10.5) (x252) under Zoning By-law No. 569-2013 ("new City By-law") and Single-Family Residential (S) under Scarborough Zoning By-law Bylaw No. 8786 (Birchcliff Community) ("By-law 8786").

BACKGROUND

On October 5, 2017, the Committee approved the following variances:

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By-law No. 569-2013

1. To permit the proposed 3 metres building setback from a side lot line, whereas the Zoning By-law requires a minimum 3.6 metres building setback from a side lot line that abuts a street.
2. To permit the proposed 315 square metres floor area or 0.66 times the lot area, whereas the Zoning By-law permits maximum 237.97 square metres floor area or 0.5 times the lot area.
3. To permit the proposed 37% lot coverage, whereas the Zoning By-law permits maximum 33% lot coverage.
4. To permit the proposed 7.5 metres main walls height, whereas the Zoning By-law permits maximum 7 metres main wall height.
5. To permit the proposed building length of 18.62 metres measured from the front wall to the rear wall, whereas the Zoning By-law permits maximum building length of 17 metres.
6. To permit the proposed 69% front yard soft landscaping, whereas the Zoning By-law requires a minimum 75% front yard soft landscaping.
7. To permit the proposed parking space located in the front yard, whereas the Zoning By-law requires the parking space to be located in the rear yard.
8. To permit the proposed access to the parking space to be located in the front yard, whereas the Zoning By-law requires the parking space access to be from a flanking street that is not a major street.

By-law No. 8786

9. To permit the proposed 40% lot coverage, whereas the Zoning By-law permits maximum 33% lot coverage.
10. To permit the proposed 315 square metres floor area or 0.66 times the lot area, whereas the Zoning By-law permits maximum 237.97 square metres floor area or 0.5 times the lot area.
11. To permit the proposed 69% front yard soft landscaping, whereas the Zoning By-law requires a minimum 75% front yard soft landscaping.
12. To permit the proposed 3 metres building setback from a side lot line, whereas the Zoning By-law requires a minimum 3.6 metres building setback from a side lot line that abuts a street.

A condition was imposed requiring payment for a street tree.

Subsequent to the Committee hearing and prior to the TLAB hearing, the subject property was sold and the new owner redesigned the plans. The plans were submitted

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to TLAB through the Applicant Disclosure process in March, 2018, shortly before the hearing. The late filing was a result of the time it took for the new owner to have the plans revised. In addition to the Appellant, there were 8 Parties and 2 Participants identified, all in opposition to the original plans of which 2 Parties and 1 Participant attended the hearing.

The Appellant and the Parties and Participants who attended the TLAB hearing had an opportunity to review the revised plans with the Applicant, Mr. Robin McKenna, of Sparrow Studios. Mr. McKenna designed the original proposal.

The revisions to the plans would have the effect of deleting 6 of the original variances and significantly reducing 3 of the variances. The remaining original variances deal with the location of the driveway and garage, and the amount of front yard landscaping (from 75% to 69%). In addition, the plans address other concerns of the Appellant and Parties regarding the location of the front entry and the second level deck that were not subject to variances.

As a result of the revisions, Ms. Altilia and the Parties advised the TLAB that they no longer objected to the proposal, subject to the condition that the development proceed substantially in accordance with the revised plans. The revised variances proposed are as follows:

By-law No. 569-2013

1. To permit the proposed 247.49 square metres floor area or 0.52 times the lot area, whereas the Zoning By-law permits maximum 237.97 square metres floor area or 0.5 times the lot area.
2. To permit the proposed 7.24 metre main walls height, whereas the Zoning By-law permits a maximum 7 metre main wall height.
3. To permit the proposed 69% front yard soft landscaping, whereas the Zoning By-law requires a minimum 75% front yard soft landscaping.
4. To permit the proposed parking space located in the front yard, whereas the Zoning By-law requires the parking space to be located in the rear yard.
5. To permit the proposed access to the parking space to be located in the front yard, whereas the Zoning By-law requires the parking space access to be from a flanking street that is not a major street.

By-law No. 8786

6. To permit the proposed 69% front yard soft landscaping, whereas the Zoning By-law requires a minimum 75% front yard soft landscaping.

I accept that these revisions are minor as they eliminate or reduce many of the variances. No new variances are being introduced. No further notice or consideration is required under s. 45 (18.1.1) of the Planning Act.

This decision reflects the oral determination made at the hearing to authorize the revised variances and the reasons in support of that determination.

MATTERS IN ISSUE

The Committee approved the original variances. The new owner revised the proposal to delete and reduce the majority of the variances. The Appellant and the Parties support the revised variances. The matter at issue is whether the revised variances sought meet the applicable tests under Section 45(1) of the Planning Act and 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

Mr. McKenna explained the revised drawings and the variances. The variance for the main wall height (from a maximum of 7.0 m to 7.24 m) is out of abundance of caution. It relates to how the zoning examiner measures height in relation to the eaves or peak. The main wall height is 7.0 m. Similarly, Mr. McKenna believes that the revised drawings provide 75% front yard landscaping; however, the calculation can vary and out of an abundance of caution the previous figure of 69% is maintained. Mr. McKenna recommended that the approval be subject to the condition that the development shall be constructed substantially in accordance with the proposed drawings to ensure that the building does not change.

With respect to the location of the driveway and garage, Mr. McKenna explained that the property is a triangular shape and the zoning is not structured to deal with such a unique lot. If the garage were in the rear yard it would be in the narrowest portion of the lot and preclude access to the backyard. In addition there is a utility access easement in

the area that would affect the location of the garage in the rear yard. Mr. McKenna advised that the proposed location of the garage is consistent with the pattern of development on the streets in the area. It has been located on the northern part of the property, furthest away from the corner. In terms of sight lines, the proposed location is an improvement to the current condition. The front entry is maintained on Briar Dale Boulevard as requested by the community.

Mr. McKenna indicated that Transportation Services staff did not have an issue with the location of the driveway or the garage.

In his opinion, the variances are minor and appropriate and well within the range of other variances approved in the area.

ANALYSIS, FINDINGS, REASONS

The new owner of the subject property has designed a dwelling which addresses the concerns of the Appellant and the Parties. The revisions substantially reduce the number and magnitude of the variances requested. I agree with Mr. McKenna that the substantive variances deal with the location of the driveway and garage. There were no concerns raised by either Planning or Transportation Services staff regarding the original variances that were approved by the Committee. The location of the garage and driveway is a result of the unique shape of the lot and other technical and practical limitations that would affect the location of the garage in the rear yard as required by the Zoning By-law.

The TLAB is satisfied the revised variances meet the criteria set out in Section 45(1) of the Planning Act and applicable provincial policy. The general purpose and intent of the Official Plan and Zoning By-laws is maintained. The proposal fits within the physical character of the area. The proposal results in an appropriate and desirable development for subject property and the variances are considered minor in the context.

There is no need for further notice under section 45 (18.11) of the Planning Act.

DECISION AND ORDER

The TLAB orders that the following variances authorized:

By-law No. 569-2013

1. To permit the proposed 247.49 square metres floor area or 0.52 times the lot area, whereas the Zoning By-law permits maximum 237.97 square metres floor area or 0.5 times the lot area.
2. To permit the proposed 7.24 metre main walls height, whereas the Zoning By-law permits a maximum 7 metre main wall height.

Decision of Toronto Local Appeal Body Panel Member: L. McPherson
TLAB Case File Number: 17 252906 S45 36 TLAB

3. To permit the proposed 69% front yard soft landscaping, whereas the Zoning By-law requires a minimum 75% front yard soft landscaping.

4. To permit the proposed parking space located in the front yard, whereas the Zoning By-law requires the parking space to be located in the rear yard.

5. To permit the proposed access to the parking space to be located in the front yard, whereas the Zoning By-law requires the parking space access to be from a flanking street that is not a major street.

By-law No. 8786

6. To permit the proposed 69% front yard soft landscaping, whereas the Zoning By-law requires a minimum 75% front yard soft landscaping.

Conditions:

1. The new two-storey detached dwelling shall be constructed substantially in accordance with the plans filed as Exhibit 2a attached hereto and forming part of this order.
2. The owner shall provide payment of \$583 per tree for 1 tree to be planted on the City road allowance as per City Council direction.

X 

Laurie McPherson

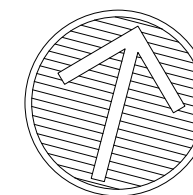
Panel Chair, Toronto Local Appeal Body

RECEIVED
By TLAB at 10:49 am, Mar 19, 2018

PIN 06460-0123

SOUTHEAST CORNER
LOT 22, R.P. 3153

INFORMATION TAKEN FROM:
TOPOGRAPHIC DETAIL OF
1 HUNT CLUB DRIVE
CITY OF TORONTO,
DATED: DEC 6, 2016
BY: IVAN B. WALLACE
ONTARIO LAND SURVEYOR LTD.
PHONE: (800) 667-0696
AND
SURVEYOR'S REAL PROPERTY REPORT
PART I: PLAN OF SURVEY OF
LOT 23 REGISTERED PLAN 3153
CITY OF TORONTO,
FORMERLY THE CITY OF SCARBOROUGH
DATED: MAR 6, 2018.
BY: IBW SURVEYORS
PHONE: (800) 667-0696



HUNT CLUB DRIVE

SITE PLAN
SCALE: 1:150

**1 HUNT CLUB DRIVE
NEW 2 STOREY
BRICK & STUCCO DWELLING**

FIN. GROUND
FLOOR ELEVATION:
133.39

Toronto Local Appeal Body

EXHIBIT 2 A

Case File Number: 17 252906 S45 36 TLAB
Property Address: 1 Hunt Club Dr.
Date Marked: March 26, 2018

ZONING REVIEW	A.B.
REVISION	BY

Director must check and verify all dimensions on the job and report discrepancies to designer before proceeding with the work.
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Toronto / Ontario / M9C 5L2
Telephone (416)364 0494/Fax (416)364 0518

LOCATION
**1 HUNT CLUB DRIVE
TORONTO, ONTARIO**

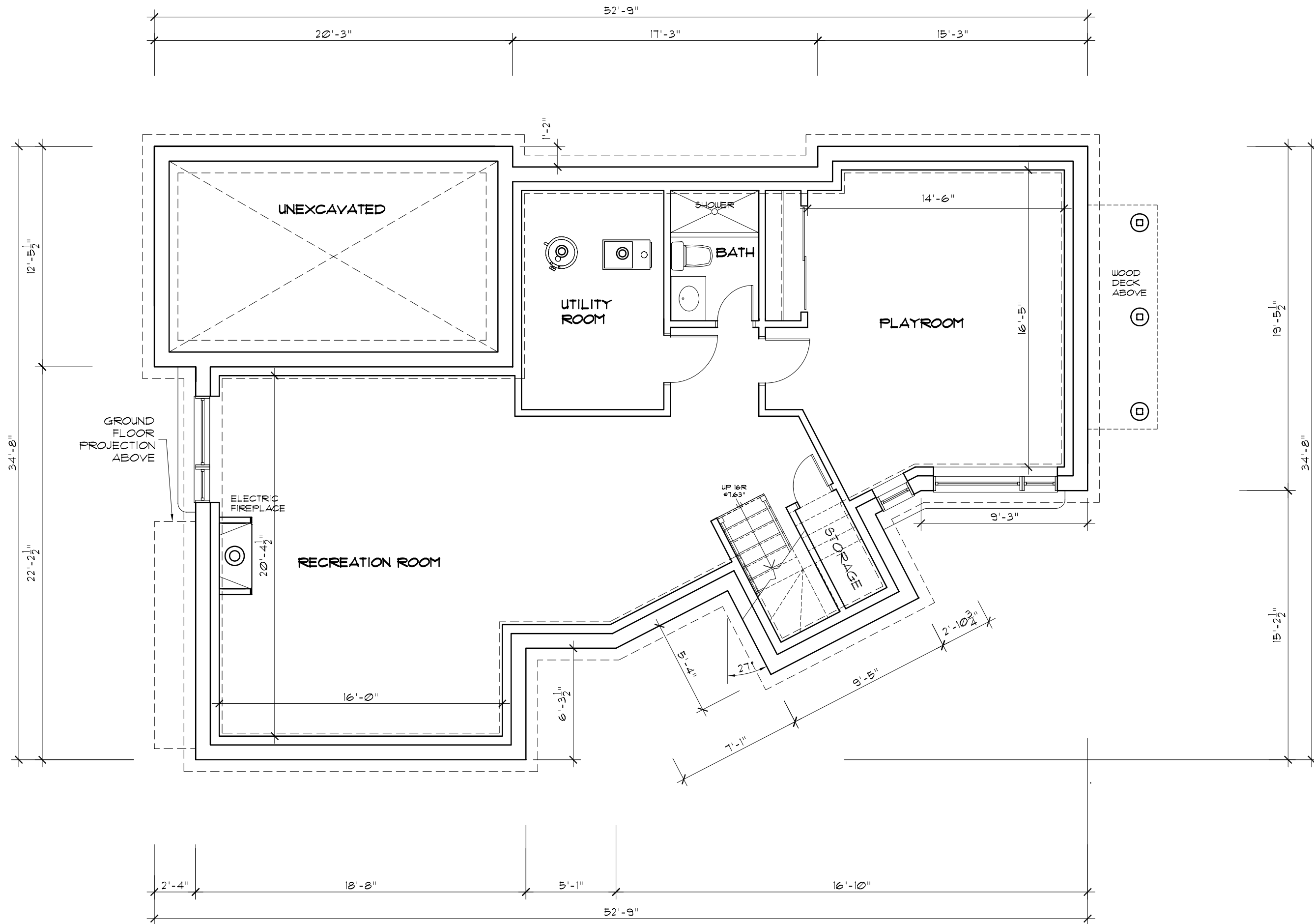
TITLE
SITE PLAN

SCALE AS SHOWN	DRAWN A.B.
DATE MARCH 2018	CHECKED R.R.
PROJECT NO. 1802	REVISION NO. 1

STATISTICS

ZONING.....	RD
PROPOSED USE.....	SINGLE FAMILY DWELLING
LOT AREA.....	475.94 M2 5,122.98 SQ.FT.
COVERAGE.....	121.85 M2 1,311.55 SQ FT OR 0.26 X LOT AREA
GROSS FLOOR AREA.....	
GROUND.....	114.12 M2 1,228.32 SQ FT
SECOND.....	122.67 M2 1,320.46 SQ FT
TOTAL.....	236.79 M2 2,548.78 SQ FT OR 0.498 X LOT AREA

FRONT YARD AREA		
DRIVEWAY.....	23.01 M2	247.13 SQ FT
SOFT LANDSCAPE.....	85.58 M2	921.08 SQ FT
TOTAL.....	108.59 M2	1,168.21 SQ FT
FRONT LANDSCAPING AREA.....	85.58 M2	921.08 SQ FT
(LESS DRIVEWAY)	OR 18.8% OF FRONT YARD AREA	
SOFT LANDSCAPING AREA.....	85.58 M2	921.08 SQ FT
OR 100.0% OF FRONT LANDSCAPING AREA		
REAR YARD AREA		
DECK.....	4.73 M2	50.91 SQ FT
SOFT LANDSCAPING.....	105.83 M2	1,139.15 SQ FT
TOTAL.....	110.56 M2	1,190.06 SQ FT
SOFT LANDSCAPING AREA.....	105.83 M2	1,139.15 SQ FT
OR 95.1% OF REAR YARD AREA		



NO.	DATE	REVISION	BY
01.	13 MAR '18	ZONING REVIEW	A.B.

Contractor must check and verify all dimensions and conditions on the job and report discrepancies to the designer before proceeding with the work.

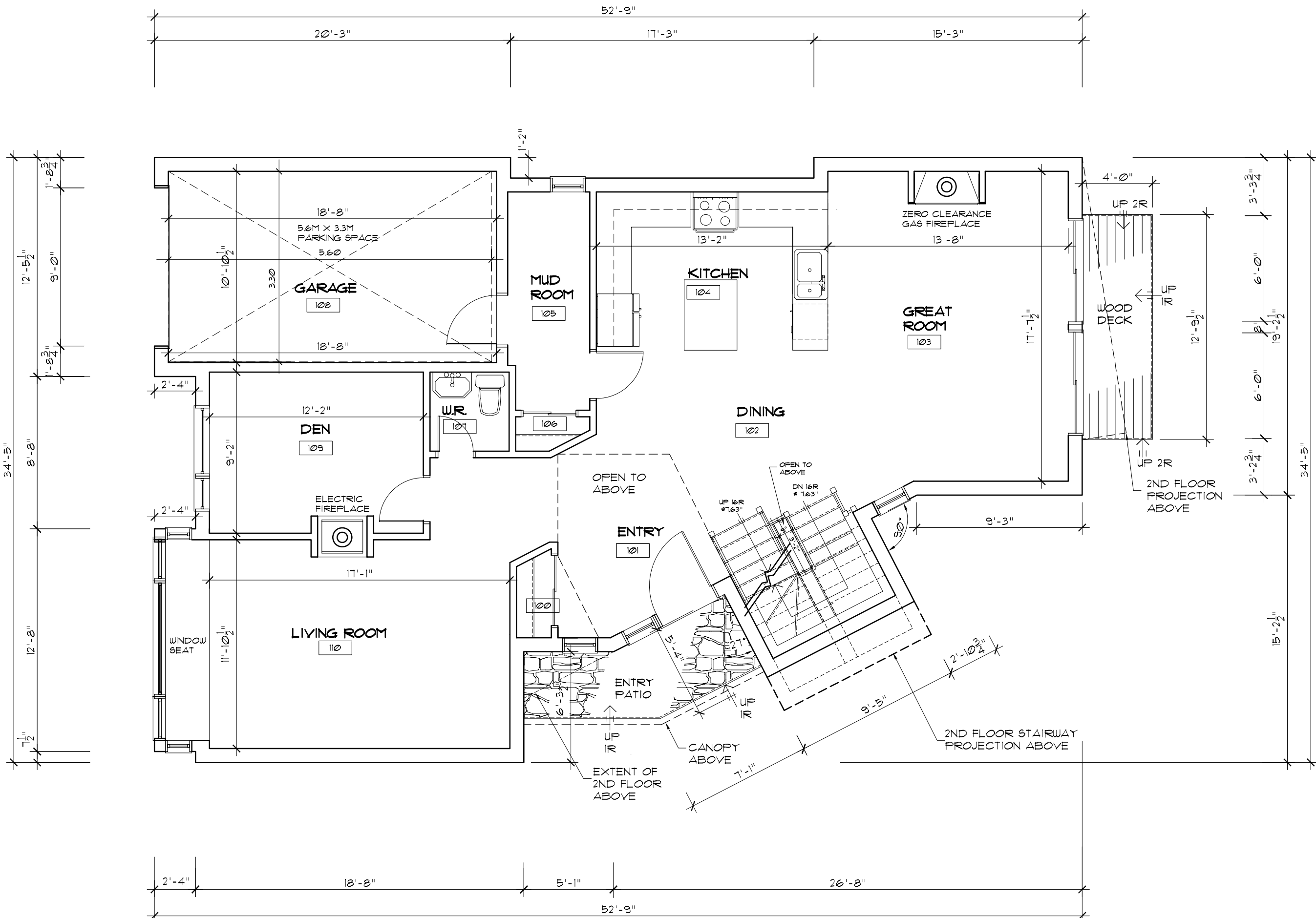
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LOCATION		
1 HUNT CLUB DRIVE TORONTO, ONTARIO		
TITLE		
BASEMENT PLAN		
SCALE	DRAWN	
AS SHOWN	A.B.	
DATE	CHECKED	
MARCH 2018	RR	
PROJECT NO.	DRAWING NO.	REVISION NO.
1802	2	1

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



GROUND FLOOR PLAN
 SCALE: 3/16" = 1'-0"

NO.	DATE	REVISION	BY
01	13 MAR 18	ZONING REVIEW	A.B.

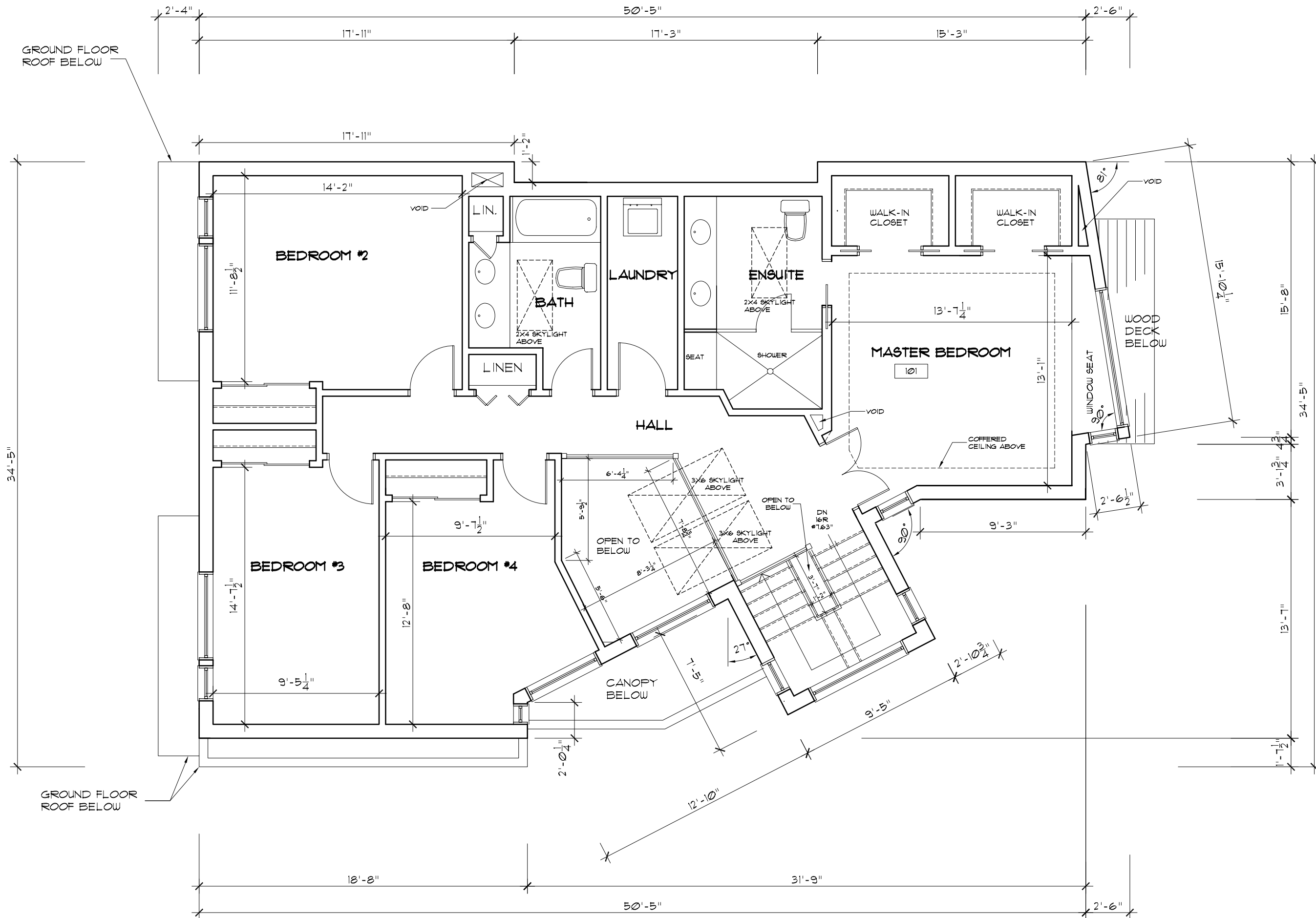
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LOCATION
 1 HUNT CLUB DRIVE
 TORONTO, ONTARIO

TITLE
 GROUND FLOOR PLAN

SCALE	DRAWN	
AS SHOWN	A.B.	
DATE	CHECKED	
MARCH 2018	RR.	
PROJECT NO.	DRAWING NO.	REVISION NO.
1802	3	1



SECOND FLOOR PLAN

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

NO.	DATE	REVISION	BY
01	13 MAR '18	ZONING REVIEW	A.B.

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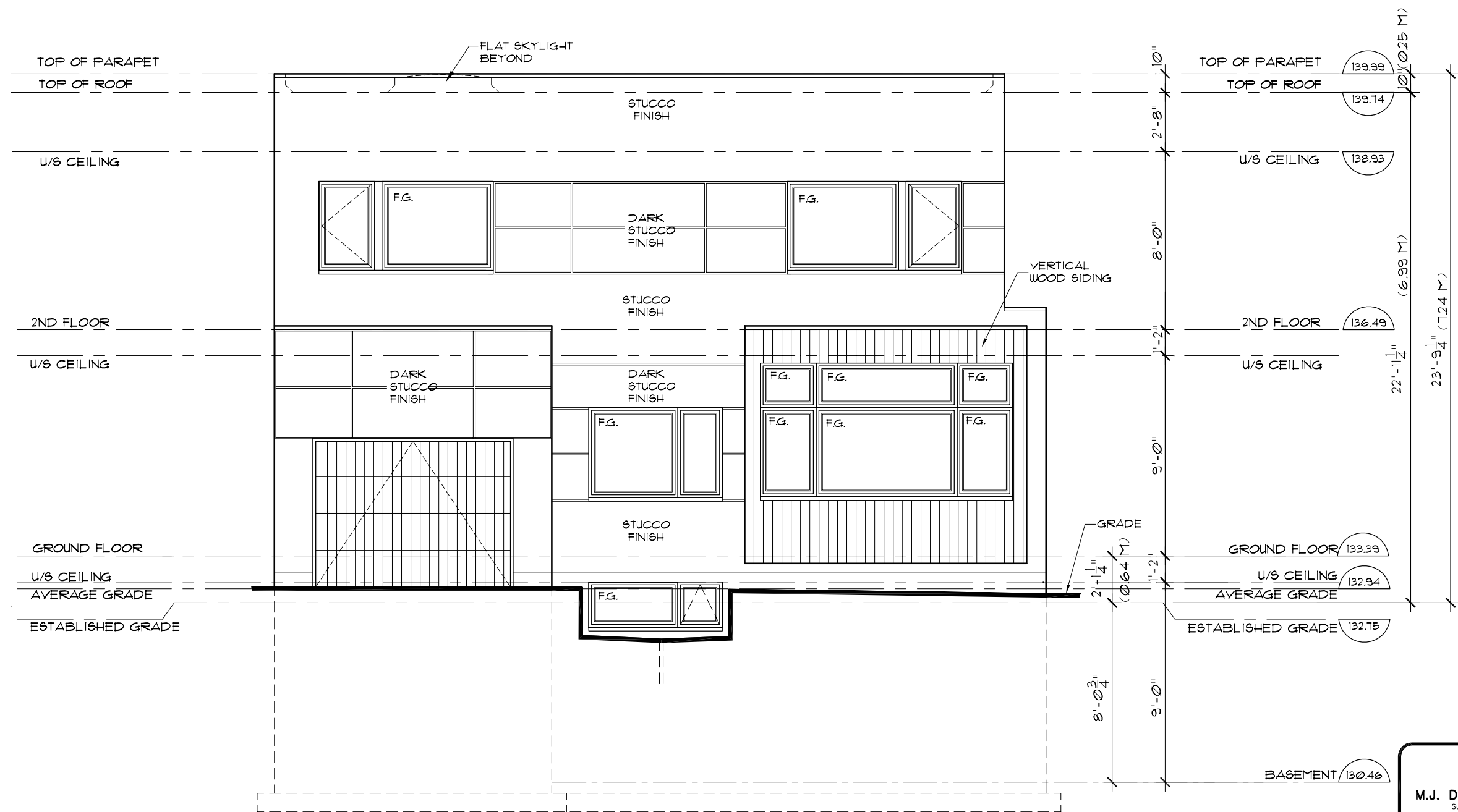
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LOCATION		
1 HUNT CLUB DRIVE TORONTO, ONTARIO		
TITLE		
SECOND FLOOR PLAN		
SCALE	DRAWN	
AS SHOWN	A.B.	
DATE	CHECKED	
MARCH 2018	RR	
PROJECT NO.	DRAWING NO.	REVISION NO.
1802	4	1



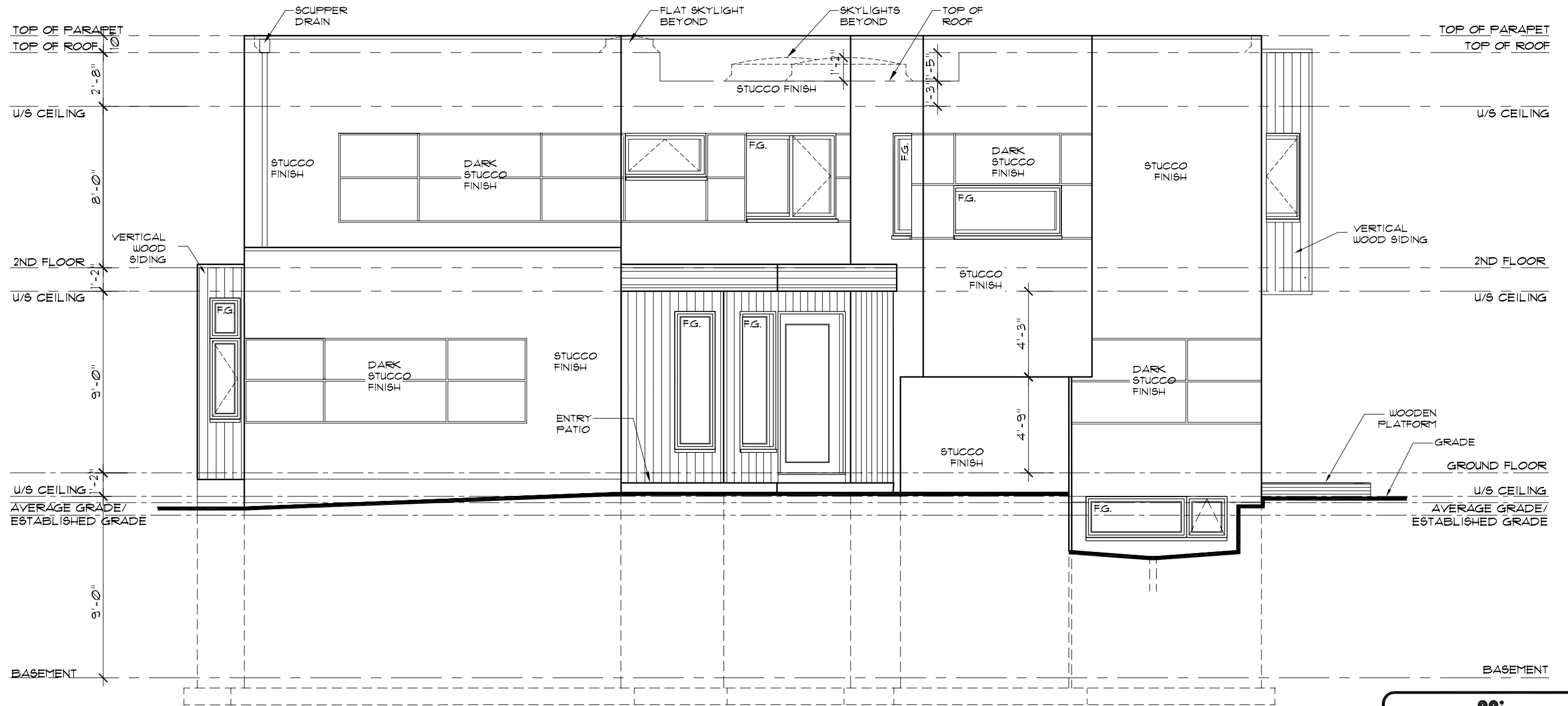
WEST ELEVATION
SCALE: 3/16" = 1'-0"

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LOCATION 1 HUNT CLUB DRIVE TORONTO, ONTARIO		
TITLE WEST ELEVATION		
SCALE AS SHOWN	DRAWN A.B.	
DATE MARCH 2018	CHECKED R.R.	
PROJECT NO. 1802	DRAWING NO. 5	REVISION NO. 1



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

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NO.	DATE	REVISION	BY
01.	13 MAR '18	ZONING REVIEW	A.B.

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LOCATION
**1 HUNT CLUB DRIVE
 TORONTO, ONTARIO**

TITLE
WEST ELEVATION

SCALE
AS SHOWN

DATE
MARCH 2018

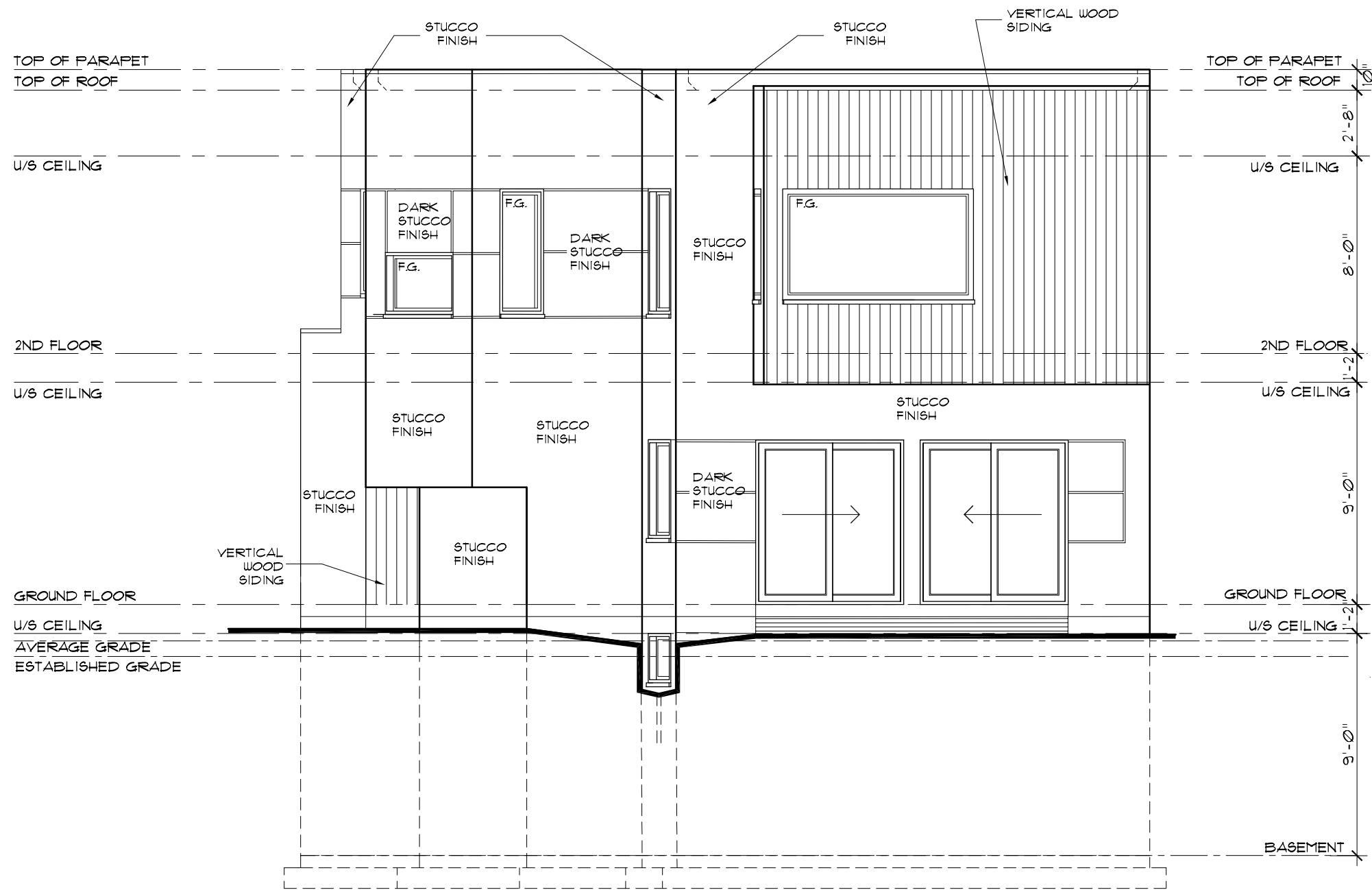
PROJECT NO.
1802

DRAWN
A.B.

CHECKED
R.R.

DRAWING NO.
6

REVISION NO.
1



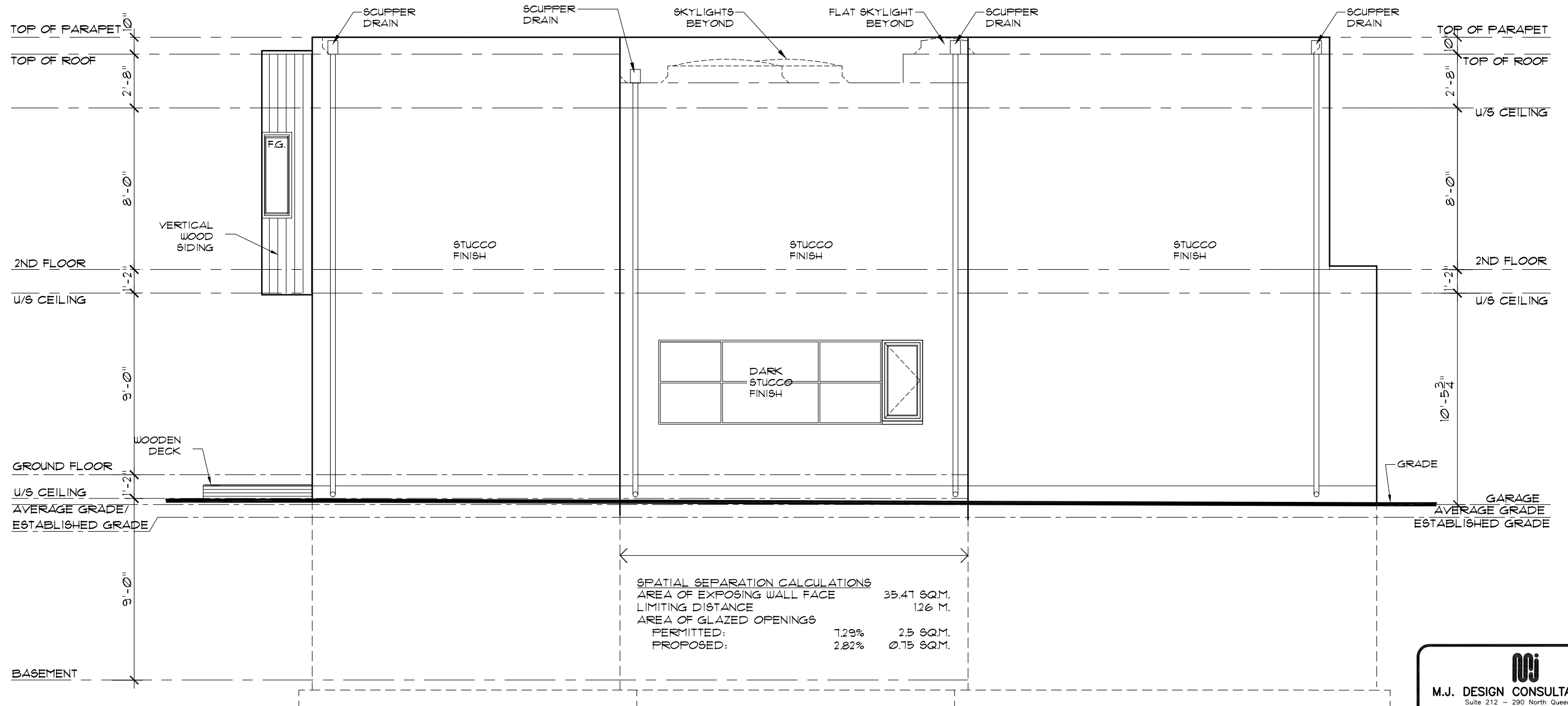
EAST ELEVATION
SCALE: 3/16" = 1'-0"

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LOCATION 1 HUNT CLUB DRIVE TORONTO, ONTARIO		
TITLE WEST ELEVATION		
SCALE AS SHOWN	DRAWN A.B.	
DATE MARCH 2018	CHECKED R.R.	
PROJECT NO.	DRAWING NO. 5	REVISION NO. 1



NORTH ELEVATION

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

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LOCATION
 1 HUNT CLUB DRIVE
 TORONTO, ONTARIO

TITLE
 WEST ELEVATION

SCALE
 AS SHOWN

DATE
 MARCH 2018

DRAWN
 A.B.

CHECKED
 R.R.

PROJECT NO.	DRAWING NO.	REVISION NO.
	5	1