

# DECISION AND ORDER

**Decision Issue Date**      Wednesday, April 25, 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): JONATHAN BALFOUR

Applicant: ROBERT SPEKTOR

Property Address/Description: 171 WILLOW AVE

Committee of Adjustment Case File Number: 17 156767 STE 32 MV (A0515/17TEY)

TLAB Case File Number: **17 231497 S45 32 TLAB**

**Hearing date:**      Thursday, April 19, 2018

**DECISION DELIVERED BY** Ian James LORD

## INTRODUCTION

This is an appeal from an approval by the Toronto and East York District panel of the City of Toronto's ('City') Committee of Adjustment ('COA'), in respect of 171 Willow Avenue (the 'subject property'). The COA granted two variances, with conditions, to each of City By-laws 568-2013 (the 'new zoning by-law') and By-law 438-86 (the 'existing zoning by-law'). The variances sought are set out on **Attachment 1**, with attendant conditions, and form part of this decision.

The subject property is improved with a one and one-half storey bungalow and detached shared garage; it is located on the east side of Willow Avenue north of Queen Street in the 'Beaches' area of the City. Willow is a one-way street, southbound.

The subject property is located on the more pronounced grade of the street falling southward to Lake Ontario.

## BACKGROUND

The applicant sought approval to renovate and add to the subject property by constructing a second and third storey addition to the existing dwelling and add a rear two storey addition, a rear ground floor deck and a rear third floor terrace. To

accomplish this, having chosen a flat roof design, relief was required for the height of front and rear exterior walls, increased floor space index/gross floor area ('fsi'/'gfa') and recognition, under the existing zoning by-law, of a reduced side lot condition.

I indicated that I had visited the subject property and reviewed much of the pre-filings.

## **MATTERS IN ISSUE**

From the outset, opposition was taken to the massing and scale of the proposal and its resultant impact, with no concern expressed regarding the reduced north side lot line setback.

The application would raise the maximum permitted height of the front and exterior main walls from the permitted allowance of 7.5 m to 9.03 m, and the fsi/gfa from 0.6 permitted to 0.78 times the area of the lot.

Exception was taken to the massing and built form in respect of blockage of light, views, increased shadowing and privacy/overlook concerns.

## **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**

This matter consumed three full days of Hearing time with literally dozens of documents and hundreds, if not thousands, of pages of reference material.

Two qualified professional planners gave evidence on opposite sides of the issue, along with two lay citizens.

A senior practitioner planner acted as Representative to the appellant.

The evidence of the applicant was presented by Michele Charkow, whom I qualified without objection as a registered professional planner. She acknowledged as not being an arborist or urban designer.

Her evidence can be briefly stated and is supplemented by her witness statement, Exhibit 3;

1. The fsi/gfa proposed is well within the mid-range of existing development and approvals;
2. The flat roof design reflects that there is no restriction on the style; three storey dwelling components are a common feature of the neighbourhood;
3. The 7.5 m limitation on main wall height in an 'R' zone acts as a check; here, the massing steps back at the rear in common reflection of adjacent residences to the north and the relief requested is well within existing conditions and the range of approvals;
4. Shadowing is minimal over as-of-right on standard City analysis;
5. Site constraints mitigate towards the use of the existing structure footprint whose current age and fsi of 0.421, warrant redevelopment to a modest size residence of 0.78 fsi (214.3 m<sup>2</sup>) given an average fsi of approvals at 0.894 times lot area;
6. Site constraints include: mature overhanging trees; dramatic grade changes of approximately 1.5 m north to south and west to east; a mutual driveway; and mutual retained garage (with the abutting property to the south), contributing to a 'saw-tooth' streetscape roof line;
7. Area character change elements are minimal: no relief is requested for front, rear or south yard setbacks; overall building height (allowed at 10 m); building length or depth; parking; landscaped front and rear yards;
8. The dwelling type, scale and massing proposed is in keeping with a local area eclectic mix of 2 and 3 storey detached and semi-detached dwellings with abundant activity of renovations, redevelopment and replacement dwellings complementing a wide variety of sizes, tight built form, zero side yards and new structures that are larger, longer and taller than existing dwellings and are requesting of variances common to that proposed (Exhibit 2, page 26, Summary Chart (Willow Avenue, 10 year snapshot));
9. The appellants property, and it's neighbour to the north (173 and 175 Willow Avenue, respectively) are 3 storey semi-detached units and are representative of a similar built form, high fronts, shallow or flat roof forms, recessed and lower rear yard extensions to that proposed. No. 175 Willow Avenue enjoys variances for fsi/gfa at 0.97 and a main wall height of 10.52 m, both exceeding the proposal;
10. Neighbourhood character demonstrates contemporary designs to that proposed: 177, 133, 219-221, 179 Willow; 25-27 Pine Avenue.

Ms. Charkow provided the opinion that the proposal is consistent with the Provincial Policy Statements as modest form of intensification making efficient use of the land resource; she felt it conformed to the Growth Plan, which she said encouraged

efficiency and a mix and range of dwelling units within built boundaries served by transit.

For the reasons above listed, she concluded the proposal met the Official Plan, zoning tests of 'no change out of keeping' and as having physical compatibility that will 'fit' with the variety of differing typologies and architectural styles in the neighbourhood. Contrary to any concern to destabilize the neighbourhood, she opined that the proposal maintains a compatible character while being original, but consistent with renovated and new buildings. She applied the considerations and criteria of the Official Plan, sections 3.1.2.1 and .3 and concluded the proposal marries the old ground floor façade form (retained) with the new, vertical, articulated inset. She noted the reduced building length of 15 m, is below the permitted 17 m, and the two storey rear addition at a 6.44 m height, is separated by an increased setback to the north of 2.12 m. She noted very minimal shadow impacts from a specifically commissioned shadow study, when compared to an as-of-right longer building length.

She acknowledged site development requires a full tree analysis and that the minimum wall height in the zoning by-law constituted a trigger to control massing. She said, however, that the control was not coupled with a flat roof prohibition or any by-law restriction on flat roofs.

On the tests of 'desirability' and minor, she repeated that in her analysis of 28 COA decisions, the issue of size and massing was not determinative as a range from 0.63 to 1.21 times lot area was represented, with the Willow Avenue average at 0.894, well in excess of the subject proposal. She was firmly of the belief that the proposed dwelling size was in keeping with the area character; larger massing numbers and fsi across the street were not necessarily discernable.

She was of the opinion that the proposal was compatible with the built form in the area, including being minor in scale, height and massing. She suggested the design features were attractive, that the 'four tests' were met and that the proposal and variances constituted good planning and warranted approval.

Ms. Charkow provided what she termed as 'discrepancies' in the appellants' findings. These centered on the following areas:

- a) Data discrepancies: property data;
- b) 'Storey' definition, differing from the by-law definition of a storey as not differentiated or recognizing of 'half' storeys;
- c) Lack of connectivity between building permit data and COA approvals;
- d) Use of MPAC data generally;
- e) Massing diagrams not usable as shadow analyses as not being completed in accordance with City Terms of reference.

In questioning by Mr. Balfour (Sn), she acknowledged that site constraints prevented construction of the as-of-right shadow study example; that the tree study did not address possible impacts on the tree canopy; that she did not address, in her discussion of light and privacy, any impact on views; that differing roof treatment shapes could have a different perception of the impact of mass; that her interpretation of the main wall height limit as a 'trigger' for review had no Official Plan policy support; and that the height of the parapet above the third floor, at 0.66 m, added to the 10 m as-of-right permission and to the visible mass of the building.

John Cameron, participant, gave lay citizen evidence as the Acting President of the Balmy Beach Residents Association. He expressed two areas of concern

respecting the proposal on appeal: tree canopy protection; and the potential precedent definition of a three storey building and its neighbourhood impact.

In his view, the flat three storey roof portion presented to the street a 'commercial appearance'. He suggested that the neighbourhood had a settled 'gabled or pitched roof character trait'. Namely, that variations have slopes with a gable or dormer features. He suggested there are no examples of three storey flat floors and roofs at grade on the front of the house.

In cross examination, he suggested that an integral garage with two stories above is not a three storey building. He did acknowledge at 27 Pine Street, a new three storey building with integral garage at 10.9 m but suggested three storeys without an integral garage has more impact. He suggested that this design issue is accentuated by grade changes. He acknowledged some unfamiliarity with the proposal on the subject site insofar as it steps down one storey by the rear two-storey addition.

The evidence of the appellant was presented in two parts: much of the research was conducted by the owner of 173 Willow Avenue, Mr. Jonathon Balfour, in conjunction with the direction and consent of Ms. Marina Haufschild, a Registered Professional Planner, with a specialty in urban design.

Mr. Balfour described his family's recent purchase of 173 Willow Avenue, adjacent and uphill from the subject property, as anticipating redevelopment but with the 'expectation' that zoning would protect some light and views to the nine windows on his south wall.

He provided a lengthy letter to the COA and to the TLAB describing his goal to protect sunlight and view into the main floor bay window and upper floor rooms.

He described his issue as 'not design, but impact'.

The house on the subject property is three feet from the property line; its low profile and clear views from the elevated hill perspective of his own property would be directly affected by construction next door.

From the proposal, he deduced that the front and side walls, increased by the parapet, would create a wall height directly impacting on these amenities in a manner not representative in the area.

He was of the view that a mass greater than the by-law(s) permission of 0.6 times would act to facilitate the length, height and rear addition and have consequent impact.

In the absence of any compromise (excepting an offer of contribution to a skylight), or acceptance of any offered alternative massing, opposition to the variances was engaged in the interests of protecting from 'confiscation' light, views and privacy – the latter from the presence of proposed decks.

Mr. Balfour undertook an extensive, careful, diligent and detailed, if not an extraordinary effort to identify and describe neighbourhood character.

He was concerned, at the COA, that area character had been mischaracterized and that non-compliance with the by-laws would lead to bigger, taller buildings – based on variance activity descriptions.

To achieve this, in consultation with the planner, a primary and secondary study area was defined, an extensive photo library compiled, a 10 year COA data base plotted and an extensive record of building permits were gathered, sifted, categorized, distilled and coupled with Municipal Property Assessment Corporation ('MPAC') data on properties, numbers of stories, size and lot area.

From this, several elements of character were distilled by the appellant and his advisor:

1. 90% of the properties do not have variances
2. There was only one height and fsi variance on Willow Avenue
3. More building permits exceeding \$25000 were issued than variances
4. MPAC data generally confirmed City and COA records on nearby Willow Avenue properties as having smaller floor area (1650 sq ft), compliant densities (@0.61 times), lot sizes @ 2800 sq ft and heights, measured in storeys at an average of 2 storeys under dormers as a half storey, with no three storey residences.
5. In testing the MPAC data, he found it comparable with no systemic bias, in aggregate. He acknowledged house by house differences and unreliability, both directly and in cross examination.

He concluded that in both study areas, owing to differing characteristics, the proposal was larger, taller and, in his view, more intrusive ('dramatic impact') than the existing character of the area demonstrated.

In cross examination, with respect to height and roof designs he acknowledged 'endless variations' in approach, including lower height uphill dwellings, but contended that the main wall height provisions of the by-law were trying to prevent what was being applied for. He said he did not know the principle that there is no right to a view protected by zoning and stated he could not deal with the suggestion of a balcony privacy screen: it raised the wall up again; he was not requesting a screen and "did not understand the implications of asking" for a privacy screen.

Ms. Marina Haufschild was qualified on the basis of Exhibit 7 as a planner with 20 years of experience based on a planning and urban design education and practice, including as an urban design planner dealing with the physical fabric of municipalities.

She acknowledged this was her first exposure giving private sector consultant advice in Canada and before the tribunal. She had had no prior experience in Toronto and had no other retainers, past or present.

With the qualifications expressed, current municipal employment, full membership in the Ontario Professional Planners Institute, a RPP and having signed Form 6, I qualified her to give professional land use planning opinion evidence.

She was later cross examined extensively by Mr. Stewart on the advice she provided to residents and the Ontario Municipal Board one street to the west, Silver Birch Avenue, as not being fully independent.

In discussing and verifying the approach and research conducted by Jonathon Balfour and adopting it as her own, Ms. Haufschild advanced several opinion propositions:

1. The research constituted a detailed area character and impact analysis of the light, view and privacy issues identified "and the design features imposed";
2. She prepared a design presentation in two dimensions at street level perception to aid her opinion evidence on the statutory tests and provincial policies;
3. She demonstrated the apparent break point on the proposed front elevation of the 7.5 m main front wall standard and commented that the first level

- traditional materials are not being carried up with only a 48 cm vertical articulation breaking the height presentation;
4. She reinforced the statistical evidence of Jonathon Balfour of a distinct older home residential area, with a street hierarchy and residential buildings ranging in types from singles to triplexes, many with 2 1/2 storey upper levels with mature, attractive landscaping, and with Willow Avenue being a narrower street and a special pocket of tight 2 and 2 1/2 storeys, with gables and front porches in a 'highly orchestrated street façade' of smaller, vaulted roof buildings, sloping downwards with no three storey houses;
  5. She noted that renovations and replacements had respected the main wall heights in the 'one block most germane area';
  6. She challenged the arborists report for not assessing loss of canopy, an obvious expectation;
  7. She concluded, on the application of Official Plan policies 2.3.1., 3.4.1 and 4.1.5 (f), (g), 4.1.8 and others that the type, massing and scale of the proposal broke the most visible plain. Using her 3D model, she opined that the proposed mass, a product of shape and size influenced by the roof, created a blank, highly visible wall, atypical of adjacent relationships and lacking in compatibility features. To her, it presented a more 'institutional' appearance;
  8. Using the same model to assess light and impact, she asserted the opinion of shadowing and overlook impact;
  9. She concluded that the policy and regulatory intent was to respect and reinforce area physical character but that this proposal did not do so: it is inconsistent and engenders instability with incompatible scale and massing through the design height causing unacceptable adverse impact on the neighbouring property (light, view and privacy), shade trees, quality of life and visual amenities through variances that are neither minor nor desirable;
  10. She concluded her evidence by suggesting that 'design and compatibility are needed for stable residential neighbourhoods' and that "(the proposed) design does not have an adequate contribution", that its impacts and will destabilize and result in a likely loss in tree canopy – and should be refused.

In a full day of cross examination, some additional matters and admissions were elicited:

Ms. Haufschild acknowledged that COA approved projects are "a part of the built form fabric, but some designs are successful and some address issues that could be done better"; that it is difficult to separate personal, professional and experience; architectural variety is subjective and contemporary designs can be compatible; that, as a policy direction, impact is not intended to be eliminated; here, the concern for impact is only on the adjacent property, not the neighbourhood; the proposed tree protection conditions give comfort but not to the extent that protected trees won't be affected; the overall permitted height is not being exceeded; heights in storeys are determined by visual representation; density is not one of the Official Plan criteria and the deployment of density on the subject property is very similar to that next door; gfa is a commonly sought variance; here, gfa has to be considered in the context of design.

## **ANALYSIS, FINDINGS, REASONS**

There are essentially two variances sought: to gross floor area and main wall height. The latter variance, arising under the new zoning by-law has been, in a decision by the Ontario Municipal Board, remitted to the City for further consideration. While not determinative, the lengthy discussion as to the origin and purpose of this standard of 7.5 m for front main and rear wall heights is somewhat moot. Recent discussion suggests its reconsideration in those areas of the City, including the subject area, where the consequential effect of the standard would be to drive building height down, below established heights in the area.

I am inclined to treat this standard as a performance standard that requires consideration. I agree with the appellant that the neither the Official Plan nor any other instrument depicts this standard as a 'trigger', to address anything in particular as an area characteristic. By the same token, I was not referred to any support for the rationale that this (new) standard was to act as a break point or plain for design, massing or any other particular objective, in this neighbourhood or any other.

The issue is whether its variance, on all relevant considerations, gives rise to a basis to grant relief or not.

There is no contrary evidence for the full support given to recognize, maintain or permit the north side lot line setback to 0.32 m under the existing zoning by-law. Indeed, there was some evidence that this variance may no longer be required, having been superceded by the above mentioned OMB decision approving side yard dimensions.

That, however, need not be decided as it is the policy of the TLAB to address all the variances remitted to it on appeal.

Were the evidence of the applicant left unchallenged, I would have no hesitation in adopting the majority of the evidence and recommendations of the applicant's planner. I found Ms. Charkow's evidence to be thorough, credible, well founded in comparison and conclusion. It presented an apparently accurate and representative canvass of the physical built form of the neighbourhood and the application of the relevant policy, regulatory and opinion tests established by statute respecting policy and impact considerations.

The appellant provided different opinion advice, derived and supported on an evidentiary base in a credible manner by three witnesses. That advice leads to a diametrically opposite conclusion insofar as the relief requested in Attachment 1 is concerned.

More or less central to the evidence of all three witnesses that spoke against the variances sought, was a fundamental tenet: namely, that the design of the proposed project was the source of the assertions of undue adverse impact. That impact, describe variously as 'quality of life' impacts, was largely focused in its incidence on the adjacent, abutting property to the north, owned by the appellant.

That incidence, as described by Ms. Haufschild related to light, view, privacy, shadowing and possible tree canopy reduction.

Indeed, the appellant termed the perceived impacts as a 'confiscation' of these amenities through height and massing, at the appellants' expense.

Mr. Cameron raised the bar somewhat to suggest that the impact of the design of a three storey building, without an integral garage or gabled roof, could set a precedent and have neighbourhood impact.



He termed the design as having a 'commercial' appearance; Ms. Haufschild used the term 'institutional'.

I see all these references as inextricably aligned with opinions on architectural design connected obliquely, at best, to the variances sought.

I do not see it as the role of the TLAB to sit in arbitration of design preferences for proposed buildings or structures. In the entirety of the appellants' evidence, there were multiple references, direct and indirect, to the design features of the proposal. It was compared to descriptions of neighbourhood prevalence of peaked, mansard or gabled roof designs; it was compared to its presentation from street level on somewhat rudimentary 3D drawings; it was discussed in terms of alternative options open to the owner applicant to address design and deployment of density in different ways; and it was critiqued by Ms. Haufschild in urban design terms and use of materials and articulation as to what is proposed and what might have been.

Urban design is not excluded from consideration by the City Official Plan as a relevant consideration; building design however, is nowhere identified as being within the exclusive jurisdiction of the COA or the TLAB, on appeal. Although there are elements of design that may be reflected in the physical character of an area, the test of prevalence or predominating influence is not yet present, except in limited aspects of policy 4.1.5 of the Official Plan. OPA 320 is not yet in full force and effect and its provisions cannot be determinative of the resolution of this appeal.

I find the proper approach to be the application of the evidence from the general to the specific, the latter relating to the site and its surroundings.

Despite lengthy testimony, I see little to distinguish the area characteristics described by the four witnesses: Ms. Charkow; Mr. Cameron; Mr. Balfour; and Ms. Haufschild. All agree to diversity in unit type, eclectic mix, variety in house forms, variety in roof treatments and in fsi/gfa, heights of buildings, parking solutions and age of structures. Similar agreement seemed to flow with area descriptive measures of commonality of setbacks, streetscapes, tight urban massing and significant mature vegetation accented by changing grades.

I am not prepared to find that anything turns on the use of City, COA or MPAC data sources, at least on the aggregate levels deployed. I find that there is adequate evidence, if not agreement, that the neighbourhood is being subjected to substantial renovation and rebuilds, that densities as measured by fsi/gfa are on the upswing with new projects and that the subject application falls within the range, even the low end of the ranges, for common fsi/gfa increases and main exterior wall heights, although that relief has clearly been the subject of more limited requests.

The appellant perhaps went to a finer grain of analysis in reviewing building permit approvals in excess of \$25,000 to conclude they were disassociated with variances and did not support, alone, the applicants' requests.

However, I find that Ms. Haufschild's concentration on impact analysis to be confined to the neighbouring property of her client, the Balfours. This somewhat undercuts any assertion that the proposal is uncharacteristic of or disadvantageous to the primary or secondary neighbourhoods that she defined with Mr. Balfour.

I agree with the 3D renderings analysis presented that the height of the proposal is distinctive, made more so by the change of the grade on the subject property and the general steep sloping terrain on either side. However, I do not think this 'appearance' dictates the height by itself is unacceptable. The vicissitudes of the site, below, are a

consideration and I accept Ms. Charkow's description that they had an influence on design. The architect choose to utilize the footprint of the existing building, thereby reducing the potential for impact on tree roots on the appellants' Willow Avenue frontage. The driveway, being subject to a mutual right-of-way presented a design constraint. The on-site grades suggested using existing grades. And the two storey rear extension and decks replicate the design topography of both neighbours immediately to the north.

Most notably, there is no absolute height variance requested. Any built form on the lot could use the full height permission allowed under the zoning by-law(s). The main exterior wall height relief requested uses that space that might otherwise be there in a height form of a different configuration.

In this regard, although an invasion on light, view, privacy, shadowing and tree canopy were asserted, there were no proportionate measures of these impacts attested to. While I am satisfied some deterioration from the present environment may occur with the project as proposed, I am not satisfied that they arise to the level of impact beyond that normally expected in a tight urban environment, acknowledged by all the witnesses. Without some metrics and appreciation of measurement to gauge impact, I cannot find these influences arising and attributable to the variances sought are either themselves the cause, or constitute unacceptable adverse impact.

For light, there will be a diminution on some levels from that currently experienced; it will not be eliminated;

For view, Mr. Balfour's images of impact were not confirmed nor was the effect of a shorter building length of 15 meters addressed with the reduced built form setback of the two storey addition. As well, the planning instruments do not purport to protect existing views or view planes, in this circumstance.

For privacy, area character contemplates rear yard decks. While overview can be problematic, it is also an expected incidence in tight urban settings. In the proposal, the more offending deck is off a bedroom level and is unlikely to be an issue for most of the year. The offer of a privacy screen was essentially eschewed, perhaps out of a concern to be seen to be conciliatory or the genuine appreciation of the appearance of greater massing.

For shadowing, two forms of shadow analysis were presented. It is axiomatic that current conditions will not be replicated. The City does not require shadow studies for single detached dwellings. Whether the applicant study was biased toward a comparative project as-of-right that could not be built, or the appellants study premised on a bias for incomplete building attributes, is not determinative. Neither presented a picture of unacceptable adverse impact even if that consideration is included in the relevant policy and statutory directions.

I consider that the impacts from each of these sources, while understandably not welcomed, are within the tolerable range, individually and cumulatively, on the evidence supplied.

I agree that design and architectural style is not the mandated consideration to frame the variances sought.

While I find the evidence of both professional planners to be generally credible, there are a number of areas where I prefer the evidence of Ms. Charkow: these include

the interpretation of the City by-laws generally and specifically on the definition of a 'storey'; and the protection afforded trees by the proposed conditions.

I do not find the variances requested anywhere near the scale of presenting a precedent. I leave to each application the obligation for justification on its merit.

I agree with the argument of Mr. Balfour (Sn) on his point that Willow Avenue has some distinctive attributes, including a reduced street width and, in this section, a pitched grade to the south. While I do not consider the proposal to be a 'large new dwelling' at a tipping point for area character, I do agree that its appearance of height in its on-site circumstance is unnecessarily accentuated by the vertical lines, absence of roof level fenestration and a monolithic parapet above the third floor.

I would like to see this modified and will include a condition reducing the parapet to a level extending no more than six inches (0.15 m) above the finished roof level of the third floor only.

I have had regard to the COA decision and the extensive materials filed with it and before the TLAB.

In all respects not mentioned, I find that the variances in Attachment 1 are consistent with the Provincial Policy Statements, conform to the Growth Plan and individually and collectively meet the tests above recited under 'Jurisdiction'.

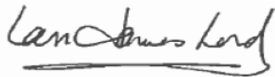
## **DECISION AND ORDER**

The appeal is allowed in part. The variances and conditions of approval contained in Attachment 1 are approved with the following additional condition:

4. Despite Condition 1, the parapet depicted on the third floor roof shall be no higher than six inches (0.15 m) above the finished roof level of the third floor roof only.

For greater certainty, the plans referenced in Condition 1 are attached as Attachment 2 hereto.

X



---

Ian J. Lord

Panel Chair, Toronto Local Appeal Body

Signed by: Ian Lord

**171 Willow Avenue – List of Variances and Conditions****1. Chapter 10.10.40.10.(2)(A), By-law 569-2013**

The maximum permitted height of all front and rear exterior main walls is 7.5m.

The height of the front and rear exterior main walls will be 9.03 m.

**2. Chapter 10.10.40.(1)(A), By-law 569-2013**

The maximum permitted floor space index of a detached dwelling is 0.6 times the area of the lot (164.52m<sup>2</sup>).

The altered dwelling will have a floor space index equal to 0.78 times the area of the lot (214.63m<sup>2</sup>).

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

The maximum permitted gross floor area of a detached dwelling is 0.6 times the area of the lot (164.52m<sup>2</sup>).

The altered dwelling will have a gross floor area equal to 0.78 times the area of the lot (214.63m<sup>2</sup>).

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

The minimum required side lot line setback for a detached dwelling is 0.45 m for a depth not exceeding 17.0 m and where the side walls contain no openings.

The altered dwelling will be located 0.32 m from the north side lot line.

**Conditions of Approval**

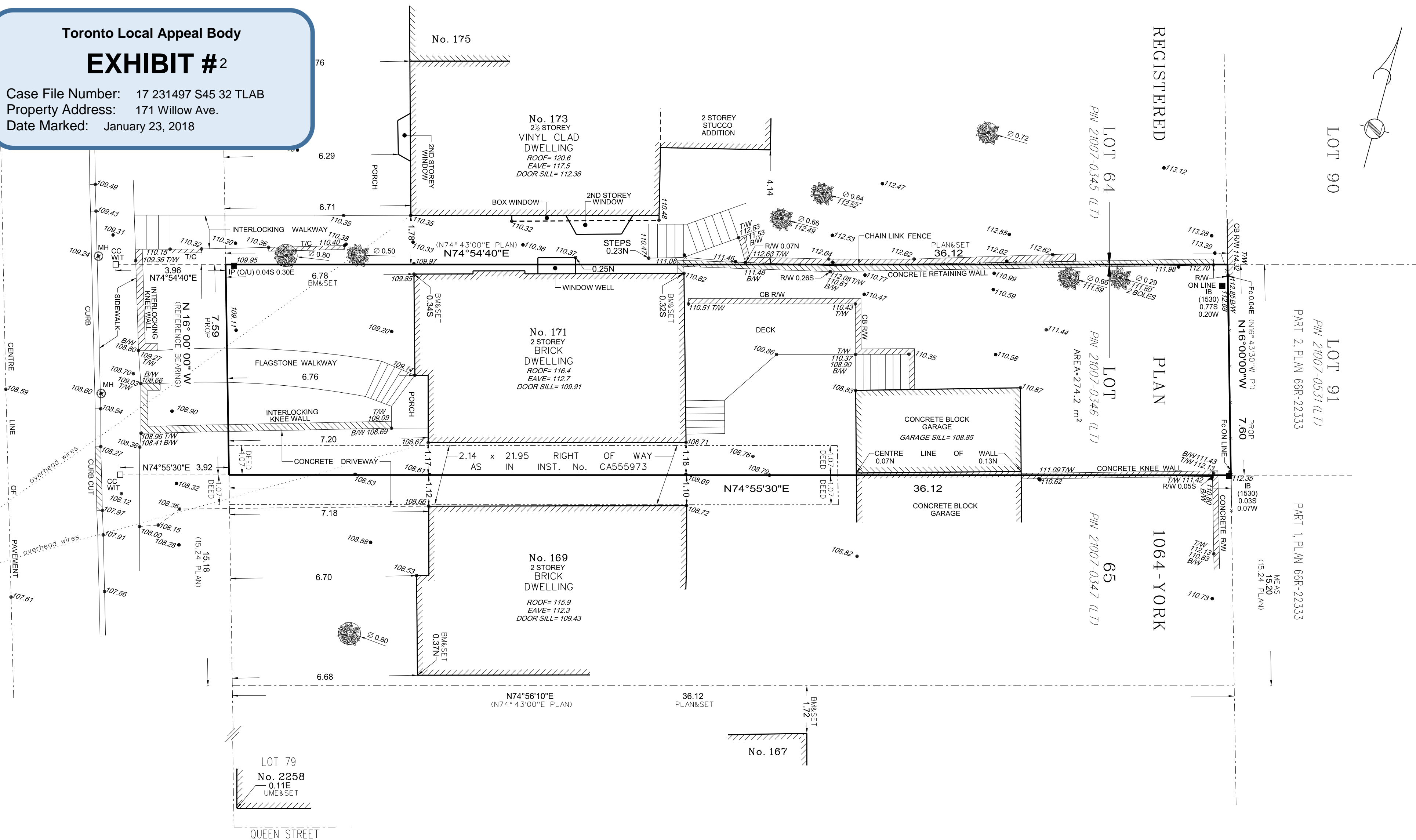
1. The proposed dwelling shall be constructed substantially in accordance with the Site Plan and Elevations dated October 24, 2017, filed as Exhibit 2.
2. Submission of a complete application for permit to injure or remove privately owned trees under Municipal Code Chapter 813 Article III, Private trees.
3. Submission of a complete application for permit to injure or remove City owned trees under Municipal Code Chapter 813 Article II, Street trees.

Toronto Local Appeal Body

## EXHIBIT #2

Case File Number: 17 231497 S45 32 TLAB  
Property Address: 171 Willow Ave.  
Date Marked: January 23, 2018

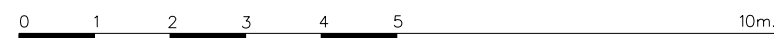
WILLOW AVENUE  
BY REGISTERED PLAN 1064-YORK  
FORMERLY OAK AVENUE  
PIN 21007-0037 (LT)



### SURVEYOR'S REAL PROPERTY REPORT PART 1:

PLAN OF PART OF LOT 65  
REGISTERED PLAN 1064-YORK  
CITY OF TORONTO

SCALE 1 : 100



AKSAN PILLER CORPORATION LTD.

### PART 2:

PREPARED FOR  
LOCATION OF THE BUILDING:

ROBERT SPEKTOR  
WHOLLY ON THE PROPERTY,  
WINDOW WELL IS ABOVE  
PROPERTY LINE,  
CLEAR,  
AS SHOWN ON PART 1,  
AS SHOWN ON PART 1,  
NONE,  
AS SHOWN ON PART 1,  
AS SHOWN ON PART 1,  
AS SHOWN ON PART 1.

EAVES:  
UTILITY BUILDINGS:  
DECKS:  
SWIMMING POOLS:  
EXISTING FENCES:  
EASEMENTS:  
DRIVEWAY:

### LEGEND:

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT PLANTED
IB	DENOTES	IRON BAR
SIB	DENOTES	STANDARD IRON BAR
SSIB	DENOTES	SHORT STANDARD IRON BAR
CC	DENOTES	CUT CROSS
CP	DENOTES	CONCRETE PIN
WIT	DENOTES	WITNESS MONUMENT
O/U	DENOTES	ORIGIN UNKNOWN
N	DENOTES	NORTH
S	DENOTES	SOUTH
E	DENOTES	EAST
W	DENOTES	WEST
F.C.	DENOTES	FENCE
CLF	DENOTES	CHAIN LINK FENCE
BF	DENOTES	BOARD FENCE
P & W	DENOTES	POST AND WIRE FENCE
DEED	DENOTES	INST. No. CA555973
BM	DENOTES	BAIRD & MUCKLESTONE, O.L.S. (OCT. 7, 1937)
EWB	DENOTES	E.W.BOWYER, O.L.S.
PLAN	DENOTES	REGISTERED PLAN 1064-YORK
P1	DENOTES	PLAN 66R-22333
T/C	DENOTES	TIMBER CURB
UP	DENOTES	UTILITY POLE

T/W	DENOTES	TOP OF WALL
B/W	DENOTES	BOTTOM OF WALL
CB R/W	DENOTES	CONCRETE BLOCK RETAINING WALL
MH	DENOTES	MANHOLE
1530	DENOTES	E.W.BOWYER, O.L.S.
00.50	DENOTES	TREE TRUNK DIAMETER

METRIC:  
DISTANCES SHOWN ON THIS PLAN ARE IN  
METRES AND CAN BE CONVERTED TO FEET  
BY DIVIDING BY 0.3048.

BEARING NOTE:  
BEARINGS ARE REFERRED TO THE EASTERLY LIMIT OF  
WILLOW AVENUE AS SHOWN ON REGISTERED PLAN 1064-YORK  
HAVING AN ASTRONOMIC BEARING OF N16°00'00"W.

ELEVATIONS NOTE:  
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE DERIVED  
FROM THE CITY OF TORONTO BENCH MARK CT1084,  
ELEVATION +101.538 m.

### SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH  
THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES  
ACT AND THE REGULATIONS MADE UNDER THEM;  
2. THE SURVEY WAS COMPLETED ON THE 25th DAY OF JANUARY, 2017.

JANUARY 30, 2017  
DATE  
HELMUT PILLER  
Ontario Land Surveyor  
AKSAN PILLER CORPORATION LTD  
ONTARIO LAND SURVEYORS  
943 MT PLEASANT ROAD, TORONTO, ONTARIO, M4P 2L7  
(T) 416-488-1174 (F) 416-488-7843 (E) ap@apsurveys.ca www.apsurveys.ca  
CALC: MU DRAWN: KZ CHECKED: HP  
reference number: 17-24-12329-00



PRIVATE RESIDENCE.

171 WILLOW AVENUE TORONTO. ONT M4E 3K4

DRAWING LIST:

-	EXISTING SURVEY	
ID-000	AERIAL PHOTO	
ID-001	PROPERTY DATA MAP	
ID-002	SITE STATISTICS	
SP-01	SITE PLAN - PURPOSED REVISED	
ID-100	BASEMENT PLAN	
ID-101	GROUND FLOOR PLAN	
ID-102	SECOND FLOOR LAN	
ID-103	THIRD FLOOR PLAN	
ID-200	BUILDING FACADE ELEVATION	(WEST)
ID-201	BUILDING REAR ELEVATION	(EAST)
ID-202	BUILDING SIDE ELEVATION	(SOUTH)
ID-203	BUILDING SIDE ELEVATION	(NORTH)
ID-300	BUILDING SECTION	(LONG)
ID-301	BUILDING SECTION	(SHORT)

ISSUED: TLAB: 24TH OCT 2017

PREVIOUS: PPR: MARCH 2017  
CofA: 8TH MAY 2017



171 WILLOW AVENUE  
TLAB SET

Revision:		
No.	Date	Revision
01	10th MARCH 2017	ISSUED FOR PPR
02	8TH MAY 2017	CofA
03	24th OCT 2017	TLAB

Note:  
This drawing and all copyright therein are the sole and exclusive property of TACT Design Inc. Reproduction or use of this drawing in whole or in part by any means or in any way whatsoever without the prior written consent of TACT Design Inc. is strictly prohibited.

Do not scale the drawing.

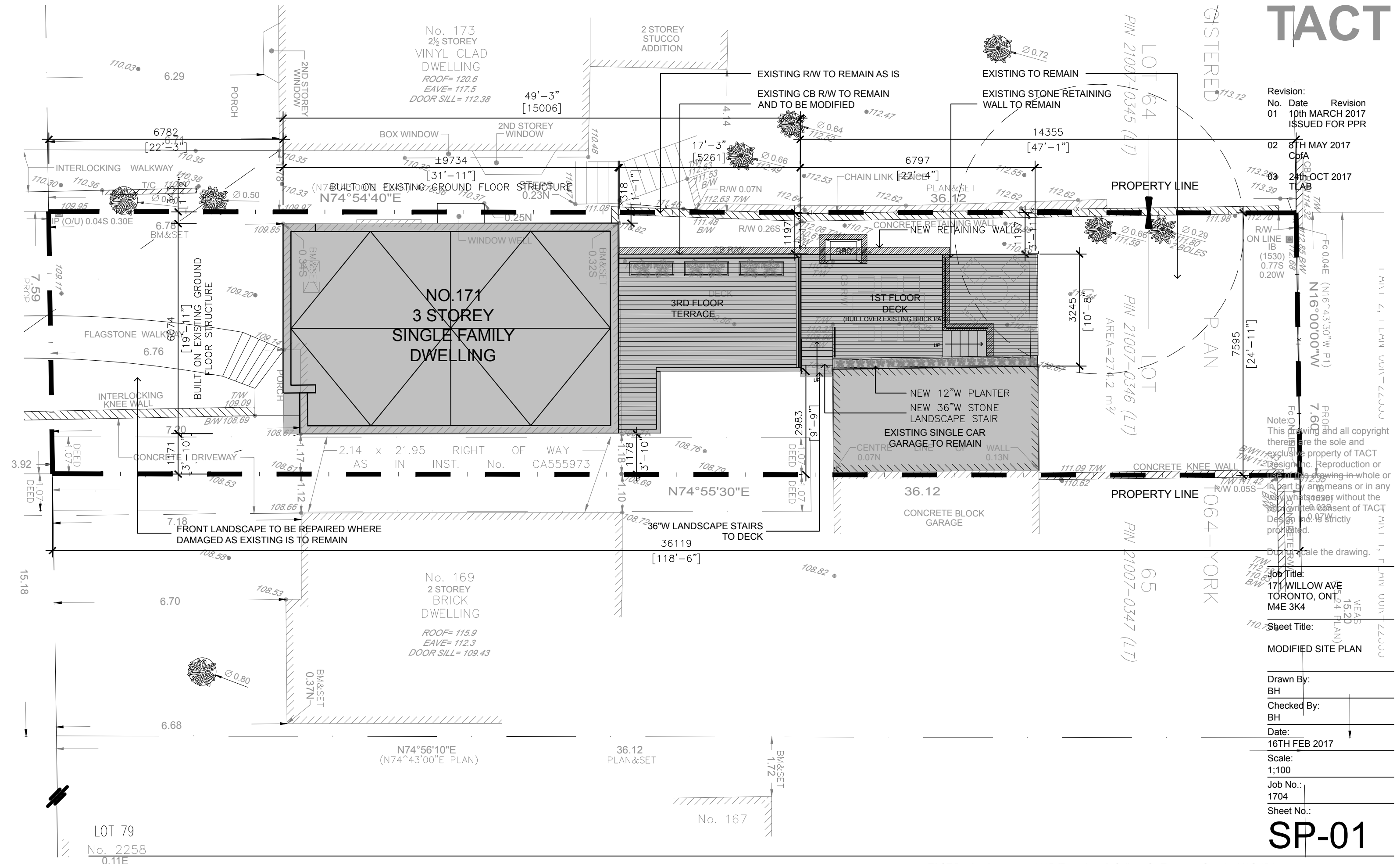
Job Title:
171 WILLOW AVE
TORONTO, ONT.
M4E 3K4
Sheet Title:
SITE STATISTICS
Drawn By:
BH
Checked By:
BH
Date:
16TH FEB 2017
Scale:
NTS
Job No.:
1704
Sheet No.:

ID-002

STATISTICS FOR PRIVATE RESIDENCE

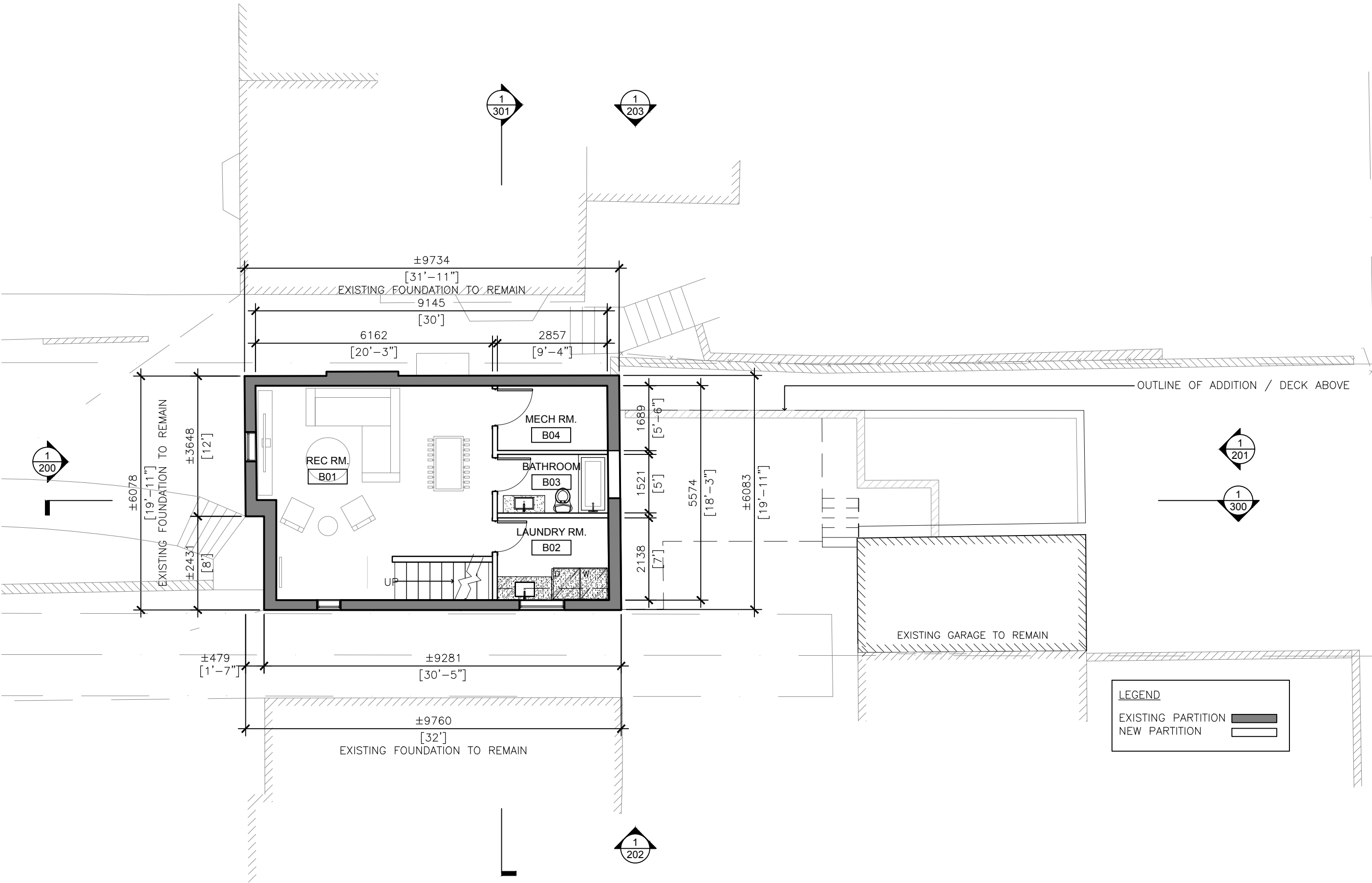
171 Willow Ave, Toronto Ont.,

LOT AREA	<i>m</i>	274.2
	<i>sf</i>	2951.1
LOT FRONTAGE	<i>m</i>	6.78
LOT DEPTH	<i>m</i>	36.12
BUILDING HEIGHT	<i>m</i>	10
PROPOSED GFA (including basement, excluding garage)	<i>m</i>	273.1
	<i>sf</i>	2939.4
FSI		0.99
PROPOSED GFA (including basement and garage)	<i>m</i>	290.9
	<i>sf</i>	3131
FSI		1.06
ESTABLISHED GRADE	By-law 569-2013	109.29
	By-law 438-86	109.26
BASEMENT SLAB ELEVATION	(existing)	109.6
FIRST FLOOR SLAB ELEVATION	(existing)	112.5
DISTANCE FROM ESTABLISHED GRADE TO FIRST FLOOR	By-law 438-86	0.65
SETBACKS		
FRONT	(existing)	<i>m</i> 6.78
REAR		<i>m</i> 7.56
SIDE - NORTH	(existing)	<i>m</i> 0.34
SIDE - SOUTH	(existing)	<i>m</i> 1.17
LOT COVERAGE	(tota)	% 43
HOUSE EXTENSION		% 7
GARAGE		% 6
DECK		% 8
EXISTING COVERAGE	(existing)	% 22
BUILDING LENGTH	<i>m</i>	15.1
BUILDING DEPTH	<i>m</i>	21.7





Revision:		
No.	Date	Revision
01	10th MARCH 2017	ISSUED FOR PPR
02	8TH MAY 2017	CofA
03	24th OCT 2017	TLAB



Note:  
This drawing and all copyright therein are the sole and exclusive property of TACT Design Inc. Reproduction or use of this drawing in whole or in part by any means or in any way whatsoever without the prior written consent of TACT Design Inc. is strictly prohibited.

Do not scale the drawing.

Job Title:  
171 WILLOW AVE  
TORONTO, ONT.  
M4E 3K4

Sheet Title:

BASEMENT FLOOR PLAN

Drawn By:  
BH

Checked By:  
BH

Date:  
16TH FEB 2017

Scale:  
1:100

Job No.:  
1704

Sheet No.:

ID-100

Revision:  
No. Date Revision  
01 10th MARCH 2017  
ISSUED FOR PPR

02 8TH MAY 2017  
CofA

03 24th OCT 2017  
TLAB

Note:  
This drawing and all copyright  
therein are the sole and  
exclusive property of TACT  
Design Inc. Reproduction or  
use of this drawing in whole or  
in part by any means or in any  
way whatsoever without the  
prior written consent of TACT  
Design Inc. is strictly  
prohibited.

Do not scale the drawing.

Job Title:  
171 WILLOW AVE  
TORONTO, ONT.  
M4E 3K4

Sheet Title:

GROUND FLOOR PLAN

Drawn By:  
BH

Checked By:  
BH

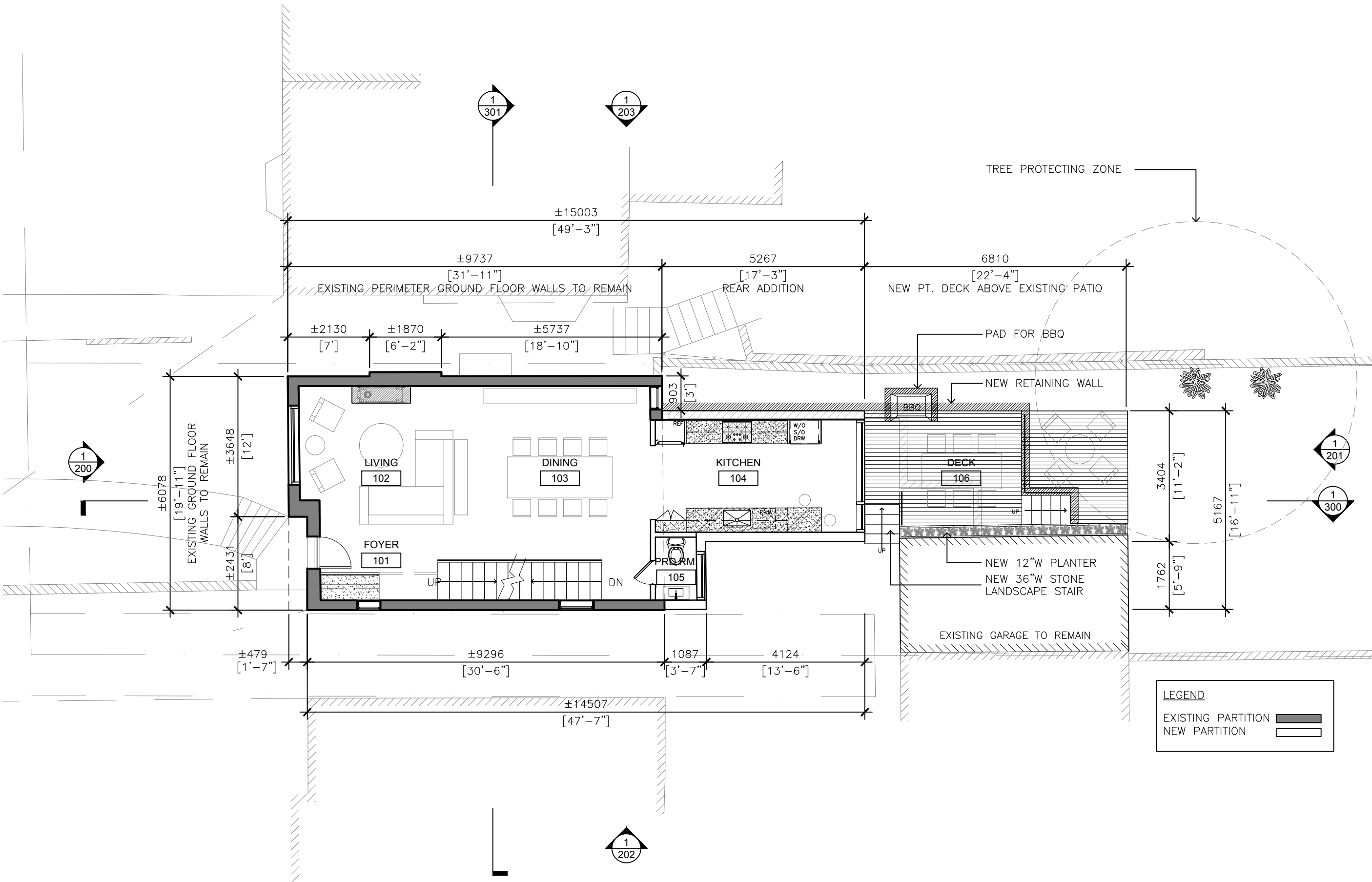
Date:  
16TH FEB 2017

Scale:  
1:100

Job No.:  
1704

Sheet No.:

ID-101





Revision:  
No. Date Revision  
01 10th MARCH 2017  
ISSUED FOR PPR

02 8TH MAY 2017  
CofA

03 24th OCT 2017  
TLAB

Note:  
This drawing and all copyright  
therein are the sole and  
exclusive property of TACT  
Design Inc. Reproduction or  
use of this drawing in whole or  
in part by any means or in any  
way whatsoever without the  
prior written consent of TACT  
Design Inc. is strictly  
prohibited.

Do not scale the drawing.

Job Title:  
171 WILLOW AVE  
TORONTO, ONT.  
M4E 3K4

Sheet Title:

THIRD FLOOR PLAN

Drawn By:  
BH

Checked By:  
BH

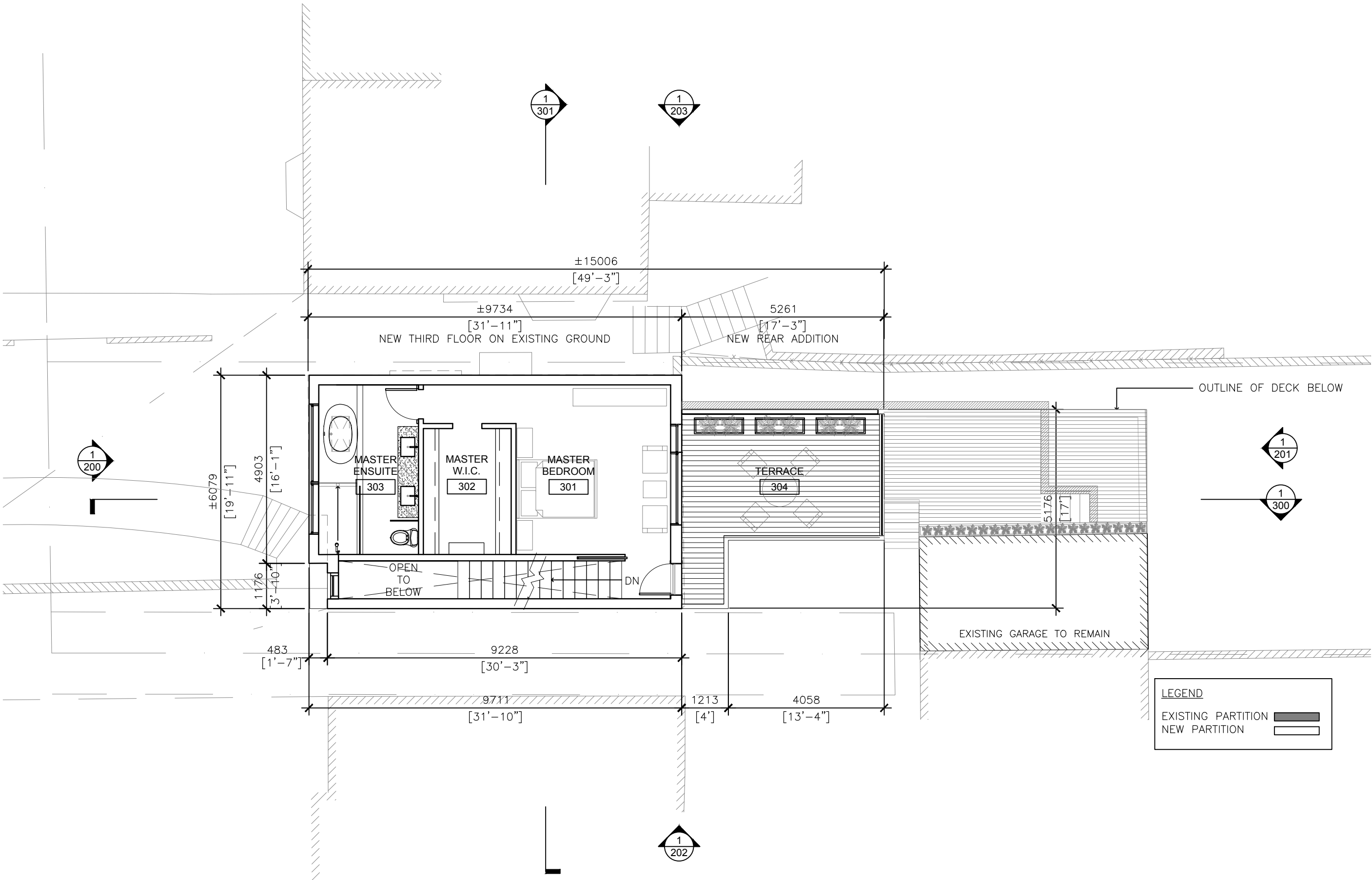
Date:  
16TH FEB 2017

Scale:  
1:100

Job No.:  
1704

Sheet No.:

ID-103



Revision:		
No.	Date	Revision
01	10th MARCH 2017	ISSUED FOR PPR
02	8TH MAY 2017	CofA
03	24th OCT 2017	TLAB

Note:  
This drawing and all copyright therein are the sole and exclusive property of TACT Design Inc. Reproduction or use of this drawing in whole or in part by any means or in any way whatsoever without the prior written consent of TACT Design Inc. is strictly prohibited.

Do not scale the drawing.

Job Title:  
171 WILLOW AVE  
TORONTO, ONT.  
M4E 3K4

Sheet Title:

ROOF PLAN

Drawn By:  
BH

Checked By:  
BH

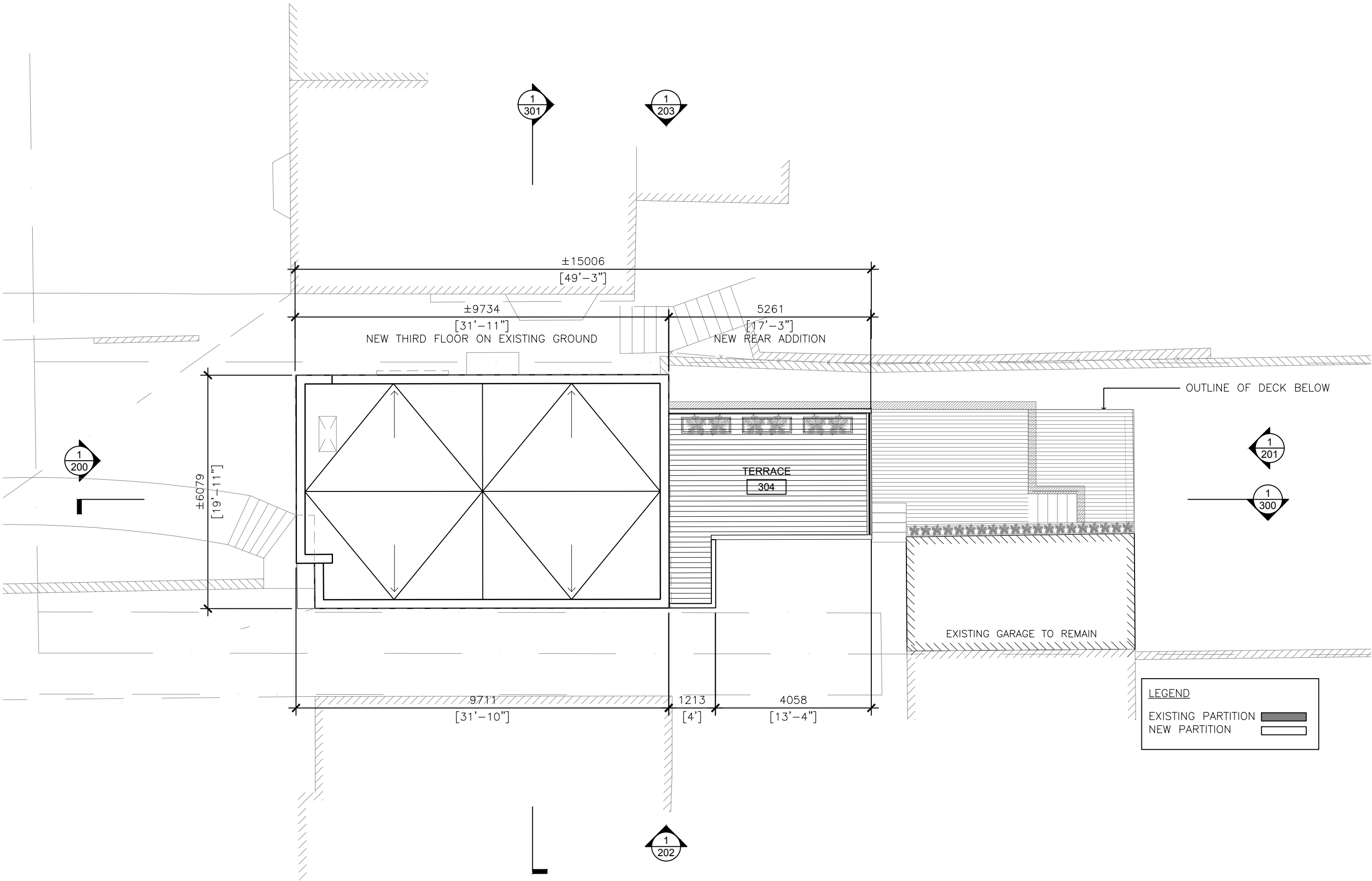
Date:  
16TH FEB 2017

Scale:  
1:100

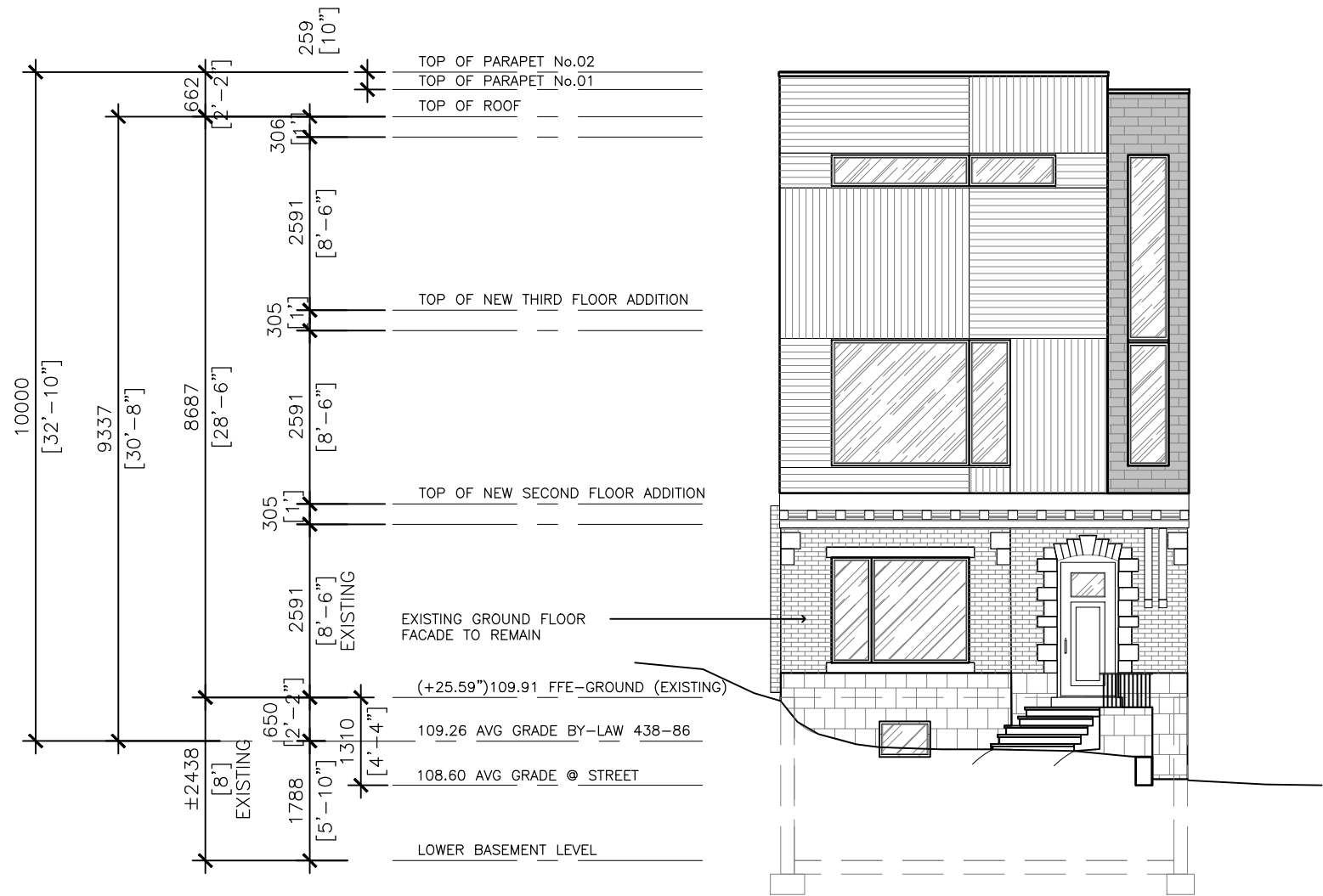
Job No.:  
1704

Sheet No.:

ID-104



Revision:		
No.	Date	Revision
01	10th MARCH 2017	ISSUED FOR PPR
02	8TH MAY 2017	CofA
03	24th OCT 2017	TLAB



Note:  
This drawing and all copyright therein are the sole and exclusive property of TACT Design Inc. Reproduction or use of this drawing in whole or in part by any means or in any way whatsoever without the prior written consent of TACT Design Inc. is strictly prohibited.

Do not scale the drawing.

Job Title:  
171 WILLOW AVE  
TORONTO, ONT.  
M4E 3K4

Sheet Title:

MODIFIED FRONT ELEV.

Drawn By:  
BH

Checked By:  
BH

Date:  
16TH FEB 2017

Scale:  
1:100

Job No.:  
1704

Sheet No.:

ID-200

Note:  
This drawing and all copyright therein are the sole and exclusive property of TACT Design Inc. Reproduction or use of this drawing in whole or in part by any means or in any way whatsoever without the prior written consent of TACT Design Inc. is strictly prohibited.

Do not scale the drawing.

Job Title:  
171 WILLOW AVE  
TORONTO, ONT.  
M4E 3K4

Sheet Title:

MODIFIED REAR ELEV.

Drawn By:  
BH

Checked By:  
BH

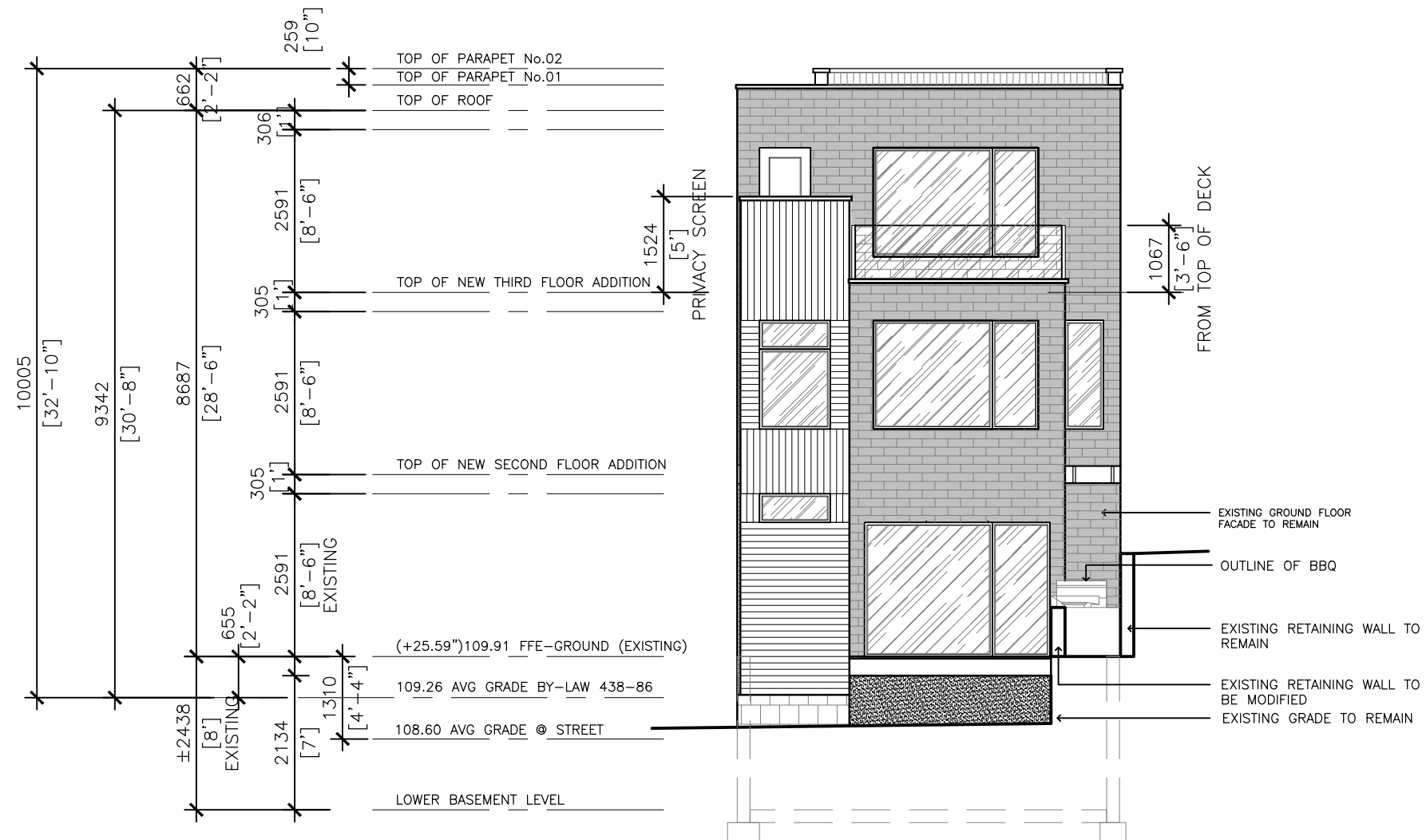
Date:  
16TH FEB 2017

Scale:  
1:100

Job No.:  
1704

Sheet No.:

# ID-201



Note:  
This drawing and all copyright therein are the sole and exclusive property of TACT Design Inc. Reproduction or use of this drawing in whole or in part by any means or in any way whatsoever without the prior written consent of TACT Design Inc. is strictly prohibited.

Do not scale the drawing.

Job Title:  
171 WILLOW AVE  
TORONTO, ONT.  
M4E 3K4

Sheet Title:

MODIFIED SIDE ELEV.  
SOUTH

Drawn By:  
BH

Checked By:  
BH

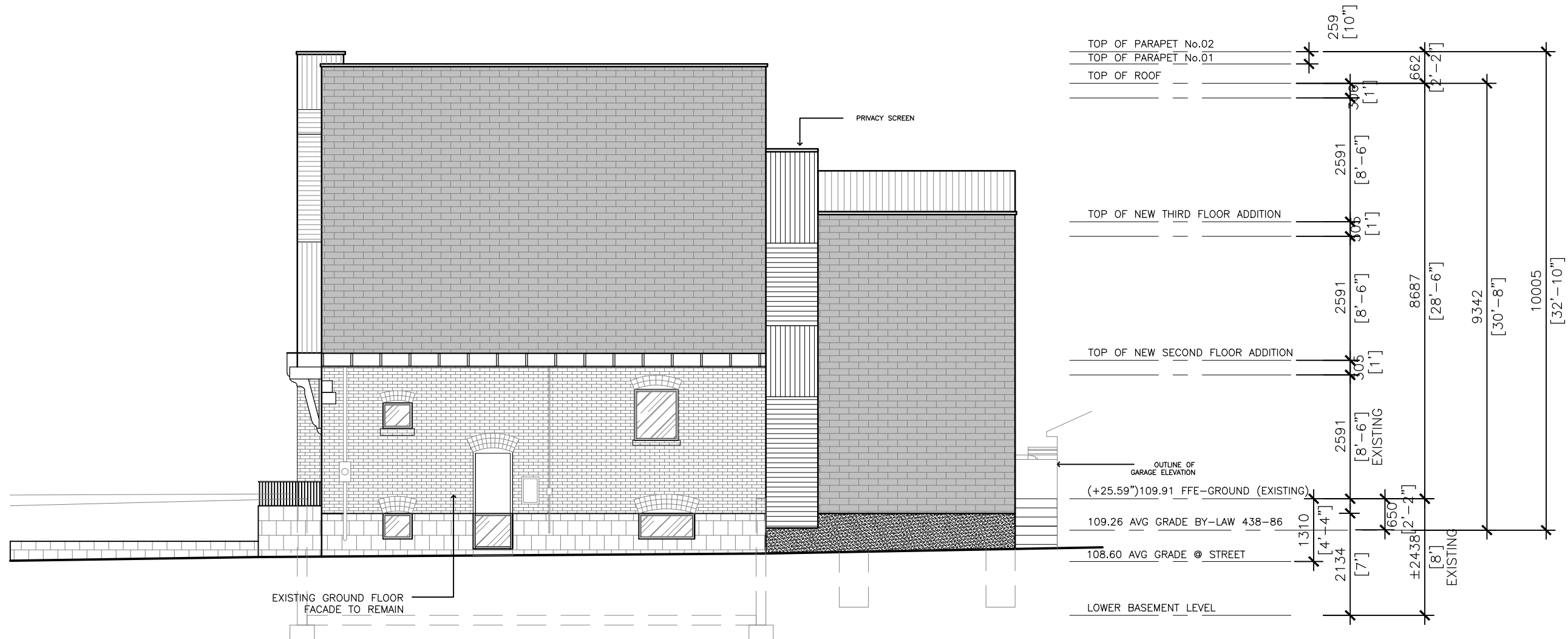
Date:  
16TH FEB 2017

Scale:  
1:100

Job No.:  
1704

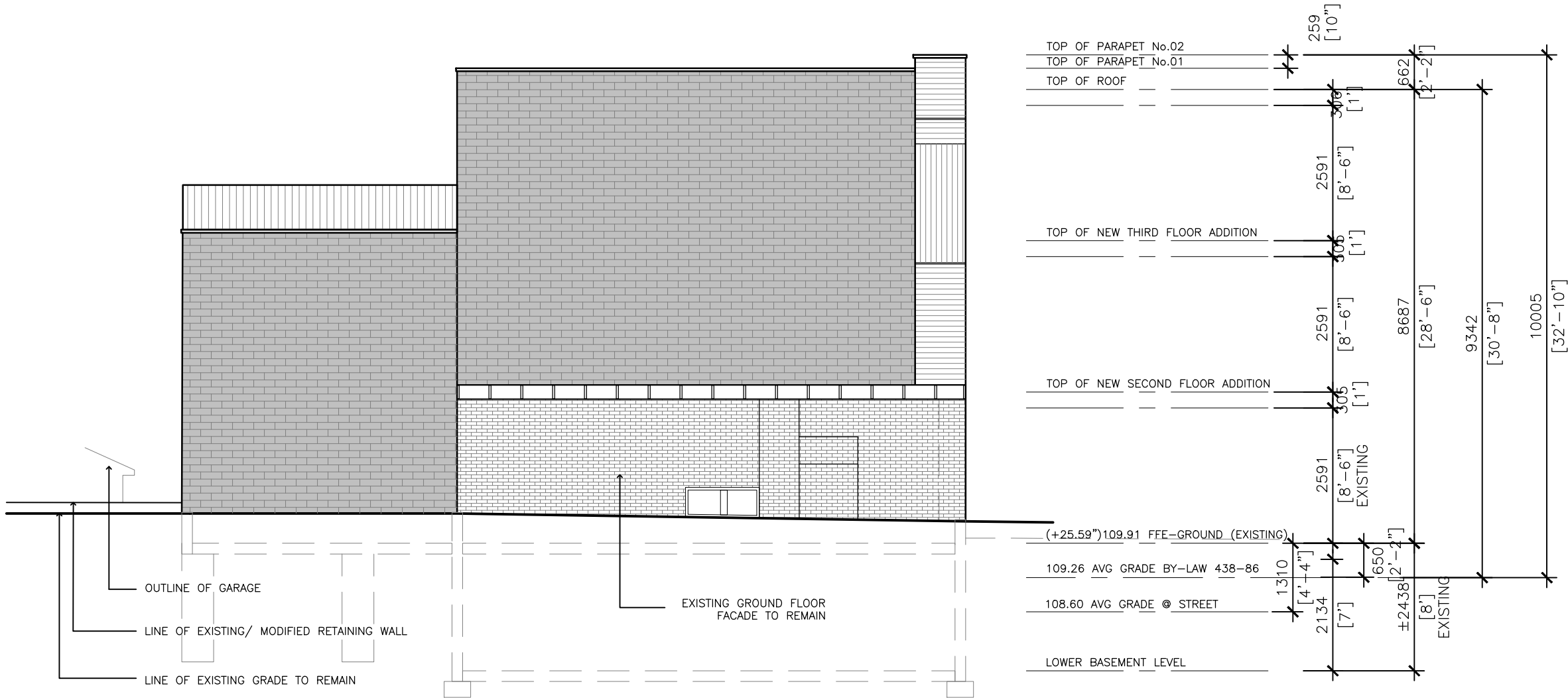
Sheet No.: \_\_\_\_\_

# ID-202





Revision:		
No.	Date	Revision
01	10th MARCH 2017	ISSUED FOR PPR
02	8TH MAY 2017	CofA
03	24th OCT 2017	TLAB



Note:  
This drawing and all copyright therein are the sole and exclusive property of TACT Design Inc. Reproduction or use of this drawing in whole or in part by any means or in any way whatsoever without the prior written consent of TACT Design Inc. is strictly prohibited.

Do not scale the drawing.

Job Title:  
171 WILLOW AVE  
TORONTO, ONT.  
M4E 3K4

Sheet Title:

MODIFIED SIDE ELEV.  
NORTH

Drawn By:  
BH

Checked By:  
BH

Date:  
16TH FEB 2017

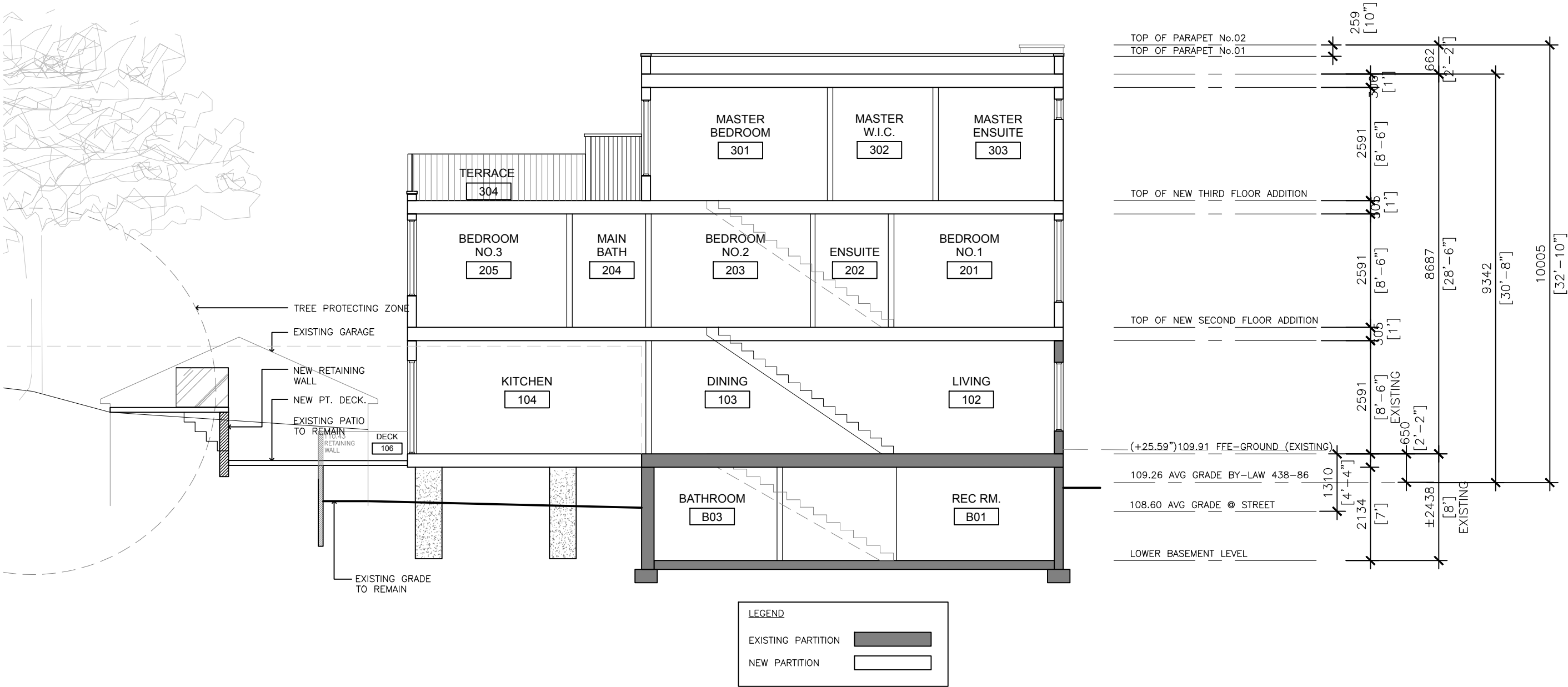
Scale:  
1:100

Job No.:  
1704

Sheet No.:

ID-203

Revision:		
No.	Date	Revision
01	10th MARCH 2017	ISSUED FOR PPR
02	8TH MAY 2017	CofA
03	24th OCT 2017	TLAB



Note:  
This drawing and all copyright therein are the sole and exclusive property of TACT Design Inc. Reproduction or use of this drawing in whole or in part by any means or in any way whatsoever without the prior written consent of TACT Design Inc. is strictly prohibited.

Do not scale the drawing.

Job Title:  
171 WILLOW AVE  
TORONTO, ONT.  
M4E 3K4

Sheet Title:

CROSS SECTION

Drawn By:  
BH

Checked By:  
BH

Date:  
16TH FEB 2017

Scale:  
1:100

Job No.:  
1704

Sheet No.:

ID-300

Note:  
This drawing and all copyright therein are the sole and exclusive property of TACT Design Inc. Reproduction or use of this drawing in whole or in part by any means or in any way whatsoever without the prior written consent of TACT Design Inc. is strictly prohibited.

Do not scale the drawing.

Job Title:  
171 WILLOW AVE  
TORONTO, ONT.  
M4E 3K4

Sheet Title:

CROSS SECTION

Drawn By:  
BH

Checked By:  
BH

Date:  
16TH FEB 2017

Scale:  
1:100

Job No.:  
1704

Sheet No.:

ID-301

