

DECISION AND ORDER

Decision Issue Date Wednesday, May 2, 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): ANNE VOS

Applicant: ROMAN TSAP

Property Address/Description: 48 KENILWORTH AVE

Committee of Adjustment Case File Number: 17 201819 STE 32 MV (A0812/17TEY)

TLAB Case File Number: **17 274054 S45 32 TLAB**

Hearing date: Friday, April 06, 2018

DECISION DELIVERED BY D. LOMBARDI

REGISTERED PARTIES AND PARTICIPANTS

REGISTERED PARTIES AND PARTICIPANTS

Name	Role	Representative
Roman Tsap	Applicant	
Shauna Levy	Owner	
Anne Vos	Appellant	Amber Stewart
Nicholas Hames	Party	
Stefano Pujatti	Expert Witness	
Kregg Fordyce	Expert Witness	
Bernhard Fischer	Participant	
Jennifer Hastings	Participant	

Decision of Toronto Local Appeal Body Panel Member: D. LOMBARDI
TLAB Case File Number: 17 274054 S45 32 TLAB

Mary Jan Rudd	Participant
Brian Rudd	Participant
Thomas Bouttier	Participant
Patricia McDaniel	Participant
Sylvia James	Participant

APPEARNCES

Name

Anne Vos	Appellant
Amber Stewart	Representative
Stefano Pujatti	Expert Witness
Kregg Fordyce	Expert Witness

INTRODUCTION

This Hearing is in the matter of an appeal to the Toronto Local Appeal Body (the “TLAB”) by Anne Vos (the “Owner/Appellant”) of the decision of the Toronto and East York Panel of the City of Toronto’s Committee of Adjustment (the “COA”) to approve minor variances to permit the construction of a semi-detached dwelling and detached garage at 48 Kenilworth Avenue (“the subject property”).

The subject property is located on the south-west corner of Kew Beach Crescent and Kenilworth Avenue, in the prestigious ‘Beach’ area of the City. An older two storey dwelling currently occupies the subject property. The subject property is bounded to the west by Pantry Park, to the north across Kew Beach Crescent by a two-storey row house, to the south by a three-storey semi-detached dwelling, and on the east side of Kenilworth Avenue by a mix of various building typologies.

The subject property enjoys a significant and wide boulevard abutting the north property line, contributing and continuing the expanse of lawn and open space that exists to the west as part of Pantry Park. Kew Beach Crescent, a public thoroughfare which has a width of approximately 20 meters, separates the subject property from the nearest dwelling to the north.

The subject property is designated Neighbourhoods in the City of Toronto Official Plan (“Official Plan”), and zoned R (d0.6) under Zoning By-law No. 569-2013 (“new City By-law”) and R2 Z0.6/10m under the former City of Toronto By-law No. 438-86 (“former By-law”).

BACKGROUND AND MATTERS IN ISSUE

The owner applied to the COA for minor variances to construct a semi-detached dwelling and attached garage on the subject property. The existing two-storey dwelling would be demolished.

Prior to submitting an application to the COA, the owner retained KFA Architects and Planners, and Stefano Pujatti, architect, as coordinating consultants for this project. As a matter of course, the consultants arranged to meet with City Staff on several occasions in order to obtain comments regarding the proposed development prior to submitting plans to the COA.

Feedback from that consultation process resulted in a number of revisions to the proposed development including reductions in the height of the dwelling and the overall building footprint, and increasing the amount of on-site landscaping.

In addition, the owner and her consultants also met with a number of abutting neighbours to discuss the revised design proposal. As a result, letters of support were obtained in support of the proposal. Copies of these support letters were submitted to the Committee as part of the Applicant's submission in support of the proposed variances.

On November 22, 2017, the Committee heard the application and refused the following minor variances:

1. Chapter 10.10.40.10.(1)(A), By-law 569-2013

The maximum permitted height of a building or structure is 10.0 m.
The new semi-detached dwelling will have a building height of 10.867 m.

2. Chapter 10.10.41.10.(2)(A)(i), By-law 569-2013

The maximum permitted height of all front exterior main walls is 7.5 m.
The height of the front exterior main walls is 10.867 m.

3. Chapter 10.10.40.(2)(A)(ii), By-law 569-2013

The maximum permitted height of the rear exterior main walls is 7.5 m.
The height of the rear exterior main walls will be 8.52 m.

4. Chapter 10.10.40.30.(1)(A), By-law 569-2013

The maximum permitted building depth for a semi-detached house is 17.0 m.
The new semi-detached house will have a building depth of 20.13 m.

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

The maximum permitted floor space index is 0.6 times the area of the lot (234.17 m²)

The new semi-detached dwelling will have a floor space index equal to 1.11 times the area of the lot (434.57 m²).

6. Chapter 10.10.40.70.(3)(ii), By-law 569-2013

The minimum required side yard setback for a semi-detached house is 0.9 m.
The new semi-detached house will be located 0.0 m from the north side lot line.

7. Chapter 10.5.50.10.(3)(A), By-law 569-2013

A minimum of 50% (71.0 m²), of the rear yard shall be maintained for soft landscaping.

In this case, 36% (51.52 m²), of the rear yard will be maintained as soft landscaping.

8. Chapter 10.5.80.10.(3), By-law 569-2013

A parking space is not permitted to be located in the front yard or a side yard abutting a street.

The parking space will be located in the front yard.

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

A platform without main walls, attached to or less than 0.3 m from a building, with a floor no higher than the first floor of a building above established grade may encroach into the required front yard setback 2.35 m if it is no closer to a side lot line than 0.9 m.

The platform will encroach 3.5 m into the required front yard setback and will be located 0.35 m from the side lot line.

10. Chapter 10.5.40.60.(1)(C), By-law 569-2013

A platform without main walls, attached to or less than 0.3 m from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required rear yard setback 2.5 m if it is no closer to the side lot line than 1.2 m.

The platform will encroach 2.5 m into the required rear yard setback and will be located 0.89 m from the south side lot line.

11. Chapter 10.5.40.60.(7), By-law 569-2013

Roof eaves may project a maximum of 0.9 m provided they are no closer than 0.3 m to a lot line.

The roof eaves will be located 0.0 m from the north side lot line.

12. Chapter 10.5/50.10.(1)(B), By-law 560-2013

A minimum of 50% (25.0 m²), of the front yard landscaping shall be maintained as soft landscaping.

In this case, 22% (11.0 m²), of the front yard landscaping will be maintained as soft landscaping.

13. Chapter 10.5.50.10.(1)(D), By-law 569-2013

A minimum of 75% (18.75 m²), of the required front yard landscaping shall be maintained as soft landscaping.

In this case, 44% (11.0 m²), of the front yard landscaping will be maintained as soft landscaping.

14. Chapter 10.10.60.20.(1)(A), By-law 569-2013

The minimum required side lot line setback for a detached garage is 1.0 m.

The garage will be located 0.0 m from the north side lot line.

15. Chapter 10.5.60.50.(2)(B), By-law 569-2013

The maximum permitted total floor area of all ancillary buildings or structures on a lot is 40.0 m².

The total floor area of all; ancillary buildings is 65.0 m²

1. Section 2(1), By-law 438-86

A semi-detached house means one of a pair of attached buildings, each building comprising one dwelling unit, each building divided vertically from the other by a party wall and each building located on a lot.

In this case, the new three-storey semi-detached dwelling will be on one lot.

2. Section 6(3) Part II 8(D)(I), By-law 438-86

The maximum permitted height of an uncovered platform which projects into the required setback is 1.2 m above grade.

The height of the rear deck adjacent to the flanking side is 3.01 m above grade.

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

The maximum permitted residential gross floor area equal to 0.6 times the area of the lot (234.17 m²).

The new semi-detached dwelling will have a residential gross floor area equal to 1.11 times the area of the lot (434.57 m²).

4. Section 6(3) Part II 3.A(II), By-law 438-86

A building is required to have a minimum flanking street setback of 6.0 m.

The new semi-detached dwelling will be located 0.0 m from the flanking street.

5. Section 6(3) Part II 3.A(II), By-law 438-86

The maximum permitted depth for a semi-detached house is 17.0 m.

The new semi-detached house will have a building depth of 20.13 m.

6. Section 6(3) Part IV 1(E), By-law 438-86

A parking space is not permitted to be located in the front yard or a side yard abutting a street.

The parking space will be located in the front yard.

7. Section 6(3) Part III 1(A), By-law 438-86

A minimum landscaped open space shall equal to 30% of the area of the lot (117.09 m²).

In this case, landscaped open space will be 27% of the area of the lot (104.67 m²).

8. Section 4(2), By-law 438-86

The maximum permitted height is 10.0 m.

The new semi-detached dwelling will have a building height of 11.19 m.

9. Section 6(3) Part II 8 D, By-law 438-86

The maximum permitted projection of an uncovered platform into the required setback is 2.5 m from the front or rear wall

The COA's decision was then appealed by the owner to the TLAB under s. 45(12) of the Planning Act.

Several neighbours filed notices wishing to be Participants in the hearing, and one neighbour, Nicholas Hames (residing at 51 Kenilworth Avenue), filed an election to be a Party as permitted by the TLAB's Rules 12.1 and 12.2.

Subsequently, the Appellant retained Mr. Pujatti, and Mr. Fordyce to provide professional architectural and land use planning evidence, respectively, in support of this appeal.

The Appellant submitted a Notice of Appeal (Form 1) to the TLAB on December 11, 2017, and a Hearing Date was set for April 6, 2018 pursuant to Rule 10.1 of the TLAB's Rules of Practice and Procedure ("the Rules"). As part of disclosure, the Appellant filed Form 3, dated January 8, 2018, outlining numerous revisions to the architectural drawings that were submitted and reviewed by the COA Hearing on November 22, 2017.

In the Notice of Appeal, the Appellant stated that the COA refused their application due to the fact that, *"the Committee felt the number of variances requested suggested that the proposal represented 'over-development' of the site."* The Appellant further stated that an appeal of the COA decision was undertaken because, *"we feel that there is precedent in the neighbourhood that our proposal is consistent with."*

In addition, the Appellant confirmed that as a matter of conciliation, the plans for the proposed semi-detached dwelling have been revised in order to accommodate further concerns raised by those neighbours who attended the November 22, 2017 COA hearing. In doing so, the number and the scope of requested variances were reduced, from 23 to 12. Further, the magnitude of 8 of the 12 remaining variances being requested had also been diminished.

The following list outlines those variances that were before the COA that have now been removed by the Appellant:

- A. Chapter 10.10.40.10.(1)(A), By-law 560-2013**
The maximum permitted height of a building or structure is 10.0 m.
- B. Chapter 10.5.40.60.(1)(A)(I), By-law 569-2013**
Platform encroachment into the rear yard.
- C. Chapter 10.5.40.60.(70), By-law 569-2013**
Roof eaves projecting into the side lot line.
- D. Chapter 10.10.60.20(1)(A), By-law 569-2013**
Minimum required side lot line setback for a detached garage is 1.0 m.
- E. Section 6(3) Part III 1 (A), By-law 438-86**
Landscaped open space.

Additionally, the following requested variances have also been reduced in scope:

- A. Chapter 10.10.40.10.(2)(A)(I), By-law 569-2013**
The maximum permitted height of all front exterior main walls is 7.5 m.
- B. Chapter 10.10.40.10.(2)(A)(II), By-law 569-2013**
The maximum permitted height of all rear exterior main walls is 7.5 m.
- C. Chapter 10.10.40.30.(1)(A), By-law 569-2013, and Section 6(3) Part II 3.A(II), By-law 438-86**
The maximum permitted building depth for a semi-detached dwelling is 17.0 m.
- D. Chapter 10.10.40.40.(1)(A), By-law 569-2013, and Section 6(3) Part I 1, By-law 438-86**
The maximum permitted floor space index is 0.6 times the area of the lot.
- E. Chapter 10.5.50.10.(3)(A), By-law 569-2013**
A maximum of 50% of the rear yard shall be maintained for soft landscaping.
- F. Chapter 10.5.50.10(1)(D), By-law 569-2013**
A minimum of 50% of the front yard landscaping shall be maintained as soft landscaping.
- G. Chapter 10.5.60.50(2)(B), By-law 569-2013**
The maximum permitted floor area of all ancillary buildings or structures on a lot is 40.0 m².

Finally, the following variance is representative of existing conditions:

**A. Chapter 10.5.80.10.(3), By-law 569-2013, and Section 6(3) Part III 1(A),
By-law 438-86**

Parking space located in the front yard or side yard abutting a street.

For convenience and clarity, the extent of the changes to the variances listed above being requested by the Appellant can be summarized as follows:

- Building height has been reduced to 10.0 m from 10.867 m.
- Building depth has been reduced to 19.6 m from 20.13 m.
- Second floor living room has been re-oriented to reduce impact on 54 Kenilworth Avenue sight lines to Pantry Park and Lake Ontario
- Total Gross Floor Area has been reduced to 421.7 m² (1.08 FSI) from 434.57 m² (1.11 FSI).
- Side yard (north) setback has been increased to 0.2 m from 0.0 m.
- The proposed garage has been set back 1.0 m from the north property line abutting Kew Beach Crescent.
- The proposed garage floor area has been reduced in size from 65 m² to 57.27 m².
- Platform above proposed garage has been removed.
- Roof eaves have been set back so as not to encroach into the minimum side yard (north) setback.
- Platform in rear yard has been set back 1.2 m from the south property line.
- Platform in front yard has been reduced in size thus increasing front yard soft landscaping.
- Proposed fencing in rear yard has been reduced in height to preserve sight-lines of 54 Kenilworth Avenue.
- Stairs between the proposed dwelling and garage have been eliminated to preserve sight-lines of 54 Kenilworth.

Revised plans illustrative of the revisions to the variances were filed with the TLAB on January 8, 2018 (Exhibit 2 – Tab 17) and are identified as Attachment 1. As a result, the following list represents the current variances required under both the “new By-law” (currently under appeal) and the former By-law”, now sought from the TLAB:

Zoning By-law 569-2013

1) Chapter 10.10.40.30.(2)(A)(i)

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

The height of the front and rear exterior main walls will be 9.6 m.

2) Chapter 10.10.40.30.(1)(A)

The maximum permitted building depth for a semi-detached house is 17.0 m.

The new semi-detached house will have a building depth of 19.6 m.

3) Chapter 10.10.40.40.(1)(A)

The maximum permitted floor space index is 0.6 times the area of the lot (234.17 m²).

The new semi-detached dwelling will have a floor space index equal to 1.08 times the area of the lot (421.7 m²).

4) Chapter 10.10.40.70.(3)(A)(ii)

The minimum required side yard setback for a semi-detached dwelling is 0.9 m.

The new semi-detached dwelling will be located 0.2 m from the north side lot line.

5) Chapter 10.5.50.10.(3)

The minimum rear yard soft landscaping for a lot with a residential building is 50% or 71 m², if the lot frontage is greater than 6.0 m.

The proposed rear yard landscaping area is 39.5% or 55.5 m.

6) Chapter 10.5.80.10.(3) and 200.5.1.10(2)(A)

A parking space is not permitted to be located in the front yard or side yard abutting a street, and it must have a minimum length of 5.6 m.

The parking space will be located in the front yard, and it will be 4.7 m in length.

7) Chapter 10.5.60.50.(2)(B)

The maximum permitted total floor area of all ancillary buildings or structures on a lot is 40.0 m².

The total floor area of all ancillary buildings is 57.27 m².

Zoning By-law 438-86

1) Section 2(1)

A semi-detached dwelling means one of a pair of attached buildings, each building comprising one dwelling unit, each building divided vertically from the other by a party wall and each building is located on a lot.

In this case, the new three-storey semi-detached dwelling will be on one lot.

2) Section 6(3) Part II

The maximum permitted residential gross floor area equal to 0.6 times the area of the lot (234.17 m²).

The new semi-detached dwelling will have a residential gross floor area equal to 1.08 times the area of the lot (421.7m²).

3) Section 6(3) Part 11 3.A.(II)

A building is required to have a minimum flanking street setback of 6.0 m.

The new semi-detached dwelling will be located 0.2 m from the flanking street.

4) Section 6(3) Part II 3.A.(II)

The maximum permitted depth for a semi-detached dwelling is 17.0 m.

The new semi-detached dwelling will have a building depth of 19.6 m.

5) Section 6(3) Part IV 1(C) and 4(17)(b)

A parking space is not permitted to be located in the front yard or side yard abutting a street, and it must have a minimum length of 5.6 m.
The parking space will be located in the front yard, and it will be 4.7 m in length.

These are the required variances as determined by the City of Toronto Plans Examiner (the "City") and submitted by the Appellant in disclosure documents (Exhibit 1) to the TLAB. As a matter of 'housekeeping' the Appellant's counsel, Amber Stewart, advised in her opening remarks that, following a more recent zoning review by the City, the Applicant noticed that one variance should have been included as a matter of course.

The City's oversight relates to variance #6 under the new By-law and variance #5 under the former By-law, both of which are itemized within the preceding list of required variances above. The variances correlate to the proposed parking space at the front of the subject property.

The Applicant is proposing a detached garage at the rear of the subject site to be situated perpendicular to the flanking (north) side yard, and to maintain an existing driveway within the front yard. In their disclosure documents, the Applicant included the location of that parking space as both the new By-law and former By-law do not permit a parking space in front of the main front wall of a dwelling within the front yard. In addition, both By-laws impose parking space dimensions including for width (2.6 m), height (2.0 m clearance), and length (5.6 m).

Counsel indicated that the proposed parking space meets the width and height requirements but will require relief related to length. As noted in her submission, counsel confirmed that the existing driveway has in excess of the 5.6 m, but the distance to the property line is actually 4.7 m., which has resulted in a technical adjustment to the requisite variances which the City may have missed. Consequently, counsel has simply attached additional and appropriate wording to variances 6 & 12 to reflect this practical omission.

In my assessment these are minor technical revisions and clarifications for which no further Notice is necessary and clarification that reflects the plans as submitted to the TLAB. Consequently, no further notice or circulation is required under section 45(18.1.1) of the *Planning Act*.

JURISDICTION

On an appeal, the TLAB must be satisfied that each of the variances sought meet the test in subsection 45(1) of the Planning Act. This involves a reconsideration of all the variances being sought, in the physical and planning context. The subsection requires a conclusion that each of the variances, individually and cumulatively:

- *Is desirable for the appropriate development or use of the land, building or structure;*
- *Maintains the general intent and purpose of the official plan;*
- *Maintains the general intent and purpose of the zoning by-law; and*

- *Is minor.*

These are usually expressed as the “four tests,” and all must be satisfied for each variance. In addition, TLAB must have regard to matters of provincial interest as set out in section 2 of the Act, and the variances must be consistent with provincial policy statements and conform to provincial plans, as set out in s. 3 of the Act. A decision of the TLAB must therefore be consistent with the 2014 Provincial Policy Statement (“PPS”) and conform to (or not conflict with) any provincial plan such as the Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) for the subject area.

Under s. 2.1 of the Act, TLAB is also to have regard for the earlier COA decision and the materials that were before this body.

;

EVIDENCE

At the commencement of the Hearing, I noted that there were no parties or participants other than the Owner/Appellant, the Applicant, the Appellant’s counsel, and two expert witnesses in support of the application. Of the nine (9) individuals who filed Notice of Intention (Election) to be a Participant forms (Form 4) with TLAB, three (3) submitted notices to relinquish their status as Participants in this matter and none of the remaining seven (7) attended the hearing on April 6, 2018.

In addition, Mr. Nicholas Hames, who elected to be a Party to the proceedings, and who filed disclosure documents with the TLAB, notified TLAB by email on April 5, 2018, indicating that he intended to ‘step back’ to a role of Participant, and also did not attend the Hearing.

The issues identified in the Party and Participant Statements (Form 13) filed with the TLAB have similar themes and can be summarized generally as being concerned with building size and coverage (Floor Space Index), landscaping, building depth, and the definition within the By-laws of the proposed development as a semi-detached dwelling on one lot.

The Appellant’s counsel indicated that without opposition at the hearing she intended to abbreviate the evidence to be presented before TLAB, and she confirmed her intention to rely on the testimony of their two expert witnesses, Mr. Pujatti and Mr. Fordyce.

Ms. Stewart further confirmed that because of the unique and complex design of the proposed three-storey semi-detached dwelling, Mr. Pujatti’s evidentiary focus would be primarily on the design and architecture of the project, while Mr. Fordyce would be addressing how the application and the requested variances satisfy the “four tests.”

The Applicant’s Combined Documents which were provided through document disclosure were identified as Exhibit 2. Counsel noted that two additional documents, City of Toronto Official Plan excerpts and the City’s Planning Staff report, were introduced as the Documents. In addition, the consolidated set of Combined Visuals document was identified as Exhibit 3. Finally, Mr. Fordyce’s Expert Witness Statement

was identified as Exhibit 4, and Mr. Pujatti's Expert Witness Statement as Exhibit 5, respectively.

Expert Witness Evidence of Mr. Pujatti, Project Architect

I qualified Mr. Pujatti as a professional architect capable of giving expert opinion testimony on design and architectural matters. Mr. Pujatti is the founder and lead architect of ElasticoSPA based in Italy as well as its international counterpart, ElasticoSPA+Inc. based in Concord, Ontario. His curriculum vitae, including similar design projects, and expert witness statement were filed at the time of document disclosure on February 5, 2018 (Page 9 of Exhibit 5).

Mr. Pujatti provided a brief overview of the proposed development and confirmed that his design for the subject site, entitled 'Maison Glacé', had garnered a Visioning Project Award for sustainability in architecture and design (Exhibit 2 – Tab 5). He described the subject property within the context of the "Beach" neighbourhood, expressing the opinion that this area enjoys a special relationship with Lake Ontario, specifically in summer and winter.

He explained the environmental sustainability components of his proposed design, utilizing passages contained in his Expert Witness Statement (Exhibit 5 –Page 2) to highlight his design philosophy in respect to this development. He noted that, *"as a result of climate change and newly available technology, recently built and renovated dwellings are moving away from the traditional typical design of northern climates of a steep pitched roof to more contemporary designs which feature flat roofs, bigger windows and in some cases glassed facades. This change is a reflection of both the environmental and social change occurring in the (Beach) neighbourhood."*

In describing this project, Mr. Pujatti reiterated that the design objective was to satisfy the owner's desire for a contemporary dwelling while at the same time incorporating concepts of architecture, built form and a relational approach to the micro environment. Mr. Pujatti's intent in taking this design approach was to create a dwelling which serves the needs of a modern family, is economically viable and also passively protects itself from the local climate.

He confirmed that while the exterior building envelope will appear as one main dwelling, the building envelope actually incorporates two distinct but attached dwelling units, one facing east and one facing west (Exhibit 2 - Tab 17 - Site Plan).

The two units will appear as one through the use of an exterior mesh or "skin" (Exhibit 3 – Tab 15) which will wrap large portions of the building in a protective screening that will serve to provide shade to the exterior of the dwelling during temperate months and utilize water mist in the winter season to create a crust of ice for additional insulation. He explained the 'reveal' or party wall that will appear through the mesh between the two dwellings will help to create a sense of scale and proportion to the street.

The proposed development will have three prominent, exposed elevations/facades. The east or Kenilworth Avenue façade is designed to reinforce the existing street and read as generally two-stories in height. The third floor is stepped backed to reduce the presence of the building on the street while the peak of the roof references the dormers found on adjacent dwellings to the south. Fenestration and screening have been placed appropriately to provide exposure to the interior of natural light in the morning.

The north or Kew Beach Crescent façade has been designed (Exhibit 2 – Tab 9, Page 176) to mirror the geometric shape and massing of the existing dwelling across the street at 54 Kenilworth Avenue. Mr. Pujatti referenced Exhibit 3 in highlighting visual evidence of the type and placement of fenestration on the proposed building to match that of the pattern found on the south elevation of 54 Kenilworth Avenue. He also noted that the building depth had been reduced on the first and third floors to 17 m (as of right) to match the depth of the existing dwelling at 54 Kenilworth Avenue.

The west façade of the proposed building will provide private outdoor balcony spaces for the inhabitants, providing views to the park, the lake and downtown Toronto. The south main façade will remain relatively bare for insulation and privacy purposes, reflecting the blank façade of 46 Kenilworth Avenue.

Mr. Pujatti also addressed the detached garage proposed at the rear (west side) of the property, indicating that it had been designed to take advantage of the existing slope of the property in order to maintain the general contours of the property and to create a lower height to minimize any visual impacts.

In summarizing his evidence, Mr. Pujatti referenced Page 4 of his Expert Witness Statement (Exhibit 5) and highlighted the following list of what he termed ‘significant revisions’ made to date to the proposal in order to reduce impacts on neighbouring properties and in support of the variances requested. They correlate to the bullet points recorded in the BACKGROUND section of this Decision:

5.8 The height of the building has been lowered to 10.0 m. This reduces the amount of shade cast by the building to the north and also now fits with the maximum building height allowed under the Zoning By-law.

5.9 The depth of the building has also been reduced, which in conjunction with removing the roof-top patio on the garage, the staircase from the house to the patio and the privacy screening, has reduced the visual impact to the existing dwelling at 54 Kenilworth Avenue. The furthest point of the second floor living room has also been rotated south to reduce any visual impact on the street and preserve the view corridor for the property to the north.

5.10 The footprint of the proposed garage has been reduced to provide the necessary setback to Kew Beach Crescent. As a result, the amount of soft landscaping in the rear yard has been increased, and a green roof has been proposed above the garage increasing green space and absorbing and diverting storm water from City infrastructure.

5.11 The proposed building has been setback an additional 0.2 m from the north property line so that protective screening is not encroaching into the setback. This setback has also reduced the floor area of the proposed building lowering the proposed density.

5.12 The platform in the front yard has been removed and replaced with a simple staircase and landing to gain access to the front entrance. This has resulted in an increase in soft landscaping in the front yard and reduced the need for screening. The platform in the rear yard has also been setback further from the west property line thereby limiting the overlook onto the neighbouring property to the south.”

Mr. Pujatti was of the opinion that the impact of the proposed building onto neighbouring properties will be diminished significantly and that the reduced building height and depth will create a better fit of the building into the existing contextual built form.

He also opined that the proposed building will be of the highest quality design both from an aesthetic and environmental perspective, and one that in his opinion will be appreciated by neighbours and residents of the ‘Beach’ neighbourhood.

Expert Witness Evidence of Gregg Fordyce, Architect and Land Use Planner

Mr. Fordyce was called as an expert witness in this matter, having filed an Expert Witness Statement (Exhibit 4) with the TLAB and executed the Acknowledgement of Expert Duty, Form 6, as required. Mr. Fordyce is the Owner/ Principle Planner and Architect at KFA Architects and Planners. I qualified Mr. Fordyce as a professional planner capable of giving expert opinion testimony on land use planning matters.

Mr. Fordyce acknowledged collaborating with Mr. Pujatti regarding this project, assuming the role of lead planner in preparing planning evidence. He confirmed undertaking reconnaissance of the subject site and preparing disclosure documents including materials relevant to his analysis and opinion. He also confirmed that he is a resident of the Beach and has intimate knowledge of the neighbourhood context.

He corroborated that his involvement with this project has been from its inception and confirmed that he has attended meetings with local residents and neighbours, both prior to and following the COA hearing.

In responding to feedback to issues raised by neighbours and City Staff, Mr. Fordyce identified three distinct themes which he intends to carry through his evidence, and which helped frame the revisions made by to the proposal and to the variances being requested.

He itemized the themes in the following manner:

I. *Compatibility of Built Form*

- Policies in the Official Plan do not discriminate against architectural style – modern architectural design is expressly permitted through Official Plan policies.

II. *Environmental Sustainability*

- The proposed design for low-density housing typology is an important component of this project given that policies in the PPS, the Growth Plan and the Official Plan all encourage environmental sustainable development.

III. *Affordable Housing/Second Units*

- Second units are in line with policies within the PPS and Growth Plan which encourage a variety of housing options for healthy neighbourhoods.

IV. *Neighbourhoods*

This proposal reinforces and respects neighbourhood patterns – the test is no “unacceptable” impacts as opposed to ‘no’ impacts.

Mr. Fordyce confirmed undertaking a number of extensive studies of the neighbourhood in support of his evidence and planning opinion. The following is a list of the studies that have been filed with the TLAB and to which he referred extensively during his testimony.

- **Existing Site Conditions and Context Study** (Exhibit 3 – Tab 2)
- **Study Area** (Exhibit 3 – Tab 5)
- **Shadow Study** (Exhibit 3 – Tab 11)
- **Corner Lot/Flanking Street Setbacks Study** (Exhibit 3 – 10)
- **FSI Study** (Exhibit 3 – Tab 19)
- **Building Depth and Height Study** (Exhibit 3 – Tab 21)
- **Main Wall Height Study** (Exhibit 3 – Tab 21)

He confirmed the establishment of a broad study area for comparative purposes, which he indicated was chosen to include a variety of housing typology and similar lotting fabric to the immediate neighbourhood context. In highlighting the heterogeneity of study area, his opinions on existing corner lot/flanking conditions, reduced side yard setbacks, lot patterns, housing types, building depth and heights and lot coverage were well reflected in the images and mapping referenced.

In addressing the statutory tests, Mr. Fordyce discussed each separately providing appropriate supporting material where necessary.

Provincial Policy Statements (PPS) and Growth Plan

Mr. Fordyce first referenced Section 1.0 of Part 5 of the PPS (Exhibit 2 – Tab 1), and Section 1.2.1 of the Growth Plan (Exhibit 2 – Tab 2) as relevant and applicable policies. In summary terms, he opined that these policies encourage and promote the efficient use of land, resources and infrastructure, compact form, redevelopment and

intensification, and mixed uses at densities that make efficient use of land, resources and infrastructure.

Further, both the PPS and Growth Plan encourage a range of housing options, including affordable housing and second units. Mr. Fordyce found specific policy direction in the PPS, noting section 1.4.3, subsection b) 2, which states that, *“planning authorities shall provide for an appropriate range and mix of housing types and densities to meet requirements of current and future residents by permitting and facilitating all forms of residential intensification including second units.”*

With respect to housing and environmental sustainability, Mr. Fordyce drew the Panel Member’s attention to section 1.2.1 (Guiding Principles of the Plan) of the Growth Plan (Exhibit 2 – Tab 2), which states *“In terms of the guiding principles, to integrate climate change conditions into the planning and managing of growth such as planning for more resilient communities and infrastructure that is adaptive to the impacts of changing climate and moving toward low carbon communities by incorporating approaches to reduce greenhouse gas emissions.”* (Page 43)

He was of the opinion that this proposal is consistent with the applicable policies of the PPS and in conformity with the Growth Plan.

Test 1 - Intent and Purpose of the Official Plan

The subject property is designated Neighbourhoods in the Official Plan (the “Plan”), Section 2.3 a. (Exhibit 2 – Tab 18, pg. 233). Policies in the Plan support the establishment of neighbourhoods as stable but not static. A cornerstone policy ensures that new development respects the existing physical character of the area, reinforcing the stability of the neighbourhood.

It was Mr. Fordyce’s opinion that the proposed semi-detached dwelling respects and reinforces the existing physical character of this neighbourhood. In fact, he noted that it is similar in size and height to the surrounding built form and is appropriate development for the existing corner lot condition.

He stressed that the physical character of the area is currently experiencing intensification and regeneration in the form of redevelopment in the form of additions and demolitions, resulting in new builds that are not challenging the stability of the immediate neighbourhood.

Mr. Fordyce opined that the key test and development criteria to meet is Policy 4.1.5 of the Plan, and suggested that the criteria enumerated in (a) through (h) in that Policy are to be assessed in order to determine whether the test is satisfied. He submitted that if the subject development doesn’t offend any of the characteristics of these criteria, then the policy is met.

In this regard, he addressed each separately, noting that criteria (a),(b) and (h) were not applicable.

(c) *Height, Massing and Scale* – This speaks to built form on the subject property. Mr. Fordyce suggested that the proposed dwelling is consistent with other development

within the neighbourhood and within Zoning By-law standards. From a streetscape perspective, he concludes that the proposal integrates seamlessly into the neighbourhood and provides high quality architectural design.

(d) *Prevailing Building Types* – This speaks to housing typology – He established that the proposed semi-detached dwelling is consistent in form and massing with other homes in the study area and specifically when considered in the context of corner lots.

(e) *Building Setbacks from the Street* – This speaks to the desire to maintain uniformity of setbacks. The front yard setback of the proposed dwelling is consistent with adjacent and abutting dwellings.

(f) *Prevailing Patterns of Rear and Side Yard Setbacks* – Mr. Fordyce noted that the proposed dwelling reflects the prevailing building setbacks.

(g) *Continuation of Special Landscape or Built-Form features that Contribute to the Unique Physical Character* – This speaks to the various buildings styles being introduced into the neighbourhood. Mr. Fordyce stressed the environmental sustainability aspects of the proposed dwelling and noted that they are contributing significantly to the character of the building's design.

Mr. Fordyce also referenced Chapter 2.3.1 of Policy 5 – Healthy Neighbourhoods (Page 235) in the Plan, which states that, *“environmental sustainability will be promoted in neighbourhoods by investing in naturalization in landscaping improvements, tree planting, and sustainable technologies in preparing for reducing the carbon footprint.”*

In concluding his opinion regarding this test, Mr. Fordyce found that the proposed dwelling reflects the physical pattern of the neighbourhood and the dwelling is consistent with corner lot development within the study area. He also suggested that the proposed development will result in a consistent street frontage and building envelope, reinforcing the physical character and streetscape of the neighbourhood.

In Mr. Fordyce's opinion, the proposed variances, individually and collectively, meet the general intent and purpose of the Official Plan.

Test 2 - Intent and Purpose of the Zoning By-law

Mr. Fordyce confirmed that the subject property is zoned R in both By-law No. 569-2013 and By-law No. 438-86. He described the general intent of zoning by-laws as ensuring compatible built form (i.e. massing, height, and setbacks) and lot sizes within neighbourhoods thereby mitigating adverse impacts on the streetscape and adjacent properties.

He then addressed each of the requested variances in relation to the new Zoning By-law and the existing By-law, referencing points 10.5 to 10.16 of his Expert Witness Statement (Exhibit 4 – pg. 9-11).

1) 10.10.40.10(2) Maximum Height of Specific Pairs of Main Walls

The maximum height of the front and rear walls of the proposed dwelling is reflective of other dwellings in the neighbourhood. From a qualitative and quantitative perspective, the proposed side main wall height of 9 m does not result in a built form that is out of character with existing dwellings in the immediate area.

2) 10.10.40.30.(1) Maximum Building Depth

This variance is required because of the second floor projection on the south elevation. This condition does not exist for the first and third floors which meet the By-law requirements. He noted that the maximum building depth proposed is indicative of other dwellings in the neighbourhood, specifically those located on corner lots. The north elevation is within the By-law requirements.

3) 10.10.40.40.(1) Floor Space Index

Mr. Fordyce argued that the built form and massing of the proposed dwelling is similar to corner lot conditions throughout the study area. He further argued that the 0.6 times coverage is low given the intensification currently occurring in the area, with FSI approvals as high as 1.24 times the area of the lot. He opined that density can be achieved in many forms and the proposed dwelling coverage does not represent 'over development'.

4) 10.10.40.70.(3) Minimum Side Yard Setbacks

The proposed side yard setbacks are reflective of other corner lots dwellings in the study area.

5) 10.5.50.10.(3) Rear Yard Soft Landscaping for Residential Dwellings

Creating a green roof on the proposed detached garage at the rear of the subject property has been proposed as a mitigating factor to the deficiency in soft landscaping in the rear yard, even though it is not included in the calculations.

6) 10.5.80.10.(3) Street Yard Parking Space

Mr. Fordyce submitted that this is an existing condition throughout the study area.

7) 10.5.60.50.(2) Maximum Floor Area of Ancillary Buildings or Structures

The footprint of the proposed detached garage has been reduced from the original proposal. Mr. Fordyce asserted that the massing of the garage would not be too large, too high or be too great for the streetscape to absorb. He confirmed that it would be consistent with similar structures found elsewhere within the study area. The proposed garage is also sized to reflect the existing garage at 54 Kenilworth Avenue (immediately to the north).

1) Section 2(1), By-law 438-86

The proposed dwelling has been reviewed by the City and defined under the existing By-law as a pair of semi-detached dwellings, which is not permitted within the existing

By-law. The By-law requires: i) each building to comprise one dwelling unit; each building divided vertically from each other by a part wall; and, each building located on a lot.

Mr. Fordyce is of the opinion that the proposed semi-detached dwelling generally meets all three parts of the definition, noting that there will be two distinct units within the building, each will be divided by a vertical party wall, and the units are to be 'condominiumized' to address the ownership issue.

He confirmed that the only component of the definition not being fully satisfied relates to the location of each dwelling unit on a separate lot. He confirmed that no severance is being proposed for this development.

2) Section 6(3) Part I 1 Residential Gross Floor Area

Mr. Fordyce argued that the proposed variance being sought is indicative of many existing dwellings in the study area, especially those on large corner lots similar to the subject property.

3) Section 6(3) Part II 3.A(II) Flanking Street 6 m Minimum Setback

Mr. Fordyce referenced the Corner Lot Study (Exhibit 3 – Tab 10) to illustrate that the proposed setback from the north (Kew Beach Crescent) property line reflects current setbacks within many lots in the neighbourhood. He opined that evidence from this Study confirmed that existing external side yard setbacks do not generally meet the by-law standards within the established study area, especially for corner lots.

4) Section 6(3) Part II 5(II) Building Depth, 17 m Maximum for Semi-detached Dwellings

Again, Mr. Fordyce pointed to examples throughout the study area of existing dwellings that had building depths in excess of the 17 m maximum. He referenced the Building Depth and Height Study (Exhibit 3 – Tab 20) to confirm that variances for a number of dwellings had been granted in excess of 18 m, and in one case (17 Kippendavie Avenue) a variance had been approved for a depth of 23 m.

1) Section 6(3) Part IV 1 (E) Parking Beyond Front Wall

Mr. Fordyce noted that relief for this variance would not be required if approval is granted by the City's Works and Emergency Services Department, under Municipal Code Chapter 400. He confirmed that the Owner is currently dialoguing with this Department but have yet to receive comments.

Mr. Fordyce is of the opinion that the overall intent of the By-law is met as the proposed dwelling will result in a built form that is compatible with the existing neighbourhood.

Test 3 - Desirable for the Appropriate Use and development of the Land

In addressing this test, Mr. Fordyce spoke to the matters relating to coverage, floor space index, height, and side yard setbacks of the proposed development. He

suggested that the massing and built form of the proposed semi-detached dwelling and exterior façades will fit seamlessly within the planned context of the neighbourhood. He described the design as incorporating elements of form and scale, materiality and sustainability that would respect and reinforce the existing physical character of the area and in no way destabilize or not 'fit' the built form of the streetscape.

He also noted that a Shadow Study (Exhibit 3 – Tab 11) had been completed for the subject property, confirming limited to no impact on the adjacent properties, and producing conditions that are not uncharacteristic of the existing context. Additionally, he confirmed that the proposed development did not impact privacy or overlook conditions for adjacent neighbours and, therefore, the variances being sought did not visit impact unjustifiably on or at the expense of the neighbours or the neighbourhood..

Mr. Fordyce concluded that in his opinion the proposal in no way represents 'over development' of the site, but rather will result in high quality intensification that is appropriate given the surrounding context and existing 'Beach' neighbourhood.

Test 4 - Variances are Minor in Nature

Mr. Fordyce addressed this test from the perspective of the degree of impact of the proposed three-storey semi-detached dwelling within the neighbourhood context. He concluded that the proposal is consistent within corner lot developments found within the neighbourhood (and study area) and is not an 'unacceptable' type of development for this area. In his opinion, the proposed variances are minor in nature.

In summary, it was Mr. Fordyce's planning opinion that the variances are minor in nature, meet the intent and purpose of the Official Plan and Zoning By-laws, are appropriate and desirable for the subject property, and is representative of good planning.

ANALYSIS, FINDINGS, REASONS

At issue here is the construction of a three-storey semi-detached dwelling and detached garage that is unique in architectural design and is proposed on a single corner lot. The situation of the proposed dwelling on the subject lot results in the presentation of two frontages. The massing of the dwelling raises the question of 'over building' of the lot and, hence, the requirement for the requested variances.

The proposed development offers a unique approach to residential design creating an architectural structure that is environmentally sustainable, satisfies the owner's desire for a contemporary dwelling which serves the needs of a growing family, and one that is economically viable and also passively protects itself from the local climate.

The proposed building is intended to appear as one continuous, single-family residential dwelling, when in fact it is proposed as two connected units with the east portion to be a rental unit maintained by the owners. An additional residential unit is an important feature of this proposed development and is contemplated in responds to

increasing housing costs in Toronto as well as introducing a second unit which will contribute families looking for affordability.

On the evidence, I concur that although the proposed semi-detached dwelling is a modern interpretation of a permitted structure, it does, nevertheless, meet the test of 'fit' for this evolving neighbourhood where others are similar in design and scope. Semi-detached dwellings are permitted within both By-laws, with the differentiating factor being the separation of each dwelling on a distinct lot. As noted by Mr. Fordyce in his evidence, the new By-law defines a semi-detached dwelling more broadly. In section 745 of that By-law, a semi-detached dwelling is defined as, "a building that has two (2) dwelling units and no dwelling unit is entirely or partially above another." As a result, no variance is required in this regard in the new By-law.

The question of 'over building' or over development of the site was addressed extensively by both expert witnesses. Both Mr. Pujatti and Mr. Fordyce spoke to the subject property being a corner or flanking lot and the inherent development issues in building on such lots.

In referencing the Corner Lot Study *Exhibit 3 – Tab 18) that was submitted as part of the disclosure documents, Mr. Fordyce concluded the overall pattern observed within the Study Area confirmed that development on corner lots tended to exceed maximum permitted depth in the By-laws.

In fact, building depths were generally closer in proximity to flanking property lines and in some cases had 0.0 m setback conditions. He supported this conclusion by highlighting nine (9) specific properties within the neighbourhood that exhibited similar conditions, and confirmed quantitatively that flanking side yard setbacks ranged from 0 m to 2 m in those instances.

Of the corner lot examples identified in the Corner Lot Study by Mr. Fordyce, none met the 6 m setback required by the By-laws. In fact, based on the evidence provided by the witness, it became clear to me that meeting this setback requirement would result in a practically unusable building footprint, leaving the owners with only a 4.3 m wide building width.

In the circumstances of this lot, a Floor Space Index Study (Exhibit 3 – Tab 19) was also completed in order to examine built form and massing in the neighbourhood. Given the evidence provided to the TLAB, I accept that the FSI for the proposed development has been reduced from 1.11 to 1.08. Although this might appear to be an insignificant reduction, it is my position that the supporting FSI Study revealed that a number of properties in the neighbourhood have been the subject of fairly recent COA or OMB decisions that resulted in FSI coverage in excess of 1.0 times the area of the lot. Therefore, I find that this proposal is consistent with those approvals.

In my opinion, the variances being requested will result in a residential development that will be a credit to the neighbourhood. It represents a re-investment and regeneration of housing that has experienced its time and will create an additional housing unit in a coveted neighbourhood. While a large dwelling, perhaps

comparatively, it presents itself on the site as an open and transparent structure that is neither overpowering nor oppressive.

The Applicant has made a concerted effort in bringing forward a revised proposal and set of variances to mitigate concerns raised both by neighbours and City Staff. The number of variances being requested has been reduced significantly from the total originally considered by the COA, and neither City Planning nor Urban Forestry opposed the application for variance approval. I accept that the conditions of approval offered by the Appellant (Exhibit 1) and that form part of this Decision are appropriate for any approval of the variances.

In light of the foregoing, I have considered the decision of the Committee of Adjustment, the applicable policy and statutory tests and the evidence of the Applicant and Appellant. Other identified parties and participants did not appear to speak.

I am satisfied that the requested variances, as listed below, together with the conditions, meet the criteria set out in Section 45(1) of the Planning Act. The general intent and purpose of the Official Plan and Zoning By-laws is maintained. In addition, I am satisfied that the variances are minor, desirable and are supportive of and consistent with the Provincial Policy Statement and conform to the Growth Plan, for the reasons reviewed.

DECISION AND ORDER

The appeal is allowed and the following variances are approved:

1. Chapter 10.10.40.0.(2)(A)(I), By-law 569-2013

The maximum height of all front yard exterior main walls is 7.5 m. The height of the front and rear exterior walls will be 9.6 m.

2. Chapter 10.10.40.30.(1)(A), By-law 569-2013

The maximum permitted building depth for a semi-detached house is 17.0 m. The new semi-detached house will have a building depth of 19.6 m.

3. Chapter 10.10.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index is 0.6 times the area of the lot (234.17 m²).

The new semi-detached dwelling will have a floor space index equal to 1.08 times the area of the lot (421.7 m²).

4. Chapter 10.10.40.70.(3)(A)(ii), By-law 569-2013

The minimum required side yard setback for a semi-detached house is 0.9 m. The new semi-detached house will be located 0.2 m from the north side lot line.

5. Chapter 10.5.50.10.(3), By-law 569-2013

The minimum rear yard soft landscaping for a lot with a residential building is 50% or 71 m², if the lot is greater than 6.0 m.

The proposed rear yard landscaped area is 39.5% or 55.5 m².

6. Chapter 10.5.80.10.(3) and 200.5.1.10(2)(A), By-law 569-2013

A parking space is not permitted to be located in the front yard or a side yard abutting a street, and it must have a minimum length of 5.6 m.

The parking space will be located in the front yard, and it will be 4.7 m in length.

7. Chapter 10.5.60.50.(2)(B), By-law 569-2013

The maximum permitted total floor area of all ancillary buildings or structures on a lot is 40.0 m².

The total floor area of all ancillary buildings is 57.27 m².

8. Section 2(1), By-law 438-86

A semi-detached house means one of a pair of attached buildings, each building comprising one dwelling unit, each building divided vertically from the other by a party wall and each building is located on a lot.

In this case, the new three-storey semi-detached dwelling will be on one lot.

9. Section 6(3) Part II, By-law 438-86

The maximum permitted residential gross floor area equal to 0.6 times the area of the lot (234.17 m²).

The new semi-detached dwelling will have a residential floor gross floor area equal to 1.08 times the area of the lot (421.7 m²).

10. Section 6(3) Part 11 3.A(II), By-law 438-86

A building is required to have a minimum flanking street setback of 6.0 m.

The new semi-detached dwelling will be located 0.2 m from the flanking street.

11. Section 6(3) Part II 3.A(II), By-law 438-86

The maximum permitted depth for a semi-detached house is 17.0 m.

The new semi-detached house will have a building depth of 19.6 m.

12. Section 6(3) Part IV 1(E) and 4(17)(b), By-law 438-86

A parking space is not permitted to be located in the front yard or a side yard abutting a street and it must have a minimum length of 5.6 m.

The parking space will be located in the front yard, and it will be 4.7 m in length.

Conditions of Approval:

- 1) The proposed three-storey semi-detached dwelling shall be constructed substantially in accordance with the Site Plan and Elevations submitted to the Toronto Local Appeal Body, attached as **Attachment 1**, dated January 5, 2018. Any other variance(s) that may appear on these plans but are not listed in the written decision are NOT authorized.
- 2) The depth variances shall only apply to the second floor as shown on the floor plans submitted to the Toronto Local Appeal Body, attached as **Attachment 1**, dated January 5, 2018. The first and third floor depths shall not exceed 17.0 m, as shown on the plans submitted to the Toronto Local Appeal Body, attached as **Attachment 1**, dated January 5, 2018. Any other variance(s) that may appear on these plans but are not listed in the written decision are NOT authorized.
- 3) The garage roof, proposed to consist of planting, shall only be accessible for the purposes of maintenance of such planting, and not be used as a deck.
- 4) The owner shall satisfy the following matters related to Urban Forestry:
 - a. Submission of complete application for permit to injure or remove privately owned trees under Municipal Chapter 813 Article III, Private Trees;
 - b. Submission of complete application for permit to injure or remove City owned trees under Municipal Chapter 813m Article II, Street Trees.

X 

D. Lombardi
Panel Chair, Toronto Local Appeal Body

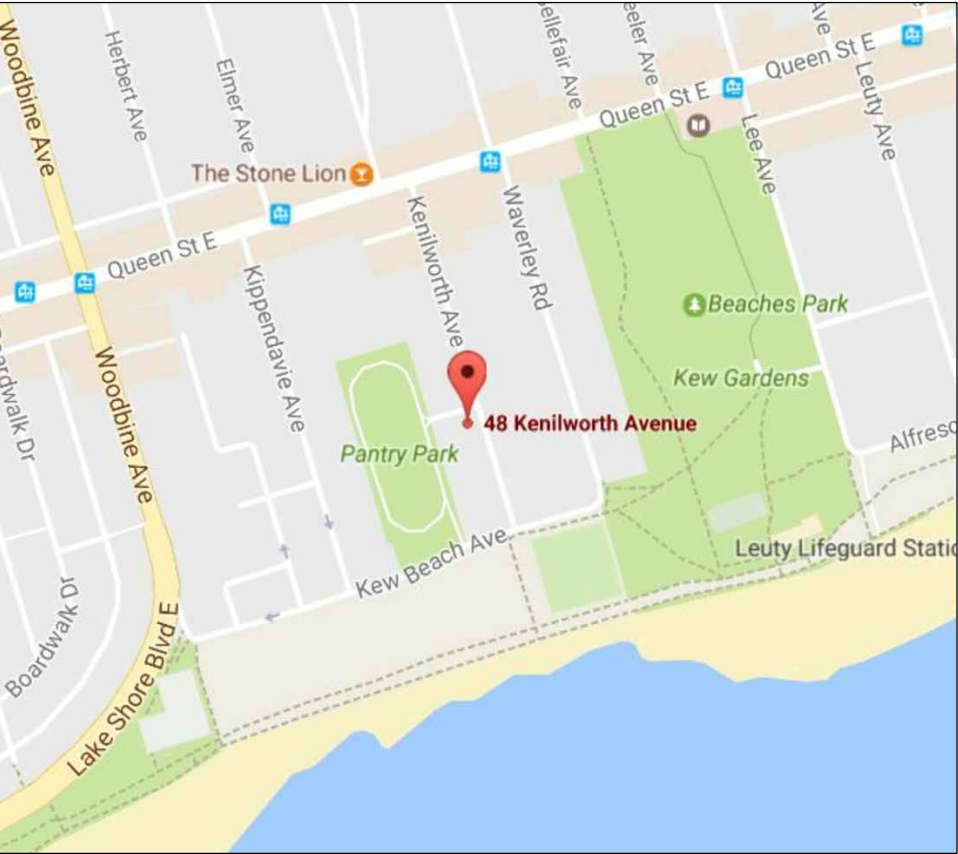
Drawing List	
Sheet Number	Sheet Name
A000	Cover Page
A100	Site Plan
A101	Basement Floor Plan
A102	Ground Floor Plan
A103	First Floor Plan
A104	Second Floor Plan
A200	East Elevation
A201	South Elevation
A202	West Elevation
A203	North Elevation
A300	Section
	Survey

1

A000

DRAWING LIST

SCALE: NTS



2

A000

CONTEXT MAP

SCALE: NTS

48 Kenilworth Avenue - Zoning Statistics							
Legal Description: Part of Lot 102, Registered Plan M-37, City of Toronto							
Zoning By-law 569-2013: R D0.6							
		Existing		Allowed/Required		Proposed	
Lot Area:		390.3	sq.m			390.3	sq.m
Lot Frontage:		10.7	m			10.7	m
Gross Floor Area (Unit A):							
Basement:						85.0	sq.m^
Ground:						105.2	sq.m
Second:						102.5	sq.m
Third:						88.0	sq.m
Total:						295.7	sq.m
Gross Floor Area (Unit B):							
Basement:						54.1	sq.m^
Ground:						54.0	sq.m
Second:						53.1	sq.m
Third:						31.4	sq.m
Total:						192.6	sq.m
Gross Floor Area:							
Ground:		73.8	sq.m			159.3	sq.m
Second:		52.2	sq.m			155.5	sq.m
Third:		N/A				119.4	sq.m
Total:		126.1	sq.m	234.2	sq.m	434.2	sq.m
Floor Space Index:		0.32		0.60		1.11	
Gross Floor Area as per 10.5.40.40(3)(B):		N/A		N/A		421.7	sq.m
Floor Space Index as per 10.5.40.40(3)(B):		N/A		N/A		1.08	
North Setback (Side Yard)		0.45	m	0.90	m	0.2	m
South Setback (Side Yard)		0.1	m	0.9	m	0.9	m
West Setback (Rear Yard)		21.0	m	7.5	m	12.2	m
East Setback (Front Yard)		4.5	m	6.0	m	4.7	m
Building Depth:		11.1	m	17.0	m	19.6	m
Building Height:		N/A		10.0	m	10.0	m*
Front Yard Landscaping:		N/A		50	%	63.8	%
Rear Yard Soft Landscaping:		N/A		50	%	39.5	%
* from established grade at 77.05 m							
^ excluded from GFA							

3

A000

STATISTICS

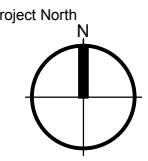
SCALE: NTS

maison
glacé

48 KENILWORTH AVE.
TORONTO, ON

© Copyright KFA Architects and Planners Inc., all rights reserved. No part of this document whether printed form or supplied as digital data may be reproduced, stored in a retrieval system or transmitted in any form or by any means, mechanical photocopying, recording or otherwise without the prior written permission of KFA Architects and Planners Inc. All dimensions to be checked on site by the contractor. Drawings are not to be scaled, and any discrepancies are to be reported to the Architect before proceeding with the work.

Issued for Review	2017/03/03
Issued for Zoning Certificate	2017/04/07
Re-Issued for Zoning Certificate	2017/06/06
Issued for Committee of Adjustment	2017/07/18
Re-Issued for Zoning Certificate	2017/09/27
Re-Issued for Zoning Certificate	2017/12/06
Issued for TLAB	2018/01/05



STEFANO PUJATTI ARCHITETTI
ELASTICO SPA
STRADA DELLA GIARDINA, N. 10
10023 - CHIERI (TO) - ITALIA
TEL. FAX. +39 011 9457219
WWW.ELASTICOSPA.COM



Project No:	16103
Scale:	NTS
Date:	2017/03/03
Drawn by:	RT
Drawing Title	

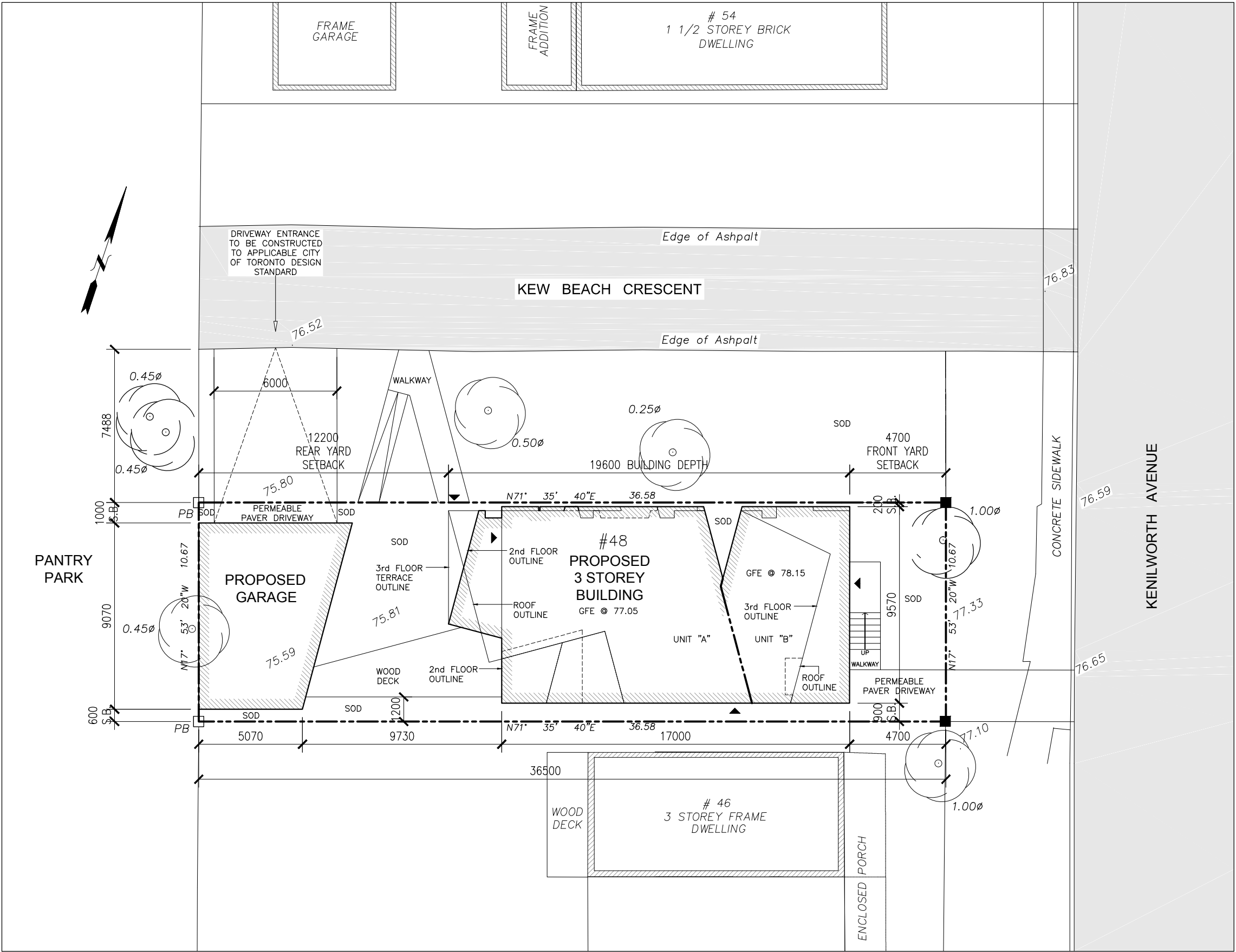
COVER PAGE

Drawing Number

A000

NOTE: APPLICANT TO PROVIDE A MUNICIPAL ROAD DAMAGE DEPOSIT (MRDD) FOR THE PROPOSED NEW DRIVEWAY CONSTRUCTION WITHIN THE MUNICIPAL BOULEVARD.

APPLICANT TO OBTAIN ALL REQUIRED PERMITS TO CONSTRUCT PROPOSED DRIVEWAY FROM THE RIGHT-OF-WAY MANAGEMENT SECTION OF TRANSPORTATION SERVICES.

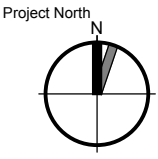


maison
glacé

48 KENILWORTH AVE.
TORONTO, ON

© Copyright KFA Architects and Planners Inc., all rights reserved. No part of this document whether printed form or supplied as digital data may be reproduced, stored in a retrieval system or transmitted in any form or by any means, mechanical photocopying, recording or otherwise without the prior written permission of KFA Architects and Planners Inc.. All dimensions to be checked on site by the contractor. Drawings are not to be scaled, and any discrepancies are to be reported to the Architect before proceeding with the work.

Issued for Review	2017/03/03
Issued for Zoning Certificate	2017/04/07
Re-Issued for Zoning Certificate	2017/06/06
Issued for Committee of Adjustment	2017/07/18
Re-Issued for Zoning Certificate	2017/09/27
Re-Issued for Zoning Certificate	2017/12/06
Issued for TLAB	2018/01/05



STEFANO PUJATTI ARCHITETTI

ELASTICO SPA

STRADA DELLA GIARDINA, N. 10

10023 - CHIERI (TO) - ITALIA

TEL. FAX. +39 011 9457219

WWW.ELASTICO SPA.COM



197 SPADINA AVE. SUITE 500
TORONTO, ON M5T 2C8
416.633.6226 - telephone
www.kfarchitecture.com

Project No: 16103

Scale: 1:200

Date: 2017/03/03

Drawn by: RT

Drawing Title

SITE PLAN

Drawing Number

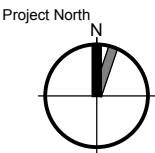
A100

maison
glacé

48 KENILWORTH AVE.
TORONTO, ON

© Copyright KFA Architects and Planners Inc., all rights reserved. No part of this document whether printed form or supplied as digital data may be reproduced, stored in a retrieval system or transmitted in any form or by any means, mechanical photocopying, recording or otherwise without the prior written permission of KFA Architects and Planners Inc. All dimensions to be checked on site by the contractor. Drawings are not to be scaled, and any discrepancies are to be reported to the Architect before proceeding with the work.

Issued for Review	2017/03/03
Issued for Zoning Certificate	2017/04/07
Re-Issued for Zoning Certificate	2017/06/06
Issued for Committee of Adjustment	2017/07/18
Re-Issued for Zoning Certificate	2017/09/27
Re-Issued for Zoning Certificate	2017/12/06
Issued for TLAB	2018/01/05



STEFANO PUJATTI ARCHITETTI

E L A S T I C O S P A

STRADA DELLA GIARDINA, N. 10

10023 - CHIERI (TO) - ITALIA

TEL. FAX. +39 011 9457219

WWW.ELASTICOSPA.COM



197 SPADINA AVE. • SUITE 500
TORONTO • ON • M5T 2C8
416.633.6226 – telephone
www.kfarchitecture.com

Project No: 16103

Scale: 1:100

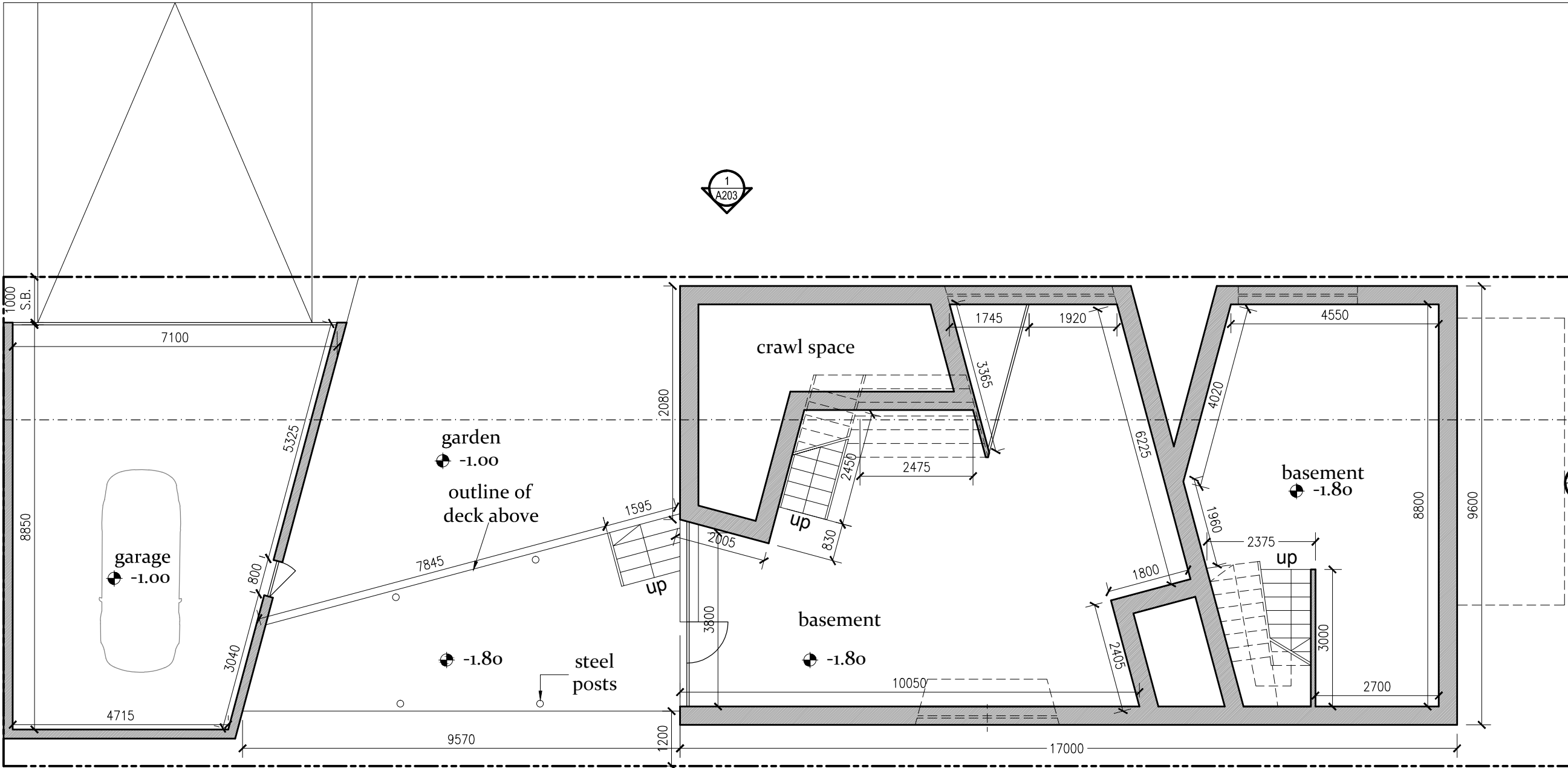
Date: 2017/03/03

Drawn by: elasticoSPA

Drawing Title
BASEMENT FLOOR
PLAN

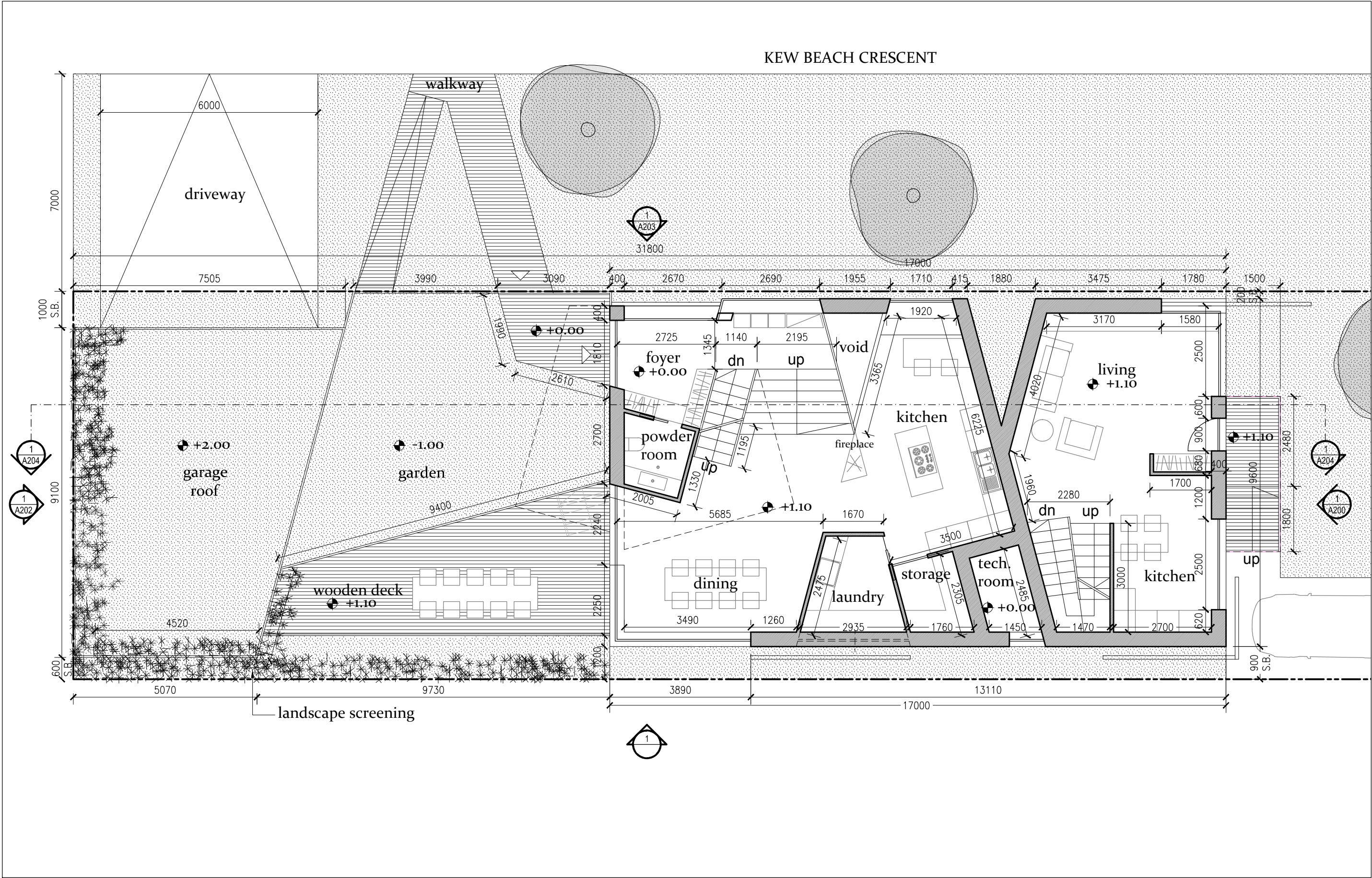
Drawing Number

A101



BASEMENT FLOOR PLAN

SCALE: 1:100

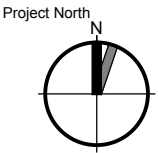


maison
glacé

48 KENILWORTH AVE.
TORONTO, ON

© Copyright KFA Architects and Planners Inc., all rights reserved. No part of this document whether printed form or supplied as digital data may be reproduced, stored in a retrieval system or transmitted in any form or by any means, mechanical photocopying, recording or otherwise without the prior written permission of KFA Architects and Planners Inc. All dimensions to be checked on site by the contractor. Drawings are not to be scaled, and any discrepancies are to be reported to the Architect before proceeding with the work.

Issued for Review	2017/03/03
Issued for Zoning Certificate	2017/04/07
Re-Issued for Zoning Certificate	2017/06/06
Issued for Committee of Adjustment	2017/07/18
Re-Issued for Zoning Certificate	2017/09/27
Re-Issued for Zoning Certificate	2017/12/06
Issued for TLAB	2018/01/05



STEFANO PUJATTI ARCHITETTI
ELASTICO SPA
STRADA DELLA GIARDINA, N. 10
10023 - CHIERI (TO) - ITALIA
TEL. FAX. +39 011 945 72 19
WWW.ELASTICO SPA.COM



Project No:	16103
Scale:	1:100
Date:	2017/03/03
Drawn by:	elasticoSPA

Drawing Title
GROUND FLOOR PLAN

Drawing Number

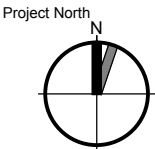
A102

maison
glacé

48 KENILWORTH AVE.
TORONTO, ON

© Copyright KFA Architects and Planners Inc., all rights reserved. No part of this document whether printed form or supplied as digital data may be reproduced, stored in a retrieval system or transmitted in any form or by any means, mechanical photocopying, recording or otherwise without the prior written permission of KFA Architects and Planners Inc.. All dimensions to be checked on site by the contractor. Drawings are not to be scaled, and any discrepancies are to be reported to the Architect before proceeding with the work.

Issued for Review	2017/03/03
Issued for Zoning Certificate	2017/04/07
Re-Issued for Zoning Certificate	2017/06/06
Issued for Committee of Adjustment	2017/07/18
Re-Issued for Zoning Certificate	2017/09/27
Re-Issued for Zoning Certificate	2017/12/06
Issued for TLAB	2018/01/05



STEFANO PUJATTI ARCHITETTI

E L A S T I C O S P A

STRADA DELLA GIARDINA, N. 10

10023 - CHIERI (TO) - ITALIA

TEL. FAX. +39 011 9457219

WWW.ELASTICOSPA.COM



Project No: 16103

Scale: 1:100

Date: 2017/03/03

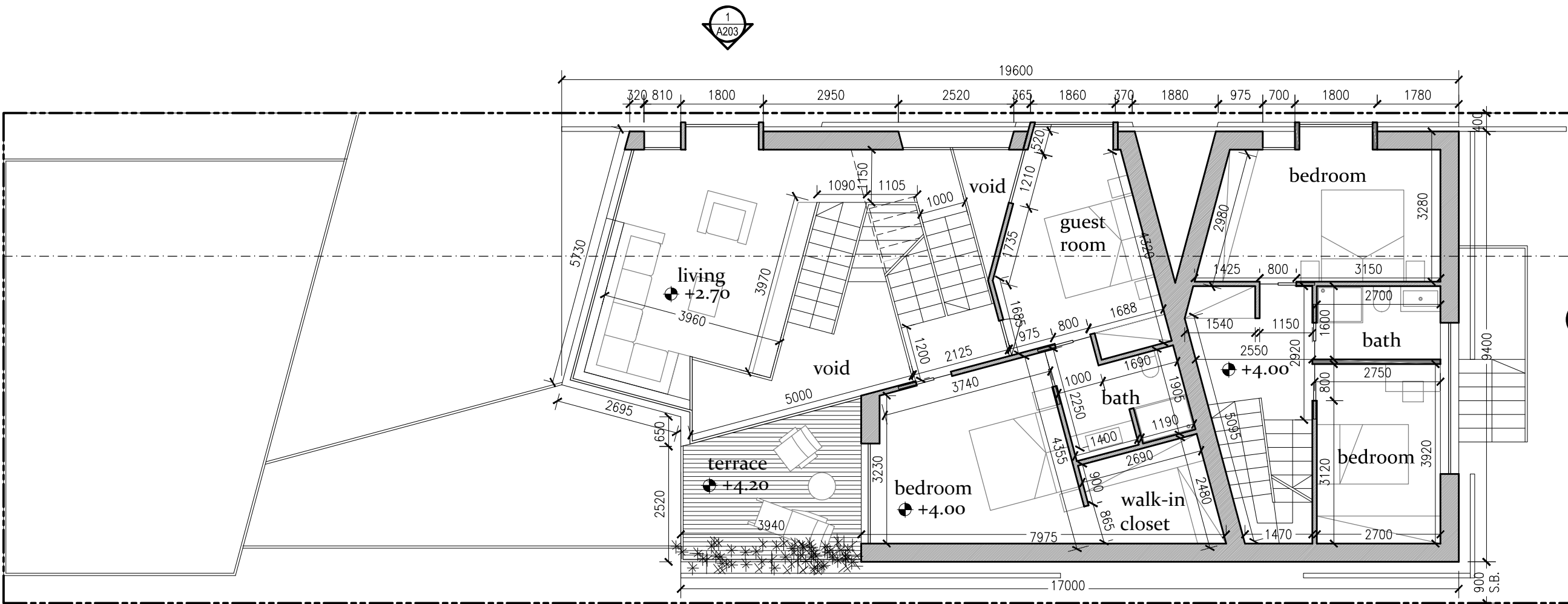
Drawn by: elasticoSPA

Drawing Title

SECOND FLOOR PLAN

Drawing Number

A103



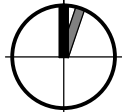
maison glacé

48 KENILWORTH AVE.
TORONTO, ON

© Copyright KFA Architects and Planners Inc., all rights reserved. No part of this document whether printed form or supplied as digital data may be reproduced, stored in a retrieval system or transmitted in any form or by any means, mechanical photocopying, recording or otherwise without the prior written permission of KFA Architects and Planners Inc.. All dimensions to be checked on site by the contractor. Drawings are not to be scaled, and any discrepancies are to be reported to the Architect before proceeding with the work.

Issued for Review	2017/03/03
Issued for Zoning Certificate	2017/04/07
Re-Issued for Zoning Certificate	2017/06/06
Issued for Committee of Adjustment	2017/07/18
Re-Issued for Zoning Certificate	2017/09/27
Re-Issued for Zoning Certificate	2017/12/06
Issued for TLAB	2018/01/05

Project North



STEFANO PUJATTI ARCHITETTI

E L A S T I C O S P A

STRADA DELLA GIARDINA, N. 10

10023 - CHIERI (TO) - ITALIA

TEL. FAX. +39 011 9457219

WWW.ELASTICOSPA.COM



197 SPADINA AVE. SUITE 500
TORONTO, ON M5T 2C8
416.633.6226 - telephone
www.kfarchitecture.com

Project No: 16103

Scale: 1:100

Date: 2017/03/03

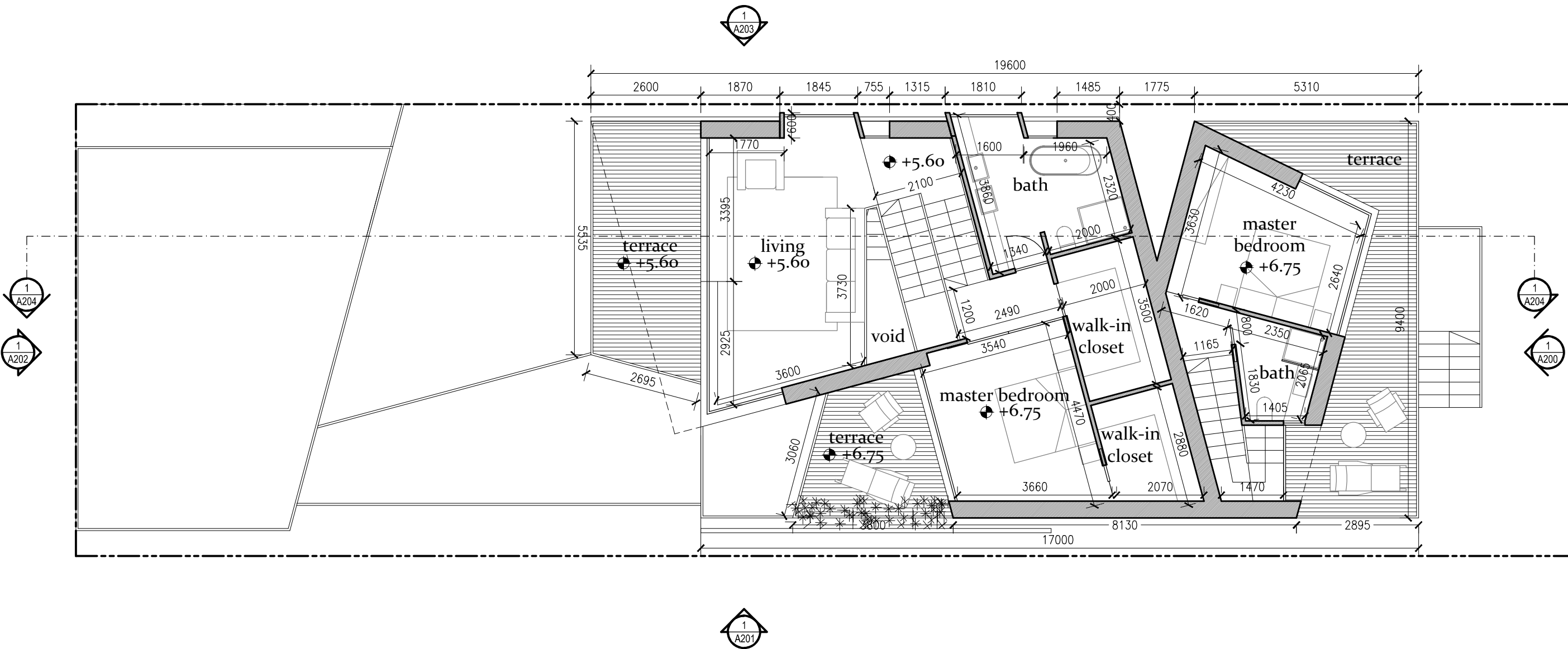
Drawn by: elasticoSPA

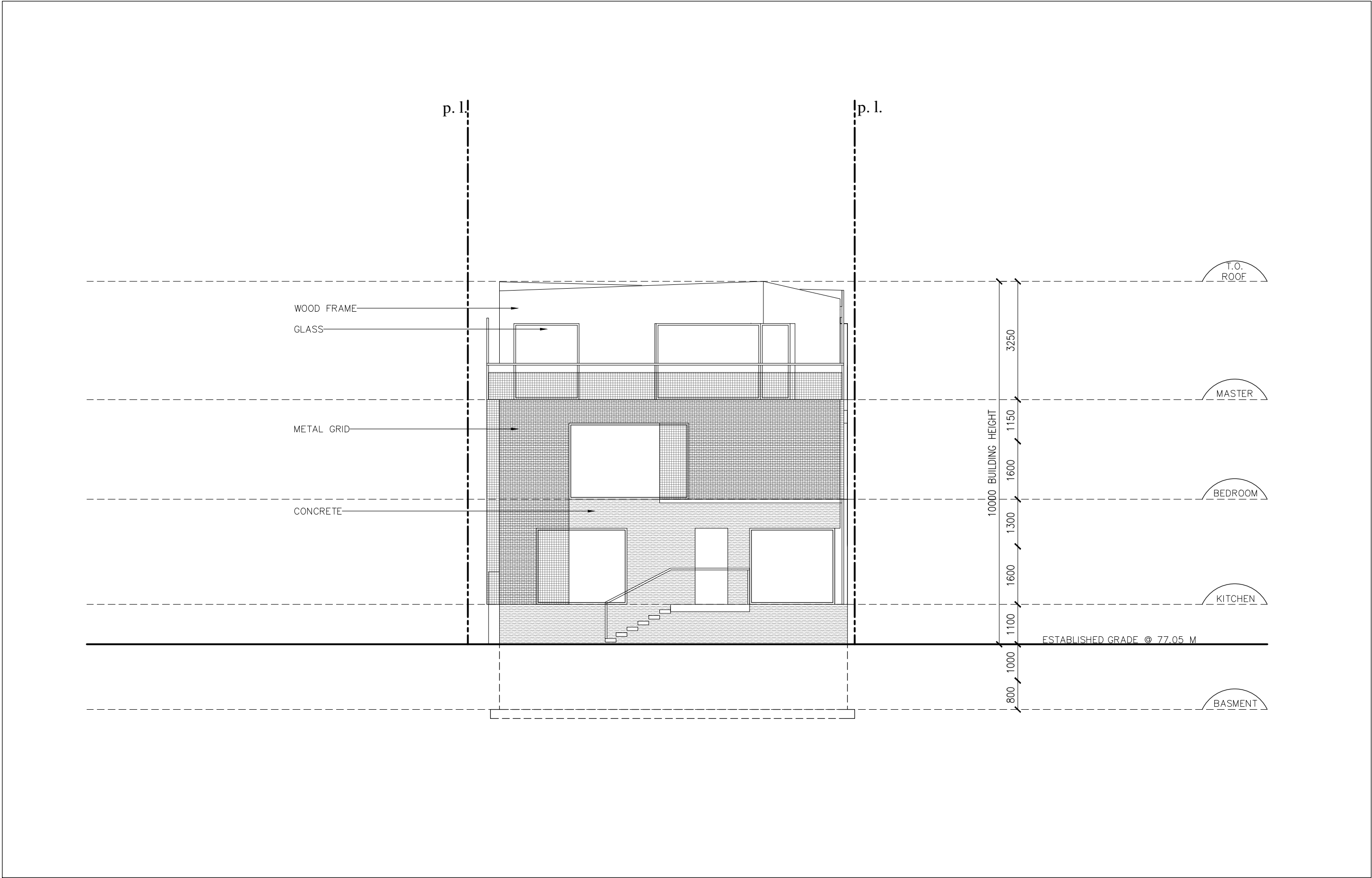
Drawing Title

THIRD FLOOR PLAN

Drawing Number

A104



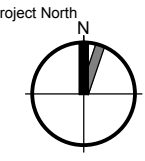


maison
glacé

48 KENILWORTH AVE.
TORONTO, ON

© Copyright KFA Architects and Planners Inc., all rights reserved. No part of this document whether printed form or supplied as digital data may be reproduced, stored in a retrieval system or transmitted in any form or by any means, mechanical photocopying, recording or otherwise without the prior written permission of KFA Architects and Planners Inc.. All dimensions to be checked on site by the contractor. Drawings are not to be scaled, and any discrepancies are to be reported to the Architect before proceeding with the work.

Issued for Review	2017/03/03
Issued for Zoning Certificate	2017/04/07
Re-Issued for Zoning Certificate	2017/06/06
Issued for Committee of Adjustment	2017/07/18
Re-Issued for Zoning Certificate	2017/09/27
Re-Issued for Zoning Certificate	2017/12/06
Issued for TLAB	2018/01/05



STEFANO PUJATTI ARCHITETTI
E L A S T I C O S P A
STRADA DELLA GIARDINA, N. 10
10023 - CHIERI (TO) - ITALIA
TEL. FAX. +39 011 945 7219
WWW.ELASTICOSPA.COM

KFA

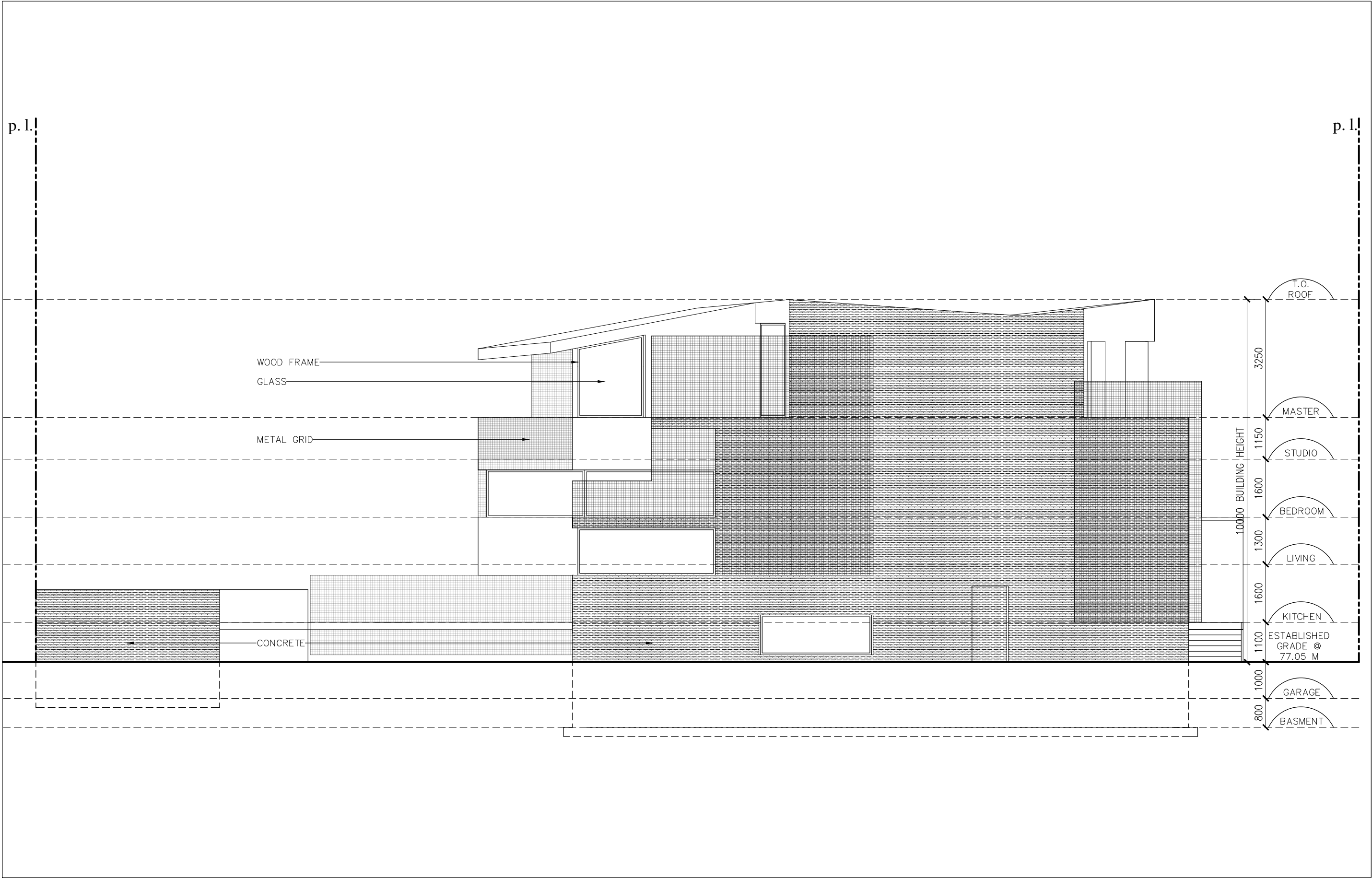
architects +
planners inc.

197 SPADINA AVE. • SUITE 500
TORONTO • ON • M5T 2C8
416.633.6226 – telephone
www.kfarchitecture.com

Project No:	16103
Scale:	1:100
Date:	2017/03/03
Drawn by:	elasticoSPA
Drawing Title	EAST ELEVATION

Drawing Number

A200

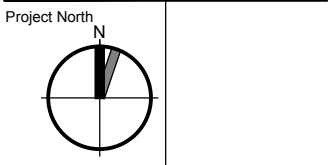


maison
glacé

48 KENILWORTH AVE.
TORONTO, ON

© Copyright KFA Architects and Planners Inc., all rights reserved. No part of this document whether printed form or supplied as digital data may be reproduced, stored in a retrieval system or transmitted in any form or by any means, mechanical photocopying, recording or otherwise without the prior written permission of KFA Architects and Planners Inc.. All dimensions to be checked on site by the contractor. Drawings are not to be scaled, and any discrepancies are to be reported to the Architect before proceeding with the work.

Issued for Review	2017/03/03
Issued for Zoning Certificate	2017/04/07
Re-Issued for Zoning Certificate	2017/06/06
Issued for Committee of Adjustment	2017/07/18
Re-Issued for Zoning Certificate	2017/09/27
Re-Issued for Zoning Certificate	2017/12/06
Issued for TLAB	2018/01/05



STEFANO PUJATTI ARCHITETTI
ELASTICO SPA
STRADA DELLA GIARDINA, N. 10
10023 - CHIERI (TO) - ITALIA
TEL. FAX. +39 011 945 72 19
WWW.ELASTICO SPA.COM

KFA

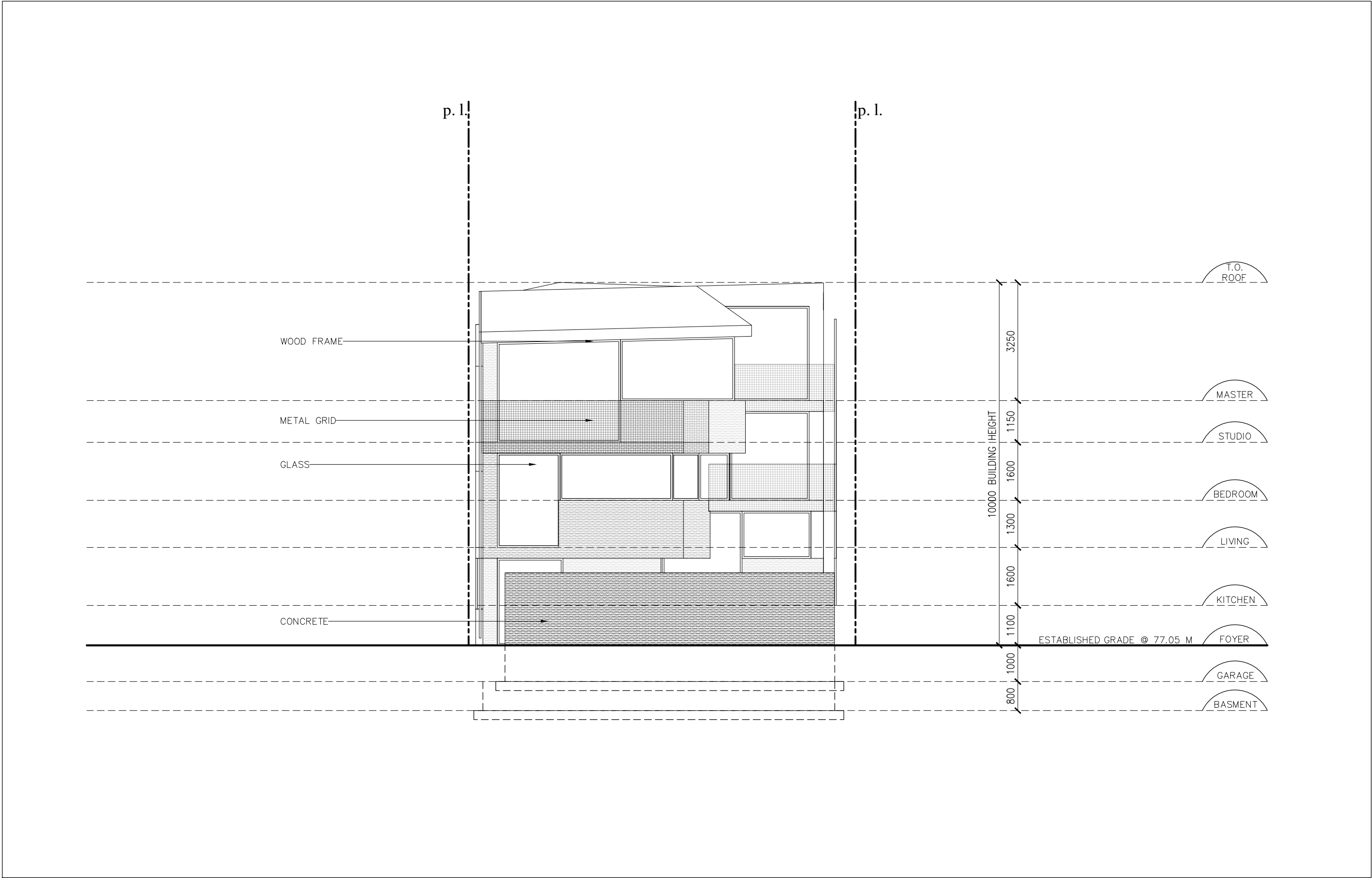
architects +
planners inc.

197 SPADINA AVE. • SUITE 500
TORONTO • ON • M5T 2C8
416.633.6226 – telephone
www.kfarchitecture.com

Project No:	16103
Scale:	1:200
Date:	2017/03/03
Drawn by:	elasticoSPA
Drawing Title	ELEVATION

Drawing Number

A201

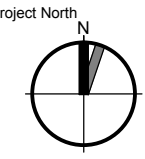


maison glacé

48 KENILWORTH AVE.
TORONTO, ON

© Copyright KFA Architects and Planners Inc., all rights reserved. No part of this document whether printed form or supplied as digital data may be reproduced, stored in a retrieval system or transmitted in any form or by any means, mechanical photocopying, recording or otherwise without the prior written permission of KFA Architects and Planners Inc.. All dimensions to be checked on site by the contractor. Drawings are not to be scaled, and any discrepancies are to be reported to the Architect before proceeding with the work.

Issued for Review	2017/03/03
Issued for Zoning Certificate	2017/04/07
Re-Issued for Zoning Certificate	2017/06/06
Issued for Committee of Adjustment	2017/07/18
Re-Issued for Zoning Certificate	2017/09/27
Re-Issued for Zoning Certificate	2017/12/06
Issued for TLAB	2018/01/05



STEFANO PUJATTI ARCHITETTI
E L A S T I C O S P A
STRADA DELLA GIARDINA, N. 10
10023 - CHIERI (TO) - ITALIA
TEL. FAX. +39 0 11 945 72 19
WWW.ELASTICOSPA.COM



Project No:	16103
Scale:	1:100
Date:	2017/03/03
Drawn by:	elasticoSPA

Drawing Title

WEST ELEVATION

Drawing Number

A202

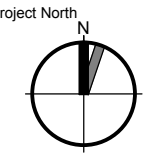


maison
glacé

48 KENILWORTH AVE.
TORONTO, ON

© Copyright KFA Architects and Planners Inc., all rights reserved. No part of this document whether printed form or supplied as digital data may be reproduced, stored in a retrieval system or transmitted in any form or by any means, mechanical photocopying, recording or otherwise without the prior written permission of KFA Architects and Planners Inc.. All dimensions to be checked on site by the contractor. Drawings are not to be scaled, and any discrepancies are to be reported to the Architect before proceeding with the work.

Issued for Review	2017/03/03
Issued for Zoning Certificate	2017/04/07
Re-Issued for Zoning Certificate	2017/06/06
Issued for Committee of Adjustment	2017/07/18
Re-Issued for Zoning Certificate	2017/09/27
Re-Issued for Zoning Certificate	2017/12/06
Issued for TLAB	2018/01/05



STEFANO PUJATTI ARCHITETTI
ELASTICO SPA
STRADA DELLA GIARDINA, N. 10
10023 - CHIERI (TO) - ITALIA
TEL. FAX. +39 011 9457219
WWW.ELASTICO SPA.COM

KFA

ARCHITECTS +
PLANNERS INC.

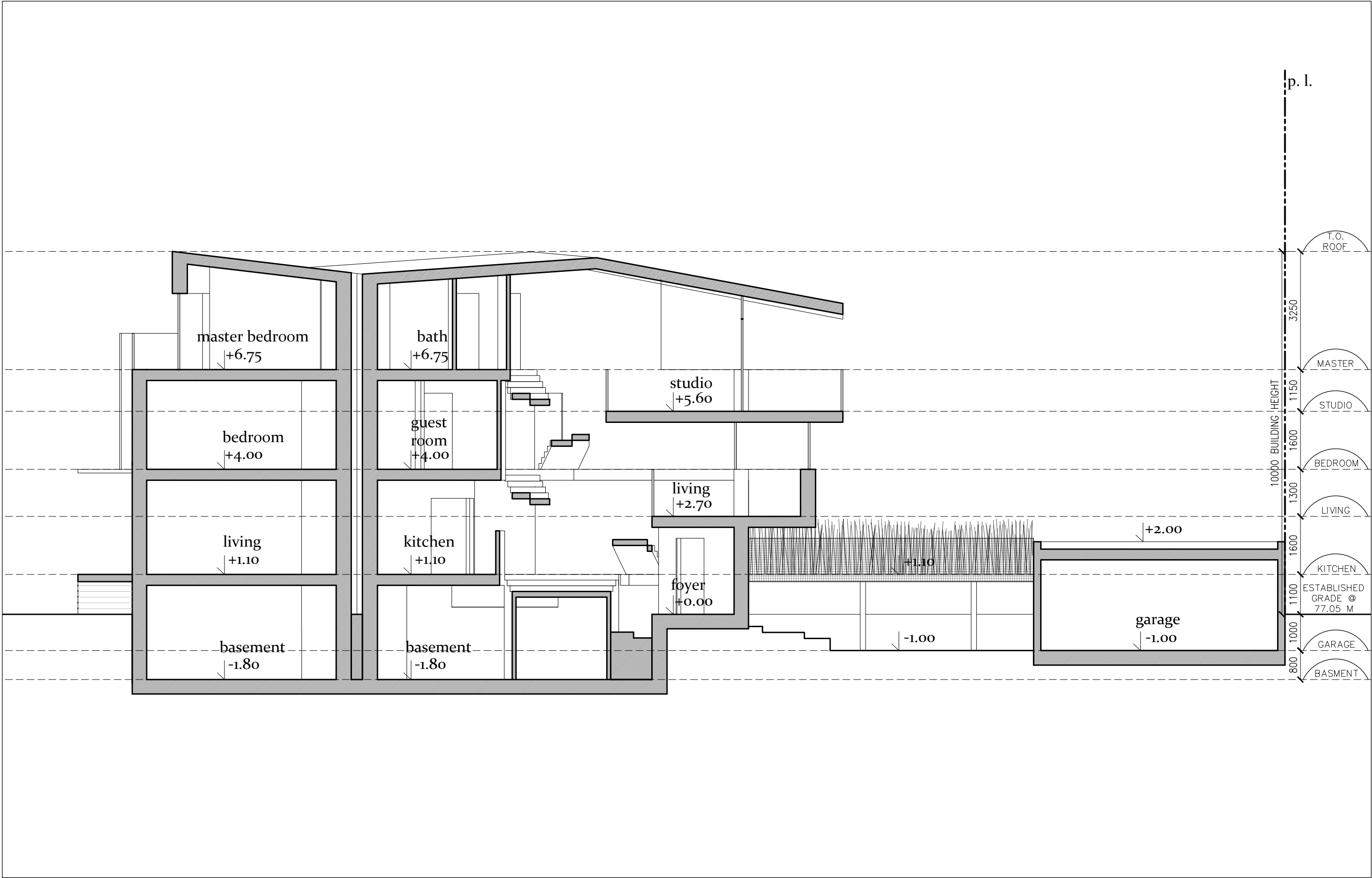
197 SPADINA AVE. • SUITE 500
TORONTO • ON • M5T 2C8
416.633.6226 – telephone
www.kfarchitecture.com

Project No:	16103
Scale:	1:100
Date:	2017/03/03
Drawn by:	elasticoSPA

Drawing Title

NORTH ELEVATION

Drawing Number

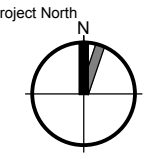


maison glacé

48 KENILWORTH AVE.
TORONTO, ON

© Copyright KFA Architects and Planners Inc., all rights reserved. No part of this document whether printed form or supplied as digital data may be reproduced, stored in a retrieval system or transmitted in any form or by any means, mechanical photocopying, recording or otherwise without the prior written permission of KFA Architects and Planners Inc. All dimensions to be checked on site by the contractor. Drawings are not to be scaled, and any discrepancies are to be reported to the Architect before proceeding with the work.

Issued for Review	2017/03/03
Issued for Zoning Certificate	2017/04/07
Re-Issued for Zoning Certificate	2017/06/06
Issued for Committee of Adjustment	2017/07/18
Re-Issued for Zoning Certificate	2017/09/27
Re-Issued for Zoning Certificate	2017/12/06
Issued for TLAB	2018/01/05



STEFANO PUJATTI ARCHITETTI
E L A S T I C O S P A
STRADA DELLA GIARDINA, N. 10
10023 - CHIERI (TO) - ITALIA
TEL. FAX. +39 011 9457219
WWW.ELASTICOSPA.COM



Project No:	16103
Scale:	1:100
Date:	2017/03/03
Drawn by:	elasticoSPA

Drawing Title

SECTION

Drawing Number

A300