

# DECISION AND ORDER

**Decision Issue Date** Thursday, June 28, 2018

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

Appellant(s): JAVAD SHIRVANI-GHOMI

Applicant: SEYED AMIR NAGHAVI

Property Address/Description: 210 HORSHAM AVE

Committee of Adjustment Case File Number: 16 253439 NNY 23 CO, 16 253442 NNY 23 MV, 16 253443 NNY 23 MV

TLAB Case File Number: **17 206112 S53 23 TLAB, 17 206113 S45 23 TLAB, 17 206114 S45 23 TLAB**

**Hearing date:** Thursday, April 26, 2018

**DECISION DELIVERED BY L. McPherson**

## APPEARANCES

Name	Role	Representative
Seyed Amir Naghavi	Applicant	
Javad Shirvani-Ghomi	Appellant	Amber Stewart
City of Toronto	Party	
Gabe Szobel	Party's Legal Rep	
Franco Romano	Expert Witness	
Adam Pressick	Expert Witness	

<b>Name</b>	<b>Role</b>	<b>Representative</b>
Anne McConnell	Participant	
Hing Fai Wong	Participant	

## **INTRODUCTION AND BACKGROUND**

This is an appeal to the Toronto Local Appeal Body (“TLAB”) by the owner (“Applicant”) of the refusal by the Committee of Adjustment for the City of Toronto (“Committee”) of applications for consent to sever one lot into two lots and associated minor variances to construct two single detached dwellings (“the proposal”).

The property is located at 210 Horsham Avenue (“the subject lands”).

The subject lands are designated Neighbourhoods in the City of Toronto Official Plan (“the Official Plan”) and are zoned RD (f15.0; a550)(x5) under Zoning By-law No. 569-2013 (“By-law 569-2013”) and R4 under North York Zoning Bylaw No. 7625 (“By-law 7625”).

The proposed lots would have a frontage of 9.14 m and a lot area of 367.00 m<sup>2</sup>. The minor variance application would permit the development of a single detached residential dwelling on each lot. The proposed variances are set out in Attachment 1 and are in respect to the following matters:

### **By-law 569-2013**

- (a) reduced lot area;
- (b) reduced lot frontage;
- (c) reduced side yard setbacks;
- (d) increased lot coverage;
- (e) increased height of front and side exterior main walls; and
- (f) increased building length.

### **By-law 7625**

- (a) reduced side yard setbacks;
- (b) increased building height.

The City of Toronto (the “City”) was a Party to these proceedings. There were a number of residents who had elected Participant status, however, only two identified themselves at the Hearing. Ms. Anne McConnell spoke on behalf of the Edithvale Yonge Community Association and the other Participants.

## **MATTERS IN ISSUE**

The primary issue in this appeal is whether the creation of two undersized lots and the resultant single detached dwellings respect and reinforce the existing physical character of the neighbourhood.

## **JURISDICTION**

### **Provincial Policy – S. 3**

A decision of the TLAB must be consistent with the 2014 Provincial Policy Statement ('PPS') and conform to the Growth Plan of the Greater Golden Horseshoe for the subject area ('Growth Plan').

### **Consent – S. 53**

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

"regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2 of the Planning Act;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
  - (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;

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

(h) conservation of natural resources and flood control;

(i) the adequacy of utilities and municipal services;

(j) the adequacy of school sites;

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

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

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

### **Minor Variance – S. 45(1)**

In considering any 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**

The TLAB heard from the Applicant's professional land use planner, Mr. Franco Romano, and the City's professional land use planner, Mr. Adam Pressick, both of whom were qualified to give professional planning opinion evidence. It is noted that Mr. Pressick was not the planner who authored the Planning staff report submitted to the Committee; however, he indicated that he substantially adopted the opinion of his colleague contained within the report with the exception that he prepared a revised lot study to be discussed further in this decision.

The Evidence of Franco Romano

Mr. Romano described the site and neighbourhood context (Exhibit 1- Witness Statement, Exhibit -2 Consolidated Document Book).

The subject lands are located within the former municipality of North York, south of Finch Avenue West and west from Yonge Street, within the Willowdale Community. Horsham Avenue is a local road that runs generally east-west about five blocks south from Finch Avenue. As a result of the recently constructed Beecroft Road right-of-way and associated linear park, Horsham Ave now terminates at a cul-de-sac at its eastern end.

The neighbourhood is adjacent to the North York Centre, an area identified for intensification. The area that interfaces with the Centre includes townhouses within the Neighbourhoods designation. There is also intensification occurring along Finch Avenue in the vicinity of the intersections with Yonge Street as outlined in the Secondary Plan for the area.

Mr. Romano indicated that the neighbourhood is well served by transit. The subject lands are within walking distance of two subway stations - North York Centre and Finch Stations. In addition, Senlac Rd., one block west of the subject lands, has surface bus transit service.

The neighbourhood consists of detached residential buildings interspersed with other forms of development that include schools, parks, and places of worship. The neighbourhood has also been experiencing reinvestment and regeneration in the form of new dwellings and building additions. Mr. Romano described the neighbourhood as well positioned with respect to transit and community services.

Mr. Romano defined a lot study area based on an area having the same zoning boundaries and Official Plan Neighbourhoods designation. It is in a centralized location bounded by Senlac Road to the west, the urban growth centre to the east (Beecroft Ave), the north side of Hounslow Ave to the north and the south side of Ellerslie Road to the south (Exhibit 1 pg. 76). As part of this exercise he updated the statistics provided by the City to reflect the lots that had been excluded as a result of the Beecroft extension and associated parkland and to incorporate recent decisions. The lot study area contains 467 lots which Mr. Romano considered a good sample size for review. A colour coded lot study was used to illustrate the range of lot frontages using 4 lot frontage categories, the smallest of which was 10.9 m and less and largest of which was 19 m and more. He noted that undersized lots were well represented in the lot study area with 49% of the lots being undersized relative to the lot frontage requirement of 15 m in the Zoning By-law. These lots are scattered throughout the neighbourhood with a high proportion located on Horsham Ave and Hounslow Ave. In terms of lot size, approximately 39% of the lots with available lot area data (403 lots) are undersized based on the zoning requirement of 550 m<sup>2</sup>.

Mr. Romano indicated that there is a broad range of lot frontages in the study area with the smallest at 5.5 m and the largest at 43.4 m. On Horsham Ave, the lot frontages range from 9 m to 22.9 m. In terms of lot size, the lot areas in the study area range from 204 m<sup>2</sup> to 2,111 m<sup>2</sup>. On Horsham Ave, the smallest lot size is 361.8 m<sup>2</sup> and the largest is 797.5 m<sup>2</sup>.

Mr. Romano concluded that both the lot frontage and lot area range on Horsham Ave fall within the ranges found in the broader neighbourhood. In his opinion, the proposal would fit within those ranges with a lot frontage of 9.14 m and a lot area of 367 m<sup>2</sup>. He indicated that they would be similar to the lot sizes within the block both on the opposite end of the block on the same side of the street and mid-block on the south side of the street.

In his opinion, the position of the lot size and configuration being proposed is reflected not only in the neighbourhood but also in the same block. He advised that undersized lots were well represented in the neighbourhood; of the 11 lots in his study area that are 9.14 m and smaller, 5 of the lots are on Horsham Ave.

Mr. Romano referred to a number of photos to describe the lots and associated houses in the study area showing a variety of older and newer dwellings, many having integral garages with living space above. He advised that both small and large lots have “tight to modest” side yard setbacks. Landscaping in the front yard varies, but is generally proportionate to the lot size. He described the variety of architectural styles and site design features throughout the area as different, but complementary.

Mr. Romano provided a table of sample Committee decisions (Exhibit 1 pg. 780) to demonstrate that new developments – either additions to existing dwellings or replacement dwellings – often have variances associated with them. He noted that there have been applications for the creation of new lots by way of severance, some of which have been approved and others refused. He highlighted that there have been variances granted dealing with lot coverage, setbacks and other matters for both compliant and non-compliant lots.

Mr. Romano referred to an application at 57 Horsham Ave involving consent and minor variance applications refused by the Committee, but approved by the OMB (included in Exhibit 1). The approval was for a lot frontage of 9.145 m, side yard setbacks of 0.6 m and 1.2 m, a coverage of 33% and a building length of over 17 m. He noted that the City was a Party to the Hearing in opposition to the applications but did not call any evidence.

Mr. Romano also participated in consent and minor variance applications for 185 Horsham Ave, across the street from and in the same block as the subject lands. The applications were refused by the Committee, but approved by the OMB in 2012. The approval was for a lot frontage of 9.9 m, a lot area of 399 m<sup>2</sup>, side yard setbacks of 1.2 m and a lot coverage of 31%. Planning staff submitted a report on the application to the Committee (Exhibit 1 pg. 44) which stated, “The neighbourhood around the subject

property is zoned exclusively R4. The prevailing lot pattern is one with lots ranging from 30' to 50' lots oriented in a north-south direction. Within the general area around the subject property, 19 lots have frontages of 35 feet (10.7 m) or less, similar to the proposed severed lots. Almost directly across the street, there are five lots in a row of this size, at 170, 172, 174, 178 and 180 Horsham Ave. As such, staff is of the opinion that the proposed lots would not be out of keeping with the five lots on the north side of Horsham Avenue." At the OMB hearing, the City did not call any planning evidence as there was a settlement which increased the side yards from 0.9 m to 1.2 m (Exhibit 1 – pg. 49). Mr. Romano noted that planning staff did not object to the proposed side yard setbacks of 0.9 m and 1.2 m.

Mr. Romano advised that there had been a previous consent and minor variance application for 185 Horsham Ave in 2004. The Planning staff reported submitted to the Committee in September 2004 (Exhibit 1 pg. 38) stated, "There are 83 lots located within the study area. Of these lots, there are only 10 lots of which frontages of 18.3 m (60') or greater, 38 lots with frontages of 15.2 m (50') or greater, 27 lots with frontages of 12.2 m (40') or greater and only 8 with lot frontages of 9.1m (30') or greater. There are no lots within the study area that are less than 9.1 m (30')". The report also noted another severance application approved at 221 Horsham Ave for two 10.67 m lots. Staff recommended conditions to approval, should the Committee approve the applications. Mr. Romano noted that the 2004 application was considered under the former North York Official Plan, which he described as having more restrictive policies than the current Official Plan policies. The North York Official Plan contained specific severance policies which encouraged the preservation of larger lots in neighbourhoods that had larger lots. He confirmed that the current Official Plan does not contain such policies

Mr. Romano summarized his opinion that the proposal fits within the regeneration that is currently occurring in the neighbourhood. He noted that there was nothing atypical with respect to the proposal in the neighbourhood or block context. The neighbourhood is experiencing reinvestment and regeneration in the form of new detached dwellings and, in his opinion, the investment that is taking place is gradual and respects and reinforces the neighbourhood's character. He noted that there are differences in terms of lot sizes, treatment, and architectural style; however, the general physical character is that of low rise detached residential that reflects a harmonious, stable, but not static, residential neighbourhood. In his opinion, part of the stability is reflected in the regeneration that is occurring including additions to dwellings, replacement dwellings, and new lots; the result is a compatible, stable residential neighbourhood.

Mr. Romano then described the Applications (Exhibit 2 – tab 12 and 13). The proposed lots will maintain a rectangular shape with each having a driveway on Horsham Ave. A new, two storey, detached dwelling would be constructed on each lot with an integral garage. The front wall of the easterly dwelling aligns with the front wall of the house to the east at 206 Horsham Ave. The rear wall closely aligns with the rear wall of 206 Horsham Ave. The front elevation indicates a split first floor with an integral garage and 2 levels of living space above with a sloped roof. He noted that the driveways and the

dwellings do not interfere with any trees.

Each lot would have the following characteristics:

- a lot coverage of 32%;
- a front yard setback of 7.6 m creating front wall alignment along Horsham Ave.;
- side yard setbacks of 1.2 m., which is the same as the 185 Horsham Ave settlement;
- rear yard setbacks of over 15m
- a building length of 17.48 m
- a building height of 9.1 m under By-law 7625 and 9.96 m under By-law 569-2013
- a gross floor area of approximately 242 m<sup>2</sup>

Mr. Romano advised that, in terms of building siting, mass, and scale, the proposal is compliant with a number of zoning standards including:

- Building type
- Front yard setbacks
- Rear yard setbacks
- Eaves projections and setbacks
- Overall building height
- Number of storeys
- Building depth
- Front yard landscaping
- Gross floor area
- Driveway and parking
- Deck size and location
- Platform size and location
- Stair size and location

In his opinion, the required variances are reflected elsewhere in the neighbourhood and while there are some differences, he considered them still compatible.

Mr. Romano indicated that the City Forestry division had no concerns and recommended standard conditions to approval. There were no City Development Engineering concerns, other than the requirement for a 5 m corner rounding. He noted that the requirement should be contained in the conditions to approval.

He advised that as a result of the recent OMB decision regarding appeals of Zoning By-law 569-2013, certain variances that were before the Committee were no longer required and the variances required have been reduced to 11 variances for each lot.

With respect to the 2014 Provincial Policy Statement, Mr. Romano referred to Policies 1.1.1, 1.1.2, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.4.1, 1.4.3, 1.6 and 4.0 (Exhibit 2 -tab 2). The subject lands are within a Settlement area which are the focus of growth and development. The policy thrust of the Settlement Area policies is to provide for a range of housing options and to promote compact development and intensification. Efficient



development patterns optimize the use of land, resources and public investment in infrastructure and minimize land consumption and servicing costs. These patterns promote a mix and range of residential uses and non-residential uses. Further, sufficient land shall be made available to accommodate a range and mix of uses through intensification and redevelopment. The Implementation section directs that the Official Plan and Zoning By-law are local tools to implement the PPS by identifying areas to accommodate growth. He advised that within the Neighbourhoods designation of the Official Plan, the type of intensification that can be accommodated is low rise residential as higher density development is targeted to other designations such as the North York Centre or Finch Avenue. In his opinion, the Application is consistent with the policies with the PPS.

In terms of the 2017 Growth Plan for the Greater Golden Horseshoe, Mr. Romano referred to Policies 1.2.1, 2.2.1, 2.2.2, 2.2.6, 5.1, and 5.2. The subject lands are within a delineated built up area. The policies call for making efficient use of existing infrastructure and avoiding expansions. There is a focus on curtailing urban sprawl and achieving compact and complete communities within delineated built up areas. Guiding principles include supporting achievement complete communities to meet people's needs over their lifetime including range and mix of housing options for all stages of life, and prioritizing intensification in higher densities to make efficient use of lands and infrastructure and support transit by directing growth to settlement areas that have a delineated built boundary. He notes that policies indicate that the focus of intensification is on strategic growth areas and but that doesn't mean they are the only place for intensification. The vast majority of growth will be in delineated built up areas which are close to transit and community services. Municipalities are required to develop a growth strategy to meet the minimum intensification target. Intensification is to take place throughout delineated built up areas to achieve the desired urban structure. In his opinion, the Application conforms to, and does not conflict with the Growth Plan.

In terms of both policy documents, it is his opinion that maintaining the existing single dwelling and lot does not advance the policies under the PPS and the Growth Plan and the Application would advance those policies.

In Mr. Romano's opinion, the proposal conforms to and maintains the general intent and purpose of the Official Plan for both the consent and minor variances. He referred to the applicable Neighbourhood policies found in Chapter 4 with some foundation for the policies in Sections 2 and 3. He summarized that the overall thrust of the Official Plan is to achieve development and facilitate intensification where it meets the policies of the Neighbourhoods designation in a form that reinforces the neighbourhood's general physical character. In his opinion, this requires a review of the neighbourhood as a whole, as the Official Plan recognizes that the various physical characteristics combined create the physical character of the neighbourhood. He stated the Official Plan does not direct that development replicate what exists, but rather that development fit compatibly and be respectful of the general physical patterns. In his opinion the Application conforms to this Official Plan thrust.

Section 2.3 contains policies that recognize that neighbourhoods are stable but not static and physical change within neighbourhoods will occur over time. Such change should respect and reinforce the existing physical character of the neighbourhood in terms of buildings, streetscapes and open space patterns. Mr. Romano stated that these policies recognize that different patterns can be found within, and contribute to, the character of a neighbourhood.

In his opinion, the Official Plan permits modest intensification within Neighbourhoods in accordance with the urban structure policies in Section 2.3.1, the housing policies in Section 3.1.2, and in accordance with the development criteria found in Section 4.1.

The Built Form policies in Section 3.1.2.1 direct that development be organized and fit within the existing and planned context. With regard to the Application he indicated that the front wall and front entrance of the dwellings are aligned with and facing the street. The policies recognize there will be some impact on trees. Individual driveways are separated by landscaping and the required parking is located behind the main front wall (3.1.2.2). The impact of the massing and exterior design is limited (3.1.2.3). With respect to adequate light and privacy, the policies recognize that light and privacy will be impacted by new development, and the test is that adequate light and privacy be provided. In his opinion, the proposal appropriately implements the build form policies.

With respect to the Housing policies in Section 3.2.1, Mr. Romano advised that the policies apply to every land use designation where housing is permitted and recognizes that a full range of housing is to be achieved in each of these categories. The policies direct that the existing stock of housing will be maintained and replenished. New housing supply will be encouraged through intensification and infill that is consistent with the Plan where housing is permitted, which includes Neighbourhoods. He noted that detached lots were removed from the housing stock at the east end of the street to accommodate the road and park associated with the Beecroft Ave extension. Using census data from 2006 -2016, he advised that, while there had been an increase in dwellings (as a result of a portion of the urban growth centre being included in the census tract), there had been a reduction in detached, semi-detached, and townhouses, partly as a result of the infrastructure improvements. As dwellings in the growth areas are intended to be mid to high-rise apartment buildings, he explained that the opportunity to increase detached residential dwellings is within the Neighbourhoods designation.

Mr. Romano advised that the Neighbourhoods land use policies in Chapter 4 (Section 4.1.5) contain development criteria on how to achieve development that enhances stability and provides for sensitive, gradual development that generally fits the key objectives of respecting and reinforcing the general physical character in Neighbourhoods. The criteria include elements that make up physical character of the neighbourhood. Based on his review of the proposal he advised that:

- a) not affected
- b) size and configuration of lots – the proposal achieves a size and configuration that is well represented in the area – while not the exact number, of a size and

configuration and would reinforce the size and configuration of lots.

- c) height, massing, scale and dwelling type of nearby buildings – the height of nearby dwellings is 2 to 3 storeys with a garage and 1 to 2 levels of living above – the proposal respects and reinforces the height, scale, massing and building type of nearby buildings
- d) prevailing building type – is single detached, which is maintained
- e) setbacks from the street – the proposal has the same setback and front wall alignment as the adjacent property
- f) prevailing patterns of rear and side yards - there is no consistent rhythm to the side yards in the area, which are generally tight to modest and not used for amenity, but for access and maintenance. Landscaped open space is in the front and the rear yards

In Mr. Romano's opinion, the proposal implements all of the criteria by introducing a height, scale and massing, and overall building type that is in keeping with and conforms to all of the neighbourhood ingredients that produce the physical character of the neighbourhood.

Section 4.1.8 of the Official Plan indicates that the Zoning By-law will contain performance standards for various matters to ensure compatibility. Mr. Romano advised that, regardless of lot size, discrepancies related to zoning bylaw are evident. He characterizes the neighbourhood as consisting of dwellings and lots that have some variation from the zoning bylaw standards for one or more of the standards, similar to the proposal. In his opinion, the Applications result in a development compatible with the physical character of the neighbourhood and conform and maintain the general intent and purpose of the Official Plan.

With respect to the general intent and purpose of the Zoning By-law, it was Mr. Romano's opinion that the proposal provides for an orderly and compatible site development within the context of the subject land and maintains the general intent and purpose of the Zoning By-laws as follows:

- a) The intent and purpose of the lot frontage and lot area provisions is to achieve an appropriate lot size within the site's physical context. It is his opinion that similar undersized lots are well represented in the neighbourhood.
- b) The general intent and purpose of the coverage provision is to require enough space on the lot to achieve other aspects such as amenity space, yards, driveway access, and parking. The proposed coverage of 32% for each lot is similar to other new construction in the neighbourhood. In his opinion, the intent and purpose of coverage is being maintained with the Application.
- c) The intent and purpose of the main wall height standard is to maintain a low-rise, two storey dwelling, where two storey buildings predominate. He also noted that this provision is under review by the City. The variances in the Applications deal with a small

component of the dwellings to accommodate windows that exceed the provision. The two storey height provision is maintained. Even on a lot that is compliant on lot frontage in the area (230 Hounslow Ave), a main wall height variance has been approved. In his opinion, the intent and purpose of the main wall height standard is maintained and achieved by the Applications.

d) The intent and purpose of the building depth provision is to ensure that the dwelling is oriented towards the front of the lot and maintains an appropriate relationship with nearby dwellings. He advised that the building lengths in the Applications are very close to the length of the building next door to the east and the dwellings are oriented toward the front of the lot. In his opinion the intent and purpose of the building length provision is maintained.

e) The general intent and purpose of the side yard setback is to achieve an appropriate space for maintenance and servicing and to provide for adequate spatial separation to the lot line. With a proposed 1.2 m setback, it is his opinion that the intent and purpose of the side yard setback is maintained.

f) The intent and purpose of the building height provision is to maintain a low rise, 2- storey built form. The variance under Zoning By-law 7625 in the Applications is a result of how the height is measured from the crown of the road to the midpoint of the roof. In his opinion, the intent and purpose of the provision is maintained by the Applications.

g) In terms of architectural typology, Mr. Romano noted that the design of the front elevations of the proposed dwellings result in different, but complementary dwellings and fits within the neighbourhood character.

In conclusion, it was Mr. Romano's opinion that the proposed variances, individually and cumulatively, meet the general intent and purpose of the Zoning By-laws.

It was Mr. Romano's opinion that the Applications represent a gentle form of intensification and a sensitive form of regeneration, in keeping with the character of the neighbourhood. They provide an opportunity to maintain and replenish the detached housing stock with built form and physical characteristics that are reflected in the neighbourhood. In his opinion the proposal is desirable for the appropriate use and development of the land.

In Mr. Romano's opinion, the Application is minor and creates no unacceptable adverse impact. He acknowledged that there would be a change, as the new development will be larger and differently constituted than what exists today, however, the interface with the 2 public streets on this corner lot and the neighbouring properties creates no unacceptable adverse impacts. In his opinion, the order of magnitude of the variances is minor in nature and reflected elsewhere in the neighbourhood as outlined in the decision summary table and photos of the area.

With respect to the consent request, it was Mr. Romano's opinion that a plan of subdivision is not necessary to facilitate the severance proposal. With respect to the consent criteria of Section 51(24), it was his opinion that the proposal satisfies the relevant criteria individually and cumulatively as set out below:

- (a) the effect of development of the proposed subdivision on matters of provincial interest, as referred to in Section 2 of the Planning Act:
  - the Application has appropriate regard and implements a number of Sections including: 2e, 2f, 2h, 2j and 2r and has no substantive implications on the other Sections.
- (b) whether the proposed subdivision is premature, or in the public interest:
  - services are available and can accommodate a gentle form of intensification with no unacceptable adverse impacts.
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any:
  - the Applications conform.
- (f) the dimensions and shapes of the proposed lots:
  - these are reflected in neighbourhood and not atypical
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided, or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land:
  - there are no restrictions
- (i) the adequacy of utilities and municipal services:
  - utilities and municipal services are available and adequate
- (j) the adequacy of school sites:
  - no school sites are required from the site;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes:
  - corner rounding is only requirement to be conveyed and does not impact the proposal.
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy:
  - the new development will be energy efficient.

In summary, it is Mr. Romano's opinion that Section 51(24) is appropriately implemented. He noted the requested corner rounding, which can be facilitated as a condition of the consent approval, is standard and appropriate.

With regard to the minor variance conditions, he indicated it would be appropriate to include conditions related to the existing driveway reconstruction and the positive slope requirement for the new driveways and a condition that ties the development to the site plan.

In summary, it is Mr. Romano's opinion that the proposal represents a severance and site development that is supported by the neighbourhood's physical character and

context at both the micro and macro level and with no resulting unacceptable adverse impact. He recommended that the appeal be allowed, subject to the conditions.

#### The Evidence of Adam Pressick

Mr. Pressick described the Applications and their variances. He indicated that he was primarily concerned with the proposed lot frontage of 9.14 m and side yard setbacks of 1.2 m.

He stated the subject lands are within a low-rise residential neighbourhood constructed in the 1950's. He described the strongest feature of the neighbourhood as its location west of Yonge Street and Beecroft Road and south of Finch Ave. There are consistent 20 m road right of ways with sidewalks generally on one side.

He described the subject lands which have an 18.29 m frontage, an existing west side yard of 1.99 m, and an existing east side yard of 1.63 m, with abundant front yard landscaping, wide setbacks between buildings and a minimal driveway width. The lands to the east (208 Horsham Ave) have a 16.76 m frontage and a west side yard of 1.86 m resulting in a current separation distance of 3.5 m between dwellings.

Within the immediate block, the lots have frontages ranging from 9.75 m to 18.29 m for an average of approximately 14.2 m. The proposed lots would be the smallest in the immediate block in terms of frontage. The 9 closest lots maintain at a minimum 15.24 m of frontage. He characterized the block as having a mix of original and new dwellings, with the new buildings appearing larger than the original buildings. However, the new buildings have generous separations between buildings and abundant landscaping. In his opinion, the prevailing or most common side yard setback is greater than the proposed 1.2 m and closer to 1.5 m. In his opinion the character of the buildings in the Applications is significantly different than the existing nearby dwellings.

Mr. Pressick also prepared a lot study, contained in his Witness Statement (Exhibit 4) in which he expanded the analysis of the original Staff report prepared by his colleague. The northern boundary is generally Bevdale Road, the southern boundary is the south side of Churchill Ave, the western boundary extends 2 blocks west of Senlac and the eastern boundary is Beecroft Road. The subject lands are in the middle of this lot study area. In total, the study area contains 916 lots.

His analysis table grouped lot frontages into 6 categories with the smallest including lots less than 9.15 m and the largest including lots 18.28 m and over. He described the blocks closest to Beecroft Rd has the most variety of lot frontages and is adjacent to townhouses, approved and constructed. He indicated that further west from Beecroft Rd, the neighbourhood character changes, with the larger lots becoming more prevalent with more spacious front yard landscaping, larger building widths, larger side yard setbacks and a decrease in the number of the smallest lots.

Within his lot study area, there are 12 lots that are 9.15 m or less (1.3%) with 9 of those

lots located between Tamworth Rd and Beecroft Rd. The majority of lots (64%) had frontages of 15.24 m or greater, complying with the zoning requirement and 83% had frontages 12.19 m or greater.

Mr. Pressick advised that, since 2001, there have been 24 consent applications approved creating 54 new lots. The 2 new lots approved with similar lots frontages are to the Applications are in the area closest to Beecroft Rd.

In Mr. Pressick's opinion, the built form in the neighbourhood is characterized by large, wide lots with abundant front yard landscaping, wide side yard setbacks, and generous wall separation. In his opinion, the proposed lots and dwellings do not share the physical character of the neighbourhood, specifically the western and central segments, and would appear visually out of character in this streetscape as they would be surrounded by 9 larger lots in the immediate block.

With respect to the consent application, it is Mr. Pressick's opinion that the application does not satisfy criteria c) and f) of Section 51(24) of the Planning Act.

With respect to Section 51(24) c), Mr. Pressick referred to Policy 2.3.1.1 of the Official Plan, which states "Neighbourhoods are considered to be physically stable areas... Development within Neighbourhoods... will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas". Under Section 4.1, the Plan states "Physical changes to our established Neighbourhoods must be sensitive, gradual, and generally "fit" the existing physical character. A key objective of this Plan is that new development respect and reinforce the general physical patterns in a Neighbourhood".

He referred to Policy 4.1.5 which identifies eight criteria for evaluating development in neighbourhoods and specifically referred to Policy 4.1.5(b) and 4.1.5(f), relating to the size and configuration of lots, and prevailing patterns of rear and side yard setbacks and landscaped open space.

In addition, Policy 4.1.5 states "no changes will be made through re-zoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood".

Section 4.1.8 provides that By-laws will set out numerical site standards for various matters including building type, height, density, lot sizes, lot depths, lot frontages, parking, building setbacks, and landscaped open space. He advised that the intent of the policy is to establish numeric standards so that new development will maintain the existing physical character of the neighbourhoods.

In summary, it is his opinion that the proposed development fails to respect and reinforce the physical character of the neighbourhood as it directly relates to the size of the proposed lots and the proposed side yard setbacks and therefore the Applications do not meet the intent of the Official Plan. He opined that the Applications are not

consistent with the physical change that is contemplated in the Official Plan for Neighbourhoods and the resulting physical character differs substantially from the character of the existing neighbourhood. In his opinion, the proposed dwellings would appear out of place as they would have obviously less frontage, less front yard landscaping, less side yard setbacks and less area between main walls and the eaves. He stated that the new dwellings would appear significantly closer together than is found within the neighbourhood and would be noticeable to someone walking along Horsham Ave as being different and not being within the character of this part of the neighbourhood.

As a result, in Mr. Pressick's opinion, the consent application does not conform to the Neighbourhoods policies of the Official Plan and does not comply with 51(24) c) of the Planning Act. In addition, it is his opinion that the consent application would not comply with 51(24) f), relating to the dimensions and shape of the lots. The proposal would result in the creation of undersized lots compared to the lot study data in his analysis, which demonstrated that the lots would be among the smallest single lots in the interior of the neighbourhood. In his opinion they are not reflective of, or consistent with consent application would introduce a pattern of development which is not characteristic of the area and is contrary to the intent of 51(24) f).

With respect to the variances, in terms of the Official Plan, it is Mr. Pressick's opinion that the most important and relevant policies are Policy 2.3.1.1, Policy 4.1.5(b), and Policy 4.1.5(f). In his opinion, the variances do not conform with these policies, resulting in an application that is not in keeping with the general intent and purpose of the Official Plan.

Mr. Pressick indicated that the general intent and purpose of the Zoning By-laws is to regulate the use of the land and to ensure that new development fits on a given site and within its surrounding context. The minimum standards for lot frontage and side yard setbacks regulate the size of lots and separation of dwellings on the lots to ensure a consistent pattern of development and consistent amount of open space to preserve the look and feel of established streetscapes. In his opinion, the proposed lot frontages and side yard setbacks are inconsistent with the physical character of the neighbourhood and the magnitude of the variances signify an overdevelopment of the subject lands.

In Mr. Pressick's opinion, the requested variances and consent are not desirable for the appropriate development of the land. In his opinion, the existing lot maintains the general physical character of the neighbourhood as it shares the common characteristics of the neighbourhood including large building widths, abundant front yard landscaping, adequate separation between dwellings, and a consistent streetscape whereas the proposed dwellings do not meet any of the characteristics. Should the Applications be approved, the pattern of development could be repeated in the interior, as there are 67 other similar sized lots in his study area. In his opinion, such an action could destabilize and change the character of the neighbourhood.

In Mr. Pressick's opinion, the variances are not minor in nature. The proposed lots



would have an undesirable impact on and interrupt the rhythm of the established streetscape as the new dwellings would be narrower and closer together and would appear out of place when viewed in relation to the larger nearby lots. He advised that they would be among the smallest lots with side yards among the narrowest in the neighbourhood and the immediate block. In his opinion, the lot frontage and side yard setback variances are not minor from a quantitative perspective. From a qualitative perspective, the proposed lots would appear out of character with the immediate character of Horsham Ave. In his view, a pedestrian would find that the existing lot and dwelling appears harmoniously within the streetscape while the new proposed dwellings would not.

In terms of provincial policy, Mr. Pressick advised that he had reviewed the applications in regard to the PPS and the Growth Plan. In his opinion the Applications would be consistent with the PPS and conform to the Growth Plan. He noted that Policy 4.7 of the PPS which states "The official plan is the most important vehicle for implementation of the PPS. Comprehensive, integrated, and long -term planning is best achieved through official plans". In his opinion, this means that policy direction should be taken from the Official Plan and the policy criteria within the Neighbourhoods designation. As indicated, it is his opinion that the applications are not in keeping with the intent of the Official Plan.

The Growth Plan is a higher level document that envisions intensification in existing built up areas, with a focus on certain growth areas. Policy 2.2.2.4 states "all municipalities will develop and implement through their Official Plans and other supporting documents, a strategy and policies to phase in and achieve intensification". He advised that the City of Toronto, through the Official Plan, has implemented the Neighbourhoods policies which apply to areas that will not experience intensification and will not be a focus for change and growth. Further, he advised that Neighbourhoods are physically stable areas that will not experience change to their existing physical character. He opined that the City of Toronto does not need severances of lots for detached houses within Neighbourhoods to accommodate growth as there are other areas that are expected to experience change and are targeted for growth.

In his opinion, the provincial policies are only relevant insofar as they defer to the Official Plan policies to determine the appropriate level and growth and intensification and where it should occur. They are high level policy documents that focus on major intensification as a provincial goal and in his opinion severances of existing detached dwellings cannot meet intensification targets.

In conclusion, Mr. Pressick recommended that the Appeals be dismissed as the consent application fails to satisfy the statutory criteria under Section 51(24) of the Planning Act and the minor variance application fails to satisfy the tests under Section 45(1) of the Planning Act.

In cross- examination, Mr. Pressick acknowledged that his lot study included lots that no longer exist as residential lots, as a result of the Beecroft Ave extension and associated

park space as well as lots to the north which are part of a park system. These 15 lots were identified as large lots in his lot study and as a result, he acknowledged that some of the numbers in his lot study table are incorrect and the averages were skewed. In redirect, Mr. Pressick indicated that his opinion would remain the same if he removed the 15 larger lots from his study analysis.

## Participants

Ms. Anne McConnell is a Participant speaking on behalf of the Edithvale Yonge Community Association and other Participants, some of who were unable to attend. She is a vice president of the Association and on the executive, and lives in the area.

The location of 210 Horsham Ave is within the boundaries of the Association, bounded by Finch Avenue to the north, Horsham Ave to the south, Senlac Road to the west, and the North York Centre to the east. The Association has 750 households as members and its purpose is to provide a collective voice to preserve and protect the residential community represented by the Association area, as well as to respond to City Hall in issues affecting their neighbourhood. They have been involved in many planning studies in the area including the Finch Avenue Secondary Plan and they recognize and support the higher intensity development along Finch Avenue and Yonge Street.

The Association participated in the Committee process and opposes the Applications for consent and the resulting two smaller lots which would create taller and narrow homes, although she noted that their concern is primarily with the consent. The Association does not feel it is consistent with the Official Plan, particularly Policy 5 that states, "Development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood".

She described the subject lands as in the "heart" of the community and in a visible and central location where no such severance has occurred of which they are aware. The Association feels that the development would stand out very visibly and look very different than what is around it. Based on their review of other applications at 194 and 284 Hounslow Ave, they have an idea of what the proposed structures would look like, which she described as townhouse-like, that would change the character of the area.

She provided photos of homes in the immediate area (Exhibit 3), which were not previously disclosed, however the TLAB agreed to admit them as an Exhibit as the Parties had no objection. The photos showed the subject lands and the houses directly beside, behind and across the road. Some of the homes are original and some have been redeveloped. She noted the 3 properties across the street at 205, 207 and 209 Horsham Ave have original homes that have not been redeveloped. Ms. McConnell described the photos as showing what has happened with redevelopment in the area. She indicated that the new developments have retained the original lot size. In her opinion, the photos well reflect the existing character of the community and this area and what they wish to see maintained.

Ms. McConnell indicated that the Association had opposed 194 and 284 Hounslow Ave for similar consent and severances, both of which were refused by the Ontario Municipal Board. She referenced the OMB decision for 284 Hounslow Ave, dated June 20, 2016, specifically paragraph 19, which stated, "it must be noted that there have not been any consents for a frontage of 9.14 m, which is being sought in this case. According to the City, if I were to approve the Severance, I would be creating two of the smallest lots in the area". The Application for 284 Hounslow Ave was for two 9.14 m lots. She indicated that the community was relieved that the application was refused. The decision for 194 Horsham was dated July 7, 2016 and was a corner lot with two 9.65 m lots proposed. There was a subsequent application for a single detached house with reduced side yards. She advised that the side yard variances were refused.

The Association feels that the Applications are out of character, not appropriate, and could set a precedent in the middle of the community. She advised that, if approved, the lots would be the narrowest lots created in the area. She has advised that the consents that had been approved on Senlac Rd are different, as Senlac Rd is a major street. Similarly, she noted the subject lands are not near the development side of Beecroft Ave.

She referred to the TLAB decision refusing consent and variance applications on Churchill Ave to create 3 lots from 2 lots. She noted that in the decision there was less concern about the proposal being replicated because it would be harder to assemble and then split 2 properties. However, the Association is very concerned with the precedent that could be set if the applications are approved as the 3 properties across the street which she referenced could be split as well which she described as the "thin edge of a big wedge" in the middle of the community.

Ms. McConnell indicated significant community concern with the Applications and noted that approximately 20 letters of objection were filed with the Committee of Adjustment in addition to a petition, which she considered quite unique. The residents are concerned with the character of the area, precedent, and the impacts of the doubling of the homes in the immediate area.

In the vicinity, owners have spent considerable resources upgrading/replacing their homes assuming that the character of the area would be upheld as set out in the Zoning By-laws. She noted that the additional homes would create additional driveways, cars, collection bins, and could have impacts on groundwater and stormwater. She cited issues with stormwater closer to Senlac and the Association feels it is critical to retain setback/space around dwellings.

Ms. McConnell had some additional photos provided by the owner of 287 Horsham Ave who was unable to attend. The TLAB did not permit the photos to be entered as evidence as the person who took the photos was not present to swear to their authenticity, or answer related questions. It was noted that the owner had submitted a Participant Statement that was reviewed by the TLAB and summarized by Ms. McConnell. The Participant indicated that recent new builds in the area have retained

the original lot size and preserved the character of the neighbourhood. In his view, the severance would be an undesirable change and have a negative impact on the neighbourhood. Further, the proposed dwellings resemble townhouses, would reduce greenspace and create unwanted density, all atypical of the neighbourhood.

## **ANALYSIS, FINDINGS, REASONS**

The panel has carefully reviewed all of the evidence and submissions of the Parties and Participants in this matter. The review and analysis of the evidence is based on whether it is appropriate to create two smaller lots from the one lot and, if so, whether the requested variances meet all of the four tests under s. 45(1) of the Act and relevant provincial policy.

It has been established that the policy framework at the provincial level encourages intensification in built up areas which are well served by infrastructure and services. It was also agreed that both the PPS and the Growth Plan identify the Official Plan as the primary implementation vehicle to achieve intensification strategies. There was significant evidence on the role of provincial policies in relation to consent applications.

Mr. Pressick considered them relevant only insofar as they defer to the Official Plan to determine where intensification should occur and that the Neighbourhoods designations has not been identified as an area for change.

Mr. Romano opined that growth and new development is directed to settlement areas and not only designated growth areas. Ms. Stewart's submission was that provincial policy is important and relevant and is applicable to every decision.

In reviewing the policies and the evidence, I agree that the Official Plan is the appropriate policy framework to evaluate the applications, however, I also agree that such framework must be interpreted through the lens of provincial policy at the time of the decision. This would include the direction to encourage and promote opportunities for intensification throughout the built up area, including Neighbourhoods. As referenced by both planning witnesses, the Official Plan contains a number of policies, both general and specific, that provide direction for the consideration of applications in Neighbourhoods. The Official Plan contains policies that recognize that some physical change within neighbourhoods will occur over time in the form of enhancements, additions and infill housing on individual sites and that such development must respect the general physical character of the neighbourhood (2.3.1). The Housing policies direct that the existing stock of housing will be maintained and replenished and that a full range of housing will be encouraged through intensification and infill which is consistent with the Plan (3.1.2). Taken together, I agree that the Official Plan accommodates some forms of intensification within Neighbourhoods, subject to an assessment of the criteria in Section 4.1.5.

The Official Plan contemplates that while stable, Neighbourhoods will evolve over time.

Both planners agree that the neighbourhood is stable. Within the study area, the zoning maps show that severances have occurred over time and form part of the existing character of the area. The area has experienced similar lot divisions and has maintained its stability.

Dealing first with the consent application, the panel must consider Section 51(24) of the Planning Act with particular regard to (c) whether the plan conforms to the official plan and adjacent plans of subdivision; and (f) the dimensions and shapes of the proposed lots. The panel is satisfied that a plan of subdivision is not required for the subject lands. In respect to criteria (c), the two planners referred to Policy 4.1.5 of the Official Plan which sets out the criteria through which the existing physical character of the area must be respected and reinforced.

With respect to the lot study areas, the panel prefers the study boundary identified by Mr. Romano, which closely resembles the lot study boundary identified in the Planning staff report to the Committee. Senlac Road is an arterial with transit that bisects the area from Sheppard Avenue to Finch Avenue. The panel finds that Senlac Road forms a logical western boundary. The inclusion of 2 blocks west of Senlac Rd adds a significant number of lots to the study area and dilutes the resulting analysis. The panel considers that the study area used by Mr. Romano with 467 lots represents a reasonable and relevant sampling of the immediate area surrounding the subject lands.

The study area data demonstrates that the area contains a variety of lot frontages with almost 50% of the lots are below the Zoning By-law standard for lot frontage. This member has indicated previously that there are limitations in a strictly numeric analysis of a lot study to determine neighbourhood character as it may not differentiate between the immediate area and the broader context. While it is important to assess the neighbourhood as a whole, it is also important to assess patterns of development at a finer level to ensure “fit” within a specific context as the physical character is not always the same. In terms of lot size and configuration, the Official Plan directs that development in established Neighbourhoods respect and reinforce the existing physical character of the Neighbourhood. The applicable criteria for fit, found in Section 4.1.5 of the Official Plan at this time does not direct an evaluation based on the prevailing size and configuration of lots in a neighbourhood.

Ms. McConnell referred to an OMB decision which stated that there had not been any consents for a frontage of 9.14 m. The evidence shows that lots of 9.14 m have been approved in this study area. The City referenced 2 OMB refusal decisions in the area but did not enter the decisions in evidence and did not speak to their relevance to the proposed Applications.

With respect to the cumulative effect of new development on storm water related matters, the Building Department reviews all building permit applications and there was no evidence that the City has indicated a problem in this area.

The panel finds that, in the context of the site's location, the proposed severance would fit within the pattern of development and would respect and reinforce the existing physical character of the neighbourhood.

I find that the consent application, subject to the 5.0 m corner rounding, satisfies the consent criteria of Section 51(24) and further that a plan of subdivision is not necessary.

There was concern expressed by the Participants and the City regarding precedent. Mr. Pressick indicated that there are 67 lots within his study area that have the same or greater lot frontage. He acknowledged that he had not done a further analysis of that number to determine if the lots he identified had recently been subject to additions or replacement dwellings. In addition, a number of the large lots are located west of Senlac Road and north of the boundary that was identified by Mr. Romano (and Mr. Pressick's colleague) as an appropriate study area. It was also determined that a number of those large lots no longer exist.

While the actual number of candidate lots is not known, the panel concludes that, even if there are a significant number of candidate lots within the area, the Official Plan and Zoning by-law provide appropriate direction and criteria for the consideration of such proposals and each application would be considered on its own merits based on the specifics of the proposal and its context. The corner location and oversize lot characteristics further distinguish the subject property.

The remaining issues relate to whether the proposed variances satisfy the four tests under s. 45(1) of the Act. The variance applications address the same variances and will be grouped together.

With respect to the Official Plan, the evidence demonstrated that the neighbourhood contains lots of various frontages and sizes, with varied setbacks, heights, driveway and garage solutions and landscaping treatment without any destabilization. The photos confirm that within the subject block, a variety of conditions exist including. The height, scale, massing, front wall alignment and side yard setbacks are in keeping with the character of the area.

With regard to the side yard setbacks, which were of particular concern to Mr. Pressick, it was demonstrated that the proposed setbacks have been previously considered appropriate by planning staff and the local Councilor and have been approved by the OMB within the same policy context. The evidence showed that the prevailing pattern of side yard setbacks is a varied pattern which includes setbacks of 1.2 m within the block and within the study area.

The creation of two lots from one corner lot for new single detached dwellings will assist in achieving the housing policies of the Official Plan. I agree that the proposed variances meet the general intent and purpose of the Official Plan.

In terms of the Zoning By-laws, I agree that the variances maintain the general intent and purpose of the Zoning By-laws. Recent decisions demonstrate that the proposed variances are within the range of approvals in the area. The coverage variance is modest and similar to other recent variances. The purpose of the side wall height variance is to accommodate windows and only for a small portion of the main wall and a 2 storey dwelling is maintained. The building depth can be accommodated without the need for front or rear yard variances and the easterly dwelling will have an appropriate relationship with the adjacent dwelling. I agree with Mr. Romano that the proposed side yards are adequate to permit access for maintenance and servicing and provide an appropriate spatial relationship with the adjacent property to the east. The height variance under By-law 7625 is a result of the manner in which height is measured under the former By-law. No overall height variance is required for the By-law 569-2013.

The proposal provides an opportunity for a modest form of intensification which will add to the single detached housing stock in this area. The consent and variance applications maintain the general physical character of the area and are desirable for the appropriate development of the lands.

Further, the TLAB is satisfied that variances are minor and create no undue adverse planning impacts based on the proposed plans and the recommended conditions. Both planners agreed that there would be no negative impact on adjacent properties.

While Mr. Romano testified that certain variances are no longer required. Out of completeness, this decision will include all the variances that were before the Committee.

The TLAB is satisfied that the variances, both individually and cumulatively, maintain the general intent and purpose of the standards set out in the Zoning By-laws, are minor and desirable for the reasons reported.

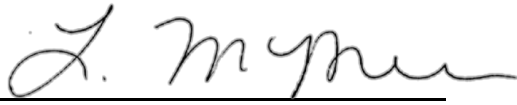
In addition, the TLAB is satisfied that the Applications are consistent with the 2014 Provincial Policy Statement and conform to the 2017 Growth Plan.

## **DECISION AND ORDER**

The TLAB orders:

1. The appeal with regard to the application for consent is allowed in part subject to the conditions set out in Attachment 3;
2. The variances to the Zoning By-laws set out in Attachment 1 are authorized, subject to the conditions set out in Attachment 2.

Attachments

X 

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Laurie McPherson  
Panel Chair, Toronto Local Appeal Body



## **Attachment 1**

### **List of Variances - 210 Horsham Avenue**

#### **Part 1 (Corner Lot)**

- 1. Chapter 10.20.30.10.(1)A, By-law No. 569-2013**  
The minimum required lot area is 550.00m<sup>2</sup>.  
The proposed lot area is 367.00m<sup>2</sup>.
- 2. Chapter 10.20.30.20.(1)A, By-law No. 569-2013**  
The minimum required lot frontage is 15.00m  
The proposed lot frontage is 9.14m.
- 3. Chapter 10.20.30.40.(1)A, By-law No. 569-2013**  
The maximum permitted lot coverage is 30.00% of the lot area.  
The proposed lot coverage is 32.00% of the lot area.
- 4. Chapter 10.20.40.10.(2)A(i), By-law No. 569-2013**  
The maximum permitted height of all front and rear exterior main walls is 7.50m.  
The proposed height of the front exterior walls is 8.50m.
- 5. Chapter 10.20.40.10.(2)B(i), By-law No. 569-2013**  
The maximum permitted height of all side exterior main walls facing a side lot line is 7.50m.  
The proposed height of the side exterior walls facing a side lot line is 8.50m.
- 6. Chapter 10.20.40.20.(1), By-law No. 569-2013**  
The maximum permitted length of the building is 17.00m.  
The proposed building length is 17.48m.
- 7. Chapter 900.3.10(5), By-law No. 569-2013**  
The minimum required side yard setback is 1.80m.  
The proposed east side yard setback is 1.20m.
- 8. Chapter 900.3.10(5), By-law No. 569-2013**  
The minimum required side yard setback is 1.80m.  
The proposed west side yard setback is 1.20m.
- 9. Section 13.2.3(b), By-law No. 7625**  
The minimum required side yard setback is 1.80m.  
The proposed east side yard setback is 1.20m.
- 10. Section 13.2.3(b), By-law No. 7625**  
The minimum required side yard setback is 1.80m.  
The proposed west side yard setback is 1.20m.

**11. Section 13.2.6, By-law No. 7625**

The maximum permitted building height is 8.80m.

The proposed building height is 9.10m.

**Part 2 (Internal Lot)**

**1. Chapter 10.20.30.10.(1)A, By-law No. 569-2013**

The minimum required lot area is 550.00m<sup>2</sup>.

The proposed lot area is 367.00m<sup>2</sup>.

**2. Chapter 10.20.30.20.(1)A, By-law No. 569-2013**

The minimum required lot frontage is 15.00m

The proposed lot frontage is 9.14m.

**3. Chapter 10.20.30.40.(1)A, By-law No. 569-2013**

The maximum permitted lot coverage is 30.00% of the lot area.

The proposed lot coverage is 32.00% of the lot area.

**4. Chapter 10.20.40.10.(2)A(i), By-law No. 569-2013**

The maximum permitted height of all front and rear exterior main walls is 7.50m.

The proposed height of the front and rear exterior walls is 8.50m.

**5. Chapter 10.20.40.10.(2)B(i), By-law No. 569-2013**

The maximum permitted height of all side exterior main walls facing a side lot line is 7.50m.

The proposed height of the side exterior walls facing a side lot line is 8.50m.

**6. Chapter 10.20.40.20.(1), By-law No. 569-2013**

The maximum permitted length of the building is 17.00m.

The proposed building length is 17.48m.

**7. Chapter 900.3.10(5), By-law No. 569-2013**

The minimum required side yard setback is 1.80m.

The proposed east side yard setback is 1.20m.

**8. Chapter 900.3.10(5), By-law No. 569-2013**

The minimum required side yard setback is 1.80m.

The proposed west side yard setback is 1.20m.

**9. Section 13.2.3(b), By-law No. 7625**

The minimum required side yard setback is 1.80m.

The proposed east side yard setback is 1.20m.

**10. Section 13.2.3(b), By-law No. 7625**

The minimum required side yard setback is 1.80m.

The proposed west side yard setback is 1.20m.

**11. Section 13.2.6, By-law No. 7625**

The maximum permitted building height is 8.80m.

The proposed building height is 9.10m.

## **Attachment 2**

### **Conditions of Minor Variance Approval – 210 Horsham Avenue**

1. The proposed dwellings shall be constructed substantially in accordance with the Site Plan and Elevations prepared by Homeland Architect filed as Exhibit 2- Tabs 12 and 13 and attached hereto.
2. The existing driveways on Claywood Road must be restored to soft landscaping and the curb cut must be replaced with a full curb.
3. Despite any other general or specific provision in Zoning By-law 7625 of the former City of North York, the elevation of the lowest point of an opening to an area that may be used for parking or storage of a vehicle inside or abutting the dwelling shall be higher than the elevation of the street the lot abuts measured at its centreline directly across from the driveway leading to the parking space.
4. The owner will be required to make application to the Toronto Water Services Division, and pay for the installation of City service connections for each building from the property line to the City mains and the abandonment of the old service connections. The owner is responsible to provide for the installation of the water and sanitary service connections from each building to City services at the property line.
5. The owner shall install a sump pump in the dwellings for the purposes of draining ground water from weeping tiles and any driveway catchbasins to grade.
6. Any proposed new driveway must be at least 1.0 metre from existing utilities. If required, the relocation of any public utilities (utility poles and their guy wires, etc.) would be at the cost of the owner and shall be subject to the approval of the applicable governing agencies.
7. The owner must apply for a Construction Access permit from Transportation Services' Right-of-Way Management for the required access approval and curb repairs.



NOTE:

THIS SET OF DRAWINGS IS THE PROPERTY OF "HOMELAND" AND ANY REPRODUCTION OR USE FOR OTHER PROJECTS, IN WHOLE OR IN PART, WITHOUT A WRITTEN CONSENT OF THE DESIGNER IS FORBIDDEN.

THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY, MECHANICAL, ELECTRICAL, ETC. AND OTHER ENGINEERING INFORMATION SHOWN ON THE DRAWINGS. REFER TO THE APPROPRIATE ENGINEERING DRAWINGS BEFORE PROCEEDING WITH WORK.

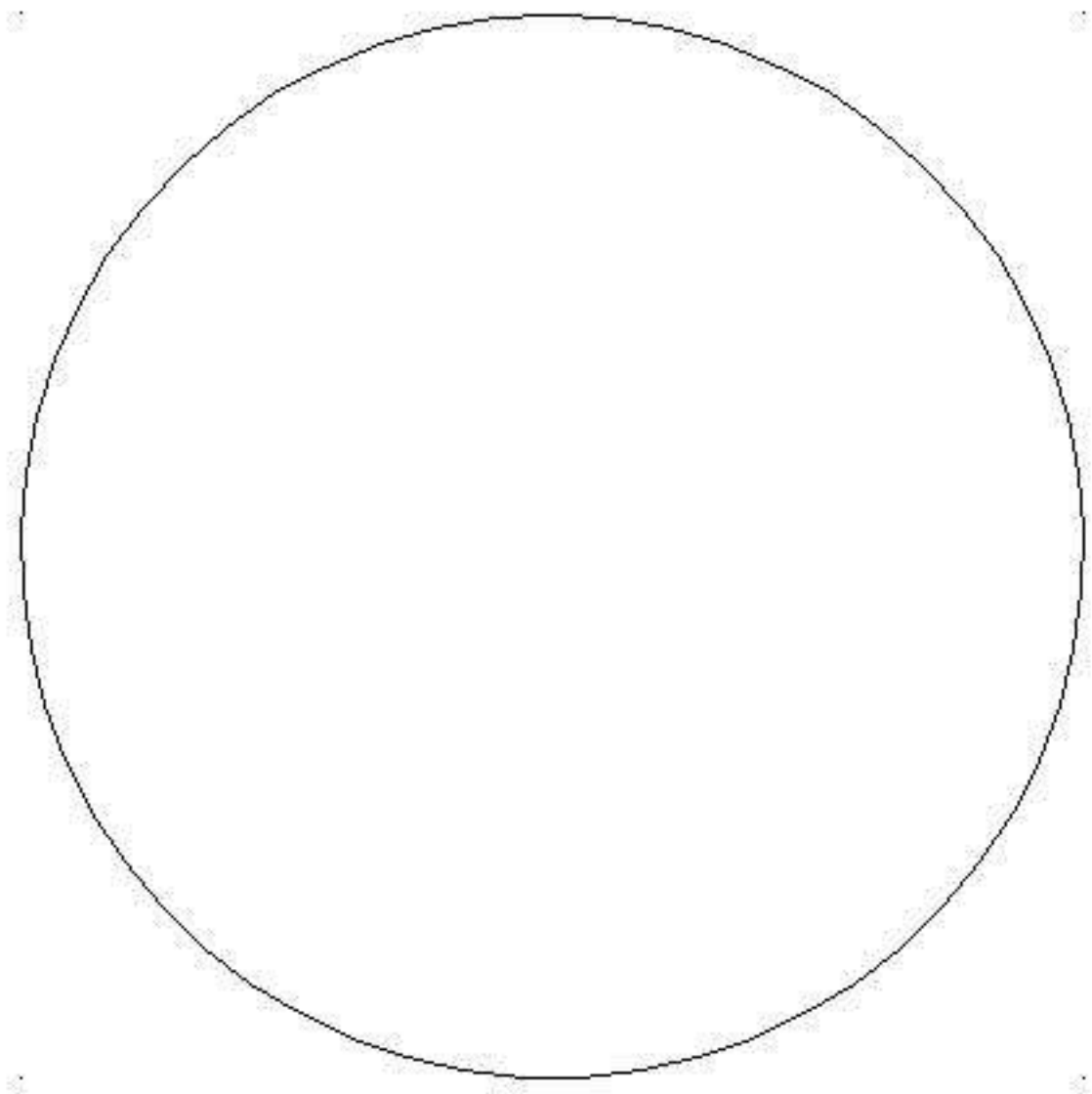
CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK AND REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING. CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES, REQUIREMENTS AND BY-LAWS OF AUTHORITIES HAVING JURISDICTION.

THESE DRAWINGS ARE NOT TO BE SCALED.

THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS SIGNED BY THE DESIGNER AND APPROVED BY THE RELATED CITY OR TOWN.

LIST OF ARCHITECTURAL DRAWINGS	
00	COVER SHEET
01	SITE PLAN
02	BASEMENT PLAN
03	FIRST FLOOR PLAN
04	SECOND FLOOR PLAN
05	ROOF PLAN
06	FRONT ELEVATION
07	LEFT ELEVATION
08	REAR ELEVATION
09	RIGHT ELEVATION
10	WALL SECTION
11	KNEE WALL SECTION
12	DETAILS
13	GENERAL NOTES
14	GENERAL TABLES

PROPOSED 2-STOREY DWELLING TO  
210 HORSHAM AVE. (1)  
NORTH YORK, ON.  
M2N 2A5



AREA SCHEDULE (TORONTO)		
FIRST FLOOR AREA	1316	
SECOND FLOOR AREA	1294	
TOTAL FLOOR AREA	2610	
FINISHED BASEMENT	936	
GROSS FLOOR (DEFINITION)	3546	
FINISHED BASEMENT	- 936	-
50% OF BASE. (10.5.40.40) 3A	-	-
VOID AREA (10.5.40.40) 3B	- 7	-
GROSS FLOOR (CALCULATION)	2603	
PORCH AREA	54	
BUILDING COVERAGE	936	
GARAGE COVERAGE	326	
LOT COVERAGE	1262	
	S.F.	M <sup>2</sup>



CLAYWOOD ROAD  
(FORMERLY WELBECK ROAD BY REGISTERED PLAN 2057)

HORSHAM AVENUE  
(BY REGISTERED PLAN 2057)

TOPOGRAPHIC SURVEY OF  
PART OF LOT 68  
REGISTERED PLAN 2057  
CITY OF TORONTO  
(FORMERLY CITY OF NORTH YORK)

SCALE 1:200  
10m 5 0 10 METRES  
MANDARIN SURVEYORS LIMITED, O.L.S. ©

METRIC  
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BENCHMARK NOTE  
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OF TORONTO BENCHMARK No.NY34018, HAVING AN ELEVATION OF 187.608 M.  
NORTHEAST CORNER OF CHURCHILL AVENUE PUBLIC SCHOOL; BRASS PLATE  
0.21M WEST OF NORTHEAST CORNER, 0.49M ABOVE GROUND LEVEL.

CERTIFICATE  
THE FIELD OBSERVATIONS REPRESENTED ON THIS PLAN WERE COMPLETED  
ON THE 25th DAY OF APRIL, 2016

MAY 1, 2016  
DATE  
Z. ZENG  
ONTARIO LAND SURVEYOR

CAUTION  
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR  
MORTGAGE OR TRANSACTION PURPOSES.

MANDARIN SURVEYORS LIMITED  
ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR  
WWW.MANDARINSURVEYOR.COM  
42 RAVENCLIFF CRESCENT PHONE: (647)430-1366 FAX: (647)799-4068  
TORONTO, ONTARIO, M1T 1R8 E-MAIL: MANDARINSURVEYOR@GMAIL.COM

SURVEY BY: S.Z. CAD No: 16-098TP JOB No: 2016-098





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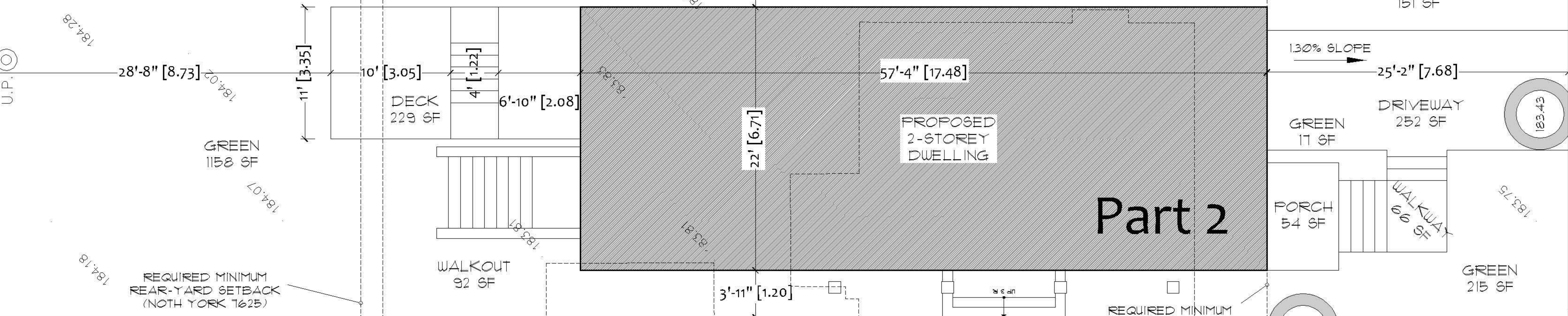
ZONING: R4  
NEIGHBOURHOOD: EDITHVALE  
LOT AREA: 367.00 m2 (3950 SF)  
BUILDING AREA: 117.24 m2 (1262 SF)  
LOT COVERAGE: LOT AREA X 32%

FRONT YARD:

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MIN. REQUIRED: 75% OF THE FRONT YARD LANDSCAPING

REAR YARD:

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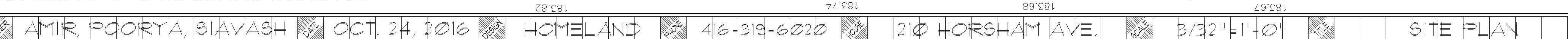
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MIN. REQ'D: FRONTAGE OF OVER 6 M, 50% OF REAR YARD

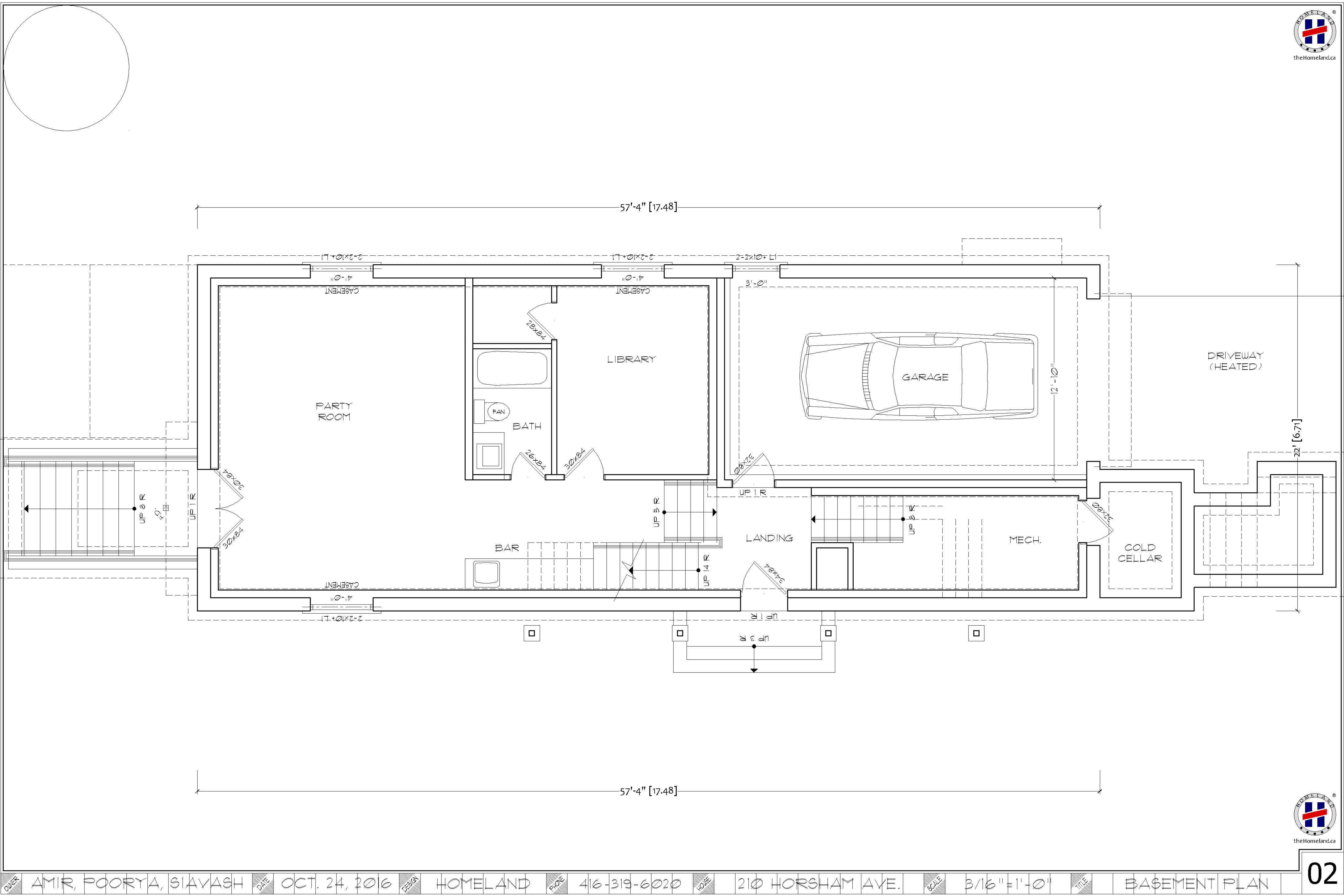
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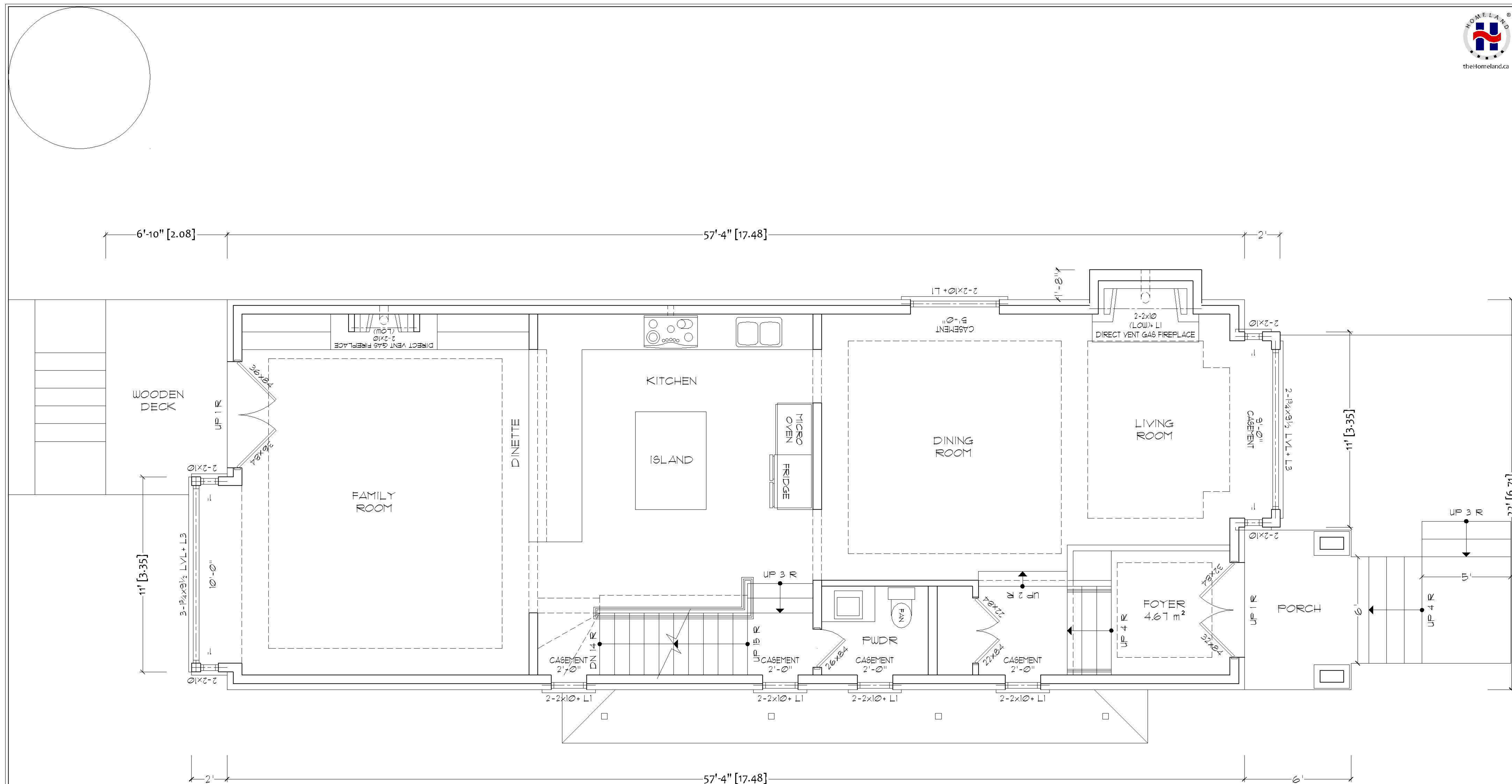




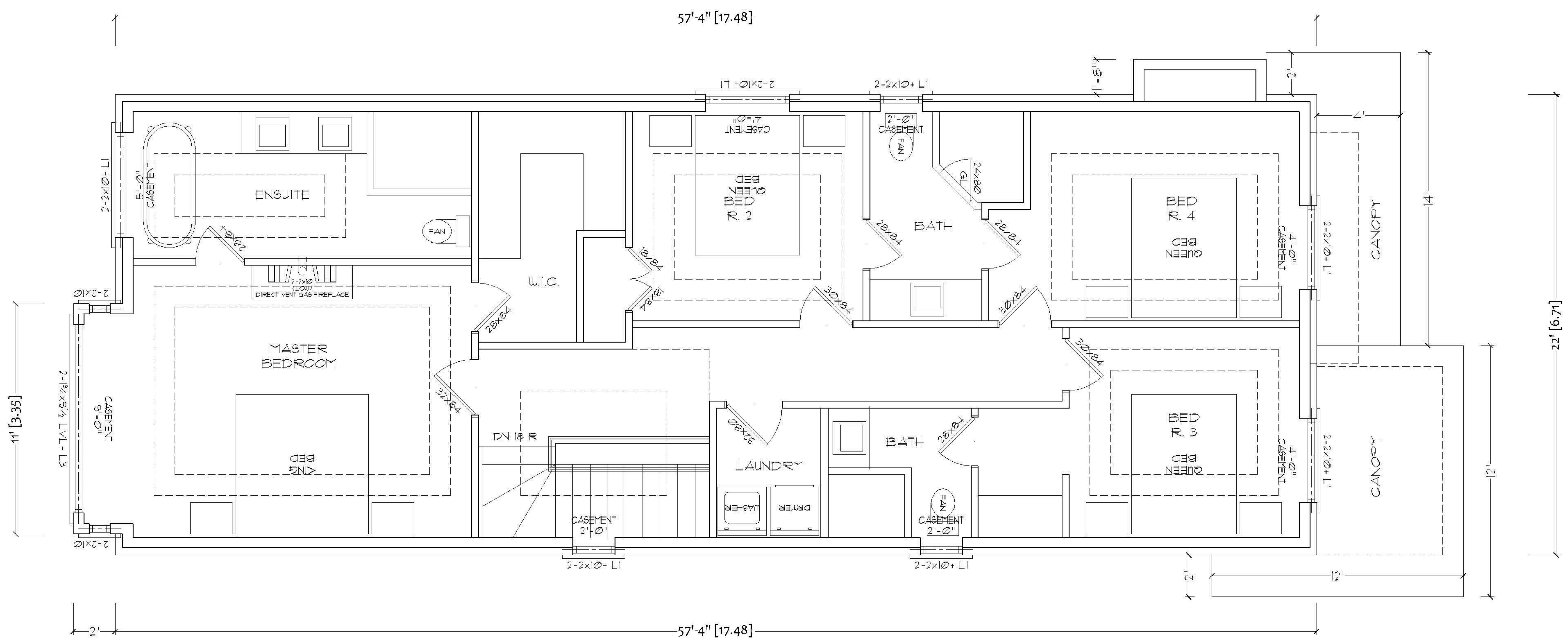
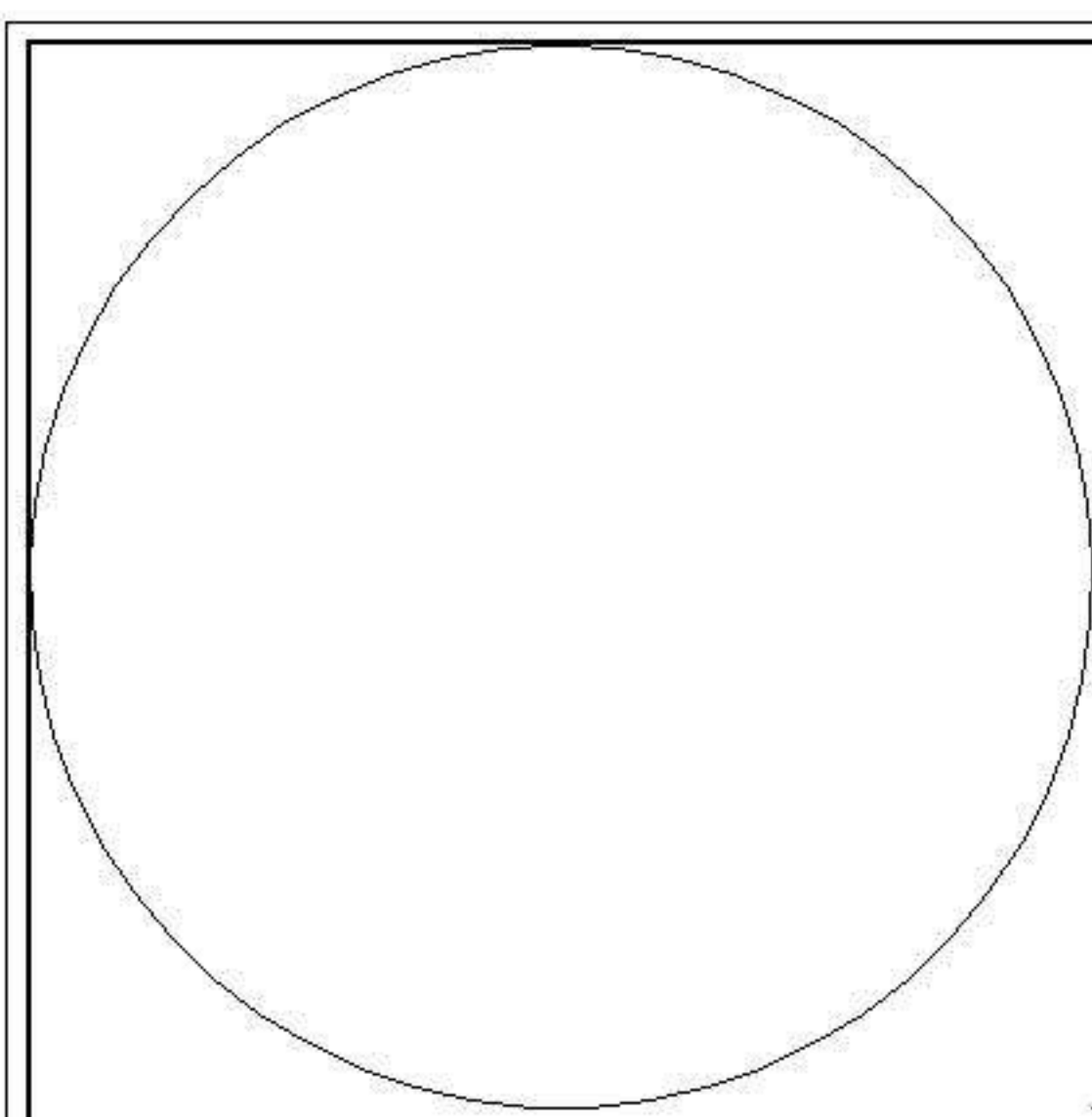
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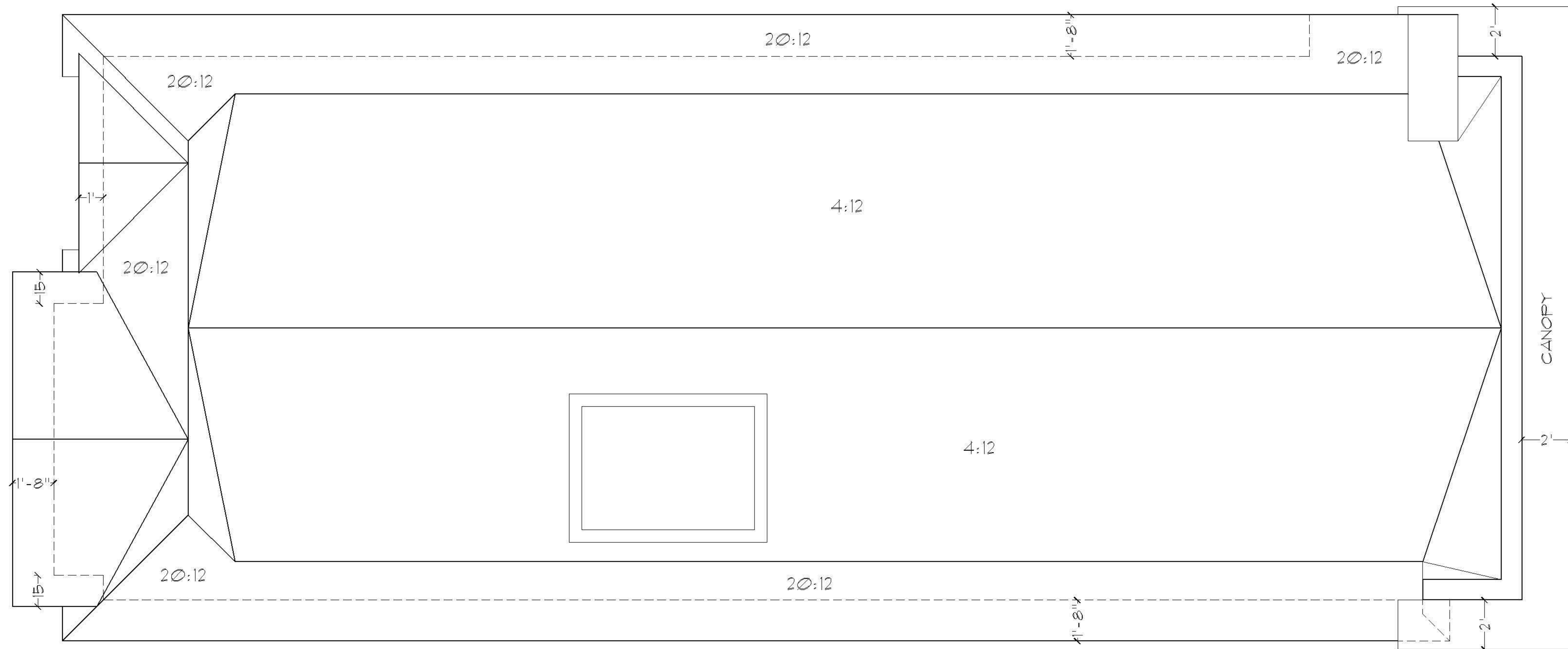
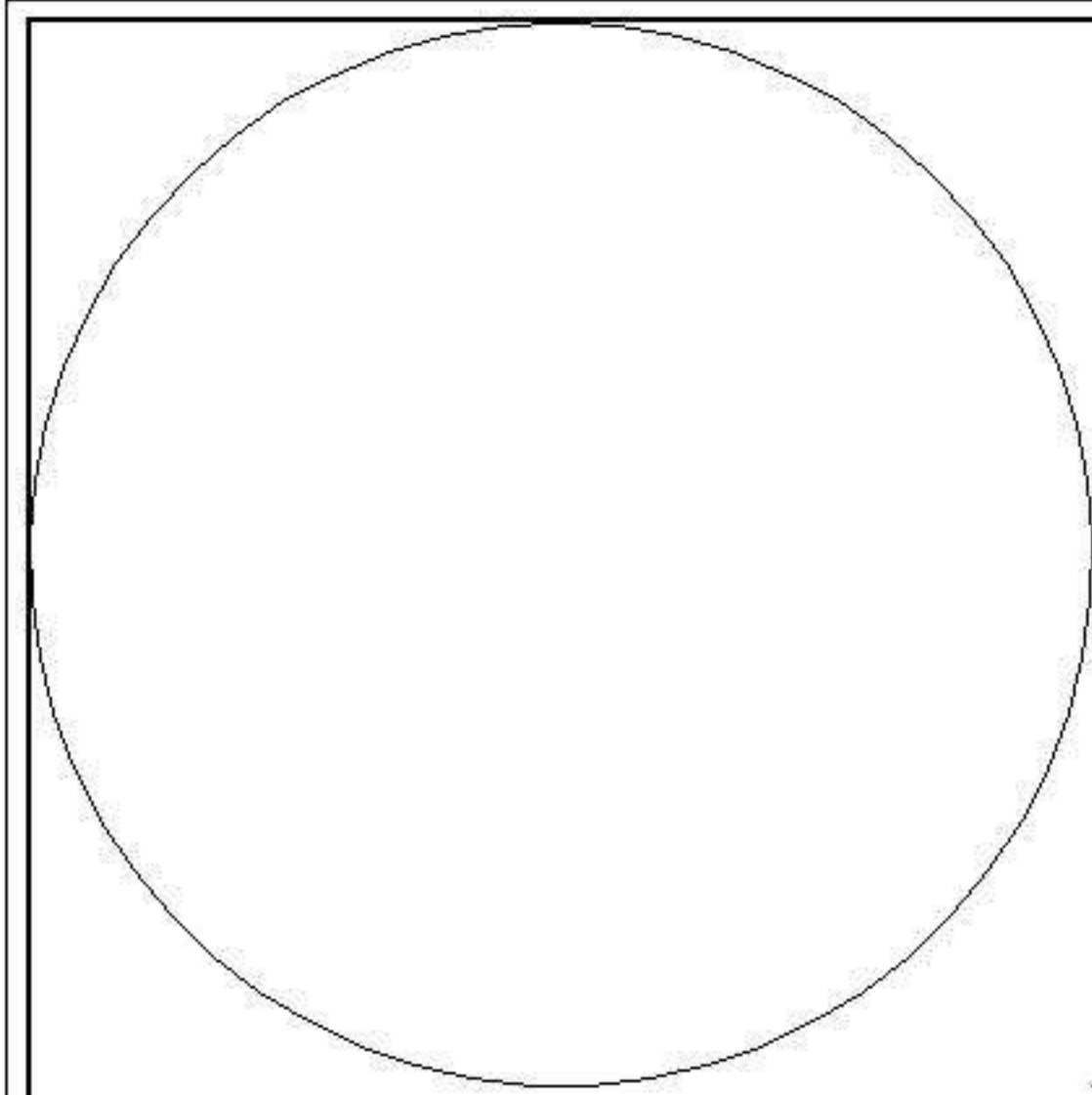








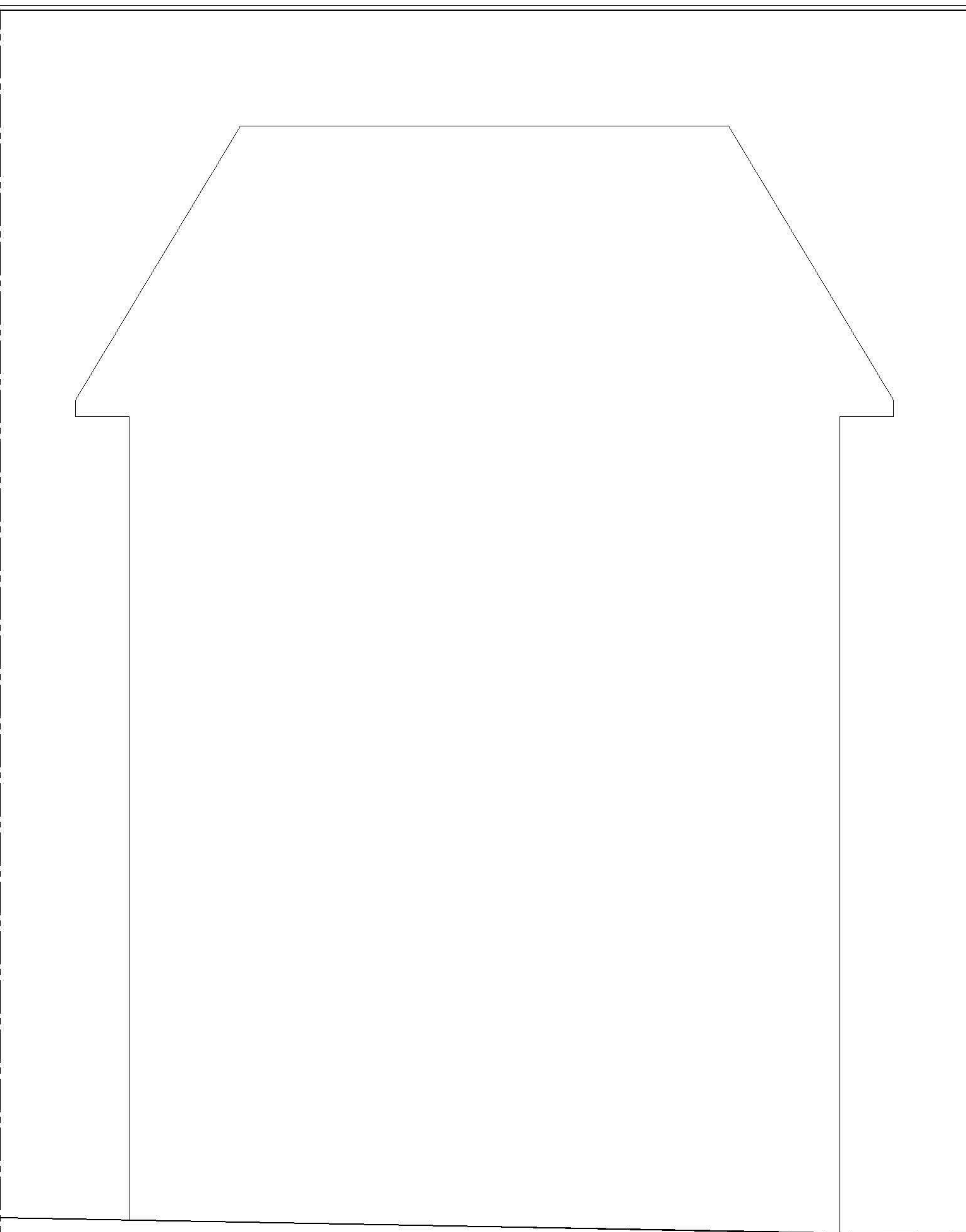








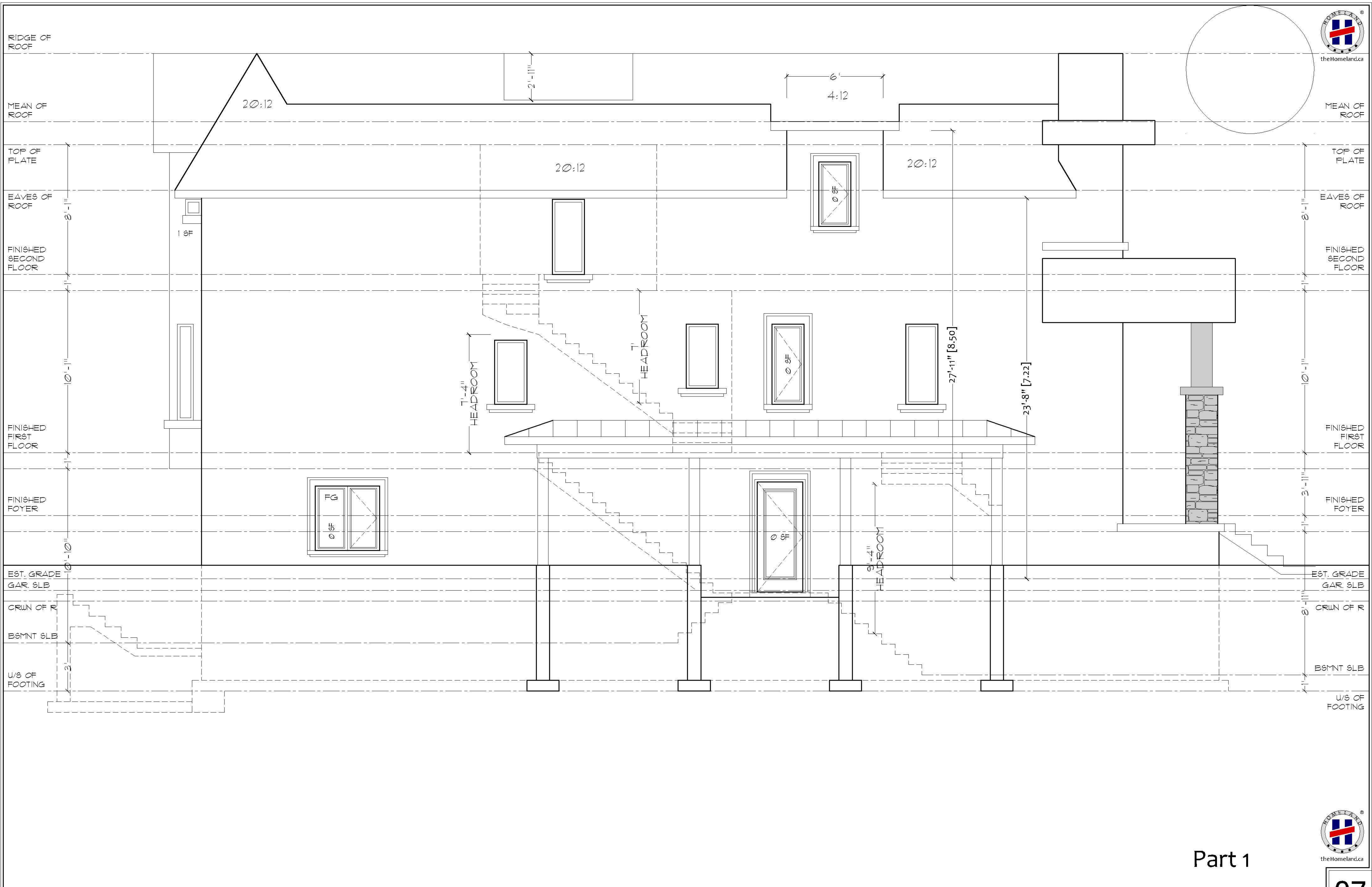
Part 1



Part 2







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MEAN OF ROOF

TOP OF PLATE

EAVES OF ROOF

FINISHED SECOND FLOOR

FINISHED FIRST FLOOR

FINISHED FOYER

EST. GRADE GAR. SLB

CRUN OF R

BSMNT SLB

U/S OF FOOTING

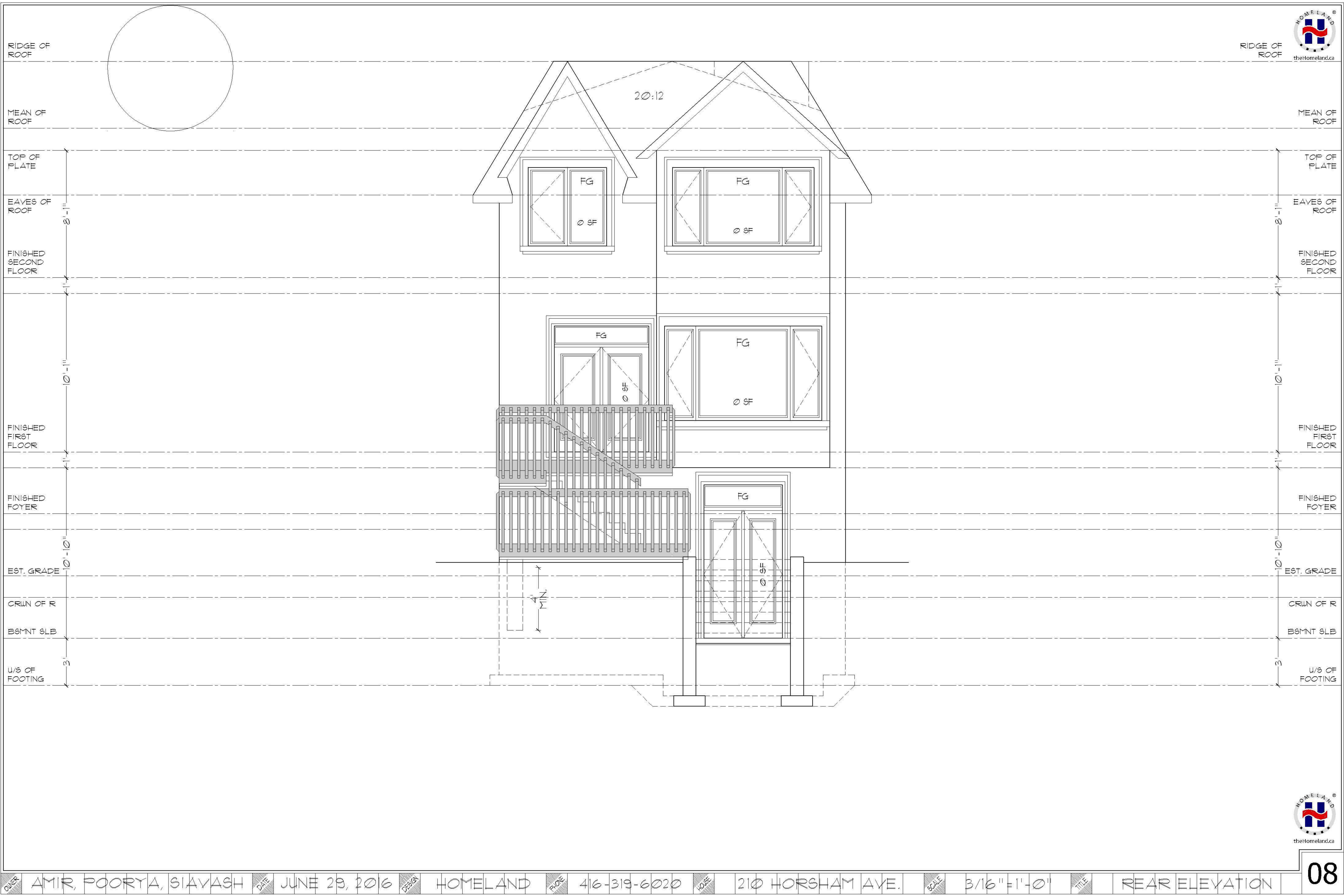
Part 1



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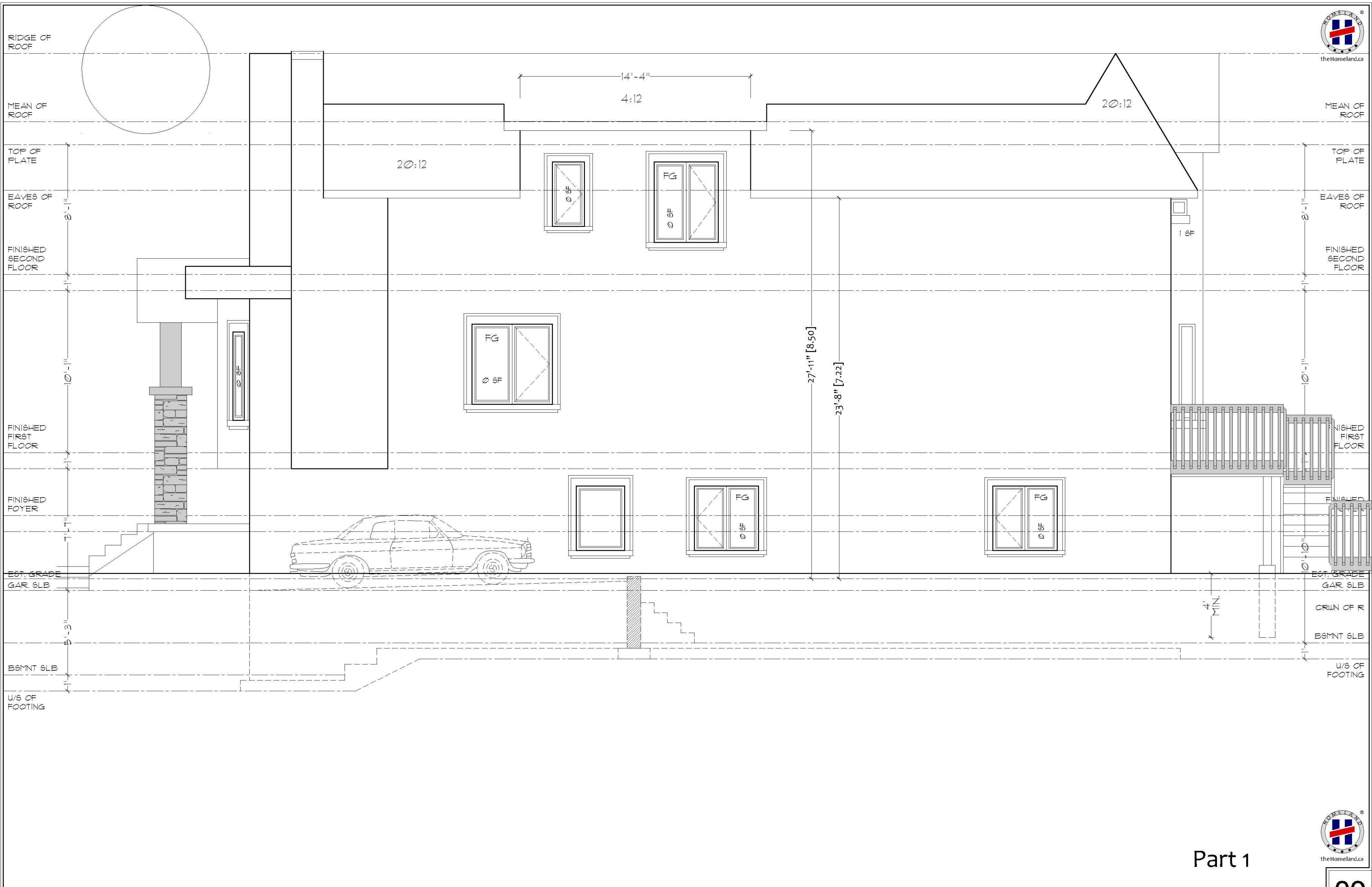
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Part 1

09

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NOTE:

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THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY, MECHANICAL, ELECTRICAL, ETC. AND OTHER ENGINEERING INFORMATION SHOWN ON THE DRAWINGS. REFER TO THE APPROPRIATE ENGINEERING DRAWINGS BEFORE PROCEEDING WITH WORK.

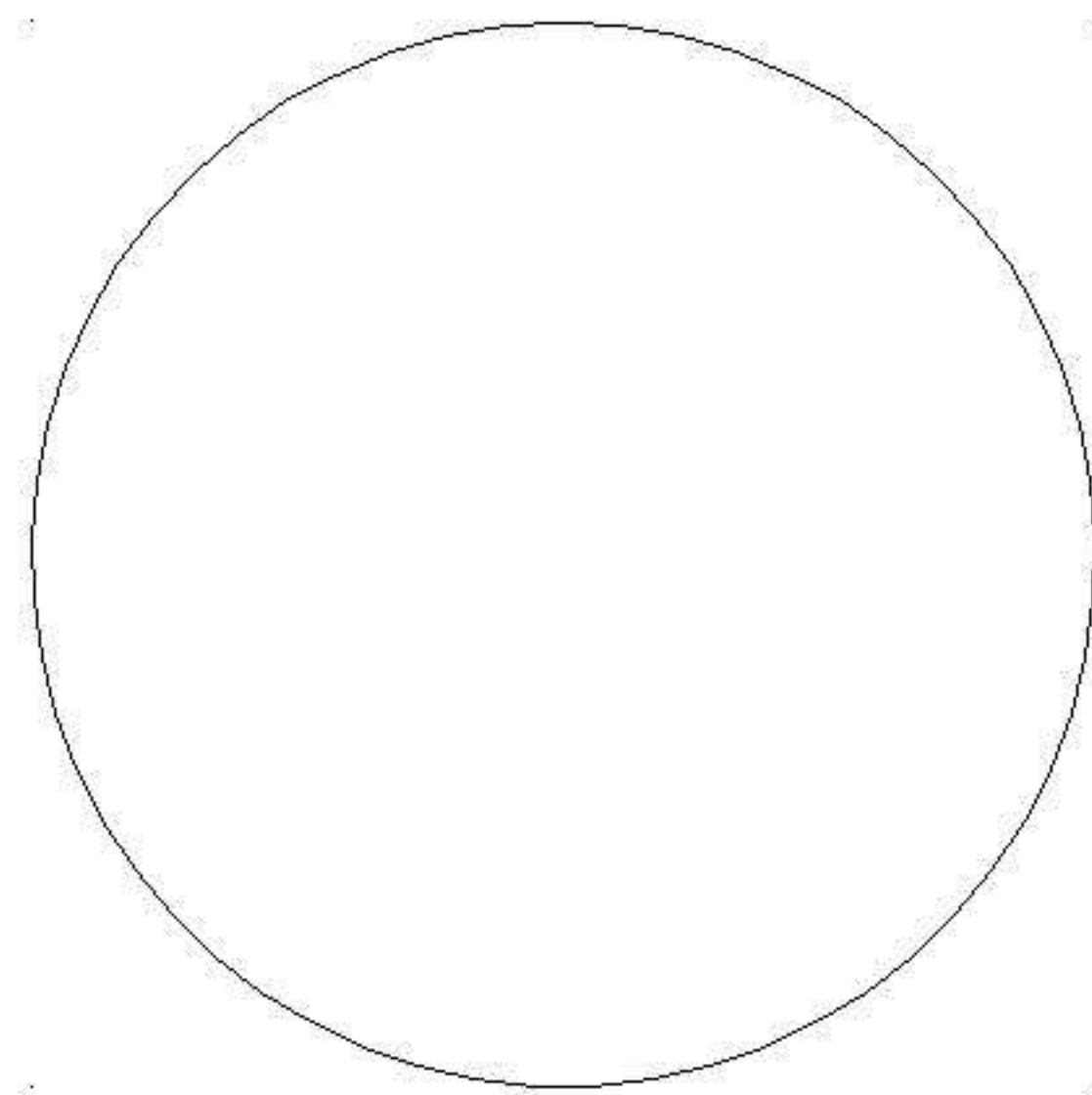
CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK AND REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING. CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES, REQUIREMENTS AND BY-LAWS OF AUTHORITIES HAVING JURISDICTION.

THESE DRAWINGS ARE NOT TO BE SCALED.

THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS SIGNED BY THE DESIGNER AND APPROVED BY THE RELATED CITY OR TOWN.

LIST OF ARCHITECTURAL DRAWINGS	
00	COVER SHEET
01	SITE PLAN
02	BASEMENT PLAN
03	FIRST FLOOR PLAN
04	SECOND FLOOR PLAN
05	ROOF PLAN
06	FRONT ELEVATION
07	LEFT ELEVATION
08	REAR ELEVATION
09	RIGHT ELEVATION
10	WALL SECTION
11	KNEE WALL SECTION
12	DETAILS
13	GENERAL NOTES
14	GENERAL TABLES

PROPOSED 2-STOREY DWELLING TO  
210 HORSHAM AVE. (2)  
NORTH YORK, ON.  
M2N 2A5



AREA SCHEDULE (TORONTO)		
FIRST FLOOR AREA	1316	
SECOND FLOOR AREA	1294	
TOTAL FLOOR AREA	2610	
FINISHED BASEMENT	936	
GROSS FLOOR (DEFINITION)	3546	
FINISHED BASEMENT	- 936	-
50% OF BASE. (10.5.40.40) 3A	-	-
VOID AREA (10.5.40.40) 3B	- 7	-
GROSS FLOOR (CALCULATION)	2603	
PORCH AREA	54	
BUILDING COVERAGE	936	
GARAGE COVERAGE	326	
LOT COVERAGE	1262	
	S.F.	M <sup>2</sup>



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CLAYWOOD ROAD  
(FORMERLY WELBECK ROAD BY REGISTERED PLAN 2057)

HORSHAM AVENUE  
(BY REGISTERED PLAN 2057)

TOPOGRAPHIC SURVEY OF  
PART OF LOT 68  
REGISTERED PLAN 2057  
CITY OF TORONTO  
(FORMERLY CITY OF NORTH YORK)

SCALE 1:200  
10m 5 0 10 METRES

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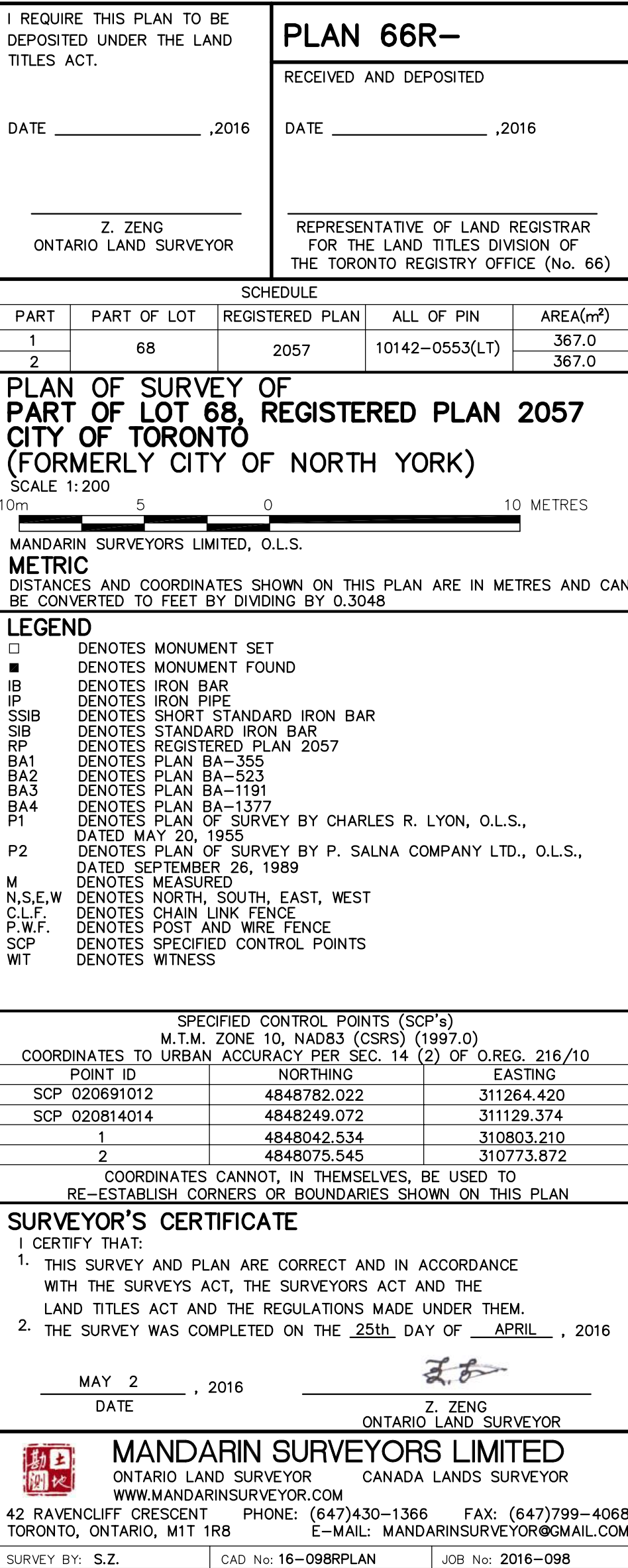
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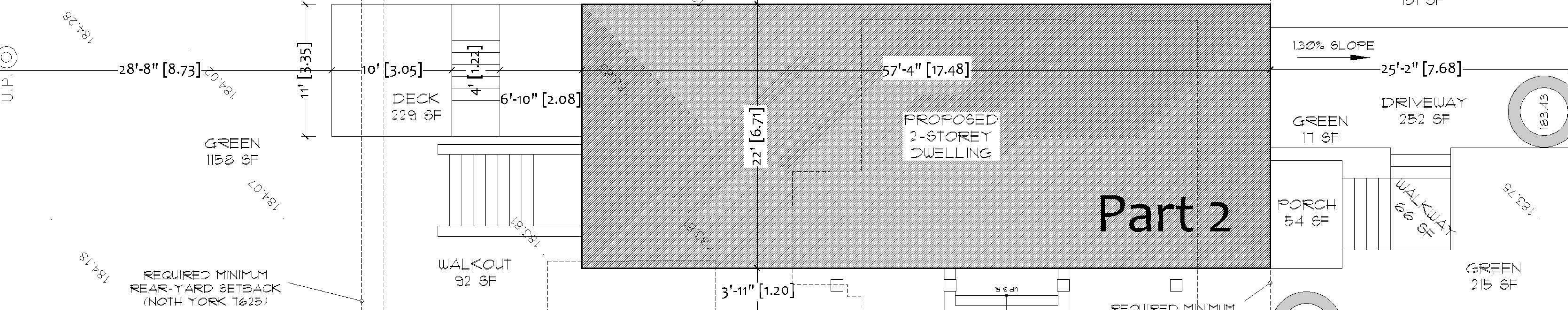
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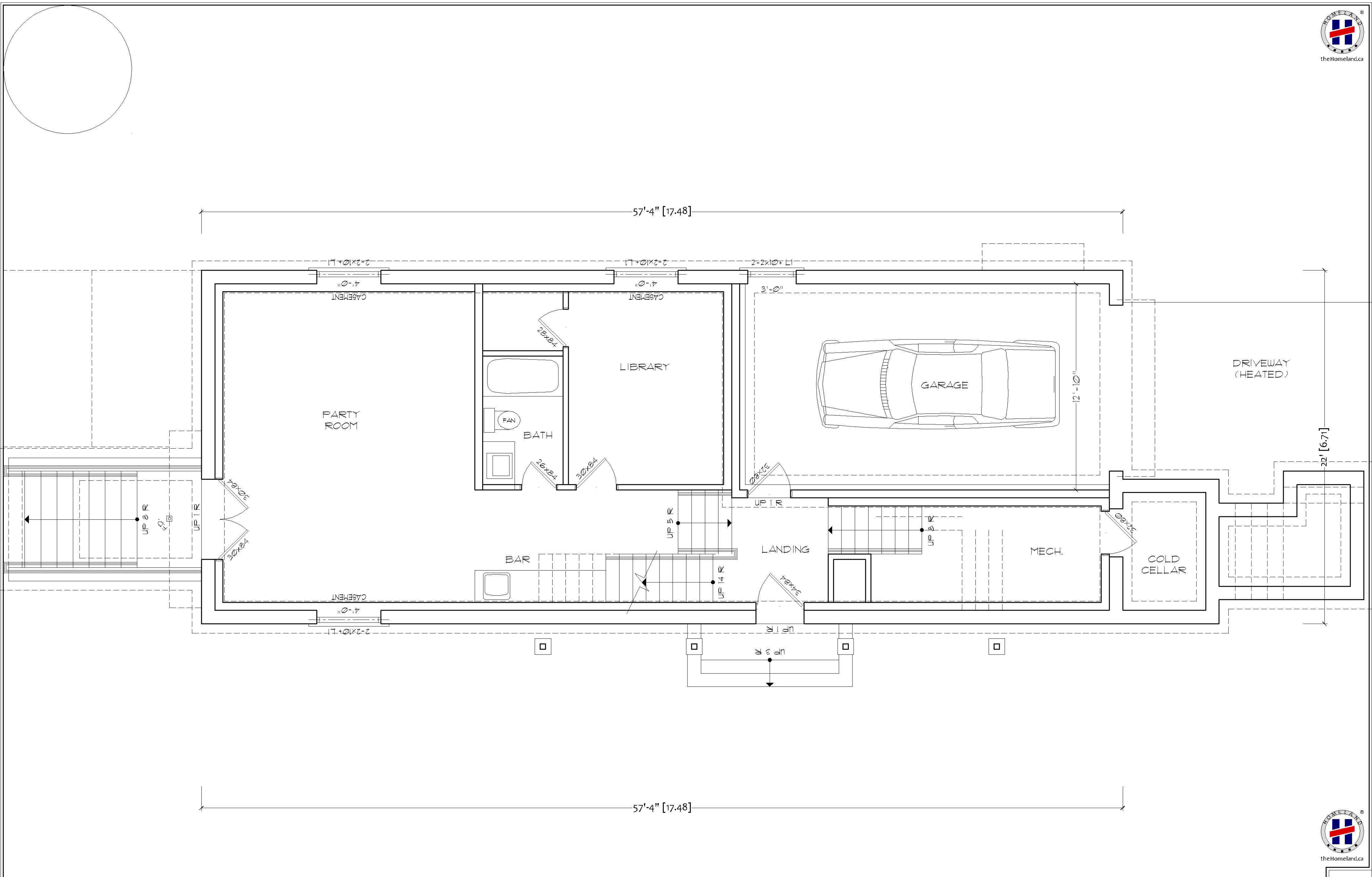
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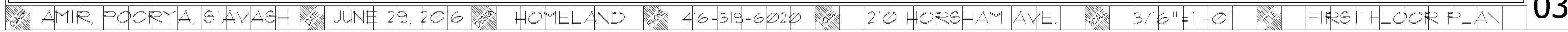
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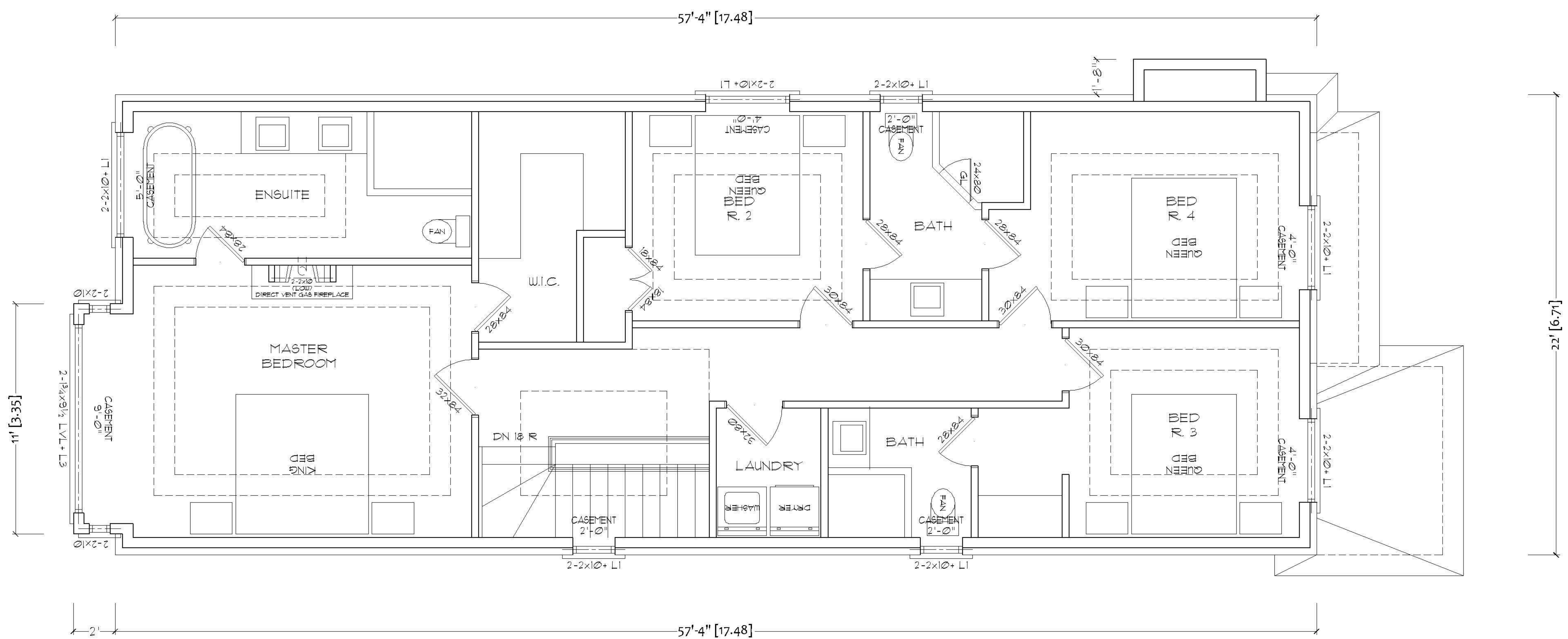
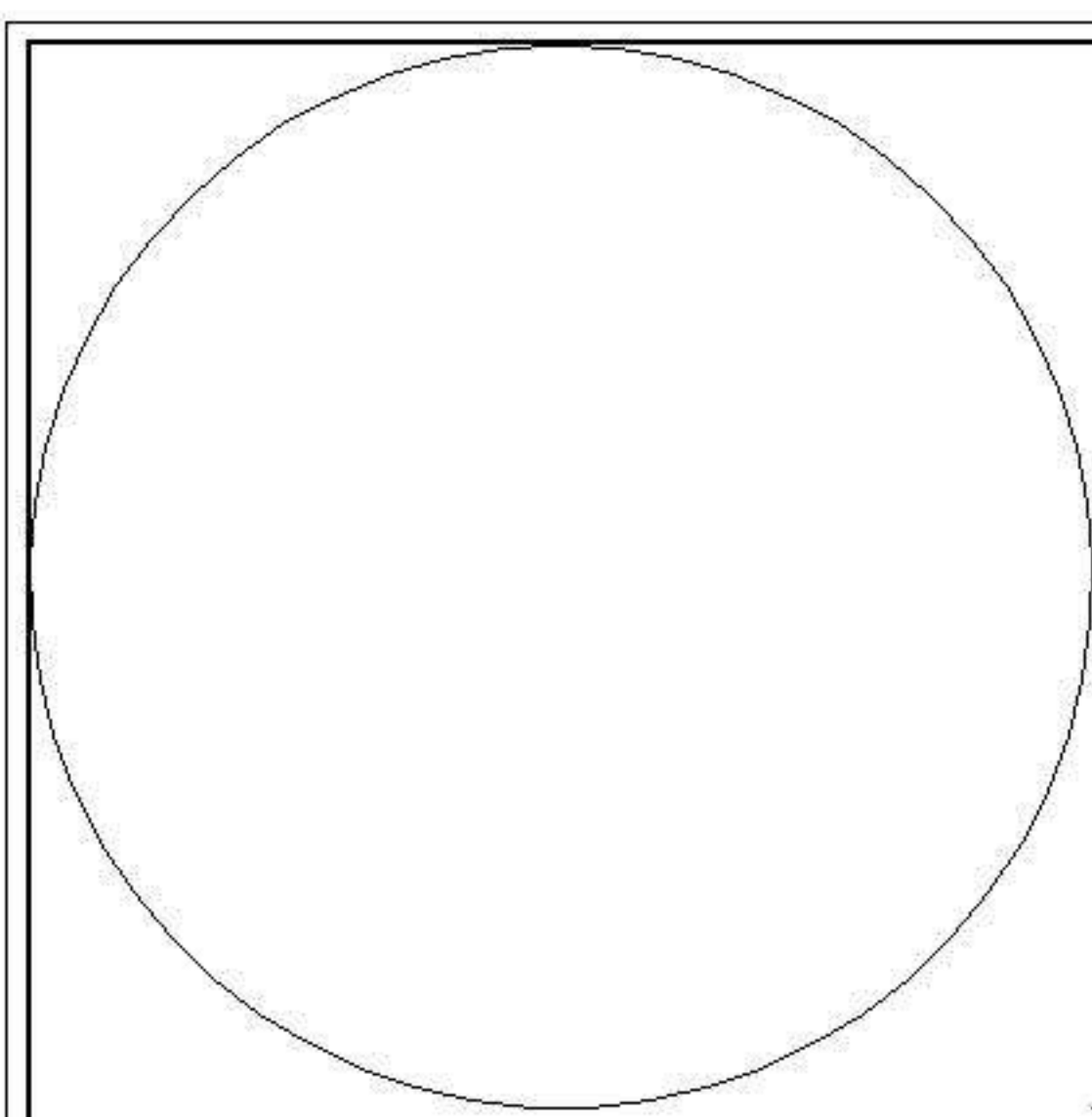








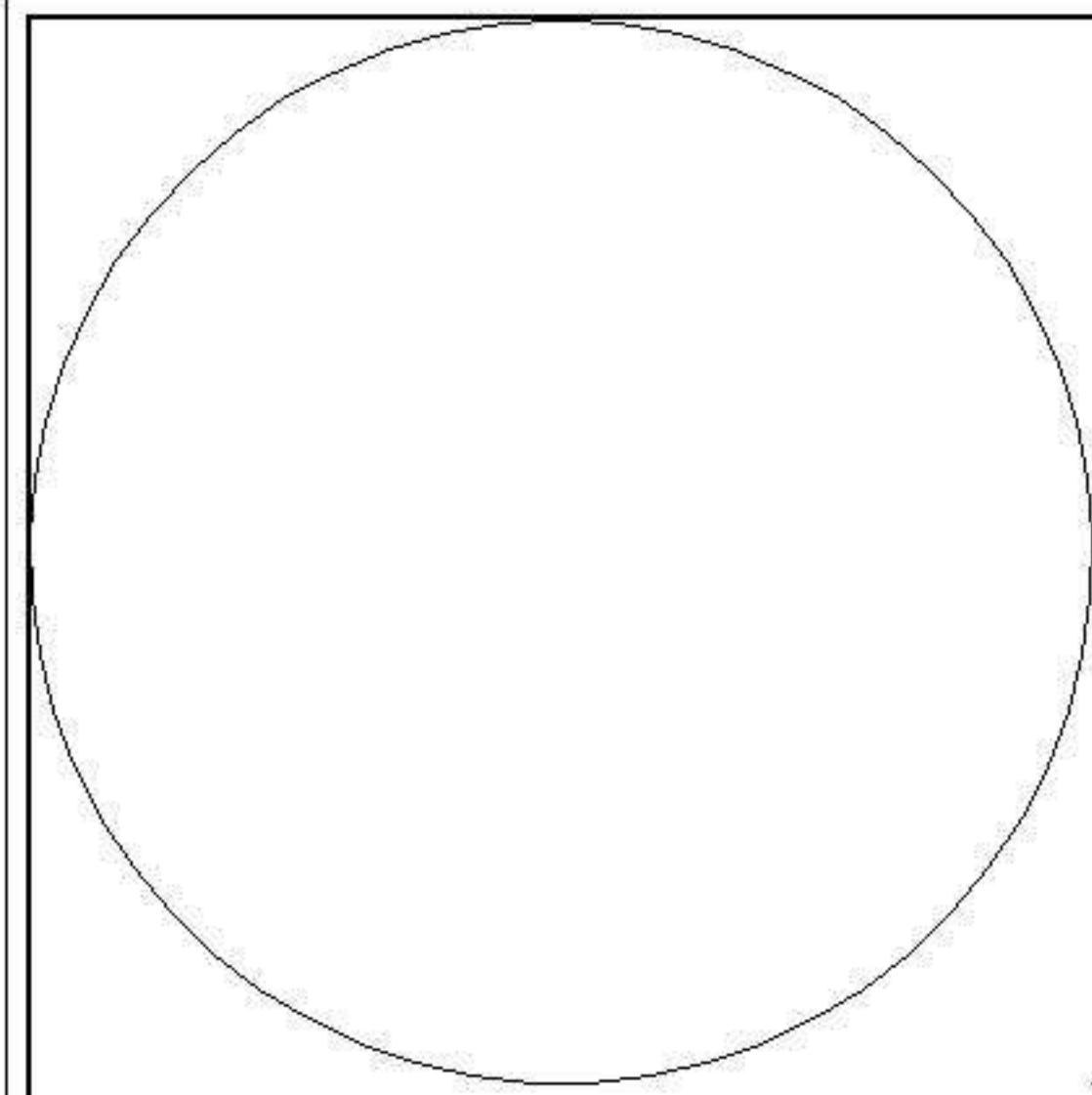
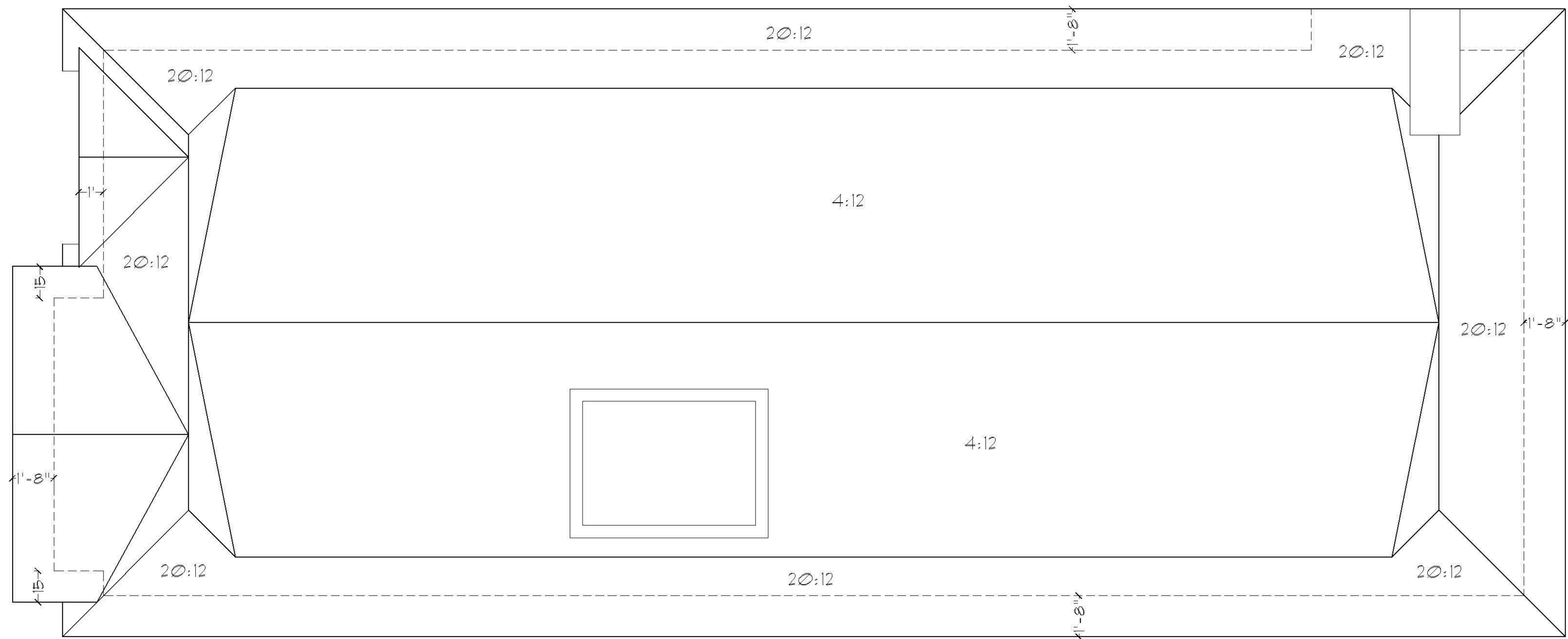




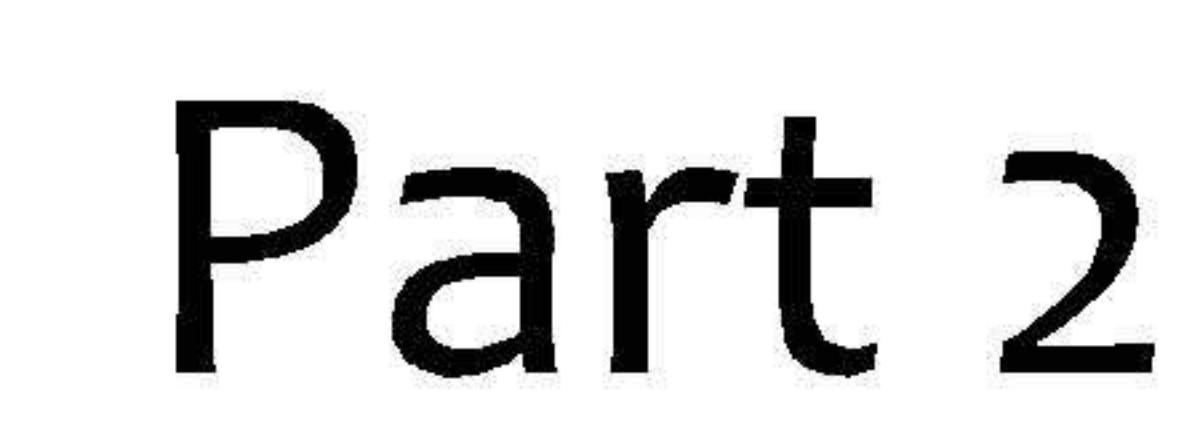
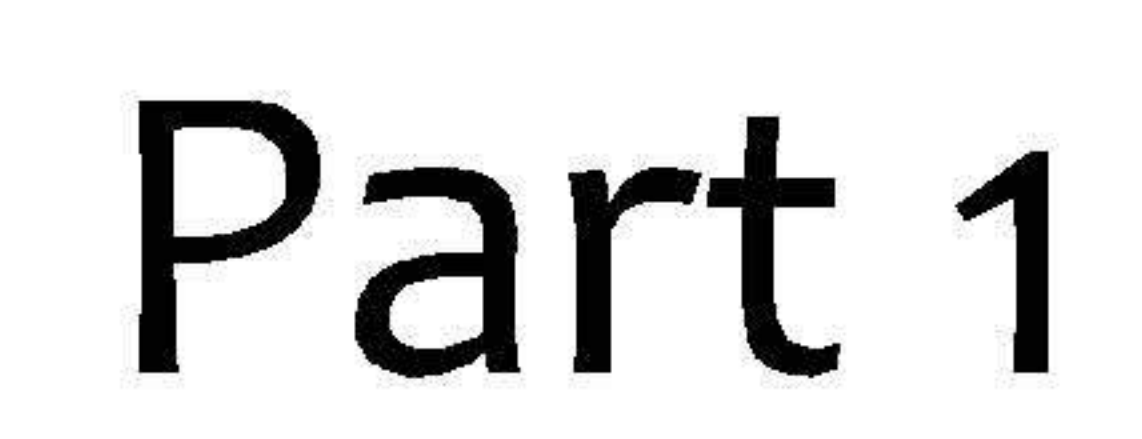




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Part 2

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RIDGE OF ROOF  
MEAN OF ROOF

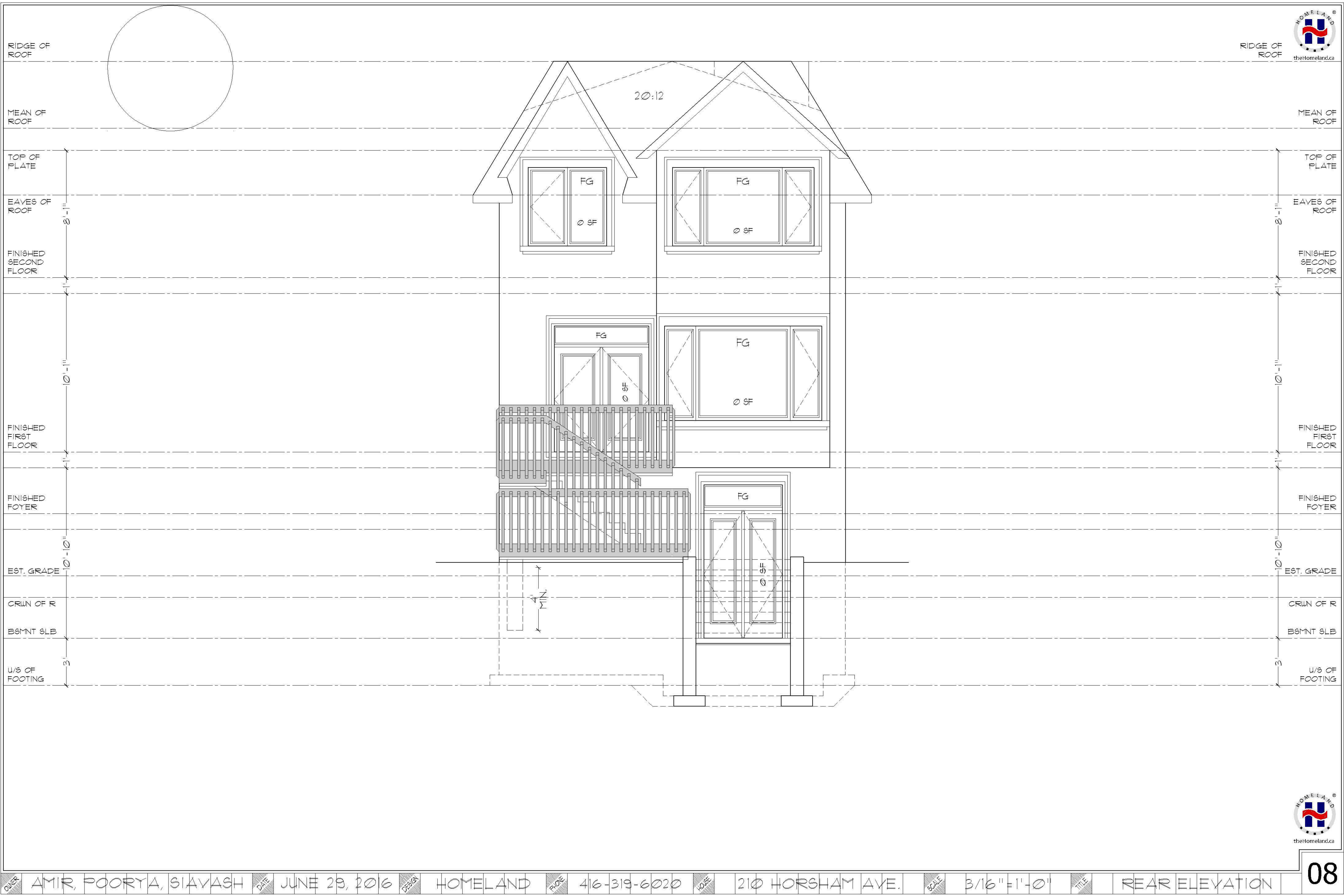
MEAN OF ROOF  
TOP OF PLATE

EAVES OF ROOF  
FINISHED SECOND FLOOR

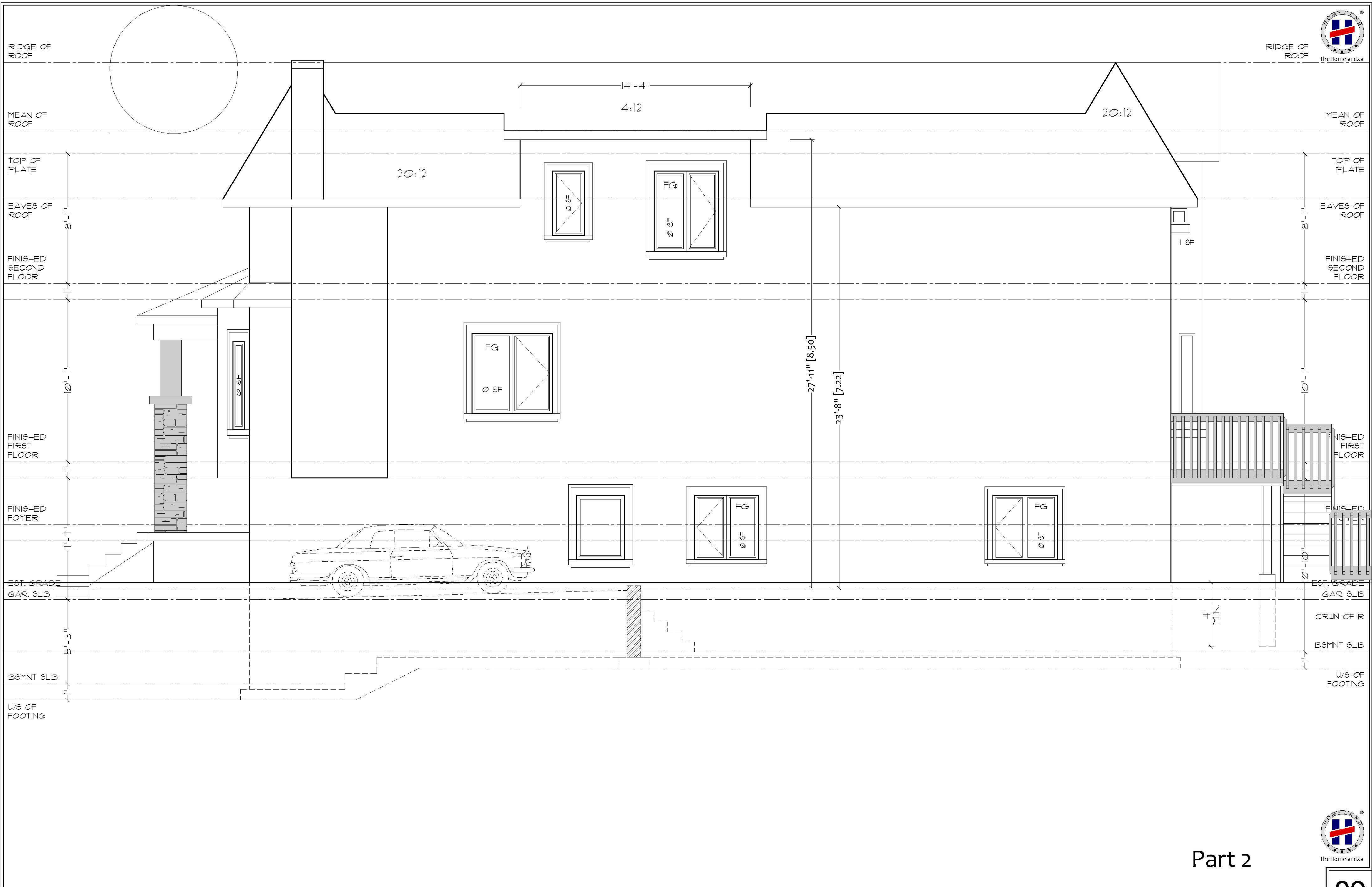
FINISHED FIRST FLOOR  
FINISHED FOYER

EST. GRADE  
CRUN OF R

B5MNT SLB  
U/S OF FOOTING







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### **Attachment 3**

#### **Consent Conditions of Approval – 210 Horsham Avenue**

- (1) Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.
- (2) Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of Survey and Mapping Services, Technical Services.
- (3) Prior to the issuance of a building permit, the applicant shall satisfy all conditions concerning City owned trees, to the satisfaction of the Director, Parks, Forestry & Recreation, Urban Forestry Services.
- (4) Where no street trees exist, the owner shall provide payment in an amount to cover the cost of planting a street tree abutting each new lot created, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- (5) Prior to the issuance of a building permit, the applicant shall satisfy all conditions concerning privately owned trees, to the satisfaction of the Director, Parks, Forestry & Recreation, Urban Forestry Services.
- (6) Two copies of the registered reference plan of survey integrated with the Ontario Coordinate System and listing the Parts and their respective areas, shall be filed with City Surveyor, Survey & Mapping, and Technical Services.
- (7) Three copies of the registered reference plan of survey satisfying the requirements of the City Surveyor, shall be filed with the Committee of Adjustment.
- (8) Within ONE YEAR of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions and prepare for electronic submission to the Deputy Secretary-Treasurer, the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) or subsection 53(42) of the Planning Act, as it pertains to the conveyed land and/or consent transaction.
- (9) Satisfy the following requirements of Engineering and Construction Services:
  - (A) Prepare all documents and convey to the City, at nominal cost,
    - i) 5.0 m corner rounding at the southwest corner of the site;in fee simple, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have been dedicated as a public highway, all to the satisfaction of the Executive Director of Engineering and Construction Services and the City Solicitor.
  - (B) Submit a draft Reference Plan of Survey to the Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should (a) be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System) and the 3 degree Modified Transverse Mercator Projection, (b) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and (c) show the coordinate values of the main corners of the subject lands in a schedule on the face of the plan.
  - (C) Pay all costs for registration and preparation of reference plan(s).