Toronto Local Appeal Body

40 Orchard View Blvd, Suite 211 Toronto, Ontario M4R 1B9

Telephone: 416-392-4697
Fax: 416-696-4307
Email: tlab@toronto.ca
Website: www.toronto.ca/tlab

DECISION AND ORDER

Decision Issue Date Wednesday, July 04, 2018

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

Appellant(s): ZAHARA CHEGINI

Applicant: ALI SHAKERI

Property Address/Description: 351 HOLLYWOOD AVE

Committee of Adjustment Case File Number: 17 143157 NNY 23 CO, 17 143167 NNY 23

MV, 17 260921 S53 23 TLAB

TLAB Case File Number: 17 260921 S53 23 TLAB, 17 260923 S45 23 TLAB, 17 260922

S45 23 TLAB

Motion Hearing date: Friday, June 08, 2018

DECISION DELIVERED BY D. Lombardi

APPEARANCES

NAME

Franco Romano Expert Witness

Raymond Wood Participant

Amber Stewart Appellant's Legal Representative*

*Counsel

INTRODUCTION

This is a matter on appeal from the North York Panel of the City of Toronto's (City) Committee of Adjustment (the COA) decision to dismiss applications for the severance of 351 Hollywood Avenue (the subject property) and associated variances.

The owners, Fariborz and Zahara Chegini, proposed to sever the subject property into two undersized residential lots and to construct a new two-storey residential dwelling with an integral garage on each of the newly created lots.

The subject property is located on the south side of Hollywood Avenue, within the first block west of Bayview Avenue and north of Sheppard Avenue East. It has a lot frontage of 18.29 m, and a lot depth of approximately 38.2 m. The subject property currently contains a one-storey detached dwelling, positioned in the central portion of the lot, which will be demolished.

It is an interior lot situated on the northwest corner of Hollywood Avenue and Estelle Avenue, adjacent to the Clairtrell Area, and is directly across the street from Hollywood Public Elementary School and backs onto St. Gabriel Catholic Elementary School.

The property is designated *Neighbourhoods* pursuant to the City's Official Plan. *Neighbourhoods* are considered stable areas where new development will respect and reinforce the existing physical character. It is zoned R4 pursuant to the former North York By-law No. 7625 (former By-law) and RD(f15.0;a550)(x5) under the City's Harmonized Zoning By-law No. 569-2013 (new By-law). The applicable standards in the R4 and RD zones require a minimum lot frontage of 15.0 m and a minimum lot area of 550 m².

BACKGROUND

The owners submitted a prior application for the subject property in 2013 to sever the site into two lots and to permit the construction of two single family residential dwellings, one on each lot. The 2013 proposal was materially dissimilar to the current one in that the owners proposed a different site layout and building footprint with tighter side yard setbacks (0.92 m) and a higher finished first floor height (2 m), *inter alia*.

The COA refused these applications and the owners abandoned the proposal without pursuing an appeal.

Four years later, the same owners again applied to the COA in 2017 for consent to sever the subject property into two lots (COA File No. B003/17NY -Part 1 and 2), and associated minor variances to permit the construction of a new two-storey residential dwelling on each of the newly created lots (COA File No. A0380/17NY and A0381/17NY). This represents the current applications.

The proposal before the COA proposed to create two new lots, each having a frontage and width of 9.14 m and a lot area of approximately 350 m². As a result, a total of 26 variances were required the extent of which can be summarized as follows:

- Lot frontages and area of 9.14 m and 349.4 m², respectively;
- Proposed side yard setbacks of 1.2 m, whereas 1.8 m is required;
- Reduction to the proposed first floor area within 4.0 m of the main front wall, permitting an undersized foyer on entry; and
- An increase to the building height under the former By-law only, which measures height from the centerline of the street to the mid-point of the roof.

The COA received comments from City Planning and Urban Forestry staff related to the consent and minor variances applications.

City Planning Staff, in their report dated October 23, 2017, noted that the block in which the subject property is located is unique because it is bounded by a school site to the north and south. They further acknowledged that the subject property is oversized relative to the zoning requirements for frontage and area, and that the proposed lots and built form variances are in keeping with the existing physical character of this portion of Hollywood Avenue.

I highlight these comments from Planning staff as they are relevant to the Appellant's planning rationale in support of their appeal of the COA's decision and are addressed in testimony given by the Applicant's land use planning expert in this matter, which is refer to later in this decision.

Urban Forestry staff commented that approval of the requested consent to sever and the construction of two new dwellings would necessitate the removal one healthy city-owned tree for driveway access and one privately-owned tree located in the rear yard. As a result, Urban Forestry staff objected to the requested consent. They also recommended conditions in the event that the COA approved the requested variances.

On October 26, 2017, the COA refused the consent and minor variance applications (Exhibit A – Vol. 5 of the Disclosure Documents), and the owners subsequently appealed the COA decision to the Toronto Local Appeal Body (TLAB). The TLAB set a hearing date of June 8, 2018 to hear the appeal.

A Notice of Appeal (Form 1) was filed by the owners on November 10, 2017 on the following grounds:

- A. The proposal is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.
- B. The proposal meets the general intent and purpose of the City's Official Plan.
- C. The neighbourhood within which the subject property is located is not uniform and contains a variety of lot sizes and configurations, resulting in an eclectic mix

- of lots and built form. The proposed consent will respect and reinforce the general lot patterns in the neighbourhood.
- D. One criterion for establishing neighbourhood character is the size and configuration of lots. The proposed lot dimensions will be compatible with the existing physical character and will fit and coexist with the surrounding neighbourhood fabric.
- E. The proposal addresses the built form policies of the Official Plan and the proposed new dwellings will respect the existing physical character of buildings, particularly with respect to replacement development.
- F. The proposed lot coverages of 32% are typical and representative of approvals in North York, and in this neighbourhood in particular.
- G. The proposed side yard setbacks are generous when compared with both original and replacement development in the neighbourhood.
- H. The proposed variances to height-related performance standards represent a modest increase over by-law permissions.
- I. The proposed built form represents an appropriate, high quality design that will respect and reinforce the existing physical character of the neighbourhood.
- J. The proposal is minor, in both quantitative and qualitative terms.
- K. The proposal represents good land use planning.

Mr. Raymond Woo, residing at 349 Hollywood Avenue and the Appellant's neighbor to the west, noted his opposition to the applications through a Notice of Intention to be a Participant.

In his Participant's Statement (Form 13), filed with the TLAB on April 3, 2018, Mr. Woo outlined his intended evidence and submitted the following objections to the proposal:

- The Applicant has applied for consent on two occasions to the Committee of Adjustment to sever their 60 foot frontage lot into two 30 foot frontage lots. On both occasions the Applicant was denied/refused consent to sever. What has changed to reconsider the decisions made by the Committee of Adjustment on these prior applications?;
- 2) There is only one 30 foot lot on Hollywood Avenue. There are a couple of 35 foot lots on Hollywood Ave. but the average sized lot is 50 foot frontage plus. There are more 60 foot frontage lots than 30 foot lots on Hollywood Avenue;
- 3) Approving the Applicant's application for severance will set a dangerous precedent on Hollywood Avenue and in the Willowdale neighbourhood in general. By allowing builders to sever 60 foot lots into 30 foot lots our neighbourhood would transform from the appearance of a neighbourhood full of detached homes on an average of 50 foot lots into a neighbourhood that looks like a town house complex full of smaller homes on 30 foot lots. The proposed smaller homes built on 30 foot lots do not conform to the look, feel, and character of our existing neighbourhood; and

4) We purchased our home in Willowdale due to the look, feel, and character of the neighbourhood.

On the day of the hearing, the Appellant's solicitor, Ms. Amber Stewart, submitted a revised list of variances related to the subject proposal (Exhibit C). Ms. Stewart provided clarification as to the genesis of the revised variances noting that the actual proposal that was before the COA in 2017 has not changed.

However, Ms. Stewart advised that the requested variances were vetted against the recent March 1, 2018 decision from the former OMB approving portions of the City's Harmonized new Zoning By-law 569-2013. This resulted in the elimination of a number of variances which no longer required by the Appellant.

This was subsequently considered as a preliminary matter by Ms. Stewart who provided an overview of the revised variances, highlighting the following changes to the original list of variances that before the COA in 2017.

Summary of Revisions Applicable to Both Part 1 and Part 2 of the Consent Application:

- Variances 1, 2, 3, 5, 6 and 7 for both Parts remain the same;
- Variance #4 (both Parts)
 - o Chapter 10.5.40.10.(5), By-law 569-2013
 - A minimum of 10 m² of first floor must be within 4.0 m of the front main wall.
 - The proposed first floor within 4 m of the main front wall is 3.3 m².

As a result of the March 1st OMB decision that provision of the new zoning By-law has been amended requiring that the front door entry must be within 1.2 m of the established grade. The proposed plans now comply with this requirement and, therefore, this variance is no longer necessary.

- Variance #8, 9 and 10 (both Parts)
 - These variances which correlate to requirements for minimum lot frontage and area, and maximum lot coverage, respectively, under the former zoning By-law 7625 are no longer required as they have equivalent requirements under By-law 569-2013.

Finally, Variances No. 11, 12 and 13 still apply as the equivalent variances under the new By-law 569-2013 remain under appeal.

In the result, the Appellants are now requesting approval from the TLAB of the following consent and minor variances for the subject property:

Consent

Retained – Part 1

The lot frontage is 9.14 m and the lot area is 349.4 m². A new two-storey dwelling with an integral garage will be constructed which will require variances to the Zoning bylaw, as outlined in COA application No. A0381/17NY.

Conveyed - Part 2

The lot frontage is 9.14 m and the lot area is 350.1 m². A new two-storey dwelling with an integral garage will be constructed which will require variances to the Zoning Bylaw, as outlined in CAO application No. A0381/17NY.

Requested Variances

To construct a new two-storey dwelling with integral garage as per Minor Variance Application (Part 1): COA File No. A0380/17NY, the existing dwelling will be demolished.

1. Chapter 10.20.30.40, By-law No. 569-2013

The maximum permitted lot coverage is 30% of the lot area. The proposed lot coverage is 32% of the lot area.

2. Chapter 10.20.40.70 & Exception RD5, By-law No. 569-2013

The minimum required side yard setback is 1.8 m. The proposed east side yard setback is 1.2 m.

3. Chapter 10.20.40.70 & Exception RD5, By-law No. 569-2013

The minimum required side yard setback is 1.8 m. The proposed west side yard setback is 1.2 m.

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

The minimum required front porch side yard setback is 1.8 m. The proposed front porch east side yard setback is 1.2 m.

5. Chapter 10.20.30.20, By-law No. 569-2013

The minimum required lot frontage is 15 m. The proposed lot frontage is 9.14 m.

6. Chapter 10.20.30.10, By-law No. 569-2013

The minimum required lot area is 550 m². The proposed lot area is 349.4 m².

7. Section 13.2.3 & 13.2.3A, By-law No. 7625

The minimum required side yard setback is 1.5 m. The proposed east side yard setback is 1.2 m.

8. Section 13.2.3 & 13.2.3A, By-law 7625

The minimum required side yard setback is 1.5 m. The proposed west side yard setback is 1.2 m.

9. Section 13.2.6, By-law No. 7625

The maximum permitted building height is 8.8 m.

The proposed building height is 9.1 m.

To construct a new two-storey dwelling with integral garage as per Minor Variance Application (Part 2): COA File No. A038/17NY. The existing dwelling will be demolished.

1. Chapter 10.20.30.40, By-law 569-2013

The maximum permitted lot coverage is 30% of the lot area. The proposed lot coverage is 32% of the lot area.

2. Chapter 10.20.40.70 & Exception RD5, By-law 569-2013

The minimum required side yard setback is 1.8 m. The proposed east side yard setback is 1.2 m.

3. Chapter 10.20.40.70 & Exception RD5, By-law 569-2013

The minimum required side yard setback is 1.8 m. The proposed west side yard setback is 1.2 m.

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

The minimum required front porch side yard setback is 1.8 m. The proposed front porch east side yard setback is 1.2 m.

5. Chapter 10.20.30.20, By-law 569-2013

The minimum required lot frontage is 15 m. The proposed lot frontage is 9.14 m.

6. Chapter 10.20.30.10, By-law No. 569-2013

The minimum required lot area is 550 m². The proposed lot area is 349.4 m².

7. Section 13.2.3 & 13.2A, By-law No. 7625

The minimum required side yard setback is 1.5 m. The proposed east side yard setback is 1.2 m.

8. Section 13.2.3 & 13.2.3A, By-law No. 7625

The minimum required side yard setback is 1.5 m. The proposed west side yard setback is 1.2 m.

9. Section 13.2.6, By-law No. 7625

The maximum permitted building height is 8.8 m. The proposed building height is 9.1 m.

The Appellant has also included two conditions of minor variance approval, which reflect City staff recommendations.

1. The proposed dwellings shall be constructed substantially in accordance with the Site Plan and Elevations dated April 10, 2017; and

2. The owner shall comply with the City of Toronto Municipal Code, Chapter 813, Article II (City-owned trees) and Article III (Privately-owned trees).

MATTERS IN ISSUE

The applications and appeal before the TLAB were neither unprecedented nor complex. In my view, at issue was whether the Appellant's severance of the lot for the purpose of introducing infill housing as a form of 'gentle' intensification in this Willowdale neighbourhood, was appropriate and fit the physical character of the area.

Resulting from the severance was the need to address zoning relief in the form of minor variances to permit construction on the undersized lots of the specific dwellings proposed.

From a planning perspective, a number of questions arise as a result of the proposed severance and corresponding variances; the key one being whether both of the lots created by the severance are considered substandard in size. More specifically, do the propose lot sizes respect and reinforce the established dimensions and configuration of the existing lots in the neighbourhood.

In opening remarks, the contrasting positions of the Appellant and Mr. Woo were succinctly stated by counsel for the Appellant. Namely, new lots optimizing in a modest way the efficient use of land through what counsel termed 'gentle' intensification; versus, it is not good planning to permit oversized homes on undersized lots that do not 'fit' the neighbourhood.

From the perspective of the abutting neighbor, Mr. Woo, the question is will the resulting development change the existing character of the area and set a dangerous precedent on Hollywood Avenue and in the broader neighbourhood as he asserted.

Finally, Mr. Woo raised the issue of the visceral look and feel of the established neighbourhood and questioned whether the overall neighbourhood character of larger lots and homes he considers the norm on Hollywood Avenue would be altered by allowing smaller lots and narrower homes that would result in what he characterized as the look of a 'town house' complex.

JURISDICTION

Provincial Policy – S. 3

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

Consent – S. 53

TLAB must be satisfied that a plan of subdivision is not necessary for the orderly development of the municipality pursuant to s. 53(1) of the Planning Act (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 purpose 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;
- i) The adequacy of school sites:
- The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- The extent to which the plan's design optimizes the available supply, means of supply, efficient use and conservation of energy; and
- m) The relationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006, 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2), 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

Minor Variance – S. 45(1)

In considering the application 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 lands; and
- are minor.

EVIDENCE

Ms. Stewart, the Appellant's counsel, called Mr. Franco Romano to provide expert land use planning evidence in support of the consent and minor variances being requested by the Appellant.

As a precursor to Mr. Romano's testimony, Ms. Stewart highlighted Mr. Romano's Expert Witness Statement and corresponding Curriculum Vitae (which was marked as Exhibit B) and noted two facts she suggested relevant to the matter under consideration.

First, she highlighted the fact that Mr. Romano had been employed as a Senior Planner in Community Planning for the former North York Planning District between the years 1991 and 1998. During that time, Mr. Romano confirmed that his responsibilities included the drafting and formulation of planning policies for the former City of North York, in addition to reviewing development applications through the administration of those same policies.

Second, Mr. Romano confirmed that following his employment with North York in 1998, he transitioned into private consulting, establishing his own land use planning practice. As the principal in this firm, he has provided professional planning advice on behalf of clients, both in the private and public sectors, including the City of Toronto.

I believe that these two facts were raised by Ms. Stewart to illustrate that Mr. Romano's background and planning experience in the former City of North York make him extremely familiar with the planning context of the area in which the subject property is located and, in particular, with the contextual evolution of this neighbourhood.

While this information was informative as well as both pertinent and relevant, I advised counsel that Mr. Romano's testimony and evidence would be of far greater weight, and determinate of the matters in issue.

Expert Witness Testimony

I qualified Mr. Romano as a professional land use planner capable of giving expert opinion testimony on land use planning matters. Mr. Romano was initially retained by the owners in November of 2017, to provide land use planning support for the proposed development and his retainer was extended to include providing fair, objective and non-partisan opinion evidence in support of the appeal before the TLAB.

In his witness statement (Exhibit B) and evidence (Document Disclosure Exhibit A - Volumes 1 - 5), Mr. Romano gave a brief description of the proposal, outlining to context of the subject property, and summarizing the dimensions of the two lots to be created through consent.

At this juncture in the hearing, I advised that pursuant to the standing direction of Council to the TLAB I had visited the subject property and surrounding streets and was familiar with the area.

In providing an overview, he referenced the former North York Zoning By-law mapping (Exhibit A – Vol. 4) and a Lot Study identified on Page 22 in Exhibit B. In summarizing his understanding of the site context and the proposed redevelopment of the subject property, Mr. Romano submitted the following:

- The subject property is located on the south side of Hollywood Avenue in the first block west of Bayview Avenue. Hollywood Avenue is a local road that runs east-west.
- The subject property has an institutional interface with elementary schools on both sides.
- To the east and west of the subject property on the north side of Hollywood Ave., lands are developed with detached residential dwellings of varying architectural typology and size on lots that range in lot frontage from 9.14 m to 18.29 m.
- The lot fabric consists of lots of varying and/or similar sizes that coexist next to or nearby one another within the neighbourhood.
- Dwellings of the same size, practically identical or slightly different in size also co-exist.
- Zoning has changed over time in this neighbourhood to accommodate multiple residential forms of housing.
- Regeneration (new additions or replacements) over time in this neighbourhood have typically occurred through severances, as a normal practice.

Mr. Romano then proceeded to summarize the details of the proposal which are described more particularly in his witness statement (Exhibit B) in section 3.2;

- Severance of one lot into two lots of 9.14 m frontage and Part 1 349.4 m² and Part 2 – 350.1 m² lot area. A minor variance is required to the applicable minimum 15 m lot frontage and 550 m² lot area zoning standards.
- Construction of a new two-storey detached dwelling on each mew lot. Minor variances are proposed for lot coverage (32% instead of max. 30%), side yards (1.2 m instead of min. 1.8m/1.5 m), building height (9.1 m instead of max. 8.8 m) and the first floor area within 4 m of the front wall (3.3 m² instead of min. 10 m²).

In addressing the neighbourhood, Mr. Romano first described the immediate context surrounding the subject property, and then how the wider macro neighbourhood exhibits its physical characteristics. In doing so, he employed a 'generous' Study Area (Exhibit B – Study Area) bounded by Willowdale Avenue to the west, Bayview Avenue to the east, Hillcrest Avenue to the north and Alfred Avenue to the south. He also submitted an attendant coloured map and corresponding Lot Frontage Analysis and Lot Study Analysis.

He confirmed that all lots in the Study Area are within the same neighbourhood context, are similarly designated by the Official Plan *as Neighbourhoods*, and are zoned for low rise residential purposes. A total of 375 lots were included within this study area.

Physical Characteristics of the Study Area

The physical characteristics of the Study Area are as follows:

- a) Frontage and flankage on a grid-patterned local road network;
- b) Rectangular lot configurations;
- c) Lot frontages ranging from 7.62 m to 42.52 m. 34% of the lots have a lot frontage smaller than the 15 m applicable to the subject property:
- d) Lot depths range from 26.8 m to over 40 m;
- e) Lot areas range from 305.4 m² to over 800 m². 37.2% of the lots have a lot area smaller than the 550 m² applicable to the subject property;
- f) Dwellings are located along the front central portion of the lot with accessory features in the front and rear;
- g) Gently rolling topography;
- h) Detached dwellings form the prevailing building type. Multiples in the form of semi-detached and townhouses also form part of the neighbourhood:
- Building heights are one to three storeys. Roof styles are sloped, flat and some combination:
- j) First floors are level or split, close to grade or elevation;
- k) Front vards with a reasonable front wall alignment:
- I) Side yards are modest and tight;
- m) Rear yards are larger than the minimum zoning requirements. They exhibit a mixture of hard and soft landscaped amenity, accessory structure and parking functions;
- n) Mixed landscaping in the front and rear beyond the driveway, walkway, steps, retaining wall elements; and
- o) Parking and driveway access is oriented towards the street portion of the lot.
 Single, double and wider driveways are found in the neighbourhood regardless of lot size.

In reviewing these characteristics, Mr. Romano referenced the Lot Study on Page 22 of Exhibit B, and corresponding Gradation of Lot Frontage Table, which contains a matrix outlining the statistical analysis highlighted above.

Mr. Romano opined that this matrix illustrates that the neighbourhood consists of a variety of lot sizes and that the neighbourhood lot fabric has not remained static. New lots have been created as part of the evolution of the neighbourhood and the varied lot sizes are in keeping with that lot fabric, which includes those that are undersized relative to the zoning by-law standards.

Mr. Romano further opined that the neighbourhood has also been experiencing reinvestment and regeneration in the form of new dwellings and building additions, which have resulted in dwellings that are larger – in footprint, mass and/or scale –

occupying more space on each lot and generally built to occupy the front central portion of the lot with modest side yard setbacks.

He suggested that it was quite common in this area for new development to proceed after obtaining minor variance and/or consent approval. In support of this proposition, Mr. Romano referenced a sampling of OMB decisions within the neighbourhood found on Page 23 of his witness statement (Exhibit B – Decision Summary Table). Of particular note, Mr. Romano highlighted the dwellings at 345A and 345B Hollywood Avenue (Row 16 in the Decision Table), just west of the subject property, and 268 Hollywood Avenue (Row 8), a 2013 decision, as having particular relevance in this matter.

In addition, Mr. Romano suggested that the Decision Summary Table illustrated that lot frontage and area variances are common in this neighbourhood, as are variances for other performance standards including: side yard setbacks; lot coverage; and building height.

He also referenced a collection of ten photographs (Exhibit B – Page 20) containing multiple images of homes both on the south and north sides of Hollywood Avenue proximate to the subject property. These photographs illustrated the variety and diversity of building forms throughout the area. In referencing this visual evidence, Mr. Romano opined that the variance relief being sought by the Appellant and the proposed development is in keeping with what is found in the area in terms of the order of magnitude.

He also suggested that the variances being sought are reflective of those approved in the neighbourhood, which have contributed to the regeneration that is occurring. Discussing existing conditions, Mr. Romano utilized an air photograph of the immediate area showing properties in proximity to the subject property to demonstrate that there is undulation in front and rear wall alignments, side yard setbacks are tight to modest in size, and landscaping is concentrated mostly in the rear yard.

Mr. Romano reviewed the proposed Site Plan (Exhibit A – Vol. 5), noting that the proposed dwellings will be overlaid onto the existing building foot print. The resulting built form will create articulated front and rear walls that are very similarly aligned with abutting dwellings, building lengths that are shorter than what is permitted (16.1 m building length proposed – 17 m length permitted in the new By-law), and rear yard setbacks in excess of what is required (13.6 m rear yard setback proposed – 7.5 m minimum required).

In Mr. Romano's opinion this creates a reasonable site design and one that is to be anticipated in this context.

Mr. Romano then addressed comments received by the COA from City Planning staff related to the proposed development. Mr. Romano noted that Planning staff, in their October 23, 2017 report (Exhibit A – Vol. 5), provided, in his opinion, positive comments regarding the proposed consent and minor variance applications. He

specifically referenced Page 5 of staff's report noting staff commented that the block in which the subject property is located is unique and that it does not share the same character as the remainder of the neighbourhood.

More specifically, he noted that Planning staff wrote:

"The subject lot in its current state is oversized given the minimum zoning requirements for lot frontage and lot area. The application for consent proposes two lots that are similar in size to other lots created by consent within the same block."

"Staff are of the opinion that the consent and related minor variance applications are in keeping with the existing physical character of this portion of Hollywood Avenue."

Mr. Romano also addressed comments received from Urban Forestry Services – Tree Protection and Plan Review - North District (Exhibit A – Vol. 5 - Tab 13) to the COA, dated October 13, 2017. Mr. Romano noted that Urban Forestry staff identified the anticipated removal of one healthy 11 cm London plane tree for driveway access. However, Mr. Romano suggested that the proposed site plan does not indicate that the tree in question needs to be removed. As a result, the owner has contacted Urban Forestry staff to discuss this matter further.

Even though Urban Forestry staff objected to the consent application, they provided conditions of approved to the COA. These conditions have been incorporated into the list of Revised Variances and Conditions of Approval (Exhibit C to the Hearing) by the Appellant.

The Statutory Tests

In addressing the statutory tests, Mr. Romano was of the opinion that the proposal properly implements the policy thrust and direction provided for in provincial policy. The proposal supports optimization of the use of land, encouragement of compact urban form, and redevelopment and intensification.

He found applicable policy direction also in the City Official Plan, especially applicable to the 'Neighbourhoods' designation. He opined that the Official Plan contains policies that recognize that change within neighbourhoods will occur over time and that such changes should respect and reinforce the physical character of the neigbourhood. He opined that the policies do not require replication of existing physical character, but rather that new development should fit the general physical patterns.

Referring to Sections 2.3.1, 3.2.1, and 4.1.5 in the Official Plan, he submitted that the proposed lot frontage, lot depth and lot area fit in well with those found in the neighbourhood. He further opined that the proposed building siting, size, height, scale and massing is appropriately proportioned to each proposed lot and compatible with the area.

In addressing the development criteria found in Section 4.1.5 of the Official Plan, Mr. Romano proposed his interpretation of the term 'prevailing' utilized in this section.

He reinforced the proposition that a key objective of the Official Plan is to ensure that new development respects and reinforces the general physical patterns in a Neighbourhood. In this regard, he concluded that the Official Plan recognizes that neighbourhoods can have more than one prevailing physical character.

Mr. Romano opined that the variances also meets the general intent and purpose of the zoning by-law, as it will facilitate a dwelling that is compatible with the built form of the surrounding area.

Mr. Romano suggested that the proposal represents an appropriate, reasonable and compatible development for this neighbourhood, and submitted that the variances will facilitate for each new lot, reasonably-sized dwellings with appropriate standards, interface and a functional design that is desirable and compatible with recent development trends.

In addressing the last statutory test, whether the proposal is minor, he opined that the proposal creates no unacceptable adverse impact such as shadowing, privacy or overlook. He submitted that the minor variance decision summary sampling table highlighted in Exhibit B of his evidentiary materials illustrates that the proposed variances are in keeping with the numeric range of approvals within the area.

Mr. Romano continued his testimony by addressing Part 1, Section 2 of the *Planning Act* and the consent criteria of Section 51(24) of the *Act*. He opined that there were no substantive implications on matters identified in numerous subsections of Section 2, while Subsections 2d), e), f), h) and r) of the proposal are appropriately addresses and the proposal satisfies each. With respect to Subsection 2d) specifically, he noted that any archaeological matters will be investigated in accordance with Heritage Preservation Services conditions that an archaeological study be undertaken.

Finally, Mr. Romano opined that with respect to the consent request, neither a plan of subdivision nor a road or road widening is necessary to facilitate the severance proposal. He submitted that the neighbourhood contains other lots of similar size and opined that the subject proposal satisfies each criterion, individually and cumulatively.

In summary, Mr. Romano submitted that the subject property's physical and planning instruments context support the proposal, and the proposed consent and minor variances will result in a lot size site development that is reflective of the neighbourhood's physical context in a manner that respects and reinforces that context, with no unacceptable adverse impacts. In his professional opinion, the proposal represents good planning.

Participant's Testimony

Raymond Woo provided Participant evidence in opposition to the consent and minor variance applications. As a resident of 349 Hollywood Avenue, the abutting property immediately to the west, Mr. Woo noted that this was the second consent

application for this property to be refused by the COA. He questioned what had changed to reconsider the decisions previously made by the COA on these applications.

I advised Mr. Woo that the Appellant/Owners had appealed the October 26, 2017 COA decision to the TLAB, as is their right. I further advised him that the appeal before the TLAB is a 'de novo' hearing and therefore a new consideration of the merits or otherwise of the original application.

Mr. Woo continued with his testimony noting that there was only one lot on Hollywood Avenue with a 9.14 m frontage and only two lots with 10.67 m frontages. He also suggested that the average lot frontage on the street was 15.24 m. He stated that there were more lots with 18.3 m frontages than 9.14 m frontages but provided no evidentiary materials to support these claims.

Mr. Woo stated that he was not opposed to allowing severances to create new lots in his neighbourhood or to the general notion of neighbourhood intensification. However, he was of the opinion that there should be a certain threshold related to lot frontage size in his neighbourhood that should not be crossed. In his opinion that threshold is 10.67 m. He suggested that he would not be opposed to a 10.67 m lot frontage for this proposal, as this is more reflective of the prevailing frontages on Hollywood Avenue.

He suggested that allowing the proposed consent would, in his terms, set 'a dangerous precedent' in the immediate area and in the broader Willowdale neighbourhood. He suggested that the area is now known as a 'builder's neighbourhood' a connotation that I took to imply that existing properties were being purchased by developers for the expressed purpose of severing larger properties into smaller lots.

Mr. Woo questioned the conclusions from Mr. Romano's statistical lot study analysis and suggested that a 9.14 m lot frontage would be in the extreme minority in this neighbourhood, and would not in his words 'conform' to the overwhelming existing lot frontages. He reiterated that he was not against severances but felt that the proposed lots and subsequent dwellings would contribute to a streetscape on Hollywood Avenue that would "look like a town house complex full of smaller homes."

On cross-examination, Ms. Stewart questioned Mr. Woo's proposition that one could visually distinguish the size difference between a lot with a 9.14 m frontage and one with 10.67 m frontage. In response, Mr. Woo addressed the architectural elements of dwellings typically built on 9.14 m lots, noting that they tended to have smaller garage widths and fewer windows.

Ms. Stewart referred to the photograph's in Exhibit B and specifically photo cell #5 (345A & B Hollywood Avenue and 347 Hollywood Avenue) to illustrate that lots with a 9.14 m frontage were in fact difficult to distinguish from lots with a 1.5 m frontage difference.

Mr. Woo insisted that even a slightly larger lot frontage size, from 9.14 m to 10.67 m, is visually discernable and that he was worried that allowing this proposal would make it easier for others to obtain similar approvals. He stated that while he had no expectation that his neighbourhood character will not change over time, he sees this proposal as an 'extreme' alteration to the look, feel and character of the neighbourhood.

Mr. David Ng, a resident at 345 Hollywood Avenue, attended the hearing and rose speak with respect to the appeal and asked to be heard in opposition to the consent and minor variance applications. Ms. Stewart objected to his request and I ruled in her favour.

I declined to hear from Mr. Ng as he had made no filings pursuant to the TLAB Rules, had not sought any status and had not identified himself as having an interest until the open invitation was extended at the conclusion of the formal evidence by parties.

I excused Mr. Ng, with apologies, on the ground that I did not feel it fair or appropriate to permit Mr. Ng. to speak to the matter since his statements had not been disclosed, and he had not respected the Rules that had governed the Parties and Participants, in respect of the subject property.

In closing remarks, Ms. Stewart submitted that I make a decision in this matter based on land use planning evidence from a land use planner qualified to give opinion evidence in that regard. She opined that there is a distinction to be made between perceptions of impacts or concerns and concerns that actually rise to the level of being adverse planning impacts sufficient to justify denying an application.

She submitted that while all submissions are relevant, the TLAB is charged with making a planning decision based on the planning merits of the case. In this regard, she asked that I prefer the planning evidence of Mr. Romano, which she suggested was objective, non-partisan, comprehensive, not subject to cross-examination, and not undermined.

Ms. Stewart reminded me that City Planning staff's comments to the COA did not express any concerns with the consent application and that staff recognized and noted that the proposed severance was appropriate. She submitted that the only concerns were raised by the City's Urban Forestry staff with respect to the removal of a city-owned tree on the property. She confirmed that this had already been addressed by Mr. Romano in his evidence, and that the tree would not be an issue at the building permit stage as the owner has agreed to conditions of approval as requested by Urban Forestry staff.

In requesting that the TLAB approve the consent and minor variance applications before it, Ms. Stewart submitted case law that she characterized as relevant to the matter dealing with applications proximate to the subject property. She highlighted four OMB cases which she noted had relevance to the subject proposal in two respects.

First, she submitted that the decisions cited consider the general principles of law and address the legal interpretation both of the PPS and the Growth Plan, as well as City's Official Plan. And second, they are decisions that deal with properties within or very proximate to the study area selected by Mr. Romano.

The four cases offered as guidance were:

- 1. Eskander Azadi v. City of Toronto, 268 Hollywood Avenue OMB Case No. PL130713 (January 13, 2014) Exhibit E;
- 2. Shaghayegh Dowlat Abadi v. City of Toronto, 118 Hollywood Avenue OMB Case No. PL170235 (September 20, 2017) Exhibit F;
- 3. Hung-Jen Chuang v. City of Toronto, 88 Hollywood Avenue OMB Case No. PL150204 (September 30, 2015) Exhibit G; and
- 4. Jianjun Cai v. City of Toronto, 356 Greenfield Avenue OMB Case No. PL151262 (January 27, 2017) Exhibit H.

Ms. Stewart submitted that there were four common themes that were evident in all of the cases highlighted above.

1. Provincial Policy

Ms. Stewart opined that all decisions of the TLAB must take into account provincial policies and decisions must conform with or not conflict with those policies. Provincial policies deal with a number of objectives including 'intensification' and housing, *inter alia*. In relating the subject proposal to these objectives Ms. Stewart submitted that the consent being requested conforms to the general intensification objectives encouraged by PPS and Growth Plan and contributes the provision of a range of housing types, densities and tenures.

2. Official Plan

Ms. Stewart submitted that all policies of the City's Official Plan are applicable and important. Housing policies in the Official Plan include a requirement to provide a full range of housing options and to maintain the existing housing sock. She submitted that consents have been utilized extensively in this neighbourhood to achieve this objective.

3. Neighbourhood Policies

These policies require that new development fit and respect and reinforce the general physical patterns of the neighbourhood. Ms. Stewart reiterated Mr. Romano's opinion that there is no requirement in the Official Plan for new development to 'replicate' or be exactly the same as the existing development. Instead, it is sufficient that new development fit within those general physical patterns.

Highlighting the policies found in Sections 3.1.2 (Built Form), 3.2.1 (Housing), and development criteria in Sections 4.1.1, 4.5 and 4.1.8 of the Official Plan, Ms. Stewart suggested that these policies were important in assessing the subject

consent application. She opined that built form, which includes height, massing and scale of dwelling types, acts as an effective compatibility assessment helping to determine if a proposal is appropriate. She submitted that the built form proposed by the owner is similar to and compatible with the built form that already exists both in the immediate block and the broader neighbourhood.

4. The Test of 'Minor in Nature'

Ms. Stewart opined that this test is not of 'no impact' but a test assessing limiting impact. She submitted that development will cause some impact but that the impact must rise to the level of being an adverse impact of a planning nature in order to be considered intolerable. With respect to the subject proposal, she submitted that there is no evidence of any actual impact caused by the proposed dwellings.

Based on this discussion, Ms. Stewart submitted that the proposal satisfied the four tests and was not inconsistent with the PPS and Growth Plan. She therefore asked that provisional consent be granted subject to the standard consent conditions in the TLAB's Practice Direction No.1 and that I authorize the associated variances subject to the conditions in Exhibit C.

ANALYSIS, FINDINGS, REASONS

As stated under 'Matters in Issue', the applications and appeal before this Body, in my opinion, are neither unprecedented nor complex: a severance approval with variances to permit construction of two dwellings.

Counsel provided a number of cases for guidance of which I am appreciative of the assistance. However, ultimately the determination of the appeal must bear strong bonds to the evidence heard. I deal with the summary ratios of the referenced cases, taken as noted in the order listed in the previous section of this decision, and refer to them by their popular name.

All of the cases cited involve appeals on applications for consent and associated variances with two new lots sought to be created. All are either within or very proximate to the study area selected by Mr. Romano, and all are contested cases.

In Eskander Azadi – 268 Hollywood Avenue, a 2014 OMB case, the Applicant is proposing to create two lots with a lot frontage, coverage, building height and side yard setbacks almost identical to the subject proposal. In that decision, the City Planner testified that the Willowdale neighbourhood had experienced redevelopment in the form of new buildings, additions and renovations over the past 25 years. He also stated in Paragraph 12 that, "As a result of this re-development, this neighbourhood now consists of an eclectic pattern of homes of various designs, heights, and massing sited on lots with a wide range of frontages and area."

The City Planner further noted in Paragraph 13 that "lot frontages in this neighbourhood range between 7.62 m and 20m." He also stated that, "it was his

observation that there does not appear to be a discernable pattern of lot frontages in this neighbourhood... this is particularly evident along Hollywood Avenue where lot frontages vary greatly between 9 m and 20m."

In his decision, Member Sills wrote that, "In my view, that which is of significantly greater importance in the determination of this matter is whether the proposed new homes can be accommodated on the proposed lots in a manner and form which is compatible with, and fit in with other properties in the neighbourhood. Based on the evidence before me, I am satisfied they can."

In 118 Hollywood Avenue, a number of key issues are raised by the Board Member. Her analysis addresses issues such as how provincial policy and plans are to be treated relative to the City's Official Plan, what constitutes a neighbourhood, the importance of lot frontages as a defining neighbourhood characteristic, how a numerical analysis of lot frontages in a neighbourhood should be treated in the planning analysis, how historical lots of record should be treated, and the issue of precedent. These are all similar issues raised by the parties relate to the subject proposal.

With particular respect to the issue of precedent, Board Member Boutis wrote (in Paragraph 47 of the decision), "The Board appreciates that prior Committee decisions and Board decisions are relevant to the question of what is happening in the neighbourhood, but they are not determinative of any particular application, which stands and falls on its own merits. Some may be granted, but others may not be."

In Ms. Stewart's opinion, what is determinative is the neighbourhood is evolving in a gradual, stable and appropriate manner which is a desirable pattern that the Official Plan encourages. She characterizes this not in a pejorative sense, but as what she terms 'neighbourhood evolution'.

88 Hollywood Avenue (Hung-Jen Chuang) presents similar points to the preceding case and requires no further discussion here.

Finally, in *Jianjun Cal, 356 Greenfield Avenue*, this was a contested case against the City of Toronto. In Paragraph 107 of the decision, the Board Member cites the narrative preamble to the Development Criteria in the Neighbourhoods chapter of the City's Official Plan., which precedes Section 4.1.5.

In considering factors relevant to the test of conformity, the Board Member writes in Paragraph 108, "Thus, contrary to the evidence of the City's land use planner, the test for conformity is not whether the development application falls within the "majority" of the lot frontages or lot areas, but rather whether the development application falls within the general physical character that is found in the neighbourhood and "generally fits" the existing physical character."

Ms. Stewart submitted that the Board found that an interpretation of the Official Plan policies must be undertaken with the understanding that rigid neighbourhood

replication of any single feature is not what is required by the Official Plan, so long as what is being proposed generally fits what is already found in the neighbourhood.

In considering what is relevant in characterizing a neighbourhood and in assessing the 'fit' of the proposal with the neighbourhood lot fabric, the Member noted that the Official Plan in force did not have a policy to establish the relevant neighbourhood and concluded that "one street does not a neighbourhood make."

I concur with Mr. Romano that if a severance is allowed, two contemporary dwellings as proposed could be constructed on the resultant lots that could function independently. Indeed, the proposed dwellings are reflected throughout many neighbourhoods in the City; the design of an at-grade integral garage on a narrow lot has become a significant mainstay of development and redevelopment initiatives many times over.

The capability to erect the dwellings on the proposed lots and their ability to accommodate the dwellings was not put in issue or directly challenged, as noted precisely by Ms. Stewart. Rather, the challenge to the applications from the abutting neighbor, Mr. Woo, focused on lot frontage, suitability, assessment criteria, and precedent. It is these issues that need to be resolved within the ambit of the statutory considerations and the evidence, including those above recited.

I accept the testimony of Mr. Romano that there is no issue with the application of the Provincial Policy Statement or the Growth Plan. The proposed variances are consistent with the policy objectives of the PPS. The approval of the proposed consent and minor variances would permit redevelopment and 'gentle' intensification within a built-up area that is compatible with adjacent uses and which would utilize existing infrastructure.

I find that the proposed consent meets the statutory requirements for consents under Section 51(24(of the Planning Act and that the proposal supports the intent of efficient use of land and energy by providing a modest form of intensification in an area that is very well-served by transit and adjacent to a designated intensification area.

There is no contest that the subject property is designated 'Neighbourhoods' and that the proposed development complies with the use provisions of this designation.

I find Section 2.3.1 (preamble) of the Official Plan to be a good starting point and of relevance in this matter in the issue of what describes a 'physically stable area'. The application and relevance is required to be addressed, as regard must be had to whether the proposal conforms to the Official Plan pursuant to Section 51(24) (c), and for the variances, in testing of each element in maintaining the general intent and purpose of the Official Plan.

Clearly, the Official Plan holds out special attention to be paid to its 'Neighbourhoods' as they are not targeted for robust waves of intensification. Change is to be sensitive and gradual, just as these neighbourhoods have been developed and

built up in the past. The general intent and purpose of this designation is to create and define stable residential areas within the City to ensure compatibility of land uses and built form.

Mr. Romano submitted that the Neighbourhoods designation is not one to be frozen in time or to be held 'static'. It is essential as with any organism that revitalization, regeneration and renewal take place. As well, the delicate balance to which attention is called in this appeal is in the manner and means as to how that change occurs.

The Appellant's planner identified a Study Area by which he sought to assess a norm or description of the character of the neighbourhood, reflective of the proposal. The Official Plan encourages this effort, even refines it through emphasis that the policy obligation of planning decisions is to 'respect and reinforce the existing physical character of building, streetscapes and open space patterns'. That definition is further honed by intended reference to attributes, measures and features that are describable and replicable.

I find that the delineation of a study area is a necessary first step by planning practitioners to attempt to encapsulate measures that replicate the existing physical character of a neighbourhood. In this case, I find that the Study Area provided by the Appellant's planner is sufficiently broad and the scale satisfactory to take the pulse of the neighbourhood's physical character.

I agree with Mr. Romano that the neighbourhood, including both the immediate context on Hollywood Avenue and the broader neighbourhood, is not uniform. A variety of lots and configurations exist in the area, which have been created over time through both original lot registration/development, and through historical and more recent land division applications.

I concur with Mr. Romano that this has resulted in an eclectic mix of lots and built forms, and that the proposed consent will respect and reinforce the general lot patterns in the neighbourhood. I agree that one criterion for establishing neighbourhood character is the size and configuration of lots. I accept that the proposed lot dimensions will be compatible with the existing physical character, not represent anything anomalous, and fit the surrounding neighbourhood fabric.

I accept that the proposed built form of the detached dwellings is appropriate in scale to the immediate context and that dwelling heights, massing, and scale are similar to and compatible with replacement and original dwellings in the neighbourhood.

I accept Mr. Romano's proposition that the proposed built form represents an appropriate, high quality design. I agree that the proposed lot coverages (32%), comparatively generous side yard setbacks, and modest increase in height relative to By-law requirements will result in a built form that is typical with modern standards for replacement dwellings in the neighbourhood.

I accept that the proposal is minor, in both quantitative and qualitative terms, and that the proposed dwellings will appropriately frame the streetscape and will not give rise to any undue adverse impacts of a planning nature on adjacent properties.

As to Mr. Woo's concerns that this proposal does not fit the character of the area and that the consent, if granted, will set a precedent in neighbourhood, I accept that these are legitimate and relevant concerns. The question I must ask is whether Mr. Woo through his testimony has demonstrated the presence and growing potential for similar applications 'down the road'. I find that he has not.

There are likely other properties in the area that might become the subject of future consent applications. Just as the TLAB took note of severed lots and smaller lots contributing to the lot fabric of this study area, the TLAB would assess the appropriateness of any future severance applications in the context of what exists but more importantly whether there is sound planning justification for more intense development.

I find on the evidence that Mr. Woo simply does not like the 9.14 m lot frontages proposed and that his acknowledgement on several occasion during his testimony that he 'could live' with 10.67 m frontages is arbitrary and somewhat facile. While I agree that one can readily perceive the difference between two houses on two smaller lots where once a large lot stood, the visual evidence presented by Mr. Romano and Ms. Stewart confirms that the condition of larger lots juxtaposed with smaller lots exists in the area; and such lots form part of the lotting pattern and neighbourhood fabric.

I do not accept and cannot agree with Mr. Woo's argument that the frontage relief required is likely to have a destabilizing effect on this neighbourhood, as I find that the character of the neighbourhood is neither influenced nor defined by lot frontages.

I agree with Ms. Stewart that one must draw a distinction between a lay person's 'perception' of what a development will look like and sound planning opinion. I agree that Mr. Woo has failed to provide compelling rationale supportive of his concerns of the suitability of the severance.

I agree with Ms. Stewart that it is not enough simply to dislike a proposal because of the 'look and feel' but rather to determine whether what is being proposed is a compatible fit with the neighbourhood. In light of my conclusion that the particular built form exists within the physical character of the community, I prefer the evidence of Mr. Romano in this regard.

In light of the foregoing, having considered the decision of the COA, the applicable statutory tests and evidence, and the lack of substantive planning concerns from the City and in large part from the residents as well, I find that the consent and the associated minor variances, as listed below, together with the conditions, meet the criteria set out in Section 45(1) of the Planning Act. They are appropriate and desirable, minor in nature and in keeping with the intent and purpose of the City Official Plan and Zoning By-laws.

In addition, I am satisfied that applications are supportive of and consistent with the Provincial Policy Statement and the Growth Plan and represent good land use planning, for the reasons reviewed.

I conclude that the Appeal can be allowed in its entirety and I authorize all of the variances and approve the consent requested.

DECISION AND ORDER

I authorize the following variances and approve the consent requested. The earlier decision of the COA can be set aside.

Requested Variances

To construct a new two-storey dwelling with integral garage as per Minor Variance Application (Part 1): COA File No. A0380/17NY, the existing dwelling will be demolished.

1. Chapter 10.20.30.40, By-law No. 569-2013

The maximum permitted lot coverage is 30% of the lot area. The proposed lot coverage is 32% of the lot area.

2. Chapter 10.20.40.70 & Exception RD5, By-law No. 569-2013

The minimum required side yard setback is 1.8 m. The proposed east side yard setback is 1.2 m.

3. Chapter 10.20.40.70 & Exception RD5, By-law No. 569-2013

The minimum required side yard setback is 1.8 m. The proposed west side yard setback is 1.2 m.

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

The minimum required front porch side yard setback is 1.8 m. The proposed front porch east side yard setback is 1.2 m.

5. Chapter 10.20.30.20, By-law No. 569-2013

The minimum required lot frontage is 15 m. The proposed lot frontage is 9.14 m.

6. Chapter 10.20.30.10, By-law No. 569-2013

The minimum required lot area is 550 m². The proposed lot area is 349.4 m².

7. Section 13.2.3 & 13.2.3A, By-law No. 7625

The minimum required side yard setback is 1.5 m. The proposed east side yard setback is 1.2 m.

8. Section 13.2.3 & 13.2.3A, By-law 7625

The minimum required side yard setback is 1.5 m. The proposed west side yard setback is 1.2 m.

9. Section 13.2.6, By-law No. 7625

The maximum permitted building height is 8.8 m. The proposed building height is 9.1 m.

To construct a new two-storey dwelling with integral garage as per Minor Variance Application (Part 2): COA File No. A038/17NY. The existing dwelling will be demolished.

1. Chapter 10.20.30.40, By-law 569-2013

The maximum permitted lot coverage is 30% of the lot area. The proposed lot coverage is 32% of the lot area.

2. Chapter 10.20.40.70 & Exception RD5, By-law 569-2013

The minimum required side yard setback is 1.8 m. The proposed east side yard setback is 1.2 m.

3. Chapter 10.20.40.70 & Exception RD5, By-law 569-2013

The minimum required side yard setback is 1.8 m. The proposed west side yard setback is 1.2 m.

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

The minimum required front porch side yard setback is 1.8 m. The proposed front porch east side yard setback is 1.2 m.

5. Chapter 10.20.30.20, By-law 569-2013

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The minimum required side yard setback is 1.5 m. The proposed west side yard setback is 1.2 m.

9. Section 13.2.6, By-law No. 7625

The maximum permitted building height is 8.8 m. The proposed building height is 9.1 m.

CONDITIONS OF MINOR VARIANCE APPROVAL

- 1. The proposed dwellings shall be constructed substantially in accordance with the Site Plan and Elevation drawings dated April 10, 2017, attached as Attachment No.1. Any other variance(s) that appear on these plans but are not listed in the written decision are NOT authorized.
- 2. The owner shall submit an application for permit to injure or remove cityowned and privately-owned trees to Urban Forestry, and comply with the City of Toronto Municipal Code, Chapter 813, Articles II (city-owned trees) and Article III (privately-owned trees).

CONDITIONS OF CONSENT APPROVAL

- (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. The application for municipal addressing must be accompanied by a copy of the deposited Reference Plan of Survey, integrated with the Ontario Coordinate System, and specify the PART numbers that will comprise each of the new parcels.
- (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) 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.
- (6) Three copies of the registered reference plan of survey satisfying the requirements of the City Surveyor, shall be filed with the Committee of Adjustment.
- (7) 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.

S45 23 TLAB

Dino Lombardi

Panel Chair, Toronto Local Appeal Body

Metric

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

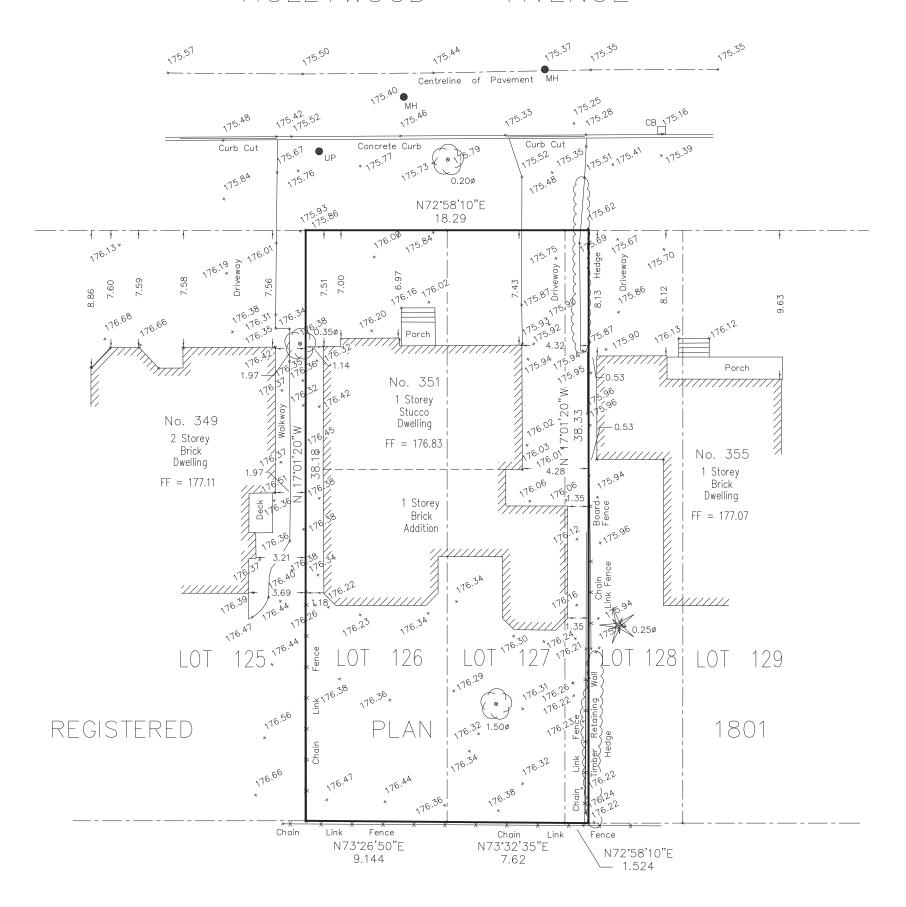
Benchmark

Benchmark No. NY 3302, Elevation 177.15

SKETCH SHOWING TOPOGRAPHIC DETAILS OF LOTS 126 & 127 and PART OF LOT 128, REGISTERED PLAN 1801 TORONTO FORMERLY CITY OF NORTH YORK

SCALE 1:250 20 metres © COPYRIGHT ERTL SURVEYORS 2013

HOLLYWOOD AVENUE



PART OF LOT 16, CONCESSION 1, EAST OF YONGE STREET

1234 REID STREET, UNIT 10, RICHMOND HILL L4B 1C1 TELEPHONE (905) 731-7834 FAX (905)731-7852 EMAIL lertl@sprint.ca

DRAWING: 13-12TOPO.DWG

PROJECT: 13-12



HOLLYWOOD AVENUE

P.I.N. 10067-0182

N72°58'10"E

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CO-ORI	DINATES NORTHING	EASTING			38.18		N 17'01'20"W 38.25	N 17'01'20"W —-—			
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				4) *			Chain	3	 	
				Chai	n ^	Link Pence N73*26'50"E 9.144	^ Chain N73°32'3. 7.62	Link 5"E	Fence N72*58'10"E 1.524		

PART OF LOT 16, CONCESSION 1, EAST OF YONGE STREET P.I.N. 10066-0029

Integration

DISTANCES SHOWN ON THIS PLAN ARE GROUND (UNLESS OTHERWISE NOTED) AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99990062

BEARINGS ARE MTM GRID, DERIVED FROM GPS OBSERVATIONS ON SPECIFIED CONTROL POINTS XXXXXXXXXX AND XXXXXXXXXX AND ARE REFERRED TO THE CENTRAL MERIDIAN OF MTM ZONE 10 (79°30' WEST LONGITUDE) NAD 83 (CSRS)

COORDINATES ARE MTM ZONE 10, NAD 83 (CSRS) TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10 AND CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

POINT ID SCP 02019670316 X,XXX,XXX.XXX SCP 02019680269 X,XXX,XXX.XX

NORTHING

EASTING XXX,XXX.XXX XXX,XXX.XXX

Surveyor's	Certificate

I REQUIRE THIS PLAN TO BE

DATE :_____,2013

S.M. YADOLLAHI

ONTARIO LAND SURVEYOR

LOTS 126 & 127 and PART OF LOT 128,

ertl surveyors 2013 Ontario Land Surveyors

LOT

LOT 126

LOT 127 &

PART OF LOT 128

REGISTERED PLAN 1801 CITY OF TORONTO

FORMERLY CITY OF NORTH YORK

REGISTERED PLAN

1801

PLAN OF SURVEY OF

Metric

SCALE 1: 250

Schedule

PART

2

DEPOSITED UNDER THE LAND TITLES ACT.

Plan 66R-

RECEIVED AND DEPOSITED :

DATE : _____,2012

REPRESENTATIVE FOR THE LAND

20 metres

P.I.N.

ALL OF

10066-0021(LT)

AREA

349.4m²

350.1m²

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

REGISTRAR LAND TITLES DIVISION OF

TORONTO REGISTRY OFFICE (No.66)

I CERTIFY THAT :

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

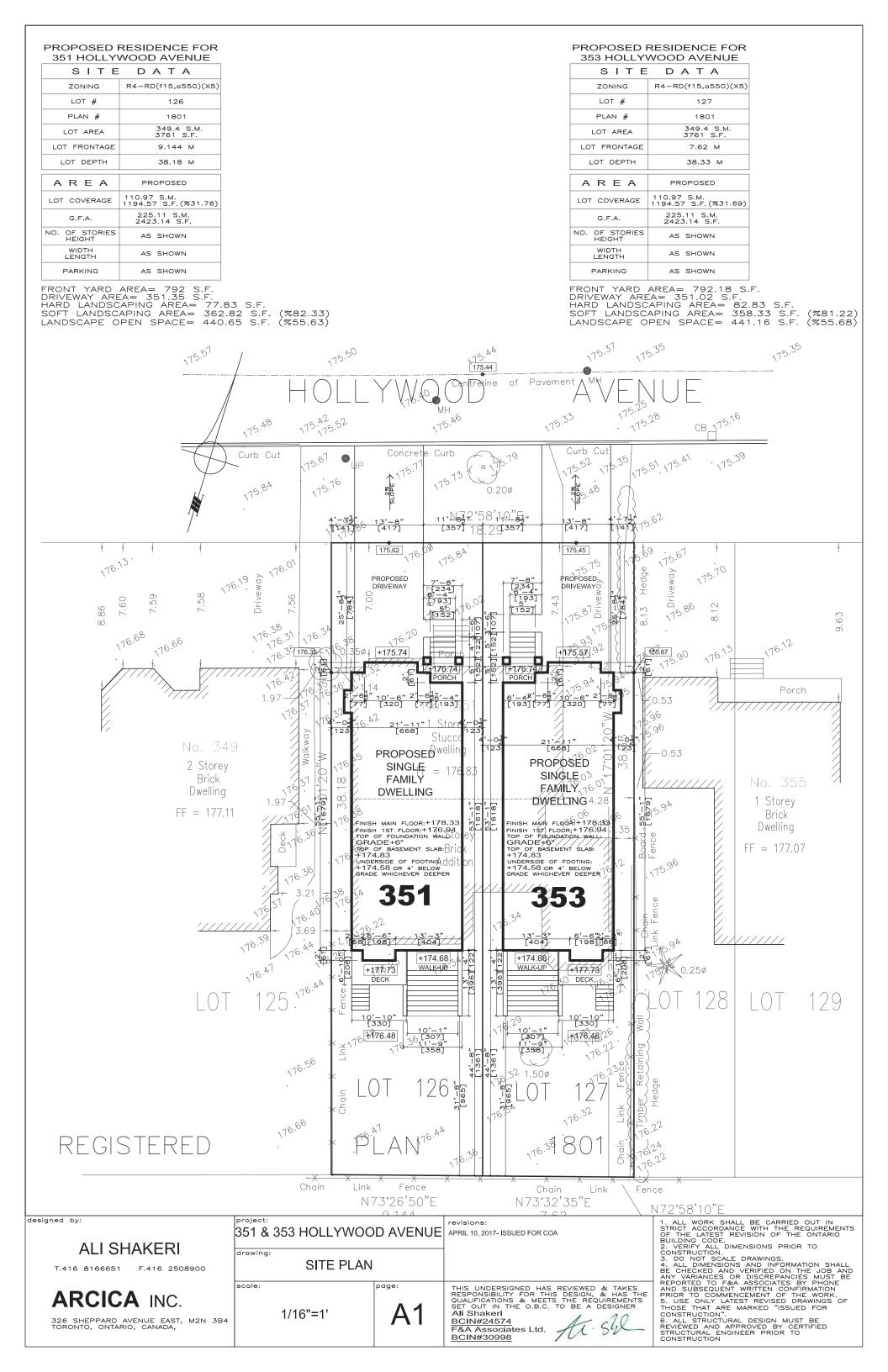
2. THE SURVEY WAS COMPLETED ON

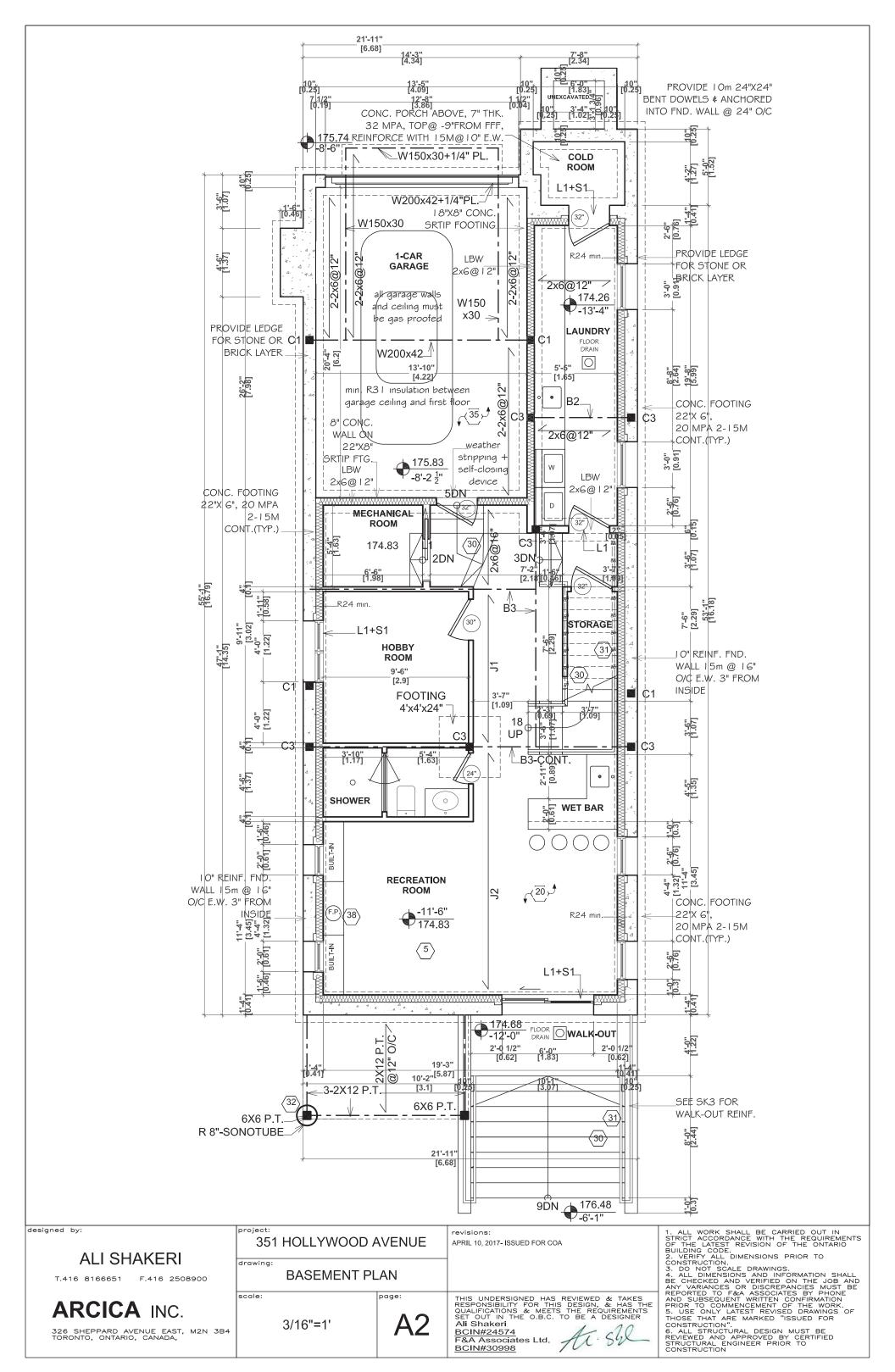
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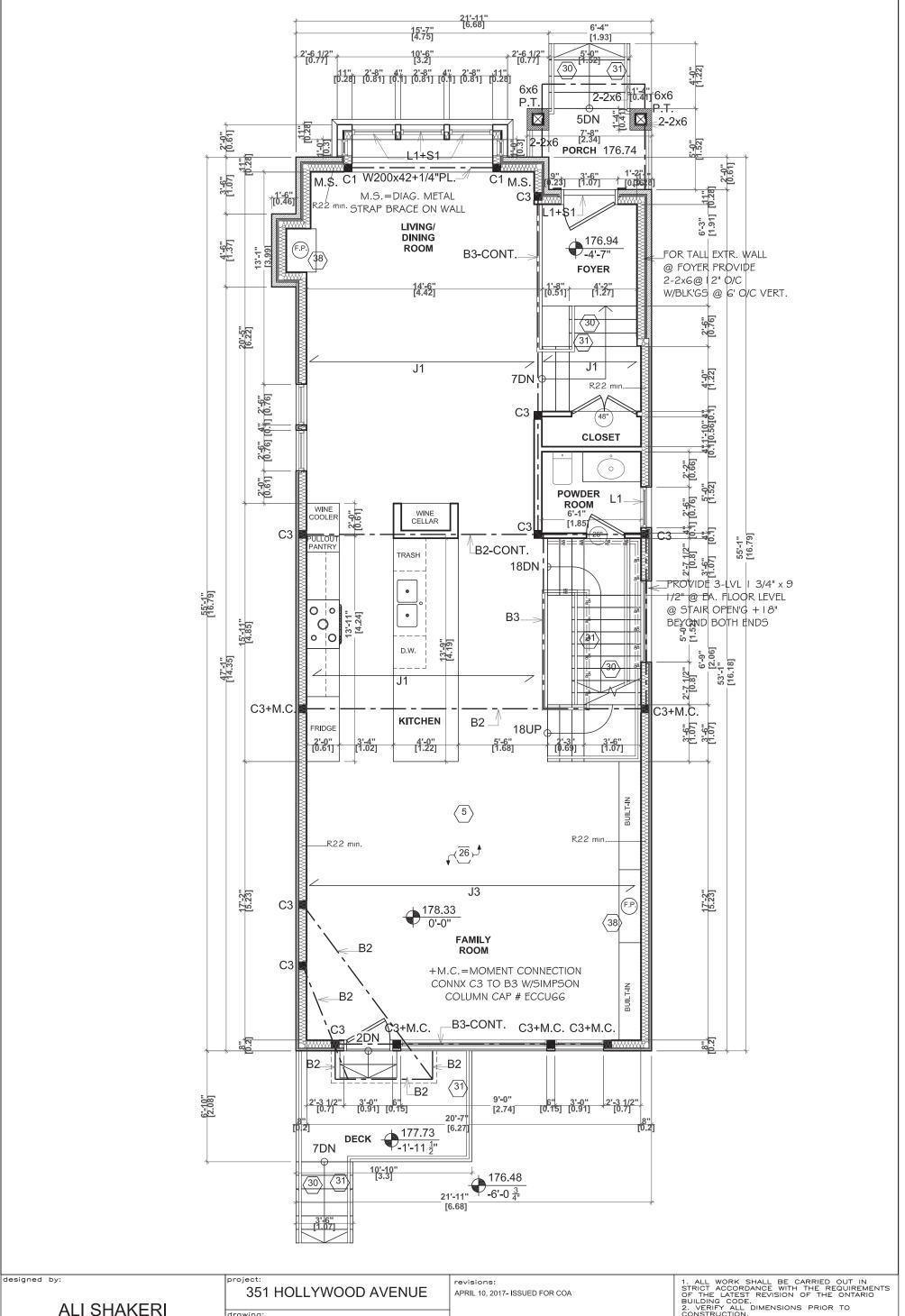
S.M. YADOLLAHI Ontario Land Surveyor



1234 REID STREET, UNIT 10, RICHMOND HILL L4B 1C1
TELEPHONE (905) 731–7834 FAX (905)731–7852 EMAIL info@es-ols.com
DRAWING :13–12R-PLAN.DWG PROJECT : 13–12







ALI SHAKERI
T.416 8166651 F.416 2508900

ARCICA INC.

351 HOLLYWOOD AVENUE

GROUND FLOOR PLAN

TORONTO, ONTARIO, CANADA,

Project:

351 HOLLYWOOD AVENUE

APRIL 10, 2017- ISSUED FOR COA

Project:

351 HOLLYWOOD AVENUE

APRIL 10, 2017- ISSUED FOR COA

Project:

351 HOLLYWOOD AVENUE

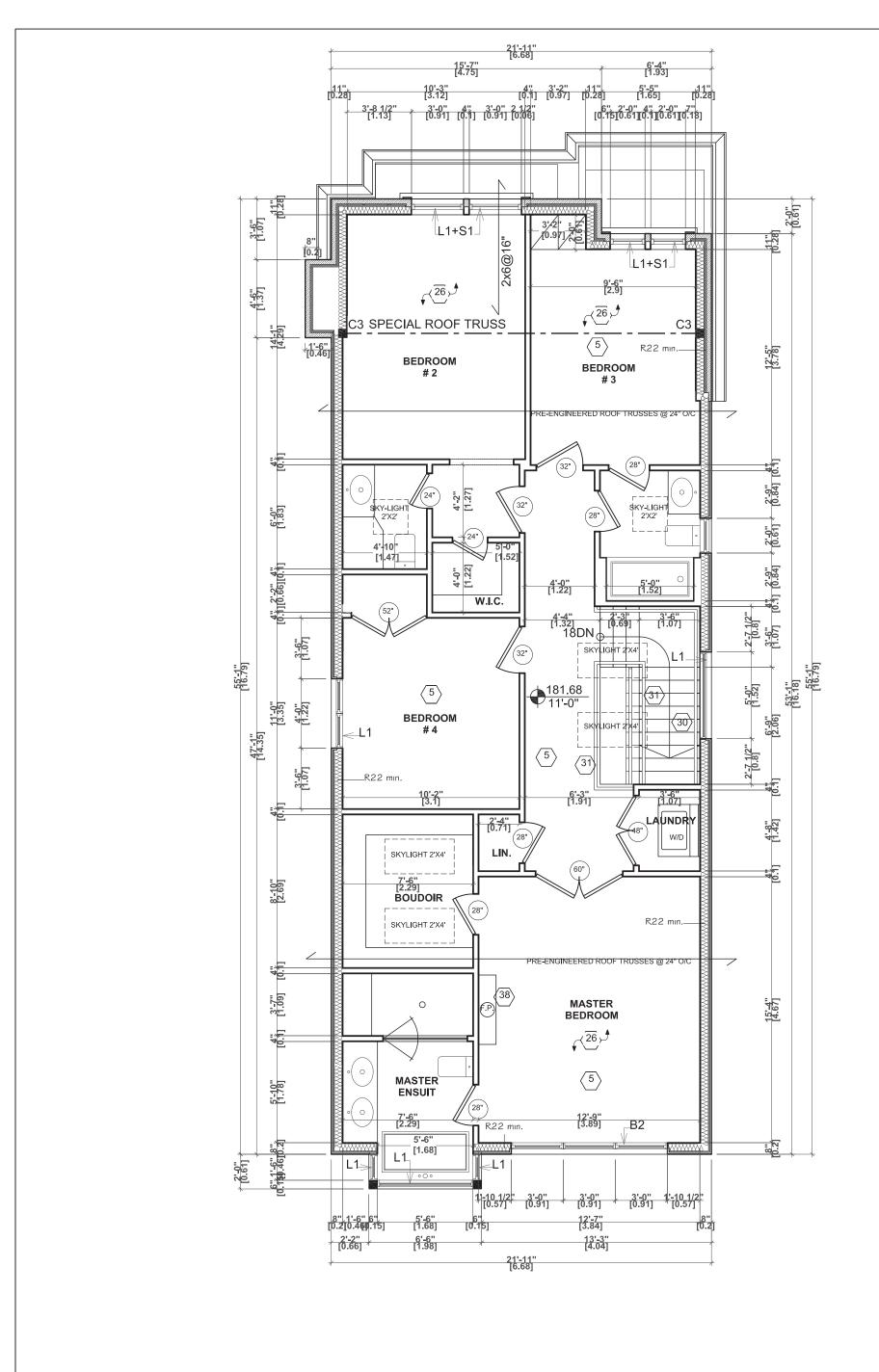
APRIL 10, 2017- ISSUED FOR COA

PRIL 10, 2017- ISSUED FOR COA

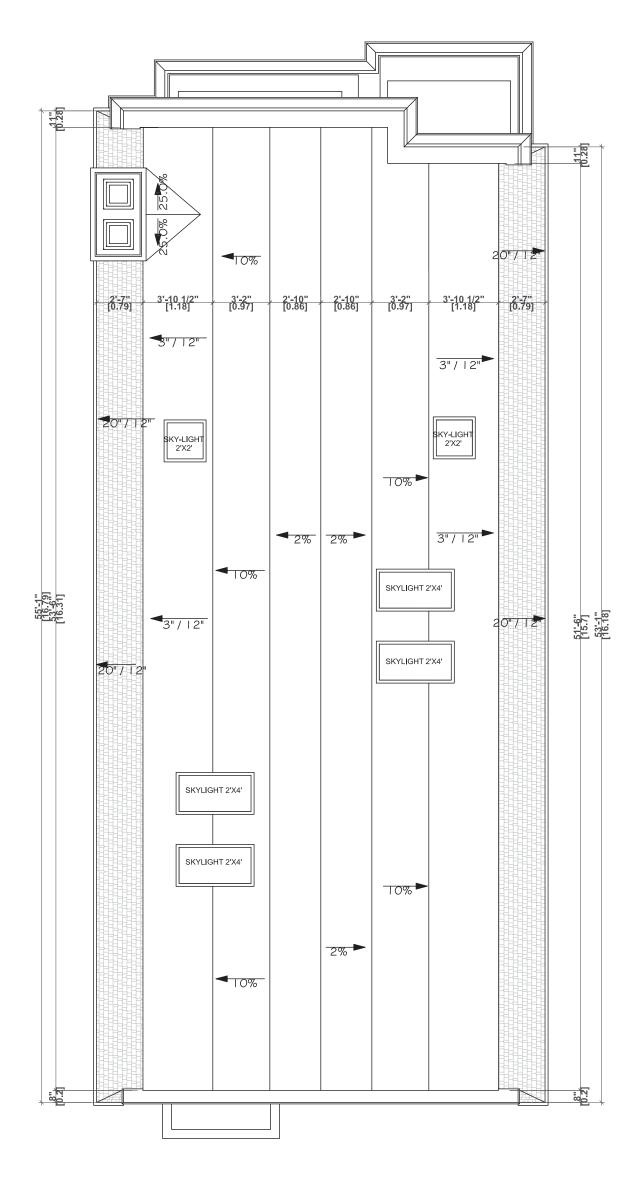
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1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE ACCORDANCE WITH THE OPT THE OPT THE OPT TO CONSTRUCTION.

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TOTAL ROOF AREA: 122.47 sq.m. FLAT ROOF AREA: 28.16 sq.m. (23%-by-law 7625) FLAT ROOF AREA: 59.21 sq.m. (48.3%-by-law 569-2013)

designed by: project: revisions: 351 HOLLYWOOD AVENUE APRIL 10, 2017- ISSUED FOR COA **ALI SHAKERI** drawing: **ROOF PLAN** T.416 8166651 F.416 2508900 THIS UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAS THE QUALIFICATIONS & MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER Ali Shakeri scale: page: ARCICA INC. **A5** 3/16"=1' BCIN#24574
F&A Associates Ltd.
BCIN#30998

1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE.

2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.

3. DO NOT SCALE DRAWINGS.

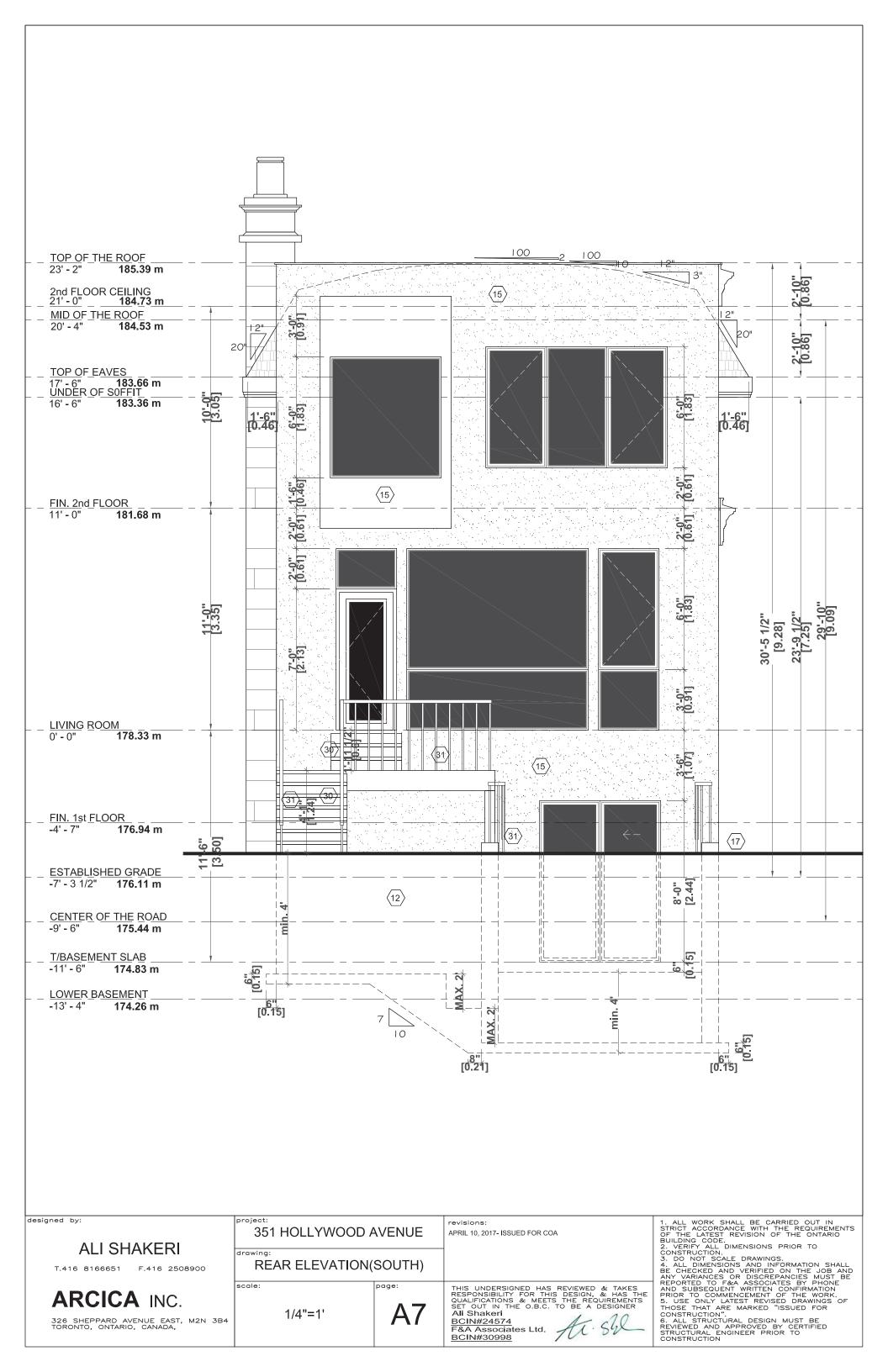
4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.

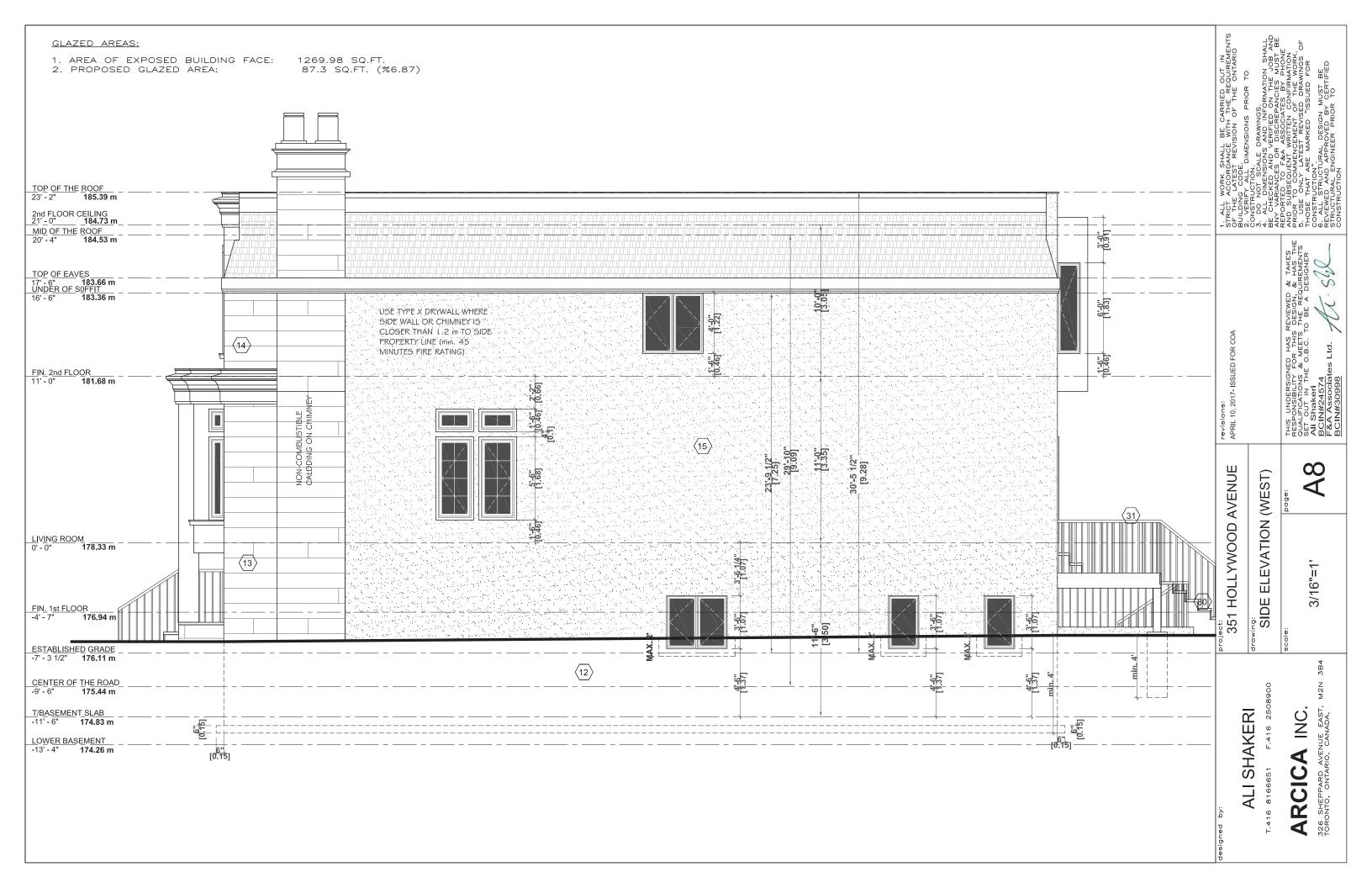
5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION".

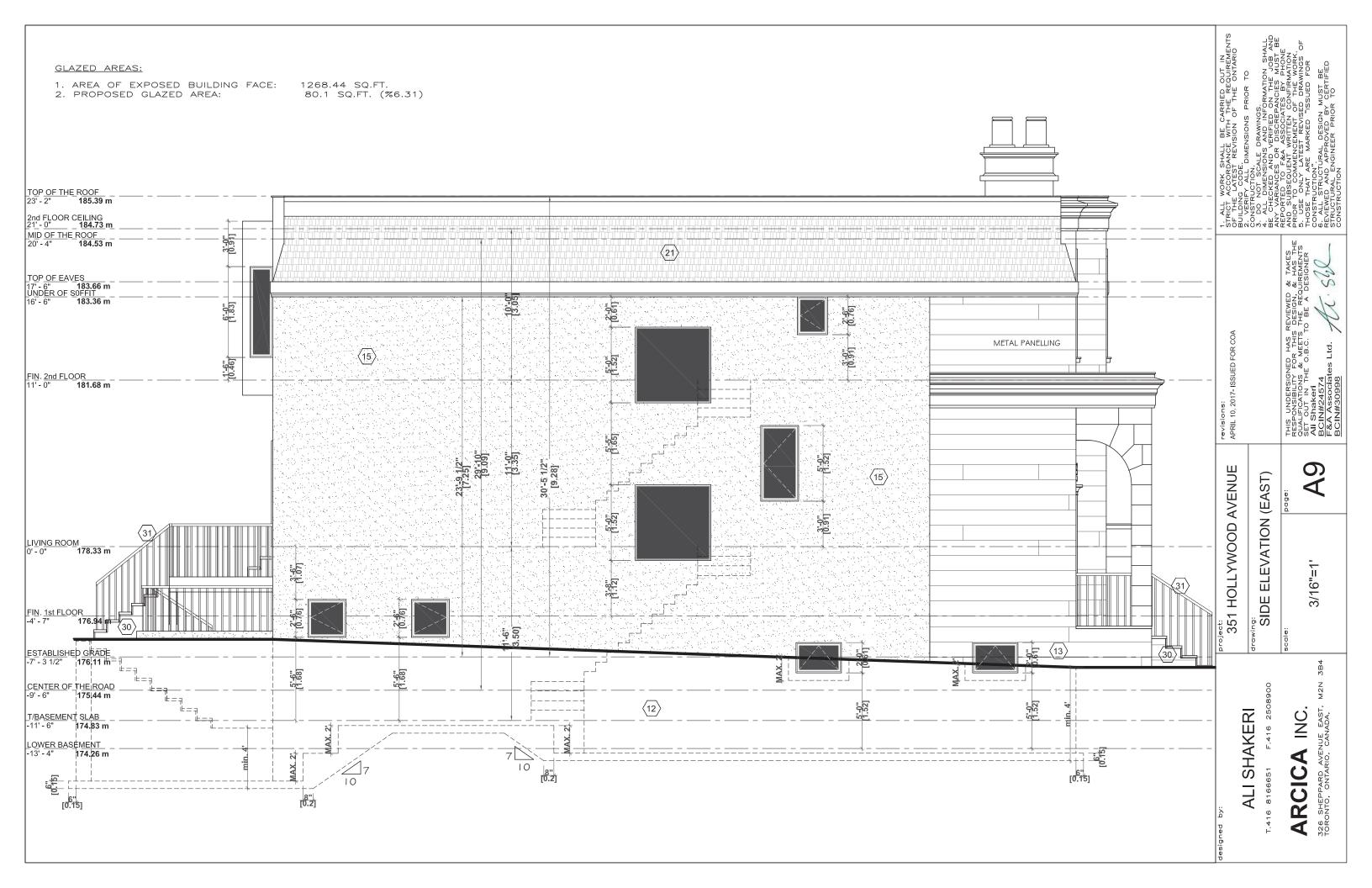
6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION

326 SHEPPARD AVENUE EAST, M2N 3B4 TORONTO, ONTARIO, CANADA,









Metric

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

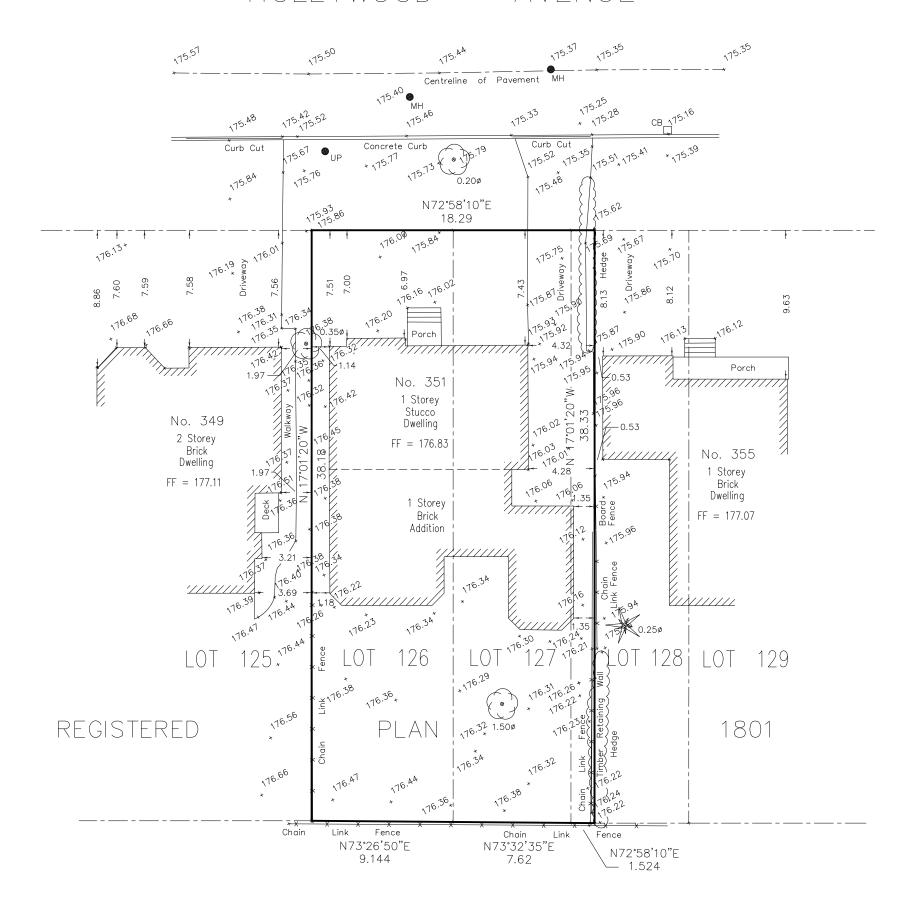
Benchmark

Benchmark No. NY 3302, Elevation 177.15

SKETCH SHOWING TOPOGRAPHIC DETAILS OF LOTS 126 & 127 and PART OF LOT 128, REGISTERED PLAN 1801 TORONTO FORMERLY CITY OF NORTH YORK

SCALE 1:250 20 metres © COPYRIGHT ERTL SURVEYORS 2013

HOLLYWOOD AVENUE



PART OF LOT 16, CONCESSION 1, EAST OF YONGE STREET

1234 REID STREET, UNIT 10, RICHMOND HILL L4B 1C1 TELEPHONE (905) 731-7834 FAX (905)731-7852 EMAIL lertl@sprint.ca

DRAWING: 13-12TOPO.DWG

PROJECT: 13-12



HOLLYWOOD AVENUE

P.I.N. 10067-0182

N72°58'10"E

,		18.29								
				1)		9.144	S	0.144	2	
CO-ORI POINT	DINATES NORTHING XXXXXXXXX	EASTING XXXXXX.XX		N 17'01'20"W			N 17'01'20"W 38.25	N 17°01°20″W		
2 3 4	XXXXXXXXX XXXXXXXXXXXX	XXXXXX.XX XXXXXX.XX XXXXXX.XX				PART 1	PAR	T 2	Board Fence 'N':	10066-0022
		P.I.N.	10066	5-0020	*	P.I.N.	10066-0	0021(LT) 	Chain Link Fence	
			LOT	125	Fence	LOT 126	LOT	127	 LOT 128 	LOT 129
		REGISTEF	RED		Chain Link	PLAN			Timber Retaining	 1801
				4	×			Ch ain	3	
				- X Chain	* <u></u> L	ink Fence N73°26'50"E 9.144	× × × Cha N73°3: 7.4	iin Link \ 2'35"E 62	Fence N72*58'10"E 1.524	

PART OF LOT 16, CONCESSION 1, EAST OF YONGE STREET P.I.N. 10066-0029

Integration

DISTANCES SHOWN ON THIS PLAN ARE GROUND (UNLESS OTHERWISE NOTED) AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99990062

BEARINGS ARE MTM GRID, DERIVED FROM GPS OBSERVATIONS ON SPECIFIED CONTROL POINTS XXXXXXXXXX AND XXXXXXXXXX AND ARE REFERRED TO THE CENTRAL MERIDIAN OF MTM ZONE 10 (79°30' WEST LONGITUDE) NAD 83 (CSRS)

COORDINATES ARE MTM ZONE 10, NAD 83 (CSRS) TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10 AND CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

POINT ID SCP 02019670316 X,XXX,XXX.XXX SCP 02019680269 X,XXX,XXX.XX

NORTHING

EASTING

XXX,XXX.XXX XXX,XXX.XXX

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE	F
LAND TITLES ACT.	R

Plan 66R-

RECEIVED AND DEPOSITED :

DATE :	,2013	DATE :,20	12

REPRESENTATIVE FOR THE LAND S.M. YADOLLAHI

ONTARIO LAND SURVEYOR

REGISTRAR LAND TITLES DIVISION OF TORONTO REGISTRY OFFICE (No.66)

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

PLAN OF SURVEY OF LOTS 126 & 127 and PART OF LOT 128, REGISTERED PLAN 1801 CITY OF TORONTO FORMERLY CITY OF NORTH YORK

SCALE 1: 250

20 metres

ertl surveyors 2013 Ontario Land Surveyors

Schedule

PART	LOT	REGISTERED PLAN	P.I.N.	AREA
1	LOT 126	1004	ALL OF	349.4m²
2	LOT 127 & PART OF LOT 128	1801	10066-0021(LT)	350.1m²

Surveyor's Certificate

I CERTIFY THAT :

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED ON

DATE		_,2013
DITT	·	_,

S.M. YADOLLAHI Ontario Land Surveyor



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