

DECISION AND ORDER

Decision Issue Date Thursday, July 05, 2018

PROCEEDING COMMENCED UNDER section 45(12), subsection 45(2)(b) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): MAHDI TAEBI

Applicant: ADSTRUCT LTD

Property Address/Description: 248 SUTHERLAND DR

Committee of Adjustment Case File Number: 17 150211 NNY 26 MV

TLAB Case File Number: **17 266944 S45 26 TLAB**

Hearing date: Tuesday, May 01, 2018 and further teleconference June 14, 2018

DECISION DELIVERED BY T. Yao

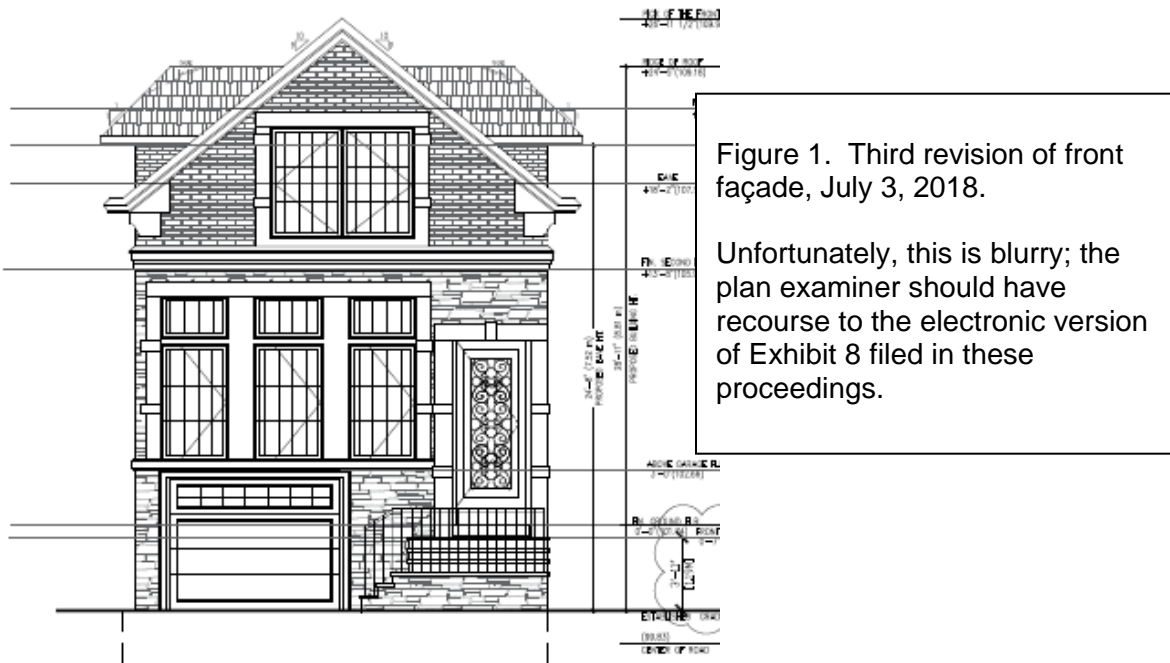
APPEARANCES

Name	Role	Representative
Mahdi Taebi	Appellant	Amber Stewart (lawyer)
City of Toronto	Party	Sarah Rogers (lawyer)
Leaside Property Owners Association Inc.	Participant	Geoff Kettel (officer and representative)
Jason August	Participant	

BACKGROUND, ANALYSIS, FINDINGS, REASONS

By a decision issued May 7, 2018, I requested Mr. Taebi to submit a front façade design more sympathetic and respectful of the existing physical character of the neighbourhood. He submitted two possibilities and we reviewed them at a telephone conference June 14, 2018. The lateness of the submitting of the two designs prompted the neighbours to ask for more time to consider, which I granted. By email July 3, 2018, Ms. Stewart advised:

Further to our telephone conference with Chair Yao and the other parties/ participants/interested persons, I am providing a revised set of plans and a revised list of variances and conditions. My understanding based on the conference call is that the choice of design provided is on consent of all who actually participated at the hearing of this matter. The variances and conditions have been drafted on consent of my client and the City, in accordance with the discussions of the parties.



We also note that the parties would appreciate if the TLAB could indicate in its Decision, should it approve the application, that the variance for increased height is authorized to allow for a more sympathetic front facade that is preferred by the parties, and that the measurement for height is to the peak of the front gable only, while the height of the rear flat/shallow portion of the roof is only 8.8 m.

I make the plans she submitted Exhibit 8 in this decision. The preferred design is shown above in Figure 1 (part of Exhibit 8) and the variances Mr. Taebi's proposal now

needs are unchanged, except that the gable needs the additional variance of 9.6 m (maximum building height of 8.5 m permitted under the two by-laws, being variances 5 and 6 below). A variance of 8.81 m was needed originally. This is an increase of .79 m or 2.2 feet. This additional variance applies to the pitched portion of the gable only, which is a small part of the building and was required for this dispute to be resolved as the community and City preferred. I consider this and other amendments to the original application minor and no further notice is necessary under s. 45(18.1) of the *Planning Act*. I adopt Ms. Stewart's observations about this height as she requested in the email.

In the unusual conditions of issuing this order, I may have made omissions or mistakes. If so, would the parties kindly email me care of TLAB. I wish to thank all concerned for their cooperation in this matter, in finding a resolution acceptable to all.

DECISION AND ORDER

I authorize the following variances upon the conditions that follow.

1. Chapter 10.80.40.10.(2), By-law No. 569-2013

The maximum permitted height of all side exterior main walls facing a side lot line is 7.0 m. The variance is: the proposed height of the south and north side exterior main walls is 7.52 m, measured from established grade 100.37.

2. Chapter 10.80.40.10.(4), By-law No. 569-2013

3. The elevation of the lowest point of a main pedestrian entrance through the front main wall or a side main wall may be no higher than 1.2 m above established grade. The variance is: the proposed height of the main pedestrian entrance through the front main wall is 1.37 m.

4. Chapter 10.80.40.40.(1), By-law No. 569-2013

The maximum permitted floor space index is 0.60 times the lot area. The variance is: the proposed floor space index is 0.66 times the lot area.

5. Section 900.6.10(263) Exception RM 263, By-law 569-2013

The maximum permitted height is 8.5 m for a detached house. The variance are: the proposed building height is 8.81 m for the shallow portion of the roof, and 9.6 m for the peaked portion of the roof at the front façade.

6. Section 6.4.3, By-law No. 1916

The maximum permitted building height is 8.5m. The variance is: the proposed building height is 8.81 m for the shallow portion of the roof, and 9.6 m for the peaked or gable portion of the roof at the front façade.

7. Section 6.1.2, By-law No. 1916, amended by By-law No. 829-2000

In all R1 and R2 Residential Zones, garages located below finished grade are prohibited in detached dwellings; the minimum required elevation of the garage entrance is 100.56. The variance is: the proposed garage is located below finished grade with an elevation of 100.37.

Conditions of Approval

1. The proposed dwelling shall be built substantially in accordance with the Site Plan and Elevations filed as Exhibit 8 in this decision.
2. The only portion of the structure that is to exceed a height of 8.81 m is the peaked portion of the roof at the front façade, as shown on the Front Elevation.
3. The owner shall comply with the City of Toronto Municipal Code Chapter 813, Article II (City-owned trees) and Article III (Private trees) to the satisfaction of the Director of Urban Forestry.

X



Ted Yao
Panel Chair, Toronto Local Appeal Body
Signed by: Ted Yao