

DECISION AND ORDER

Decision Issue Date **August 13, 2018**

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

Appellant(s): SHARIF AHMED

Applicant: PETER JARUCZIK

Property Address/Description: 46 SUNNYPPOINT CRES

Committee of Adjustment Case File Number: 17 261477 ESC 36 MV (A0442/17SC)

TLAB Case File Number: 18 114149 S45 36 TLAB

Hearing date: Thursday, July 26, 2018

DECISION DELIVERED BY G. BURTON

APPEARANCES

Role	Name	Representative
Owner	Sharmeen Sultana	
Applicant	Peter Jaruczik	
Appellant	Sharif Ahmed	Amber Stewart, Counsel
Party	Doug Colby	
Party	Wendy Hooker	
Party	James Ross	Wendy Hooker
Party	Denise Hodgson	
Party	Alan Burt	

INTRODUCTION

This was an appeal to the Toronto Local Appeal Body (TLAB) by Sharif Ahmed from a decision of the Committee of Adjustment (COA) dated January 18, 2018. The COA refused his application to construct a three-storey detached dwelling at 46 Sunnypoint Crescent in Scarborough, overlooking the Scarborough Bluffs. For the reasons given below, the TLAB will approve the requested variances.

BACKGROUND

The property is located on the west side of Sunnypoint Crescent, east of Brimley Road and south of Kingston Road. There are no dwellings opposite it on the east, until the street curves again to the southwest, overlooking Lake Ontario. The streetscape opposite the property is almost entirely woodland or forest. There are about 19 homes on the same side of Sunnypoint.

The Property is designated Neighbourhoods under the City of Toronto Official Plan (OP). It is zoned Single Family Residential (S) [S-1 (or 3)] under the Cliffcrest Community Zoning By-law No. 9396, as amended (the Old By-law), and Residential Detached (RD) (f10.5; a371(x197) under the City of Toronto Zoning By-law No. 569-2013, as amended (the New By-law).

The proposal is to construct a so-called “three storey” home that is only technically three, with a flat roof over the second level, and an east-facing deck on the flat roof. This would be accessed from the second floor by stairs, with the entrance to them enclosed by a narrow stairbox. A fireplace wall would also be placed at the front of the structure, also extending up to the deck area.

MATTERS IN ISSUE

The issues are the usual ones arising in the appeal of a variance application, whether the TLAB can approve the requested variances based on a careful consideration of whether they meet the statutory tests. Many neighbors close to this property elected to be Parties in the hearing. Eight attended the hearing, and raised objections on several grounds.

JURISDICTION

For variance appeals, the TLAB must ensure that all the variances meet the tests in subsection 45(1) of the Planning Act (the Act). This involves a reconsideration of the variances considered by the COA in the physical and planning context. The subsection requires a conclusion that each of the variances, individually and cumulatively:

- is desirable for the appropriate development or use of the land, building or structure;
- maintains the general intent and purpose of the official plan;
- maintains the general intent and purpose of the zoning by-law; and
- is minor.

These are usually expressed as the “four tests”, and all must be satisfied for each variance.

In addition, the TLAB must have regard to matters of provincial interest as set out in section 2 of the Act. The variances must be consistent with provincial policy statements and conform with provincial plans (s. 3 of the Act). A decision of the TLAB must therefore be consistent with the 2014 Provincial Policy Statement (PPS) and conform to (or not conflict with) any provincial plan such as the Growth Plan for the Greater Golden Horseshoe (Growth Plan).

Under s. 2.1(1) of the Act, TLAB is also to have regard for the earlier Committee decision and the materials that were before that body.

EVIDENCE

Following submission of the application to the COA, Community Planning staff requested revisions to the proposed floor space index and the three storey dwelling variance. The applicant then altered the variances for the floor space index, from 0.91 times the area of the lot to 0.67 times the area of the lot, by deleting the proposed habitable space on the third floor. This met the staff’s concern. They also requested a condition that the partial third storey contain only a staircase and landing to provide access to the rooftop balcony.

An additional condition recommended by the Planning staff was that that if the application is approved, the decision be tied to the third floor plans. This would ensure that the proposal is built substantially in accordance with the submitted drawing, and that no habitable space could be constructed there in the future.

These are the variances now requested:

By-law No. 569-2013 & No. 9396

1. The proposed dwelling will cover 37.6% of the lot area;
Whereas the maximum proposed coverage is 33% of the lot area.
2. The proposed dwelling will have a floor space index equal to 0.67 times the lot area (226.38 m²); Whereas the maximum permitted floor space index is the lesser of 204 m² or 0.6 times the lot area (223 m²).
3. The proposed dwelling will be three storeys tall with a total height of 9.29 m;

Whereas the maximum number of storeys is two (2) and the maximum permitted height of a flat roofed dwelling is 7.2 m and the maximum permitted overall height is 9 m.

By-law No. 569-2013:

4. The proposed dwelling will be located 6 m from the front lot line;
Whereas the minimum required front yard setback is 7.46 m.

5. The proposed dwelling will have two balconies on the front, including a third-storey roof top balcony with an area of 47.4 m²;
Whereas no more than one balcony is permitted on the front side of a dwelling and the maximum area of each platform is 4 m².

6. The roof top deck is proposed to be higher than the level of the floor from which it gains access;
Whereas a platform located at or above the second storey may be no higher than the level of the floor of the storey in which it gains access.

By-law No. 9396:

7. The proposed roof top balcony has dimensions of 8.53 m by 10.95 m;
Whereas the maximum permitted size of an accessory structure is 7.6 m by 7.6 m.

Mr. Jonathan Benczkowski was qualified as an expert planner, with many years' experience in the field. He provided testimony in favour of the application. He described the property as very unique because of the location, on the southern arc of a crescent overlooking the scenic Scarborough Bluffs. Across the street is a forested park, a public amenity space, with the bluffs and Lake Ontario just below. The lot is irregularly shaped in the front because of this street curve, being 11.24 m wide, 32.02 m deep and with an area of 339 sq. m. It now contains a one storey bungalow with a driveway to the south side. The front wall of the current dwelling is slightly forward of the existing garage on number 44 to the south. The garage is located in what is actually front yard amenity space, because of the street curvature.

Mr. Benczkowski testified that the proposal as shown on the Site Plan (Exhibit 4) would fit well within the lot. The proposed front yard setback was determined by the Zoning Examiner to be that of the dwelling to the north, because of the configuration of the lot. Normally one takes the average of the two adjacent lots under the New By-law. However here there is no dwelling to the south that fronts on the curvature, so the examiner placed the required setback at 7.46 m. Mr. Benczkowski testified that if the street's arc were to be removed, the new dwelling would be directly in line with the adjacent dwelling to the north, no. 48. The present dwelling on the subject lot is also behind the existing wooden garage to the south at 44. In assessing the setback, he stated that it is important to study the articulation of the front façade. This is in three planes, as in the architectural drawing submitted at the hearing. The stepped back portions are important here, because of the OP's focus on a continuous streetscape. The proposed structure is not pushed closer to the street. Indeed, if placed 1.5 m further

back, the required setbacks for front and rear yards would both be met. However, this placement would be closer to the objecting neighbours to the west.

Mr. Benczkowski then addressed specific aspects of the plan.

It is a modern design, articulated at the front as seen on the site plan. While characterized as a three storey dwelling, it is in essence two storeys, with a deck proposed on the top of the flat roof. Most essential is the fact that, absent the raised portion at the front third floor level and a "stairbox" for access, the entire structure would comply with the required zoning by-law height for a shallow or flat roof of 7.2 m. There would be no livable space in excess of the 7.2 m limit in the By-law. The height would be only 6.7 m., except for the stairbox.

The variance for two front balconies results only from the extension of this rooftop balcony to the front of the structure. The at-grade single garage is at the north side, with the front door further back to the west, almost at the centre, and then a further small step back at the south side, following the arc of the front lot line. Neither the garage nor the deck at the rear requires a variance. The intent of the design is to maximize the view to the front, over the forest and lake area to the east.

The variances for coverage (37.6% versus the 33% permitted) and Floor Space Index (FSI/GFA) (0.67 versus the 0.6 allowed) go hand in hand, he stated, with the built form on this small property. Variance 6 respecting access to a platform is a technical one, whereby if there is a second storey deck, it must have access from a habitable room and not just by a stairway.

There are windows in the south wall and in the rear, but these are as required by the Building Code and are not intended as overlook to neighbouring properties. There are no windows in the north wall.

The third floor deck has aroused the most objections from neighbours concerned about overlook and privacy. It is proposed to be placed at the east portion of the roof area to take advantage of the view over the park. It would be 47.4 sq. m. rather than the 4 sq. m. permitted. There would be a raised parapet containing a fireplace at the eastern wall, the front of the house. Mr. Benczkowski testified that a significant portion of the deck area is comprised only of the "stairbox" for access to the rooftop. This will contain no habitable space. Its 13-ft. width would contain the 3-ft 42 inch stairwell, unusable except for such things as pillow storage. It is this stairbox enclosure alone that creates the need for the height variance. As mentioned, the height of the flat roof portion is within the By-law limit. There is a parapet at the front wall, but its height is within the exemption of 0.3 m created in the New By-law.

In response to the neighbours' expressed concerns, he stated that it is critical to understand the placement of the deck on the roof, and how it relates to properties nearby. The distance from the rear wall to the railing around the deck is about 20 feet, and it is a flat roof. A person looking at properties to the west from the deck would be able to view the street line to the west, but not the rear yards, because of the distance to

the edge of the flat roof. The architect-prepared perspectives he submitted on the day of the hearing illustrate that if one is instead looking at the rear of the proposed dwelling from the west, there would be very little of even the stairbox seen, and none of the deck.

Mr. Benczkowski pointed out that no City departments had remaining concerns with the proposal. He explained in detail how applications for variances and building permits are processed, as it appeared there had been misunderstandings about this. He stressed that the Engineering Department, which deals with issues of water and drainage, had no objections to this application.

He chose as his study area for assessing whether the OP Neighbourhood policies are met, an area shown in Exhibit 1, following the photos. This is generally the residential area from Kingston Rd. to the north, Brimley to the west, and the several blocks south of Barkdene Hills up to the edge of the Bluffs. When requesting COA decisions nearby, it made sense to centre them on about a 550 metre radius around the subject site because of the nearby lakeshore. He gave some examples of variances granted for new and renovated structures in the area. At 2 Redland Cres. E., a height variance of 9 m. (BL 7.2m) was granted, with a front yard setback of 7.55 (vs. 9 m.) At 16 Brooklawn, a GFA of 270.1 (vs. 243.5) and coverage of 41% (vs. 33%) were approved. At 40 Brooklawn there were 12 variances granted, and in his opinion these constituted overbuilding for the lot. They included:

- a lot area of 362.28 sq. m. (vs. 371 sq. m.),
- coverage at 39% and 41% (33%),
- FSI of 0.68 times the lot area (0.6 and 0.45),
- variances for side lot lines, first floor percentage, and
- distance from the major open space at the top of the bluff (16 m vs. the required 76 m).

His Built Form Photos in Ex. 1 provide examples of the diverse building styles, with one and two storeys, and two storeys with decks. Four properties nearby illustrate the variances previously granted. No. 52 Sunnypoint is a different building form, with a second floor front deck. 54 is more modern in style, with a large second floor balcony, and 62 is a very large modern structure. It not only has a front balcony but what is evidently third floor habitable space as well as a seeming balcony (although the flat roof was not to be used as a balcony – condition 3). In 2013 this property was approved for a GFA of 279 sq. m., over the By-law's allowable 228.7 sq. m. No. 64 is an example of a pitched roof style, again with a front balcony. The entire street illustrates diversity, aimed at achieving front amenity space to take advantage of the view.

Mr. Benczkowski objected to the “photoshopped” mockup of the proposal superimposed on the present, as can be seen in Mr. Burt’s Witness Statement (Exhibit 7). It did not permit an accurate assessment of depth, such as the three planes in the front façade, or of the possible views of and from the rooftop structure. He referred to perspectives prepared by the project architect just before the hearing which better represented what would be seen from the street and the rear.

Respecting compliance with provincial policies, Mr. Benczkowski opined that the proposed minor variances are consistent with the policy direction in the PPS, as they

facilitate a modest level of intensification in a compact form, while promoting a mix of housing types. They also conform to the Growth Plan, which promotes intensification and the achievement of complete communities with a mix of housing options to accommodate households of different sizes.

He provided his opinion that the proposed variances maintain the general intent and purpose of the Official Plan, and satisfy the criteria for development in Neighbourhoods.

Respecting the Built Form Policies in 2.3.1, the commentary indicates they apply to all Neighbourhoods, together with Policy 4. However, it goes on, "... these neighbourhoods will not stay frozen in time. ...Some physical change will occur over time as enhancements, additions and infill housing occurs on individual sites. A cornerstone policy is to ensure that new development in our neighbourhoods reflects the existing physical character of the area, reinforcing the stability of the neighbourhood..." He reiterated the variety of building types even along the street, with a true centre hall plan, attached garages or no garages, and several types of balcony and roof designs.

By Policy 3.1.2, new development will "fit" within its existing or planned context, and "generally" locate buildings to create appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Plan. Mr. Benczkowski stated that the word "transition" is important. This proposal would meet this goal as the stairbox on top of this dwelling would be located about 50 feet from Mr. Colby's property to the rear. This means that only 2 feet of the stairbox would be visible from the rear of Mr. Colby's property, given the flat roof on the proposed dwelling.

Within the Neighbourhoods designation, the commentary to Policy 4.1 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*."

The applicable clauses of Policy 4.1.5, he testified, are:

c) heights, massing, scale and dwelling type of nearby residential properties;

Here, others along the street present as three storeys, as mentioned. The massing of no. 64 with a pitched roof is significant. The number of windows and steps of this dwelling make it appear as a three storey structure from the street. The actual height of the habitable portion of the proposed dwelling adheres to the By-law requirements. Its massing is reduced by the articulation in the front wall, which moves with the curve in the street.

d) prevailing building type(s);

This would be a single detached, as are all the others in the area;

e) setbacks of buildings from the street or streets;

The proposed setback from the street is appropriate as, due to the street arc, it maintains a continuous streetscape.

f) prevailing patterns of rear and side yard setbacks and landscaped open space;

The proposal does not contain any rear or side yard setbacks, or landscaped open space variances. The length and depth of the proposed structure also comply. It does not protrude closer to the street than those to the north or south. Thus it meets this policy.

g) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood;

The situation of this property is unique, and the design would utilize the views to the east without adversely affecting the neighbours.

The Policy continues:"No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood. "

Limiting impact is an important policy, and this structure would have very little adverse impact on the privacy of neighbours. There might be overlook to the south, but it would be over a garage, and there is nothing in the rear yards of the adjacent properties. The livable space is within By-law limits. Any adverse impact would therefore be minimal. The owner is willing to provide a privacy screen on the edges of the deck if any neighbour so desires.

His conclusion on meeting the general intent and purpose of the OP is that the test is satisfied.

On the general intent and purpose of the Zoning By-laws he opined that, based on his assessment of the variances, there would be a compatible built form here, with no unacceptable adverse impact. The assessment of variances is not a numbers game, but a study of how the "package" would fit on the property. The coverage and GFA variances together here must be considered in light of the fact that no depth, length, side yard setback, and overall height variances are sought. The overall height of the habitable space here is only 6.54 m, while 7.2 m is allowed. If it were a pitched, gabled or mansard roof design, it could be 9 m high. This does not constitute overdevelopment that the by-laws are intended to restrict. The streetscape is maintained even though the arc necessitates a front yard setback variance. Therefore this test is also met.

The variances are minor for this context, he testified. The coverage and GFA variances are mitigated by the absence of setback and height variances. Compared to other applications granted such as 40 Brooklawn, this is minor both in number and impact.

The variances are also desirable in his opinion. The dwelling type, appearance and height are visible throughout the area, as are front decks. The revisions to the roof deck mean it will have little impact on the neighbouring properties. This represents appropriate intensification for this unique location.

He commented on the many allusions to water supply, damage and flooding made in the residents' submissions. He explained that in the process of review of minor variance applications they are circulated to all relevant City departments, including Fire, the TTC, telephone companies, and so on. Here neither Development Engineering nor Planning, nor any other department circulated, made any comments on a water problem. It is illegal to discharge water onto another property, with attendant remedies. This process is not the same as that for a building permit, where concerns about water supply and damage are raised, with grading plans being required to mitigate problems.

Mr. Doug Colby resides at 3 Brooklawn Avenue, directly to the rear of the subject parcel. In his cross examination of Mr. Benczkowski he raised questions about the study area chosen, and the number of COA decisions indicated within the circle as supplied by the City. He stated that the number of variances in the subject application was unusual. The response was that only relevant decisions from the last 10 years involving two storey homes were chosen, and it is irrelevant how many variances were requested, and how many were challenged by neighbours. It is impact that is important, not the numbers of variances requested. Two of these have rooftop accesses. The fact that there are decks above first floor levels is important because they are now part of the neighbourhood, for the test of compliance with the OP neighbourhood policies. No shadow study was required here as the stairbox structure would be 50 feet from the rear property line, and thus well beyond any impact on Mr. Colby's rear yard.

Mr. Colby then asked about the height of the parapet seen at the front of the dwelling. Mr. Benczkowski explained that it contained a fireplace on the east side of the proposed deck. At 8.68 m it would be higher than the height permitted, but it would form only a small segment of the front wall and is not part of the habitable space. It is also set back from the front face of the building. Ms. Stewart later devised a condition relating to this percentage of the front wall. Mr. Colby was also concerned about the proposed clerestory windows at the rear of the stairbox. He was assured that there could be no view from that window (or from the balcony itself) to his backyard, as it was too high and the distance over the flat roof too great.

Ms. Denise Hodgson at 5 Brooklawn Ave. was a party as well. She does not agree that there is no impact from the proposal; she sees impact as subjective. The COA had refused this application and for good reason. There had been no consultation before or after. She considers this to be overdevelopment of the present small house. A third storey balcony is not a prevailing feature of the neighbourhood. It is wrongly characterized as an accessory structure (Ms. Stewart explained that this was the interpretation of the Zoning Examiner). Decks are limited to 4 sq. m.; this would be 47.4 sq. m. Ms. Hodgson now has an unobstructed view of natural surroundings from her windows and backyard and this would interfere, plus create noise when occupied. Storms could lead to damage from flying furniture. There had been serious erosion at

the bluff edges, with 19 landslides in 2017 alone. This would create a dangerous precedent for future renovation of the home to the north at 48. Ms. Stewart asked what type of view she now had, as she is not directly behind the subject. She replied that she could see over the present structure because it is a bungalow – a two storey structure might be acceptable but a three storey is not. She fears a lack of privacy when the proposed deck is occupied.

Ms. Wendy Hooker was both a Party and the representative of Mr. James Ross, the owner of 44 Sunnypoint Crescent to the south of the subject, which he purchased in 1975. Ms. Hooker resides at 50 Sunnypoint, two to the north. In Mr. Ross's Document Disclosure, Exhibit 6, many similar issues to Mr. Colby's are raised. Mr. Ross objected to this overdevelopment of this lot that is the smallest of the 19 on the block, at 35 feet wide. Because of erosion some dwellings on the southeast side had disappeared. Mr. Ross' property is about 3 or 4 feet lower than the subject, with a retaining wall between at present. Thus he fears a deep foundation and resulting water damage, as well as storm runoff. He would have to rebuild his existing chimney for venting his gas furnace. There is also an underground stream at 13 Brooklawn, and the two storm sewers in the street on Sunnypoint experience overflow as it is directed to them. The Planning department had told Mr. Ross that the 14-foot deep rear basement stairwell of the subject would puncture the known high water table and cause interior damage for Mr. Ross' property.

He is also concerned about a threat to his privacy with the rooftop deck. He stated that at present the base of his garage almost aligns with the front porch of 46 Sunnypoint (Ex. 6, p. 3). The height variance from the permitted 9 m to 9.29 m, would result in an adverse impact of a building almost 9.45 m "looming over my property and the property of my southern and western neighbours". He stated that it would be 31 feet up, and when sitting on his deck he would be confronted by it.

Mr. Ross also mentioned existing low pressure in fire hydrants, with possible additional fire suppression risks. He decried the purchase of neighbourhood affordable homes by developers, who create luxury homes and reap profits (this was an almost universal theme among the objectors.) In responding to Ms. Stewart's questions, Ms. Hooker on Mr. Ross' behalf acknowledged that despite the height difference and lot sizes, a two storey home was permitted on the subject property. Ms. Stewart stated that the planning process did not involve policies concerning climate change. Water issues are handled by grading plans at the building permit stage. Ms. Hooker did acknowledge that a home could be built here even without variances, so that the issues of concern would arise in any event. Ms. Stewart suggested an additional condition of approval such as "The Building Department is requested to pay special attention to grading, drainage and groundwater issues on the site to ensure the adequacy of the building design."

Mr. Alan Burt resides at 50 Sunnypoint. He is an environmental biologist. He stated that he had not photoshopped the overlay he had prepared where the proposed structure was superimposed on the present property, and explained how he had measured the distances. He objected to the characterization of number 62 as four storeys, in that the windows at ground level are actually at the basement level. He repeated many of the

concerns about drainage, noting the weeping tile and sump pump systems needed on many properties. He explained that the City departments had not commented here on water issues because the required "Area 52 Study" has not yet been conducted. The impacts of a 14-foot excavation cannot yet be known.

He also discussed the specific issue of the impermeable surfaces as proposed. There would be a substantial increase to the impermeable substrate from the increased dimensions of the paved driveway and the expansion of the footprint of the structure. It would have east, south and west extensions from the original residence, as well as a stairwell into the basement and a rear deck. It would be "pushed closer" to the other property, and not centred on the lot.

The claim that that it was designed to take advantage of the view is minimized because the residents would see only the trees across the street, and not the lake.

In cross, Ms. Stewart pointed out that the usual view from a front balcony is only to another house across a street. Mr. Burt was firm in his belief that the view would be pleasant from any front-facing balcony on a second floor. Ms. Stewart termed his objections on drainage and other water damage an "apprehension of concern", but he reiterated that any excavation below 8 feet becomes filled with water.

The residents requested about half way through the hearing to have Mr. Robert Brown testify on their behalf, and Ms. Stewart objected that Mr. Brown is not an expert planner, and had not filed a witness statement. The TLAB disclosure rules were not followed. I did not permit him to testify at this late stage, because of failure to file such notices and filings as are required, and as well, that he has not yet qualified as an expert planner.

Mr. Doug Colby then testified as a party. As mentioned, he resides at 3 Brooklawn Avenue, to the rear of the subject parcel. He is concerned about the sight lines from the proposed balcony to his rear yard. No rooftop balconies have been approved in the area. He therefore objects to the characterization of this as the "prevailing" building type as 4.1.5 of the Official Plan policy requires.

He addressed the appearance of 62 Sunnypoint as a three- or four-storey structure by saying it was only three with windows at basement level, and he did not know how this was approved in the 2013 decision. He is convinced that the granting of 7 variances would be overdevelopment, that the by-laws should be respected.

He accepted as reasonable the proposed front yard setback variance because of the curve of the street. Ms. Stewart explained again the very minor nature of the height variance of 9.29 m for the stairbox only. Most of the structure complies with the 7.2 m height for flat rooves, while a peaked roof is allowed to be 9 m high. The fireplace enclosure at the front facing east is approximately 8.63 m high, but is not wide.

Ms. Wendy Hooker in her testimony decried the overly combative variance process, where neighbours must continually oppose such proposals and developers, whom she said were "profiteering". The result was significantly larger houses on smaller lots,

replacing structurally sound and affordable homes. Many in the area had not even finished the construction of some larger homes already underway. Approval here would set an undesirable precedent. She did not have a good opinion of the more permissive provisions in the New By-law, versus to old Cliffside By-law. When she and her husband Mr. Burt needed more space in their home at 50, purchased in 1978, they added a second storey on the existing footprint, within the by-law requirements. She pointed to the earlier severance of the land here at present 44, 46 and 48, from two lots to three narrow 35-foot lots. She mentioned that three feet of the driveways of these lots were “part of the adjacent lot,”, questioning what would occur with continuing development. Three feet of the driveway on number 48 to the north actually belongs to number 46, she testified. This would create access and parking problems for 46 and the neighbours, already restricted by the tight curve. Ms. Stewart clarified that these had been encroachments only, easily resolved by easement agreements as during the severance of number 40 Brooklawn Ave.

Ms. Hooker offered much evidence of the benefits of trees and greenspace in her witness statement (Ex. 8). She objected to the loss of trees, but the Forestry Department had granted approval and they had been removed. Attachment 5 of Exhibit 8 illustrates the permeable and impermeable surfaces proposed on the parcel. It is unknown what the results would be of the loss of the permeable portions. There would be much lost by the construction of the rear deck portion of the proposed structure. She drew attention to Attachment 7, which is an illustration of the existing home (gold) and the new (yellow) superimposed on it, based on a survey supplied by the COA staff.

Summation – Ms. Stewart:

Ms. Stewart appreciated the sincere concerns of the neighbours here. She submitted that they did not demonstrate substantiated evidence of adverse effects of a planning nature to counter the professional evidence of Mr. Benczkowski. Different eras of development result in different styles of dwellings, perhaps the source of many objections here. She pointed out again to Ms. Hooker that the side yard setback of the proposed exceed the requirements of both applicable By-laws. When Mr. Ross’s property to the south redevelops, the unusual placement of his present deck in the front yard amenity space would most likely be altered.

The massing of the proposed is that of a typical two storey residence, having less impact than that of an as-of-right two storey with a mansard roof. The side wall next to Mr. Ross’ property would not be any higher or closer to him than the by-laws presently allow. If the design included a peaked roof, it would appear even higher.

The so-called “third storey” is merely an access stair enclosure. It would be largely invisible from the ground, including all neighbouring properties, and have no adverse impacts of a planning nature on the streetscape. There would be no direct overlook into rear yard amenity space.

None of the objectors present selected the option offered of a privacy screen on the sides of the new deck. This matter could be left for later selection if desired.

Ms. Stewart submitted a 2006 OMB decision of Vice Chair Wilson Lee on the subject of minor variance approvals from performance standards in by-laws: *Toronto Standard Condominium Corporation #1517 and Concord Adex Developments Corp.*, (PL051279) – see Attachment 2. Variances are not just an extraordinary relief, the Board said, but can indeed be granted if assessed appropriately on the statutory tests. The law, based on the longstanding decision of *Re McNamara*, still stands that even a complete elimination of a by-law requirement is possible as a “minor” variance. Here the lot is small, requiring lot coverage and GFA/FSI variances for an appropriately massed dwelling. The unique location makes the variances for front decks and others appropriate here.

The height increase for the stair enclosure alone would have no measurable impact. Planning staff had worked with the owner and had approved of the revised variances, with the one condition of no habitable space on the roof. There are other modern designs in the neighbourhood. At Mr. Colby’s request the rear window in the stair enclosure would be removed.

The concerns about water – storm runoff, grading, flooding, hydrant pressure – are not part of the minor variance assessment, as Mr. Benczkowski had testified. A condition was requested for staff to deal with them at the correct stage.

Mr. Colby’s final submissions were that consultation and cooperation came only at the last minute. He said that the COA had refused the variances as meeting none of the statutory tests, and the evidence in the hearing did not refute that finding. Of the 50 minor variance applications approved from 2008 to 2018, involving 700 properties, only 3 were granted coverage over the 37.6% granted here. One was over the FSI at 0.67, and one was granted height of over 9.29. Three balconies were allowed over the permitted 4 sq. m, no application had two front-facing balconies, and there was nothing close to the 47.4 sq. m. balcony size requested in this application. Nor was there any entrance above a second floor to a rooftop. None had as many variances as requested here. The general intent and purpose of the OP and the zoning by-laws are not met here, he argued, as the neighbours’ evidence illustrates. The views to the south and southeast from his property to the rear would be significantly impaired. The aggregated rear yard green space now shared would be reduced. The provincial policies in the PPS and the Growth Plan are not met, as they stress conservation of land and greenspace in light of climate change.

ANALYSIS, FINDINGS, REASONS

The neighbours seem to be under the misapprehension that the zoning by-laws are written in stone, especially earlier ones such as the Cliffcrest By-law. I outlined the minor variance purpose and process for clarification. I am going to quote some parts of the OMB decision cited by Ms. Stewart in Appendix 2, as it is most instructive on the subject of minor variances from zoning requirements.

The neighbours might object to the New By-law provisions of 2013 as too lenient, but it is this By-law that now applies City-wide. It must govern this and other applications for variances. The side yard setback measurement in the New By-law came from the former By-law, as Ms. Stewart pointed out. The proposed side yard setbacks to the north and south both comply with the requirements, as does the rear yard. Any perceived reduction in rear yard shared green spaces is permitted in the By-laws.

The size of the rooftop deck appears from the wording of variance 5 to the New By-law to be a truly excessive size, 47.4 sq. m. versus the 4 sq. m. limitation. However, the actual size proposed is more clearly seen in Variance 7 under the Old By-law: "7. The proposed roof top balcony has dimensions of 8.53 m by 10.95 m; Whereas the maximum permitted size of an accessory structure is 7.6 m by 7.6 m." This is a more accurate reflection of the proposed balcony structure and size than Variance 5. It is a mystery why the Zoning Examiner chose to categorize the deck as an accessory structure, perhaps out of an excess of caution, but it is a better reflection of the size than an area of 47.4 sq. m. versus the permitted 4 sq. m.

I agree with the evidence of Mr. Benczkowski that the proposed structure is not significantly over most of the By-law standards. Nonetheless, I was impressed by the arguments of Mr. Ross next door at 44 Sunnypoint. His privacy concerns, even more than those of more distant neighbours, have given me pause when I consider the effect of the variances for the third floor deck on possible overlook. Unlike the evidence of Mr. Benczkowski that the angle from the stairbox out over the flat roof will prevent overlook to the rear for properties to the west, I see no such assurance for the owner of 44 to the south. The design of the deck clearly extends to the southerly edge of the roof structure, overlooking Mr. Ross' garage. Those standing at this southern edge could view a portion of his property, especially given the already higher ground level. I also note that two windows are required in the south elevation by the Building Code, unlike in the north. Perhaps Mr. Ross will take advantage of the owner's offer to screen the sides of the deck at the south and north edges. The deck design also extends to the edge of the north face of the proposed structure. This would possibly permit overlook to the property at 48 (whatever its future development) from this elevated deck. However, any purchaser of number 48 in the future would be aware of this potential.

However, Mr. Ross' concern about privacy for his existing deck is in my view somewhat misplaced, since it is very close to the existing roadway. I also discount his objection to the proposed being built closer to his home, as there is no side yard setback requested.

Mr. Burt made a similar point about privacy for immediately adjacent neighbours. He stated that while the residence's owner will have a "superlative panoramic view", their privacy is also ensured with "... the 6-foot parapet at the front of the third story while they enjoy their rooftop fireplace." (Ex. 7, Attachments 3 and 4). While I accept the argument that his mock-ups (where the proposal has been superimposed over the present) are not an accurate tool for assessing the impact, I do find that the deck has the potential to seem intrusive. I find however, that it does not contravene the By-law size beyond what is reasonable in the neighbourhood context. In the end none of the

neighbours requested privacy screening at the edges of the proposed third floor deck. This option was left open for future negotiation should the application be approved.

Mr. Colby's objection that the rooftop deck is not the prevailing building type is somewhat misplaced, as building "type" in the Plan refers to single family, semi-detached, or multiples, etc. However, as argued by Ms. Stewart, the structure to the north at 62 Sunnypoint is a three- or four-storey structure with front deck and a clearly enclosed third storey. There is the appearance of a front deck at that level. This dwelling is already part of the built structure of the neighbourhood. Thus it is not correct to say that no such decks exist here.

I discount Ms. Hooker's issues with traffic and parking, as this area of the Bluffs is already very busy with traffic by visitors as well as residents. The owner has the right to develop a two storey home with a driveway here. In my view it will be better further to the north as proposed, away from the acute curve in the road.

A challenge was made to the representative nature of the COA decisions put forward by Mr. Benczkowski. These were intended, he replied, merely to be a snapshot of the existing neighbourhood to permit the test of compliance with the OP to be assessed. Likewise, there were some similar variances granted. Even the photos presented by the neighbours did not illustrate the broader area.

I found the illustration presented by Ms. Hooker in Exhibit 8, Attachment 8, of the proposed structure over the existing, to be persuasive in fact in favour of approving most of the requested variances. The measurement of the new flat roof portion to the rear of the structure is not indicated on this drawing. However, there is no length or depth variance required, and a two storey flat roof can be 7.2 m. high. It is just the stair enclosure that would extend to the requested height of 9.29, and only in the place where it is located. This can best be seen on the side elevations, Exhibit 4, Drawings A7 and A8. The rest of the structure would meet the zoning height requirements.

Ms. Stewart illustrated that no view from the location of the flat roof deck was possible over Ms. Hodgson's property at 5 Brooklawn.

I find that the tests of meeting the intent and purpose of the Official Plan and the Zoning By-laws to be met. The OP recognizes that neighbourhoods will experience physical change. The proposal respects and reinforces the physical character of the neighbourhood, which includes a variety of new as well as existing dwellings that have become part of the fabric of the neighbourhood. There are many front facing second storey decks, taking advantage of the superlative views over the park. The proposal also respects and reinforces the physical character of the neighbourhood from a built form perspective, including appropriate height, massing, prevailing building type, and setbacks. Just because the height of the land at 46 Sunnypoint is several feet higher than that at 44, does not mean that a proposal that meets most of the positional requirements should be denied. A two storey structure with basement is permitted as of right. The variances sought for coverage and GFA are within the range of those

granted in previous COA decisions. I find that the variances are individually and collectively acceptable on the OP and Zoning tests.

Because of these conclusions, I also find that the proposal is desirable, and its impact will be minor. I also note the lack of adverse comments from the applicable City departments in so finding.

DECISION AND ORDER

The TLAB orders that the appeal is allowed, and that:

1. The following variances to Zoning By-law No. 9396, are authorized:

1. The proposed dwelling will cover 37.6% of the lot area;
Whereas the maximum proposed coverage is 33% of the lot area.
2. The proposed dwelling will have a floor space index equal to 0.67 times the lot area (226.38 m²);
Whereas the maximum permitted floor space index is the lesser of 204 m² or 0.6 times the lot area (223 m²).
3. The proposed dwelling will be three storeys tall with a total height of 9.29 m;
Whereas the maximum number of storeys is two (2) and the maximum permitted height of a flat roofed dwelling is 7.2 m and the maximum permitted overall height is 9 m.
4. The proposed roof top balcony has dimensions of 8.53 m by 10.95 m;
Whereas the maximum permitted size of an accessory structure is 7.6 m by 7.6 m.

2. The following variances to Zoning By-law No. 569-2013 are authorized (numbered in sequence to the above, as in the COA decision), contingent upon this By-law coming into full force and effect:

5. The proposed dwelling will cover 37.6% of the lot area;
Whereas the maximum proposed coverage is 33% of the lot area.
6. The proposed dwelling will have a floor space index equal to 0.67 times the lot area (226.38 m²);
Whereas the maximum permitted floor space index is the lesser of 204 m² or 0.6 times the lot area (223 m²).
7. The proposed dwelling will be three storeys tall with a total height of 9.29 m;
Whereas the maximum number of storeys is two (2) and the maximum permitted height of a flat roofed dwelling is 7.2 m and the maximum permitted overall height is 9 m.

8. The proposed dwelling will be located 6 m from the front lot line;
Whereas the minimum required front yard setback is 7.46 m.

9. The proposed dwelling will have two balconies on the front, including a third-storey roof top balcony with an area of 47.4 m²;
Whereas no more than one balcony is permitted on the front side of a dwelling and the maximum area of each platform is 4 m².

10. The roof top deck is proposed to be higher than the level of the floor from which it gains access;
Whereas a platform located at or above the second storey may be no higher than the level of the floor of the storey in which it gains access.

3. The proposed dwelling shall be constructed substantially in accordance with the Site Plan, Elevations, and the Third Floor Plan (Exhibit 4, Drawing Nos. SP, A4, A7, A8 and A9) prepared by Arc Design Group and revision dated December 22, 2017, in the plans attached hereto as Attachment 1. These Drawings shall form part of this order. Any other variances that may appear on these plans and that are not listed in this decision are not authorized.

4. No habitable space shall be constructed on the third floor.

5. The Building Department is requested to pay special attention to grading, drainage and groundwater issues on the site to ensure the adequacy of the building design.

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

APPENDIX 1 – Plans

APPENDIX 2 - (OMB) - Toronto Standard Condominium Corporation #1517 vs Concord Adex Developments Corp (361-397 Front Street West and 12-16 Blue Jays Way) PL051279

Vice Chair Mr. Wilson Lee stated:

“This relief stems from the Legislature’s recognition that a zoning by-law, if it is to be applied unfailingly with scant regard for individual circumstances and without due regard to the matters at hand, can result in very odd, undesirable and in some cases wrong situations because the facts in the planning world can be sometimes stranger than fiction. The relief is not to be regarded as an extraordinary remedy. In fact, the relief should be granted in some circumstances, not because non-conformity would be less costly, expedient or convenient, but because nonconformity can, in fact, be satisfactory and acceptable from a planning standpoint.” (p. 3).

In fact the leading case of *Re McNamara Corporation Ltd. and Colekin Investments Ltd.* (1977), 15 O.R. (2d) 718 would permit even the complete elimination of the by-law requirement. Mr. Lee stated,

"The statute does not define these words [minor variances] and their exact scope is likely incapable of being prescribed. The term is a relative one and should be flexibly applied: *Re Perry et al. and Taggart et al.*, [1971] 3 O.R. 666, 21 D.L.R. (3d) 402 (Ont. H.C.). No hard and fast criteria can be laid down, the question whether a variance is minor must in each case be determined in the light of the particular facts and circumstances of the case. In certain situations total exemption from a by-law will exclude a variance from falling within the category of "minor variances". But not necessarily so. In other situations such a variance may be considered a minor one. It is for the committee and, in the event of an appeal, the Board to determine the extent to which a by-law provision may be relaxed and a variance still classed as "minor".[*Re McNamara*] recognizes and pays homage to two very important underlying principles. Firstly, whether it is "minor" or not cannot be regarded as a robotic exercise of the degree of numeric deviation, but must be held in light of the fit of appropriateness, the sense of proportion, a due regard to the built and planned environ, the reasons for which the requirement is instituted, the suggested mitigation conditions to address the possible concerns and last, but not the least, the impact of the deviation. Secondly, *Re: Namara* (sic) recognizes that the performance standards of the zoning-law are not an end, but a means to an end. The decision maker must therefore chase after the question whether the planning objectives would be fulfilled if the variance were to be allowed. She must not embark on a tautological and circular exercise of why one cannot abide by the requirements. Neither should she use a yardstick of means, median or any singular numeric approach as a measurement for an appropriate minor variance. Furthermore, a long line of Board cases has held that the assessment of whether it is minor or not cannot be fathomed on an *a priori* basis. It has been our consistent practice that the question of minor is best to be assessed on an empirical, a concrete and fact-specific basis. In other words, a seemingly "small" deviation may not qualify as "minor". On the other hand, a seemingly "large" deviation or an obliteration of the numeric requirement may be quite appropriate. In short, the numbers themselves are devoid of meaning unless the context is known and rationale for those numbers are known." (pp. 4 and 5).



G. Burton

Panel Chair, Toronto Local Appeal Body

Case File Number: 18 114149 S45 36 TLAB
 Property Address: 46 Sunnypoint Cres
 Date Marked: July 26, 2018

THAM SURVEYING LIMITED		
ARIO LAND SURVEYORS		
www.thamsurvey.ca		
UNIT 7	PHONE: 905-761-6521	FAX: 905-761-6523
L4K 2N2	1-855-761-6521	
CHECKED BY: M.A.G.	CAD NUMBER: 17-049TP	JOB NUMBER: 17-049

SKETCH SHOWING ELEVATIONS OF PART OF LOT 477 REGISTERED PLAN 2347 (FORMERLY CITY OF SCARBOROUGH) CITY OF TORONTO

SCALE 1:200

10m 5 0 10 METRES

THAM SURVEYING LIMITED, O.L.S. ©

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

- PIN DENOTES PROPERTY IDENTIFIER NUMBER
 F.F.E. DENOTES FINISHED FLOOR ELEVATION AT ENTRY
 TOB DENOTES TOP OF BANK
 TOC DENOTES TOP OF CURB
 BF DENOTES BOARD FENCE
 EOP DENOTES EDGE OF PAVEMENT
 CB DENOTES CATCH BASIN
 MH DENOTES MAINTENANCE HOLE
 GM DENOTES GAS METRE
 DT0.80# DENOTES DECIDUOUS TREE AND DIAMETER
 CT0.20# DENOTES CONIFEROUS TREE AND DIAMETER
 S DENOTES SHRUB
 UPW DENOTES UTILITY POLE WOOD
 -W- DENOTES OVERHEAD WIRE

BENCHMARK NOTE

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO CITY OF TORONTO
 BENCHMARK No. S1547 (12419661547), HAVING AN ELEVATION OF 157.633 METRES.
 LOCATED AT HOUSE No. 23, GRADWELL DRIVE. PLATE AT NORTH EAST CORNER OF NORTH
 DRIVEWAY PILLAR 7 METRES EAST OF CENTRELINE OF GRADWELL DRIVE, 0.12 METRES
 ABOVE GRADE LEVEL.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

THE FIELD OBSERVATIONS REPRESENTED ON THIS PLAN

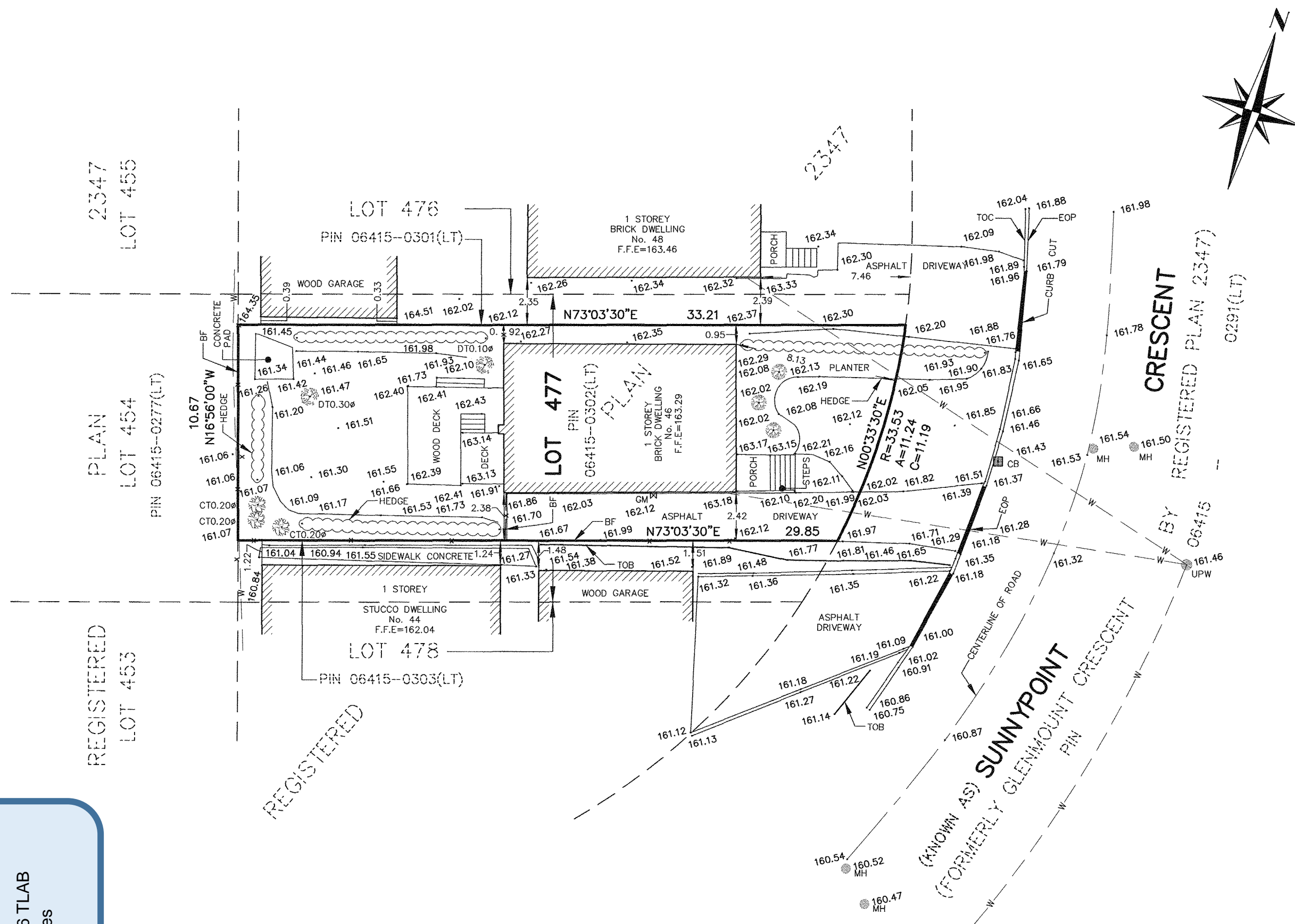
WERE COMPLETED ON THE 5th DAY OF JUNE, 2017

June 23, 2017
 DATE

Michael A. Griffiths
 MICHAEL A. GRIFFITHS
 ONTARIO LAND SURVEYOR

CAUTION

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



FOR COMMITTEE OF ADJUSTMENT

REGISTERED

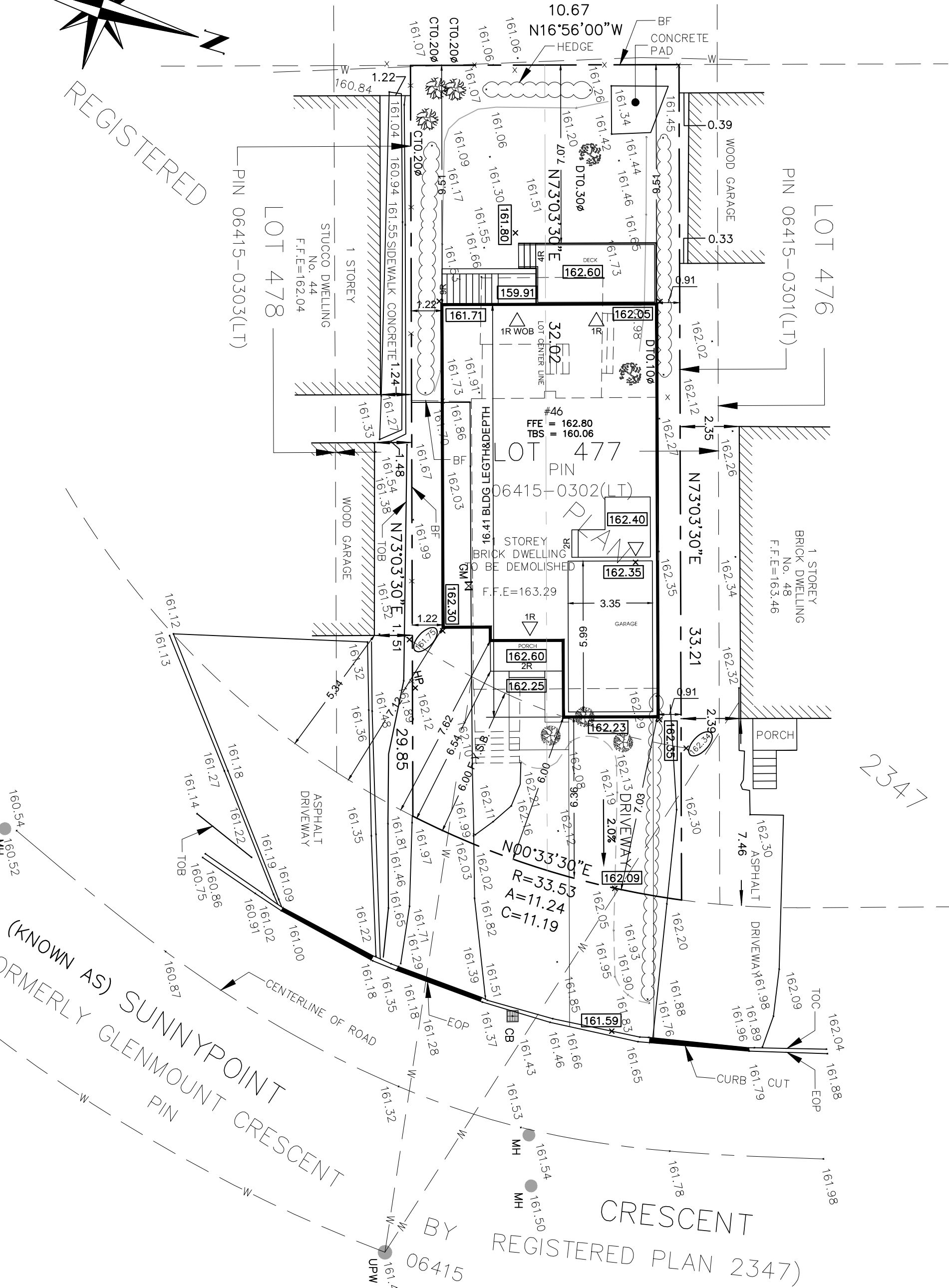


REGISTERED

LOT 453

PLAN
LOT 454
PIN 06415-0277(LT)

2347
LOT 455



adg
Arc Design Group
architectural | mechanical | planning
tel: 905-240-4024 fax: 905-240-4019
arcdesign@rogers.com

Model

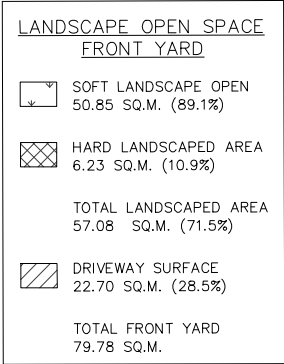
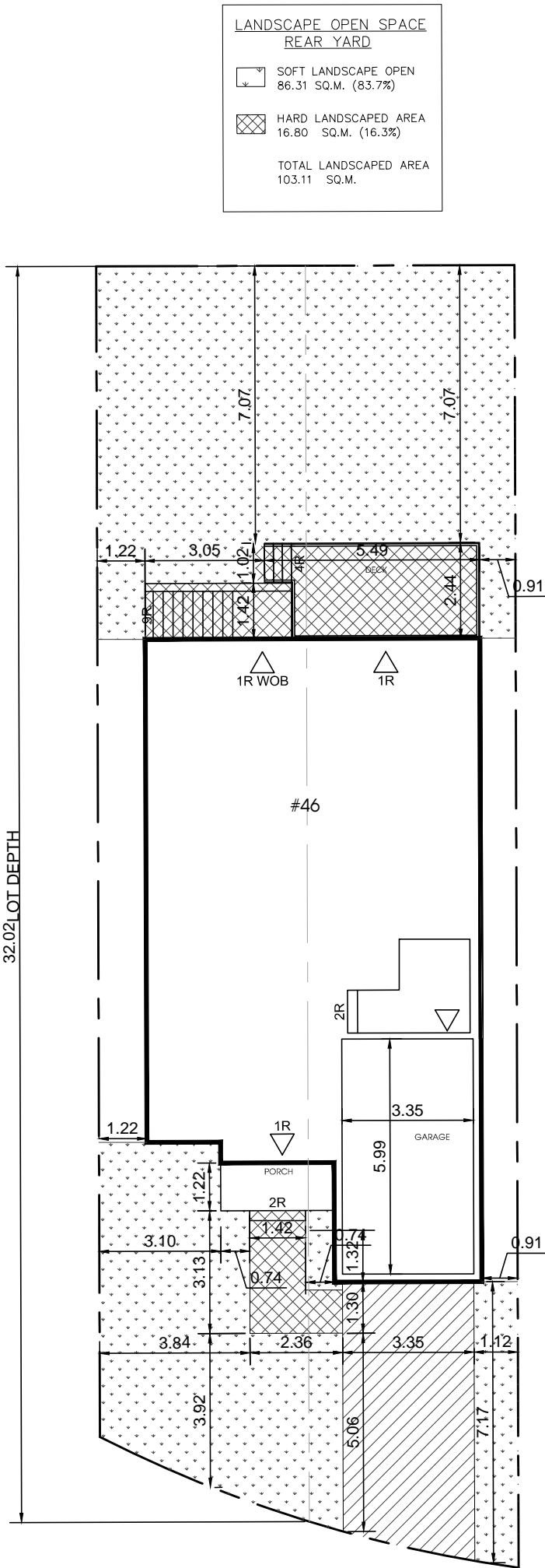
Client

ALBION BUILDER
46 SUNNYPPOINT CRES.
TORONTO, ONTARIO

THESE DRAWINGS ARE NOT TO BE SCALED. ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR PRIOR TO COMMENCEMENT OF ANY WORK. ANY DISCREPANCIES MUST BE REPORTED DIRECTLY TO ARC DESIGN GROUP DEVELOPMENT SERVICES LTD.

5.			
4.			
3.	REVISED BLDG. LEGTH/ THIRD FLOOR REMOVED	DEC 22	JE
2.	FOR COMMITTEE OF ADJUSTMENT	NOV 15	JE
1.	ISSUED FOR ZONING CERTIFICATE	AUG 16	JE
No.	Description	Date	By
I, PETER JARUCZIK DECLARE THAT I HAVE REVIEWED AND TAKE DESIGN RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF ARC DESIGN GROUP DEVELOPMENT SERVICES LTD. UNDER DIVISION C, PART 3, SUBSECTION 3.2.4. OF THE BUILDING CODE. I AM QUALIFIED, AND THE FIRM IS REGISTERED, IN THE APPROPRIATE CLASSES/CATEGORIES.			
Qualified Designer BCIN:		32051	Signature:
Firm BCIN:		35536	
Date:		DEC 2017	

Sheet Title	
SITE PLAN	
Project No.	Drawing No.
17-001-15	SP
Scale	Date
1:150	DEC '17
Drawn by	Checked by
AB	PJ



	Project: 46 Sunnypoint Cres. Toronto, Ontario			
	Lot Description: Part of Lot477of Registered Plan 2347			
Item	Single Family Residential Zoning Matrix			
	Municipality and Project Information			
1	Project Type and Description	New single detached dwelling		
2	Municipality	Scarborough		
3	Ward	Scarborough SW (36)		
4	By-law 569-2013 Zone:	RD (f10.5; a371) (x197)		
	9396 Cliffcrest Zoning:	S-1-(or3)-30-43-48-62-93 & O-93		
5	Permitted Uses	Detached House, other (with conditions)		
	Lot Information	By-Law 569-2013	By-Law 9396	Proposed
6	Total Lot Area	371 m²	371 m²	339.95 m²
7	Lot Depth		m	32.02 m
8	Lot Frontage	10.5 m	10.5 m	11.24 m
	Building Area (sq. m.)		m²	128 m²
	Ancillary Structures	10% max	m²	0 m²
9	Lot Coverage	33% max	33% max	37.6%
10	Setbacks	By-Law 569-2013	By-Law 9396	Proposed
	Front	6 m	6 m	6 m
	Rear	greater of 7.5m or 25% of lot depth = 7.50 m	7.5m plus 50% of lot depth > 33.5m = 7.5 m	9.51 m
	Side Yard (South)	0.9 m	0.9 m	0.91 m
	Side Yard (North)	0.9 m	0.9 m	1.22 m
11	Height	By-Law 569-2013	By-Law 9396	Proposed
	Highest Point on Roof	9.0 m	9.0 m	9.43 m
	Main Walls - Front/Rear	7.0 m		9.13 m
	No. of Storeys	2	2	2
	Total Width of Dormers % of main wall	40% max		
	Height of First Floor from Grade	1.2 m		0.9 m
	MAX. BASEMENT HT.		1 m	0.59 m
12	Floor Space Index	By-Law 569-2013	By-Law 9396	Proposed
	MIN. GROUND FLOOR A		55 m²	104.4 m²
	1st Floor + 2nd Floor (incl. garage)			244.3 m²
	Less: required parking space(s)			17.92 m²
	Total building floor area			226.38 m²
	Floor Space Index	0.4	0.4	0.67
13	Building Length and Depth	By-Law 569-2013	By-Law 9396	Proposed
	Building Length	17.0 m		16.41 m
	Building Depth	19.0 m		16.41 m
15	Platform Areas	By-Law 569-2013	By-Law 9396	Proposed
	Platform at or above 2nd floor	4.0 m² max.		47.4 m²
17	Landscape Open Space	By-Law 569-2013	By-Law 9396	Proposed
	Total Front Yard Area			79.78 m²
	Front Yard Landscaping	50% min.		57.08 m² 71.55%
	Front Yard Soft Landscaping	75% min.		50.85 m² 89.09%
18	Parking	By-Law 569-2013	By-Law 9396	Proposed
	Parking Space Depth	5.6 m min	5.7 m	5.99 m
	Min. Garage Width (2.6 + 0.3 + 0.3)	3.2 m		3.35 m
	Driveway Width (min)	2 m	2.5 m	3.35 m
	Driveway Width (max)	the lesser of garage	6 m	



CUSTOM
46 SUNNYPPOINT
TORONTO, ONTARIO

TABLE 3.1.1.2.A	
COMPLIANCE PACKAGE A1	
COMPONENT	ZONE 1
CEILING WITH ATTIC SPACE MINIMUM RSI (R)-VALUE	10.56 (R60)
CEILING WITHOUT ATTIC SPACE MINIMUM RSI (R)-VALUE	5.46 (R31)
EXPOSED FLOOR MINIMUM RSI (R)-VALUE	5.46 (R31)
WALLS ABOVE GRADE MINIMUM RSI (R)-VALUE	3.87 (R22)
BASEMENT WALLS MINIMUM RSI (R)-VALUE	3.52 (R20ci)
BELOW GRADE SLAB ENTIRE SURFACE >600 mm BELOW GRADE MINIMUM RSI (R)-VALUE	1.76 (R10)
EDGE OF BELOW GRADE SLAB <600 mm BELOW GRADE MINIMUM RSI (R)-VALUE	1.76 (R10)
HEATED SLAB OR SLAB < 600 mm BELOW GRADE MINIMUM RSI (R)-VALUE	1.76 (R10)
WINDOWS AND SIDING GLASS DOORS MAXIMUM U-VALUE	1.6
SKYLIGHTS MAXIMUM U-VALUE	2.8
SPACE HEATING EQUIPMENT MINIMUM AFUE	96%
HRV MINIMUM EFFICIENCY	75%
DOMESTIC HOT WATER HEATER MINIMUM EF	.80

METRIC SCALE = 1/64

GROUND FLOOR AREA	1124 SF	104.4 m²
SECOND FLOOR AREA	1290 SF	119.8 m²
SUBTOTAL	2414 SF	224.2 m²
DEDUCT ALL OPEN AREAS	0 SF	0 m²
TOTAL NET AREA	2414 SF	224.2 m²
COVERAGE w/o PORCH	1340 SF	124.5 m²
COVERAGE WITH PORCH	1378 SF	128.0 m²

adg

Arc Design Group

architectural | mechanical | planning

tel: 905-240-4024 fax: 905-240-4019
arcdesign@rogers.com

Model

ALBION BUILDERS

Client

46 SUNNYPPOINT
TORONTO, ONTARIO

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3.	REVISED BLDG. LEGTH/ THIRD FLOOR REMOVED	DEC 22	JE
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Qualified Designer BCIN:		32051	Signature:
Firm BCIN:		35536	
Date:		DEC 2017	

Sheet Title

TITLEPAGE

Project No.
17-001-15

Scale

Drawn by
JE

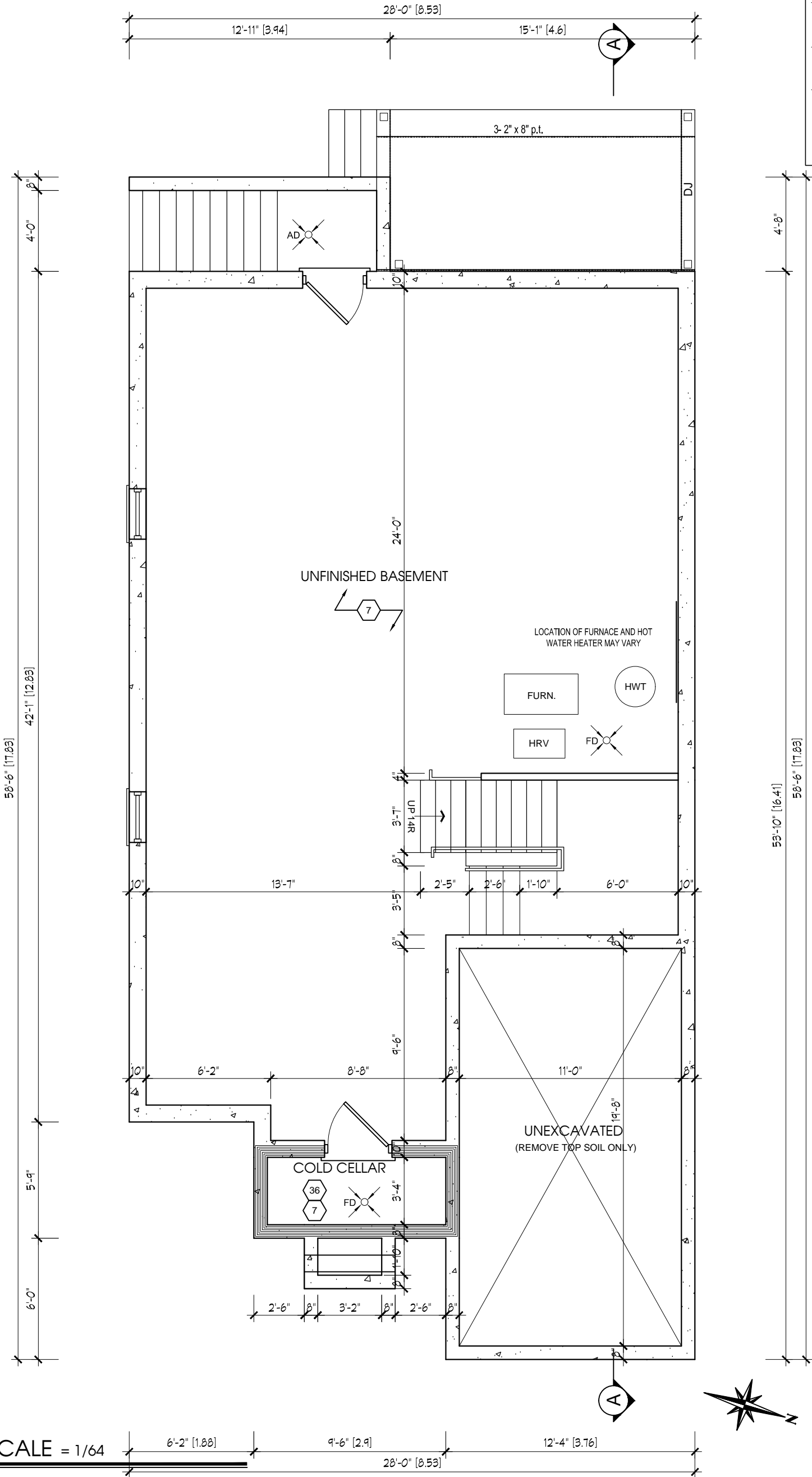
Date
DEC '17

Checked by
PJ

Drawing No.

T1

FOR COMMITTEE OF ADJUSTMENT



LINTEL / BEAM SCHEDULE		
L1	2/2"x8"	(2/38x184) SPR.#2
B1	3/2"x8"	(3/38x184) SPR.#2
B2	4/2"x8"	(4/38x184) SPR.#2
B7	5/2"x8"	(5/38x184) SPR.#2
L3	2/2"x10"	(2/38x235) SPR.#2
B3	3/2"x10"	(3/38x235) SPR.#2
B4	4/2"x10"	(4/38x235) SPR.#2
B8	5/2"x10"	(5/38x235) SPR.#2
L5	2/2"x12"	(2/38x286) SPR.#2
B5	3/2"x12"	(3/38x286) SPR.#2
B6	4/2"x12"	(4/38x286) SPR.#2
B9	5/2"x12"	(5/38x286) SPR.#2
L7	89x89x6.4	(3 1/2 x 3 1/2 x 1/4 L)
L8	89x89x7.9	(3 1/2 x 3 1/2 x 5/16 L)
L9	102x89x6.4	(4 x 3 1/2 x 1/4 L)
L10	127x89x7.9	(5 x 3 1/2 x 5/16 L)
L11	127x89x13	(5 x 3 1/2 x 1/2 L)
L12	152x102x13	(6 x 4 x 1/2 L)

METRIC SCALE = 1/64

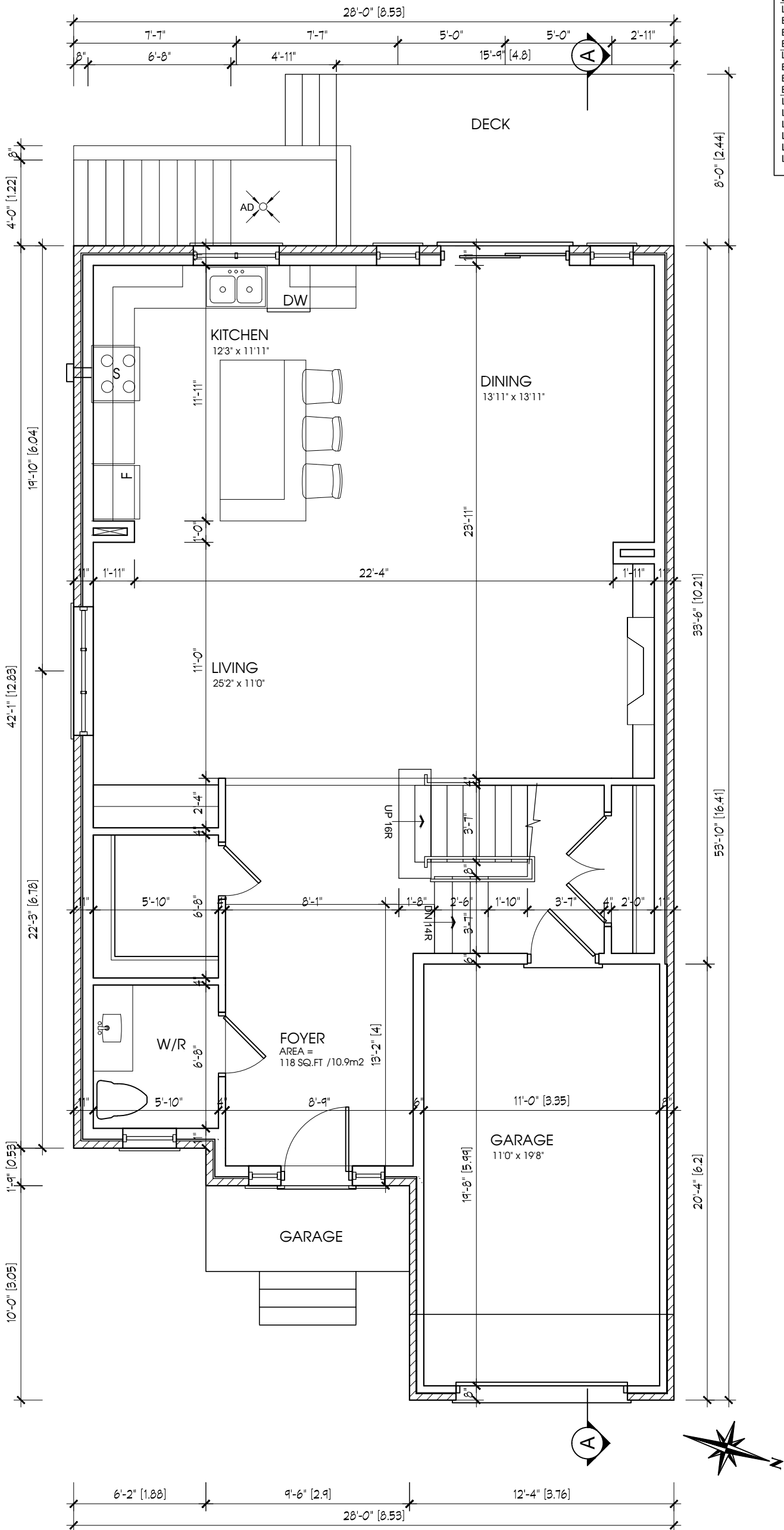


Model	CUSTOM
Client	46 SUNNYPPOINT TORONTO, ONTARIO
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Qualified Designer BCIN: 32051		Signature: 	
Firm BCIN: 35536			
Date: DEC 2017			

Sheet Title	
BASEMENT PLAN	
Project No.	Drawing No.
17-001-15	A1
Scale	Date
3/16" = 1'0"	DEC '17
Drawn by	Checked by
JE	PJ

FOR COMMITTEE OF ADJUSTMENT



LINTEL / BEAM SCHEDULE

L1	2/2"x8" (2/38x184) SPR.#2
B1	3/2"x8" (3/38x184) SPR.#2
B2	4/2"x8" (4/38x184) SPR.#2
B7	5/2"x8" (5/38x184) SPR.#2
L3	2/2"x10" (2/38x235) SPR.#2
B3	3/2"x10" (3/38x235) SPR.#2
B4	4/2"x10" (4/38x235) SPR.#2
B8	5/2"x10" (5/38x235) SPR.#2
L5	2/2"x12" (2/38x286) SPR.#2
B5	3/2"x12" (3/38x286) SPR.#2
B6	4/2"x12" (4/38x286) SPR.#2
B9	5/2"x12" (5/38x286) SPR.#2
L7	89x89x6.4 (3 1/2 x 3 1/2 x 1/4 L)
L8	89x89x7.9 (3 1/2 x 3 1/2 x 5/16 L)
L9	102x89x6.4 (4 x 3 1/2 x 1/4 L)
L10	127x89x7.9 (5 x 3 1/2 x 5/16 L)
L11	127x89x13 (5 x 3 1/2 x 1/2 L)
L12	152x102x13 (6 x 4 x 1/2 L)

METRIC SCALE = 1/64



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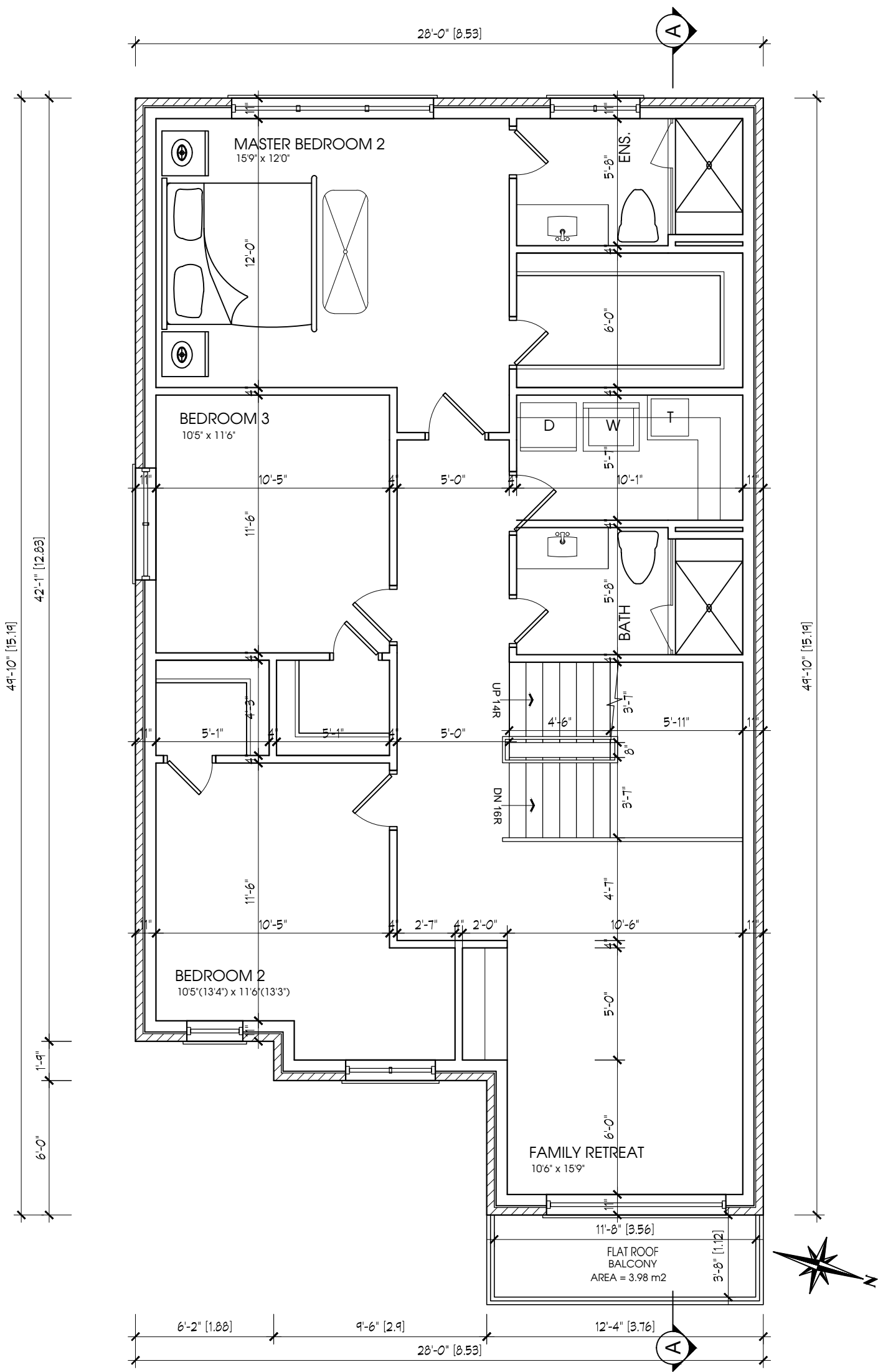
Model
CUSTOM
Client
46 SUNNYPPOINT
TORONTO, ONTARIO

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5.			
4.			
3.	REVISED BLDG. LGTH/ THIRD FLOOR REMOVED	DEC 22	JE
2.	FOR COMMITTEE OF ADJUSTMENT	NOV 15	JE
1.	FOR ZONING CERTIFICATE	AUG 17	JE
No.	Description	Date	By
I, PETER JARUCZIK DECLARE THAT I HAVE REVIEWED AND TAKE DESIGN RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF ARC DESIGN GROUP DEVELOPMENT SERVICES LTD. UNDER DIVISION C, PART 3, SUBSECTION 3.2.4. OF THE BUILDING CODE. I AM QUALIFIED, AND THE FIRM IS REGISTERED, IN THE APPROPRIATE CLASSES/CATEGORIES.			
Qualified Designer BCIN:		32051	Signature:
Firm BCIN:		35536	
Date:		DEC 2017	

Sheet Title GROUND FLOOR PLAN	
Project No. 17-001-15	Drawing No. A2
Scale 3/16" = 1'0"	Date DEC '17
Drawn by JE	Checked by PJ

FOR COMMITTEE OF ADJUSTMENT



LINTEL / BEAM SCHEDULE		
L1	2/2"x8"	(2/38x184) SPR.#2
B1	3/2"x8"	(3/38x184) SPR.#2
B2	4/2"x8"	(4/38x184) SPR.#2
B7	5/2"x8"	(5/38x184) SPR.#2
L3	2/2"x10"	(2/38x235) SPR.#2
B3	3/2"x10"	(3/38x235) SPR.#2
B4	4/2"x10"	(4/38x235) SPR.#2
B8	5/2"x10"	(5/38x235) SPR.#2
L5	2/2"x12"	(2/38x286) SPR.#2
B5	3/2"x12"	(3/38x286) SPR.#2
B6	4/2"x12"	(4/38x286) SPR.#2
B9	5/2"x12"	(5/38x286) SPR.#2
L7	89x89x6.4	(3 1/2 x 3 1/2 x 1/4 L)
L8	89x89x7.9	(3 1/2 x 3 1/2 x 5/16 L)
L9	102x89x6.4	(4 x 3 1/2 x 1/4 L)
L10	127x89x7.9	(5 x 3 1/2 x 5/16 L)
L11	127x89x13	(5 x 3 1/2 x 1/2 L)
L12	152x102x13	(6 x 4 x 1/2 L)

METRIC SCALE = 1/64



Model	CUSTOM
Client	46 SUNNYPPOINT TORONTO, ONTARIO
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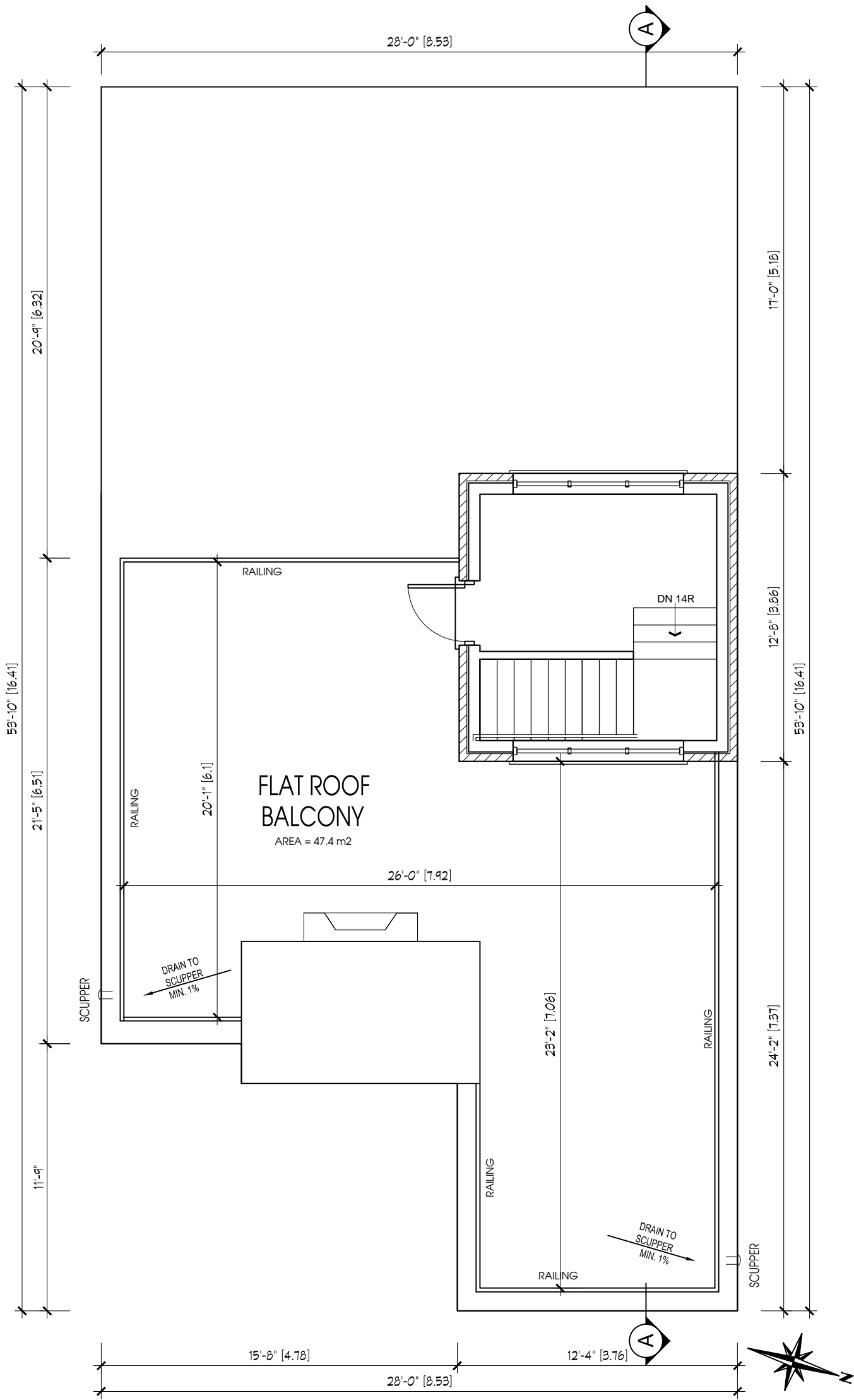
No.	Description	Date	By
5.			
4.			
3.	REVISED BLDG. LGTH/ THIRD FLOOR REMOVED	DEC 22	JE
2.	FOR COMMITTEE OF ADJUSTMENT	NOV 15	JE
1.	FOR ZONING CERTIFICATE	AUG 17	JE
I, PETER JARUCZIK DECLARE THAT I HAVE REVIEWED AND TAKE DESIGN RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF ARC DESIGN GROUP DEVELOPMENT SERVICES LTD. UNDER DIVISION C, PART 3, SUBSECTION 3.2.4. OF THE BUILDING CODE. I AM QUALIFIED, AND THE FIRM IS REGISTERED, IN THE APPROPRIATE CLASSES/CATEGORIES.			
Qualified Designer BCIN: 32051		Signature:	
Firm BCIN: 35536			
Date: DEC 2017			

Sheet Title		SECOND FLOOR PLAN	
Project No.	17-001-15	Drawing No.	A3
Scale	3/16" = 1'0"	Date	DEC '17
Drawn by	JE	Checked by	PJ

FOR COMMITTEE OF ADJUSTMENT

LINTEL / BEAM SCHEDULE

L1	2/2"x8"	(2/38x184)	SPR.#2
B1	3/2"x8"	(3/38x184)	SPR.#2
B2	4/2"x8"	(4/38x184)	SPR.#2
B7	5/2"x8"	(5/38x184)	SPR.#2
L3	2/2"x10"	(2/38x235)	SPR.#2
B3	3/2"x10"	(3/38x235)	SPR.#2
B4	4/2"x10"	(4/38x235)	SPR.#2
B8	5/2"x10"	(5/38x235)	SPR.#2
L5	2/2"x12"	(2/38x286)	SPR.#2
B5	3/2"x12"	(3/38x286)	SPR.#2
B6	4/2"x12"	(4/38x286)	SPR.#2
B9	5/2"x12"	(5/38x286)	SPR.#2
L7	89x89x6.4	(3 1/2 x 3 1/2 x 1/4 L)	
L8	89x89x7.9	(3 1/2 x 3 1/2 x 5/16 L)	
L9	102x89x6.4	(4 x 3 1/2 x 1/4 L)	
L10	127x89x7.9	(5 x 3 1/2 x 5/16 L)	
L11	127x89x13	(5 x 3 1/2 x 1/2 L)	
L12	152x102x13	(6 x 4 x 1/2 L)	




METRIC SCALE = 1/64



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Model
CUSTOM
Client
46 SUNNYPPOINT
TORONTO, ONTARIO

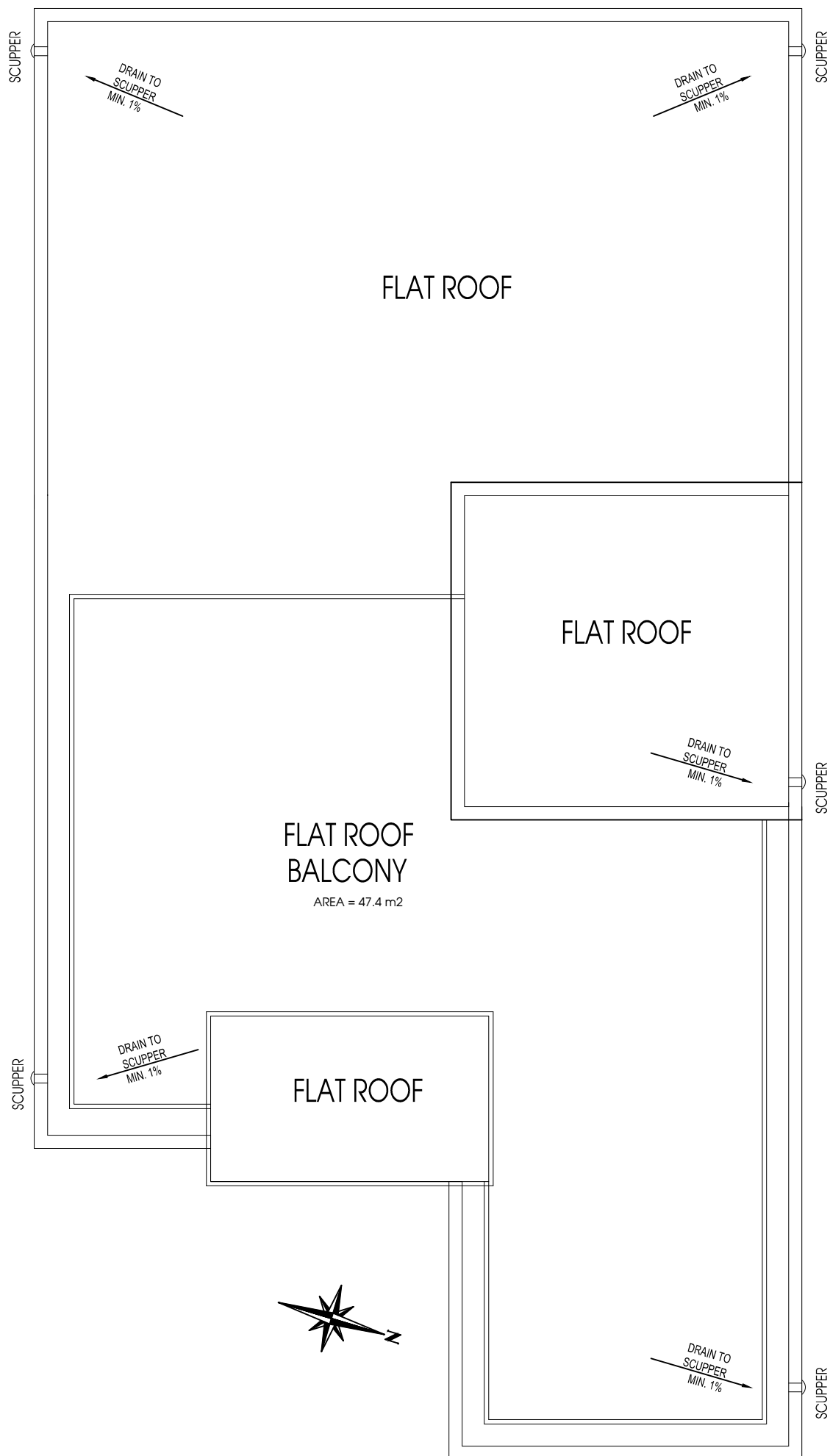
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5.				
4.				
3.	REVISED BLDG. LEGTH/ THIRD FLOOR REMOVED	DEC 22	JE	
2.	FOR COMMITTEE OF ADJUSTMENT	NOV 15	JE	
1.	FOR ZONING CERTIFICATE	AUG 17	JE	
No.	Description	Date	By	
I, PETER JARUCZIK DECLARE THAT I HAVE REVIEWED AND TAKE DESIGN RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF ARC DESIGN GROUP DEVELOPMENT SERVICES LTD. UNDER DIVISION C, PART 3, SUBSECTION 3.2.4. OF THE BUILDING CODE. I AM QUALIFIED, AND THE FIRM IS REGISTERED, IN THE APPROPRIATE CLASSES/CATEGORIES.				
Qualified Designer BCIN:		32051	Signature: 	
Firm BCIN:		35536		
Date:		DEC 2017		

Sheet Title THIRD FLOOR PLAN	
Project No. 17-001-15	Drawing No. A4
Scale 3/16" = 1'0"	Date DEC '17
Drawn by JE	Checked by PJ

LINTEL / BEAM SCHEDULE

B1	2/2"x8" (2/38x184)	SPR.#2
B2	3/2"x8" (3/38x184)	SPR.#2
B7	4/2"x8" (4/38x184)	SPR.#2
B7	5/2"x8" (5/38x184)	SPR.#2
L3	2/2"x10" (2/38x235)	SPR.#2
B3	3/2"x10" (3/38x235)	SPR.#2
B4	4/2"x10" (4/38x235)	SPR.#2
B8	5/2"x10" (5/38x235)	SPR.#2
L5	2/2"x12" (2/38x286)	SPR.#2
B5	3/2"x12" (3/38x286)	SPR.#2
B6	4/2"x12" (4/38x286)	SPR.#2
B9	5/2"x12" (5/38x286)	SPR.#2
L7	89x89x6.4 (3 1/2 x 3 1/2 x 1/4 L)	
L8	89x89x7.9 (3 1/2 x 3 1/2 x 5/16 L)	
L9	102x89x6.4 (4 x 3 1/2 x 1/4 L)	
L10	127x89x7.9 (5 x 3 1/2 x 5/16 L)	
L11	127x89x13 (5 x 3 1/2 x 1/2 L)	
L12	152x102x13 (6 x 4 x 1/2 L)	



METRIC SCALE = 1/64



Model

CUSTOM

Client

46 SUNNYPPOINT
TORONTO, ONTARIO

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5.			
4.			
3.	REVISED BLDG. LEGTH/ THIRD FLOOR REMOVED	DEC 22	JE
2.	FOR COMMITTEE OF ADJUSTMENT	NOV 15	JE
1.	FOR ZONING CERTIFICATE	AUG 17	JE
No.	Description	Date	By
<p>I, PETER JARUZCJ DECLARE THAT I HAVE REVIEWED AND TAKE DESIGN RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF ARC DESIGN GROUP DEVELOPMENT SERVICES LTD. UNDER DIVISION C, PART 3, SUBSECTION 3.2.4. OF THE BUILDING CODE. I AM QUALIFIED, AND THE FIRM IS REGISTERED, IN THE APPROPRIATE CLASSES/CATEGORIES.</p>			
Qualified Designer BCIN:		32051	Signature: 
Firm BCIN:		35536	
Date:		DEC 2017	

Sheet Title

ROOF PLAN

Project No.

17-001-15

Scale

Date

Drawn by
JE

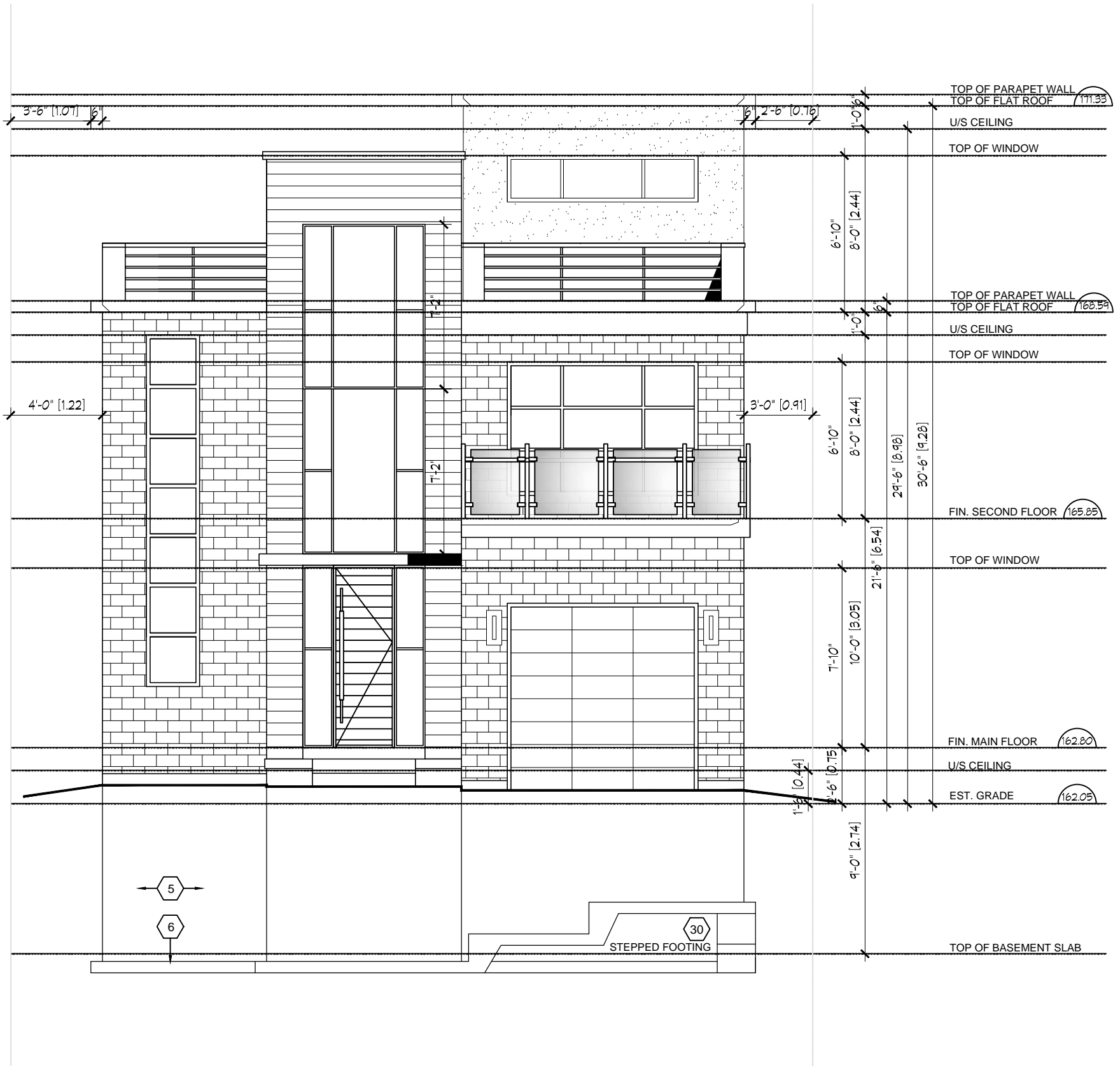
Checked by PJ

ving No

A5

LINTEL / BEAM SCHEDULE

L1	2/2"x8" (2/38x184) SPR.#2
B1	3/2"x8" (3/38x184) SPR.#2
B2	4/2"x8" (4/38x184) SPR.#2
B7	5/2"x8" (5/38x184) SPR.#2
L3	2/2"x10" (2/38x235) SPR.#2
B3	3/2"x10" (3/38x235) SPR.#2
B4	4/2"x10" (4/38x235) SPR.#2
B8	5/2"x10" (5/38x235) SPR.#2
L5	2/2"x12" (2/38x286) SPR.#2
B5	3/2"x12" (3/38x286) SPR.#2
B6	4/2"x12" (4/38x286) SPR.#2
B9	5/2"x12" (5/38x286) SPR.#2
L7	89x89x6.4 (3 1/2 x 3 1/2 x 1/4 L)
L8	89x89x7.9 (3 1/2 x 3 1/2 x 5/16 L)
L9	102x89x6.4 (4 x 3 1/2 x 1/4 L)
L10	127x89x7.9 (5 x 3 1/2 x 5/16 L)
L11	127x89x13 (5 x 3 1/2 x 1/2 L)
L12	152x102x13 (6 x 4 x 1/2 L)



METRIC SCALE = 1/64



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Model

CUSTOM

Client

46 SUNNYPPOINT
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5.			
4.			
3.	REVISED BLDG. LEGTH/ THIRD FLOOR REMOVED	DEC 22	JE
2.	FOR COMMITTEE OF ADJUSTMENT	NOV 15	JE
1.	FOR ZONING CERTIFICATE	AUG 17	JE
No.	Description	Date	By
I, PETER JARUCZIK DECLARE THAT I HAVE REVIEWED AND TAKE DESIGN RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF ARC DESIGN GROUP DEVELOPMENT SERVICES LTD. UNDER DIVISION C, PART 3, SUBSECTION 3.2.4. OF THE BUILDING CODE. I AM QUALIFIED, AND THE FIRM IS REGISTERED, IN THE APPROPRIATE CLASSES/CATEGORIES.			
Qualified Designer BCIN:		32051	Signature:
Firm BCIN:		35536	
Date:		DEC 2017	

Sheet Title

FRONT ELEVATION

Project No.

17-001-15

Scale

3/16" = 1'0"

Drawn by

JE

Date

DEC '17

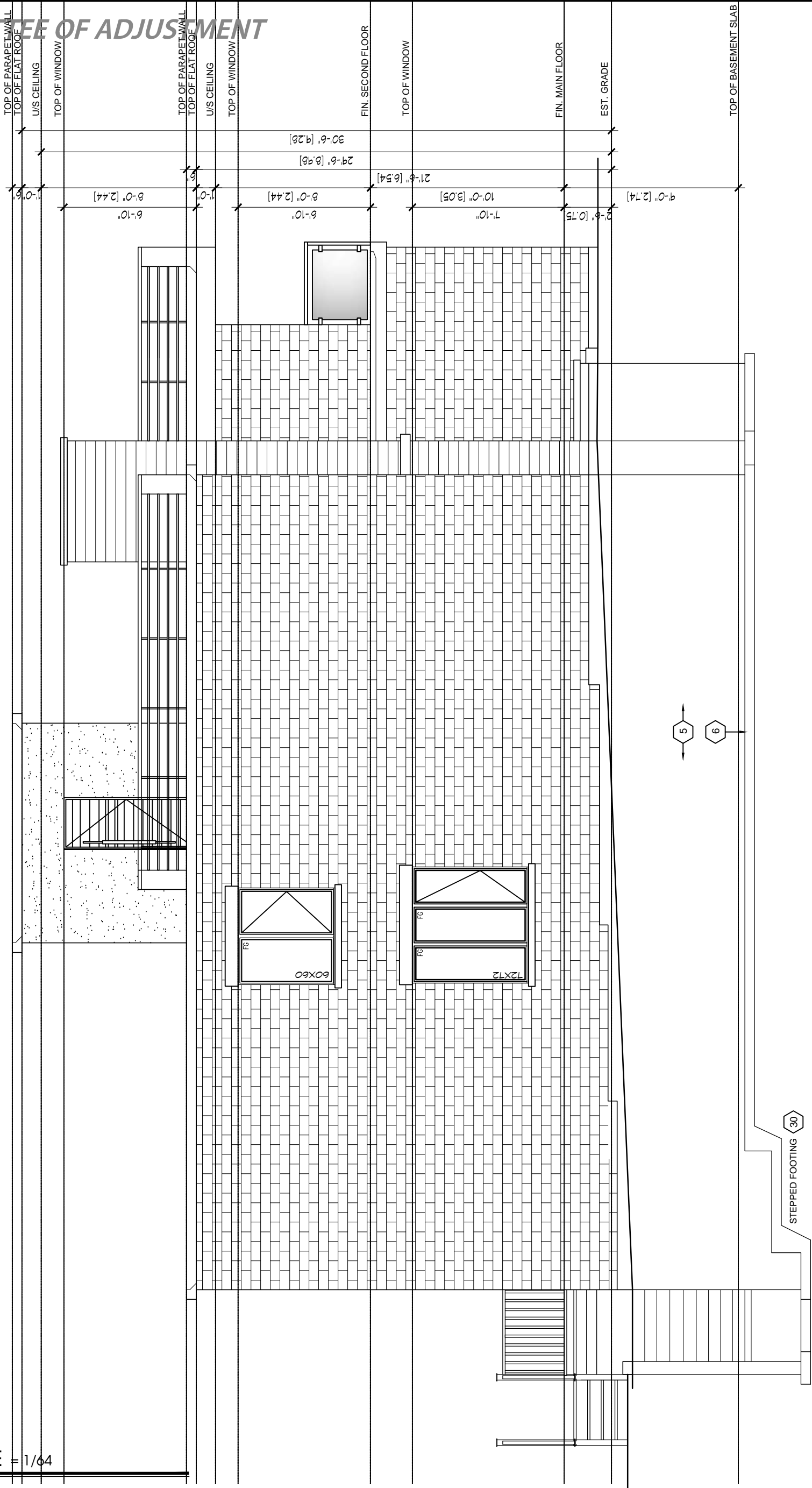
Checked by

PJ

Drawing No.

A6

FOR COMMITTEE OF ADJUSTMENT



METRIC SCALE = 1/64



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Model	CUSTOM
Client	46 SUNNYPPOINT TORONTO, ONTARIO
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5.			
4.			
3.	REVISED BLDG. LEGTH/ THIRD FLOOR REMOVED	DEC 22	JE
2.	FOR COMMITTEE OF ADJUSTMENT	NOV 15	JE
1.	FOR ZONING CERTIFICATE	AUG 17	JE
No.	Description	Date	By
I, PETER JARUCZIK DECLARE THAT I HAVE REVIEWED AND TAKE DESIGN RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF ARC DESIGN GROUP DEVELOPMENT SERVICES LTD. UNDER DIVISION C, PART 3, SUBSECTION 3.2.4. OF THE BUILDING CODE. I AM QUALIFIED, AND THE FIRM IS REGISTERED, IN THE APPROPRIATE CLASSES/CATEGORIES.			
Qualified Designer BCIN:		32051	Signature:
Firm BCIN:		35536	
Date:		DEC 2017	

Sheet Title	
LEFT SIDE ELEVATION	
Project No.	Drawing No.
17-001-15	A7
Scale	Date
3/16" = 1'0"	DEC '17
Drawn by	Checked by
JE	PJ

FOR COMMITTEE OF ADJUSTMENT

METRIC SCALE = 1/64



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Model

CUSTOM

Client

46 SUNNYPPOINT
TORONTO, ONTARIO

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5.			
4.			
3.	REVISED BLDG. LEGTH/ THIRD FLOOR REMOVED	DEC 22	JE
2.	FOR COMMITTEE OF ADJUSTMENT	NOV 15	JE
1.	FOR ZONING CERTIFICATE	AUG 17	JE
No.	Description	Date	By
I, PETER JARUCZIK DECLARE THAT I HAVE REVIEWED AND TAKE DESIGN RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF ARC DESIGN GROUP DEVELOPMENT SERVICES LTD. UNDER DIVISION C, PART 3, SUBSECTION 3.2.4. OF THE BUILDING CODE. I AM QUALIFIED, AND THE FIRM IS REGISTERED, IN THE APPROPRIATE CLASSES/CATEGORIES.			
Qualified Designer BCIN:		32051	Signature:
Firm BCIN:		35536	
Date:		DEC 2017	

Sheet Title

RIGHT SIDE ELEVATION

Project No.

17-001-15

Scale

3/16" = 1'0"

Date

DEC '17

Drawing No.

A8

Drawn by

JE

Checked by

PJ



METRIC SCALE = 1/64



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Model	CUSTOM
Client	46 SUNNYPPOINT TORONTO, ONTARIO
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5.			
4.			
3.	REVISED BLDG. LGTH/ THIRD FLOOR REMOVED	DEC 22	JE
2.	FOR COMMITTEE OF ADJUSTMENT	NOV 15	JE
1.	FOR ZONING CERTIFICATE	AUG 17	JE
No.	Description	Date	By
I, PETER JARUCZIK DECLARE THAT I HAVE REVIEWED AND TAKE DESIGN RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF ARC DESIGN GROUP DEVELOPMENT SERVICES LTD. UNDER DIVISION C, PART 3, SUBSECTION 3.2.4. OF THE BUILDING CODE. I AM QUALIFIED, AND THE FIRM IS REGISTERED, IN THE APPROPRIATE CLASSES/CATEGORIES.			
Qualified Designer BCIN: 32051		Signature: 	
Firm BCIN: 35536			
Date: DEC 2017			

Sheet Title		REAR ELEVATION	
Project No. 17-001-15		Drawing No. A9	
Scale 3/16" = 1'0"	Date DEC '17		
Drawn by JE	Checked by PJ		