

# DECISION AND ORDER

**Decision Issue Date** Thursday, August 09, 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): JAMES ALEXANDER BLASKO

Applicant: PMP DESIGN GROUP

Property Address/Description: 49 RAVENSCROFT CRCL

Committee of Adjustment Case File Number: 18 121736 NNY 24 MV

TLAB Case File Number: **18 161606 S45 24 TLAB**

**Settlement Hearing date:** Tuesday, August 07, 2018

**DECISION DELIVERED BY L. McPherson**

## APPEARANCES

<b>Name</b>	<b>Role</b>	<b>Representative</b>
<b>Jun Xiang</b>	<b>Owner</b>	<b>Michael Zhang</b>
<b>James Alexander Blasko</b>	<b>Appellant</b>	
<b>Earl Weiner</b>	<b>Participant</b>	

## INTRODUCTION

This is a Settlement Hearing before the Toronto Local Appeal Body (TLAB) in the matter of an appeal of the Committee of Adjustment (Committee) approval of a minor variance application by Mr. James Blasko. The TLAB was advised on July 25, 2018 that a Settlement had been reached between the Parties.

## BACKGROUND

On May 3, 2018, the Committee approved an application for minor variance to construct a new two storey dwelling (Exhibit 1). Planning staff recommended two conditions which were imposed by the Committee. These include that the proposed development be developed substantially in accordance with the submitted plans and that a permanent opaque screen or fence be provided along the east edge of the rear deck with a minimum height of 1.5 m.

## MATTERS IN ISSUE

The Parties entered into Settlement discussions which resulted in a reduction in the number and extent of the variances and a new condition to approval relating to a previously proposed east side stair and entrance (Exhibit 2). The revisions related to increased side yards, decreased length and decreased coverage. A total of four variances were deleted. The revised variances are as follows:

1. Chapter 900.3.10.(5). By-law No. 569-2013  
The minimum side yard setback required is 1.8 m.  
The east side yard setback proposed is 1.53 m.
2. Chapter 10.5.40.10.(5). By-law No. 569-2013  
A minimum of 10 m<sup>2</sup> of the first floor must be within 4.0 m of the front main wall.  
The first floor area proposed is 7.3 m<sup>2</sup> and is not within 4.0 m of the front main wall.
3. Chapter 10.20.40.10. (2). By-law No. 569-2013  
The maximum height of all side exterior main walls facing a side lot line required is 7.5 m for 100 % of the width of the walls.  
The height of the west side exterior main walls proposed is 8.01 m for 37 % of the width of the walls.
4. Chapter 10.20.40.10. (2). By-law No. 569-2013  
The maximum height of all side exterior main walls facing a side lot line required is 7.5 m for 100 % of the width of the walls.  
The height of the east side exterior main walls proposed is 8.01 m for 10 % of the width of the walls.
5. Chapter 10.20.40.20. (1). By-law No. 569-2013  
The maximum building length required is 17.0 m.  
The building length proposed is 18.18 m.
6. Chapter 10.20.40.30. (1). By-law No. 569-2013  
The maximum building length required is 19.0 m.  
The building length proposed is 20.74 m.

7. Chapter 10.5.40.60. (3). By-law No. 569-2013

The maximum width exterior stairs providing access to a building that is encroaching into a setback is 2.0 m.

The front stairs width proposed is 2.79 m.

8. Section 13.2.6, By-law No. 7625

The maximum building height required is 8.8 m.

The building height proposed is 9.29 m.

9. Section 13.2.5A, By-law No. 7625

The maximum building length permitted is 16.8 m.

The building length proposed is 23.38 m.

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

The minimum side yard setback required is 1.8 m.

The east side yard setback proposed is 1.53 m.

11. Section 6(30)a, By-law No. 7625

The maximum first floor height required is 1.5 m.

The first floor height proposed is 1.68 m.

## **JURISDICTION**

### **Provincial Policy – S. 3**

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

### **Minor Variance – S. 45(1)**

In considering the applications for variances from the Zoning By-laws, the TLAB Panel must be satisfied that the applications meet all of the four tests under s. 45(1) of the Act. The tests are whether the variances:

- maintain the general intent and purpose of the Official Plan;
- maintain the general intent and purpose of the Zoning By-laws;
- are desirable for the appropriate development or use of the land; and
- are minor.

## **EVIDENCE**

The TLAB heard from Mr. Zhang, the owner's representative and Mr. Blasko. Both were satisfied that the proposed variances represented the Settlement that had been reached. In addition to the revised variances, the owner has agreed to the conditions proposed which would restrict an exterior stair and entrance on the east side

of the proposed structure and impose the screening/fencing requirement recommended by staff.

Mr. E. Weiner also addressed the panel. He is in support of the Settlement but was concerned over the impact of construction of his property and other neighbour's property as a result of the construction of the foundation. The TLAB advised that the appropriate department to address any construction related issues was the City of Toronto Building Department.

## **ANALYSIS, FINDINGS, REASONS**

The TLAB has reviewed the file including the planning staff report and the Committee decision to approve the variances. While there was no professional evidence provided to the TLAB, I am satisfied upon review of the file that there are no outstanding issues of a planning nature that have not been addressed. No other issues were raised related to the Official Plan or provincial policy. The proposed dwelling maintains the single detached dwelling character of the neighbourhood. Potential impacts have been addressed through the proposed conditions. It is noted that plans to implement the revised variances had not been finalized at the Settlement Hearing and therefore no plans will be attached to the decision. It was agreed by the Parties that the revised variances, with the conditions, adequately address the Settlement.

The TLAB is satisfied that the revised variances, together with the proposed conditions, meet the criteria set out in Section 45(1) of the Planning Act. The general purpose and intent of the Official Plan and Zoning By-laws is maintained. The proposal results in an appropriate and desirable development for the subject property and the variances are considered minor in the context. The TLAB is satisfied that the variances are consistent with the Provincial Policy Statement and conform to the Growth Plan.

## **DECISION AND ORDER**

The decision of the Committee of Adjustment is set aside and the following variances are approved, subject to the conditions listed below:

1. Chapter 900.3.10.(5). By-law No. 569-2013

The minimum side yard setback required is 1.8 m.

The east side yard setback proposed is 1.53 m.

2. Chapter 10.5.40.10.(5). By-law No. 569-2013

A minimum of 10 m<sup>2</sup> of the first floor must be within 4.0 m of the front main wall.

The first floor area proposed is 7.3 m<sup>2</sup> and is not within 4.0 m of the front main wall.

3. Chapter 10.20.40.10. (2). By-law No. 569-2013

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The maximum first floor height required is 1.5 m.

The first floor height proposed is 1.68 m.

Conditions to Approval for Minor Variances

1. There will be no access stairs or entrance on the east side of the dwelling;
2. The Applicant is to provide permanent opaque screening or fencing along the east edge of the rear deck with a minimum height of 1.5 m from the floor of the deck.

X 

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Laurie McPherson

Panel Chair, Toronto Local Appeal Body