

DECISION AND ORDER

Decision Issue Date: Thursday, August 9, 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): RAHIM DAMJI

Applicant: HUY TRUONG

Property Address/Description: 5 BARRYDALE CRES

Committee of Adjustment Case File Number: 17 136478 NNY 25 MV

TLAB Case File Number: **17 255298 S45 25 TLAB**

Hearing date: Monday, July 30, 2018

DECISION DELIVERED BY S. MAKUCH

APPEARANCES

Name	Role	Representative
Rahim Damji	Appellant	
City of Toronto	Party	Alexander Suriano

INTRODUCTION

This is an appeal of a decision of the Committee of Adjustment refusing minor variances for the construction of a new detached dwelling. The City brought a motion, which was granted, to be added as a party to the appeal. The applicant and the City were the only parties to the appeal who appeared at the TLAB hearing of the appeal itself.

BACKGROUND

The original application before the Committee of Adjustment was for a dwelling which required five substantial variances with respect to building height, depth, and length. At the TLAB hearing the applicant presented plans for the dwelling with three significantly reduced variances. The City called no evidence but stated that the new plans were the result of a settlement.

MATTERS IN ISSUE

There were no issues arising from the settlement.

JURISDICTION

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').

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

I am satisfied that the proposed dwelling is not inconsistent with the PPS and conforms to the Growth Plan. Mr. Damji's evidence, which was not challenged by the City, was that the reduced variances, required for the revised plans meet the four tests under s. 45(1) of the Planning Act.

ANALYSIS, FINDINGS, REASONS

I accept Mr. Damji's evidence that the new remaining variances are all reduced from the original application. New notice is therefore not required. The variances meet the four tests as follows. (1) The dwelling respects and reinforces the character of the neighbourhood as required by the official plan. Two of the three variances are with respect to length and depth and will not be noticeable from the street. The height variance is 1.35 m and will result in a dwelling not out of keeping with other heights in

the neighbourhood. The variances, therefore, permit a dwelling in a residential neighbourhood, which maintains the general intent of the official plan. (2) The general intent of the zoning bylaw is to implement the policies of the official plan. The variances do this. (3) A dwelling the size and scale proposed is an appropriate development in this residential neighbourhood. (4) The variances are minor in that they cause no adverse impact.

DECISION AND ORDER

The appeal is allowed and the variances attached in Appendix 1 are approved subject to the conditions in Appendix 1.

Appendix 1

REVISED MINOR VARIANCES

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

The maximum permitted building length is 17.00m.
The proposed building length is 20.47m. .

2. Chapter 10.20.40.30.(1), By-law No. 569-2013

The maximum permitted building depth is 19.00m.
The proposed building depth is 23.74m.

3. Section 13.2.6, By-law No. 7625

The maximum permitted building height is 8.00m.
The proposed building height is 9.35m.

CONDITIONS OF APPROVAL

1. The minor variance approval is subject to the condition that construction of the building is substantially in accordance with the site and elevation plans (A1.0 and A3.0) dated April 27, 2018 and set out below.
2. Prior to issuance of the first building permit, the Owner shall satisfy conditions concerning City-owned and Privately-owned Trees, in particular, the Owner shall be required to apply for permits for permits to injure and/or remove trees, including an application to injure a 61 cm diameter City-owned linden and a private 60 cm diameter white mulberry, pursuant to Chapter 813 of the Toronto Municipal Code.

X 

S. Makuch
Panel Chair, Toronto Local Appeal









Approval Stamp:

Notes:

1) CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS ON THE PROJECT AND TO REPORT ANY DISCREPANCIES TO THE ARCHITECTS FOR REVIEW AND COMMENTS BEFORE PROCEEDING WITH THE WORK.

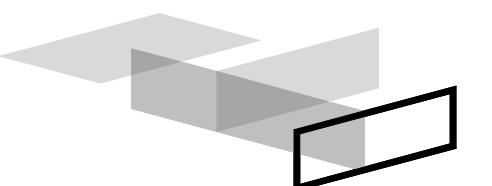
2) CONTRACT DOCUMENTS ARE COPYRIGHT OF THE CONSULTANTS AND SHALL NOT BE USED OR REPRODUCED WITHOUT AUTHORIZATION. DOCUMENTS ARE TO BE RETURNED UPON COMPLETION OF THE PROJECT.

3) DO NOT SCALE THE DRAWINGS

- | | |
|---|-------------------------|
|  | NEW INTERIOR PARTITION |
|  | NEW EXTERIOR PARTITION |
|  | NEW EXTERIOR PARTITION |
|  | NEW 1HR FIRE-RATED WALL |
|  | NEW FOUNDATION WALL |
|  | NEW FOUNDATION WALL |
|  | NEW FEATURE WALL |

[illegible]

Seal :



ELEMENTAL
ARCHITECTS INC.

312 BROWN'S LINE, ETOBICOKE, ON M8W 3T6 PH: (416) 910-0640

Designed By: <i>HT</i>	Project Title : Proposed Two Storey Detached Dwelling
Drawn By: <i>KL</i>	5 Barrydale Crescent, Toronto, ON, M3B 3E1

Checked By:	Drawing Name :
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HT	PROPOSED FLOOR PLANS
Project No.:	

15-0540

Scale:

As Shown

Date:

DEC 201

Drawing No.:	
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A 2.0



Date:	A 3.0
DEC. 2016	

A 3.0