

**Toronto Local Appeal Body** 

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

### **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 form 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 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

## Decision of Toronto Local Appeal Body Panel Member: S. MAKUCH TLAB Case File Number: 17 255298 S45 25 TLAB

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.

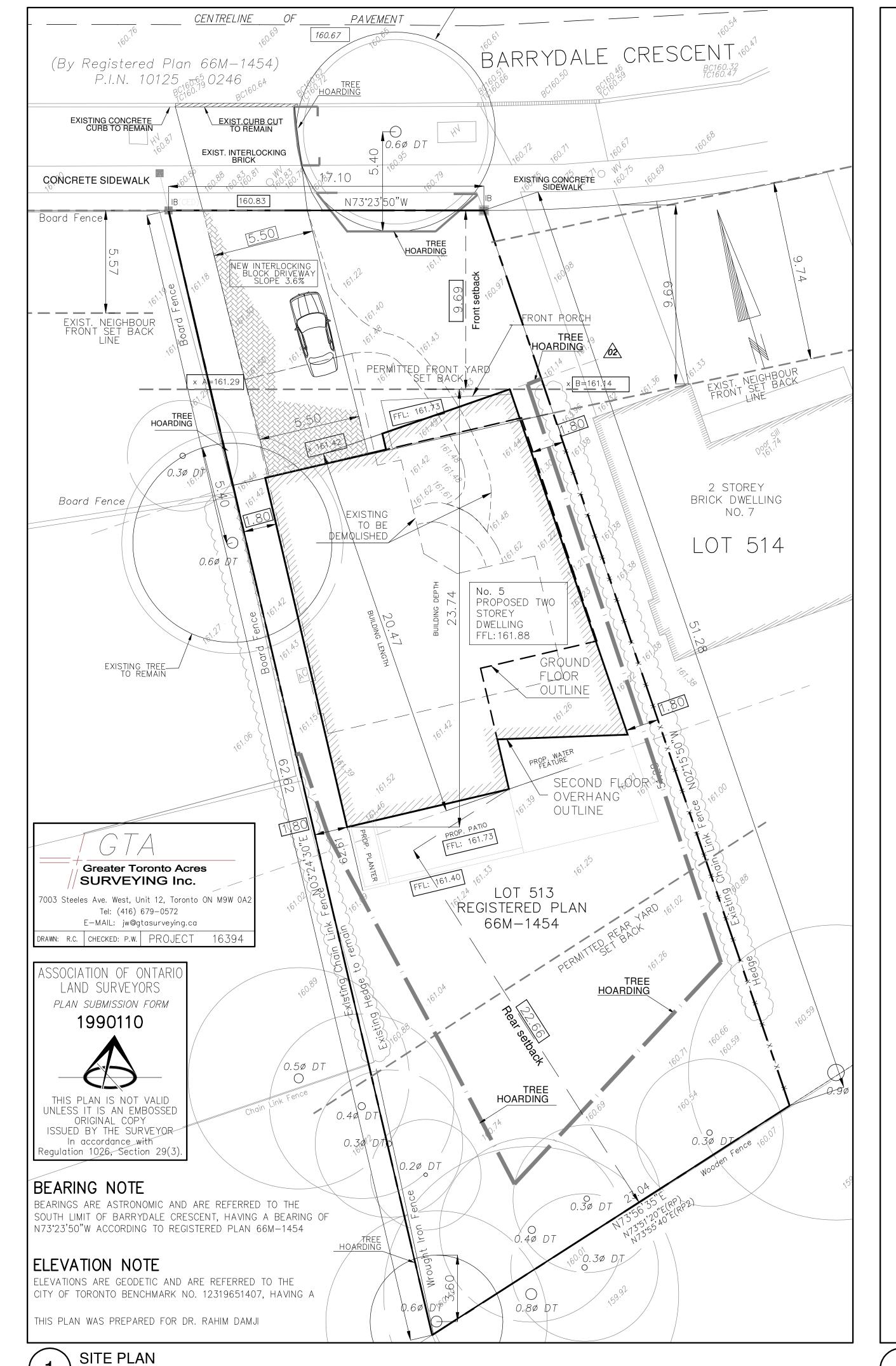
#### **CONDITIONS OF APPROVAL**

- 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.

S. Makuch

Panel Chair, Toronto Local Appeal

Saly M. Malane



LOT 513 REGISTERED PLAN 66M-1454 CITY OF TORONTO ADDRESS: 5 BARRYDALE CR. TORONTO CITY-WIDE ZONING BY-LAW No. 569-2013. ZONE: RD (f15.0; a550)(x5)

	<u>Permitted</u>	Proposed
Minimum Lot Area	N/A	1094.8 m²
Minimum Lot Frontage	15 m	17.10 m
Front Setback	9.69 m	9.69 m
Rear Setback	7.5m/ 25% of the lot depth	22.66 m
Side Setback (Right)	1.8 m	1.80 m
Side Setback (Left)	1.8 m	1.80 m
Maximum Roof Height (Flat Roof)	7.5 m	7.10 m
Maximum Roof Height (Sloped Roof 1:4)	10.0 m	8.8 m
Lot Coverage	Maximum 30% 328.4 m²	22.74% 249.9m²
Maximum Dwelling Length	17 m	20.47 m **
Maximum Building Depth	19 m	23.74 m **
Maximum Permitted balcony area		
FRONT	4.0 m²	3.79 m²
REAR	4.0 m <sup>2</sup>	3.6 m²

NORTH YORK ZONING BY-LAW (No. 7625) ZONE: R4 , Neighbourhood Denlow (Schedule Q) in District 8 (Schedule A)

	<u>Permitted</u>	Proposed
Minimum Lot Area	550 m²	1094.8 m²
Minimum Lot Frontage	15 m	17.10 m
Front Setback	9.69 m	9.69 m
Rear Setback	9.5m	22.66 m
Side Setback (Right)	1.8 m	1.80 m
Side Setback (Left)	1.8 m	1.80 m
Maximum Roof Height (Flat Roof)	8.0 m	7.56 m
Maximum Roof Height (Sloped Roof 1:4)	8.8 m	9.35 m **
Lot Coverage	Maximum 30% 328.4 m²	22.74% 249.9m²
Maximum Dwelling Length	16.8 m	20.47 m **
Maximum Permitted balcony area		
FRONT	3.8 m²	3.79 m²
REAR	3.8 m²	3.6 m <sup>2</sup>

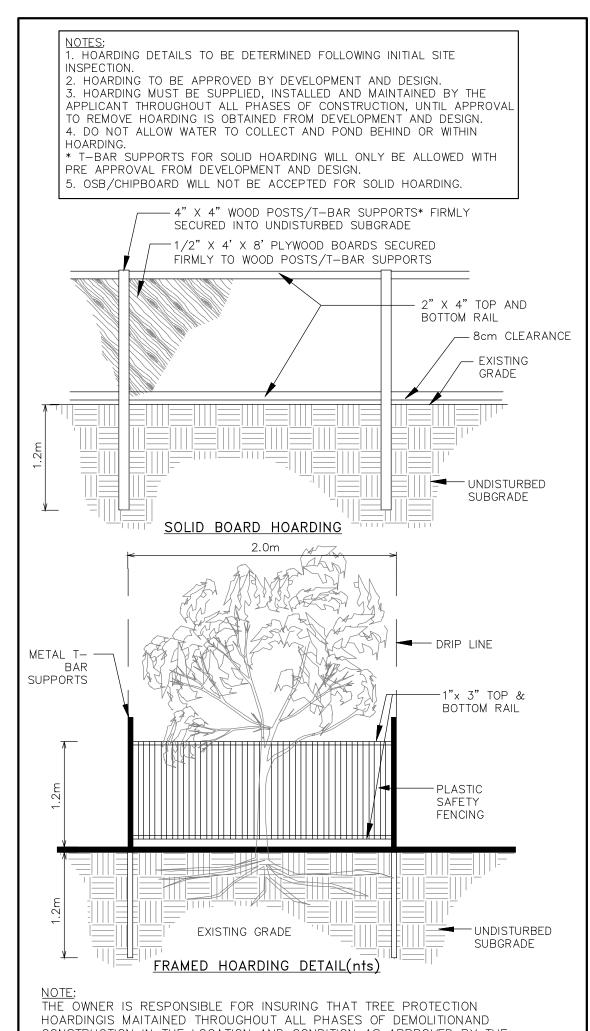
## LANDSCAPE AREA CALCULATION

	Permitted	Proposed
Driveway Width	max 6.58m	5.50 m
Front yard Landscaping area (minimum)	138.0 m² (60%)	138.6 m <sup>2</sup> (60.2%)
Front yard soft Landscaping area	103.5 m² (75% of required Landscaping)	138.6 m²(100%)
Back yard soft landscaping area	252 m² (min 50% of rear yard)	504 m² (100%)

## GROSS FLOOR AREA CALCULATION

	Existing	Existing to Remain	Proposed
Ground Floor (excluding garage)	140.0 m²	$0 \text{ m}^2$	206.5 m²
Second Floor (excluding void)	140.0 m²	$0 \text{ m}^2$	213.5 m²
Total G.F.A. (Excluding basement)	280.0 m²	0 m²	420.0 m²

\*\*COMMITTEE OF ADJUSTMENT CONSENT IS REQUIRED



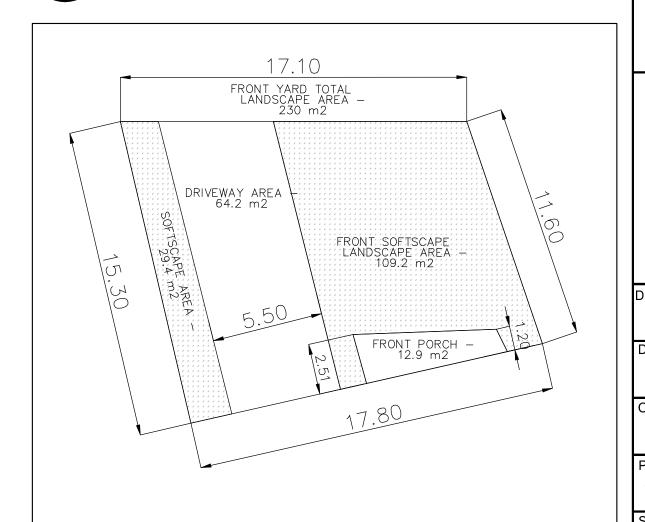
NOTE:
THE OWNER IS RESPONSIBLE FOR INSURING THAT TREE PROTECTION
HOARDINGIS MAITAINED THROUGHOUT ALL PHASES OF DEMOLITIONAND CONSTRUCTION IN THE LOCATION AND CONDITION AS APPROVED BY THE PLANNING AND BUILDING DEPARTMENT. NO MATERIALS (BUILDING MATERIALS, SOIL, ETC.) MAY BE STOCKPILED WITHIN THE AREA OF HOARDING, FAILURE TO MAINTAIN THE HOARDING AS ORIGINALLY APPROVED OR THE STORAGE OF MATERIALS WITHIN THE HOARDING WILL BE CAUSE FOR THE LETTER OF CREDIT TO BE HELD FOR TWO(2) YEARS FOLLOWING COMPLETION OF ALL SITE WORKS. OWNER SIGNATURE

# TREE HOARDING DETAIL

ESTABLISHED GRADE CALCULATION:

(Elev A + Elev B)/2 =(161.29 + 161.14)/2 = 161.22

# \ ESTABLISHED GRADE CALC.



FRONT YARD LANDSCAPE CALCULATION

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 WINDFIELDS LOCATION MAP

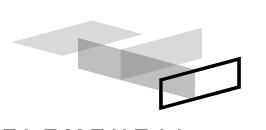
Issued for Zoning Certificate

Approval Stamp:

19 Dec. 2016 Issued for Z.C. notice 06 Feb. 2017 Reissued for Zoning Certificate 16 August 201 Revised design-issued for ZC 27 April 2018

> Owner: Rahim Damji 5 Barrydale Crescent Toronto, ON, M3B 3E1





ELEMENTAL

ARCHITECTS INC. 312 BROWN'S LINE. ETOBICOKE, ON M8W 3T6 PH: (416) 486-9618

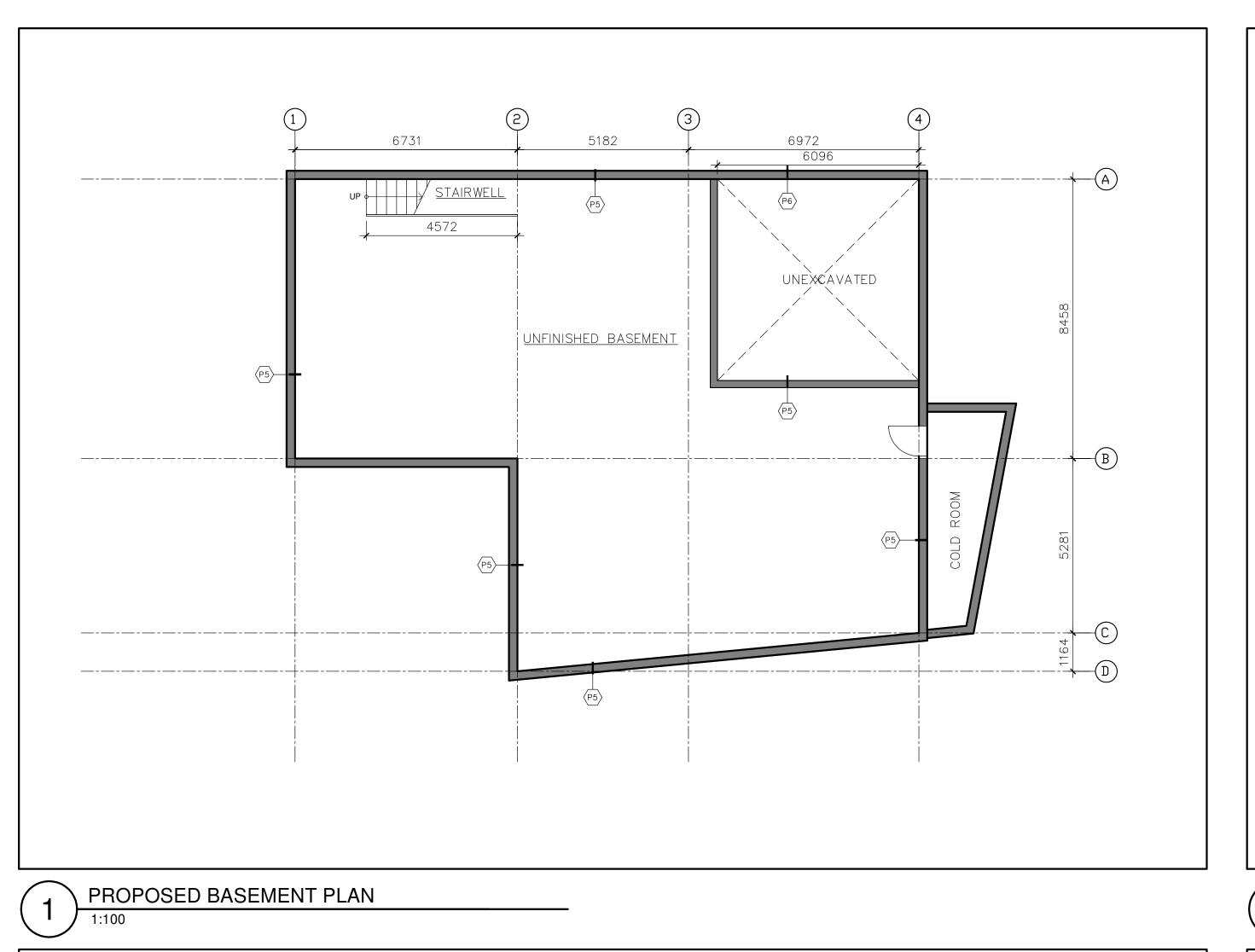
**Proposed 2-Storey Dwelling - Damji Residence** 5 Barrydale Crescent, Toronto ON, M3B 3E1 KL

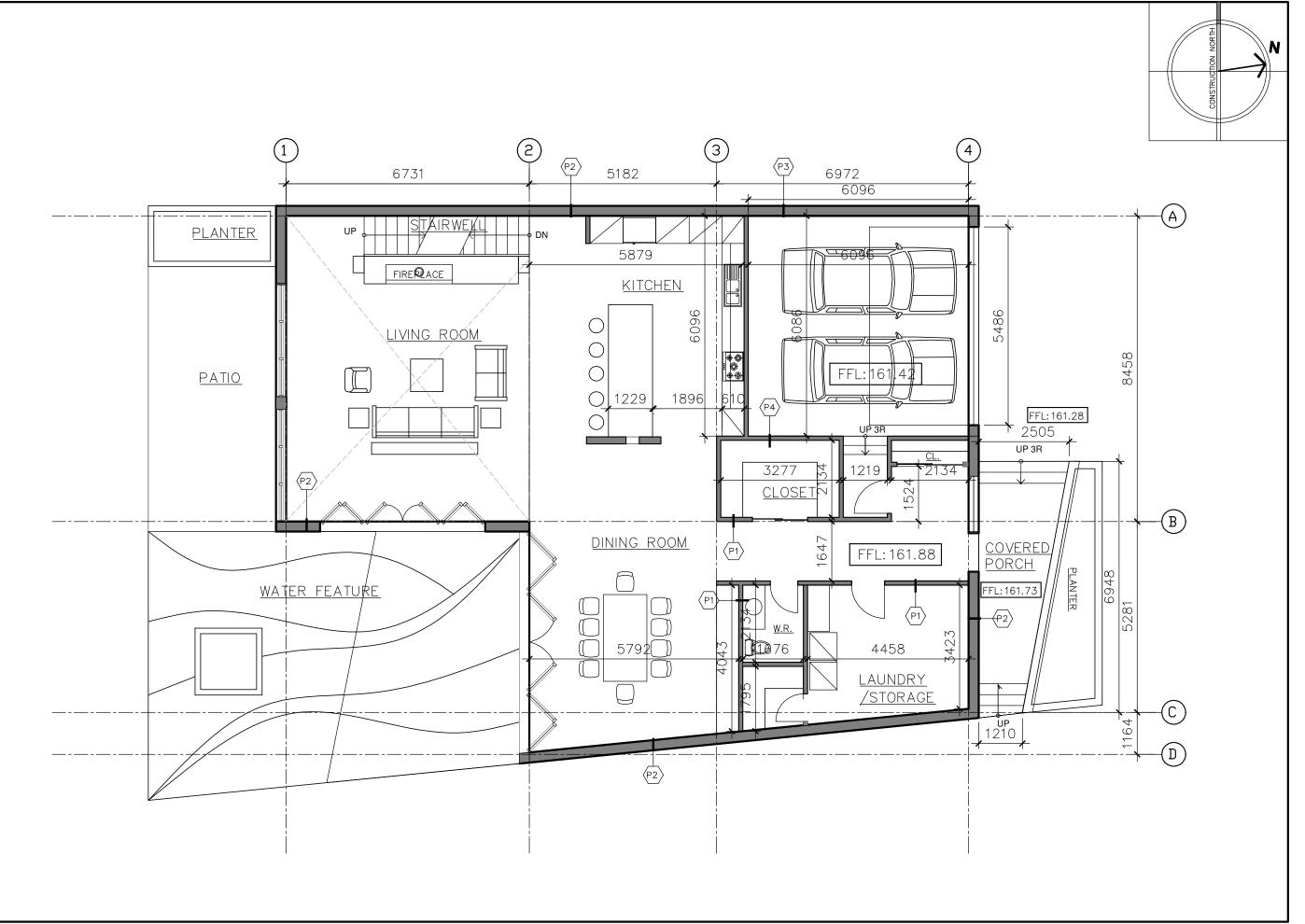
Drawing Name SITE PLAN, ZONING INFO, **GRADE CALCULATION,** Project No.: **LOCATION MAP, TREE** 

15-0540 **HOARDING DETAIL** Scale: Drawing No.:

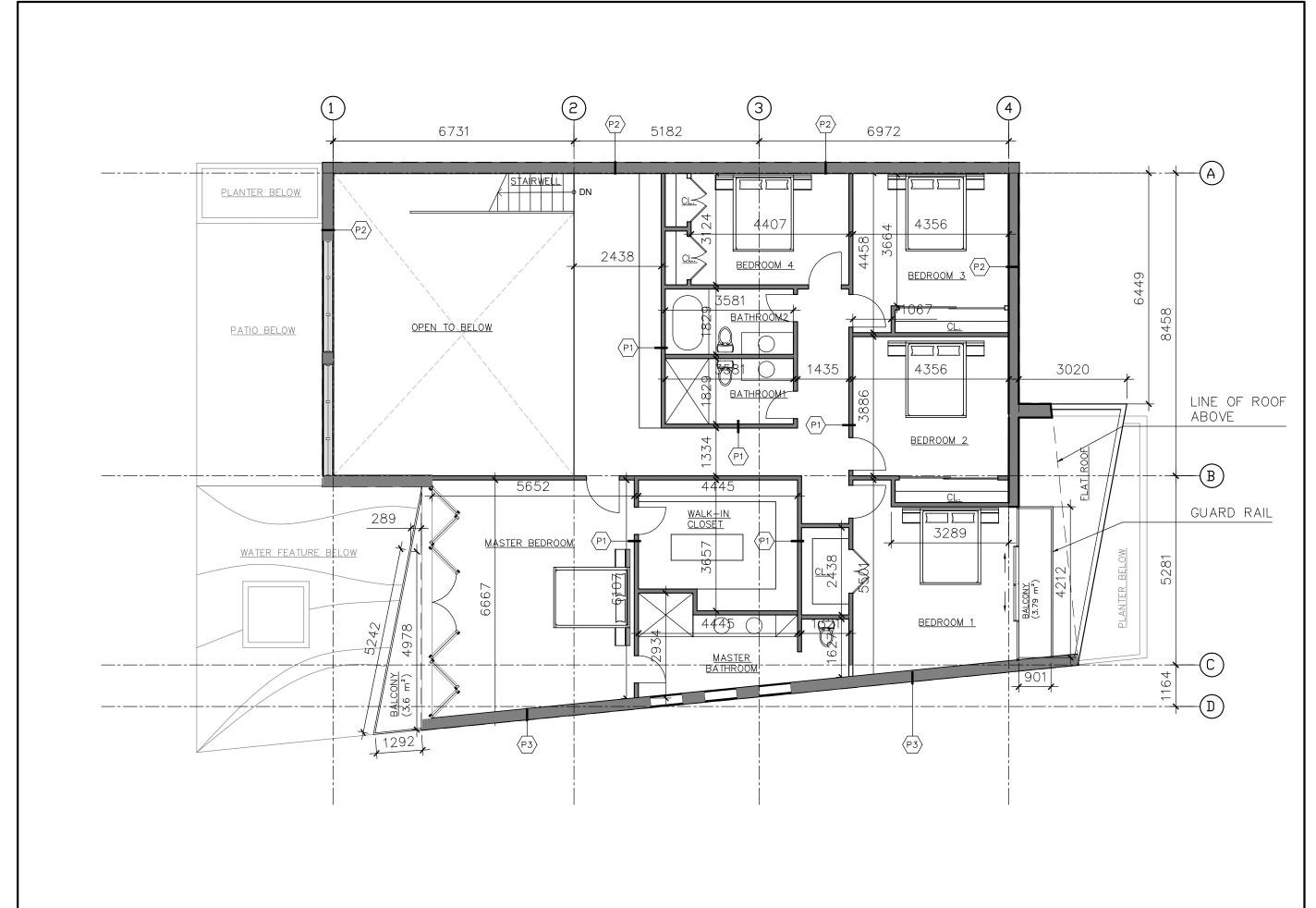
As Shown Date: DEC. 2016

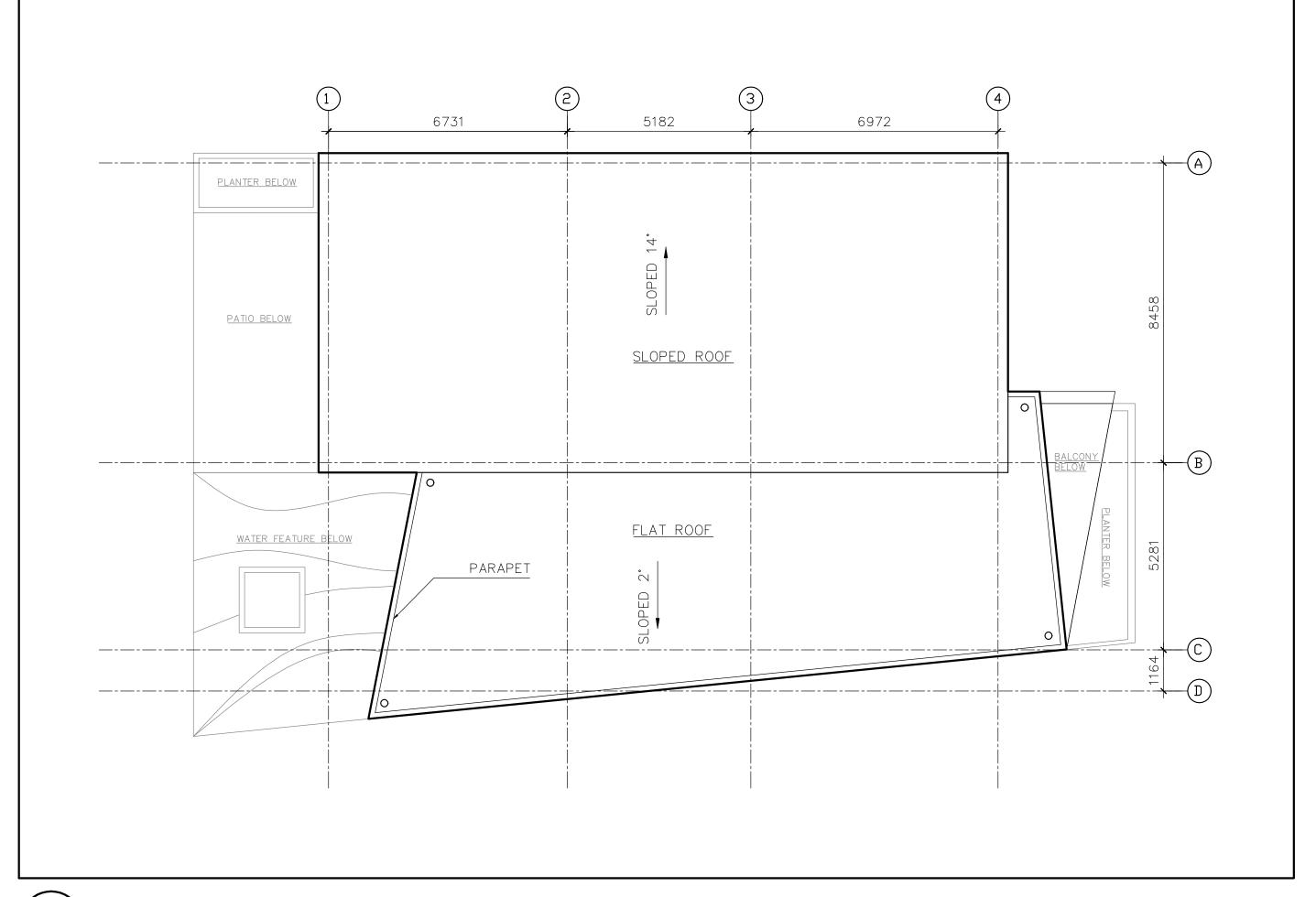
**ZONING INFORMATION** 





PROPOSED GROUND FLOOR PLAN
1:100





ELEMENTAL ARCHITECTS INC. 312 BROWN'S LINE. ETOBICOKE, ON M8W 3T6 PH: (416) 910-0640 Project Title : Proposed Two Storey Detached Dwelling
5 Barrydale Crescent, Toronto, ON,
M3B 3E1 Checked By: Drawing Name : **PROPOSED** FLOOR PLANS Project No.: 15-0540 Drawing No.: As Shown

Approval Stamp:

1) CONTRACTOR IS TO CHECK AND VERIFY ALL

2) CONTRACT DOCUMENTS ARE COPYRIGHT OF THE CONSULTANTS AND SHALL NOT BE USED OR REPRODUCED

WITHOUT AUTHORIZATION. DOCUMENTS ARE TO BE

(P1) NEW INTERIOR PARTITION

(P2) NEW EXTERIOR PARTITION (P3) NEW EXTERIOR PARTITION

(P4) NEW 1HR FIRE-RATED WALL

(P5) NEW FOUNDATION WALL

(P6) NEW FOUNDATION WALL

(P7) NEW FEATURE WALL

Issued for zoning certificate

13 Issued for Z.C. resubmission 04 Issued for Z.C. resubmission

02 Issued for Z.C. notice

19 Dec. 2016

06 Feb. 2017 16 Aug. 2017

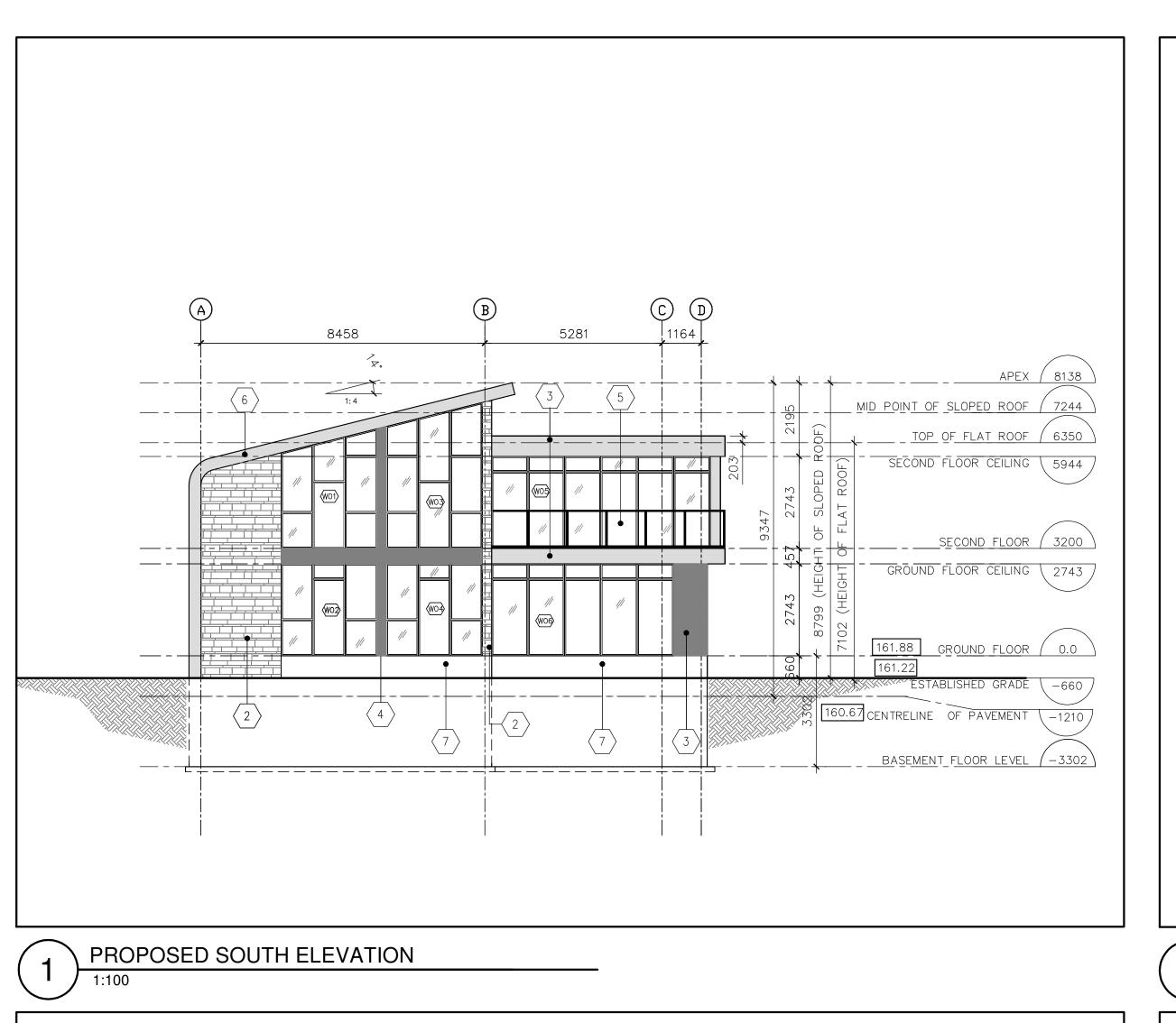
27 April 2018

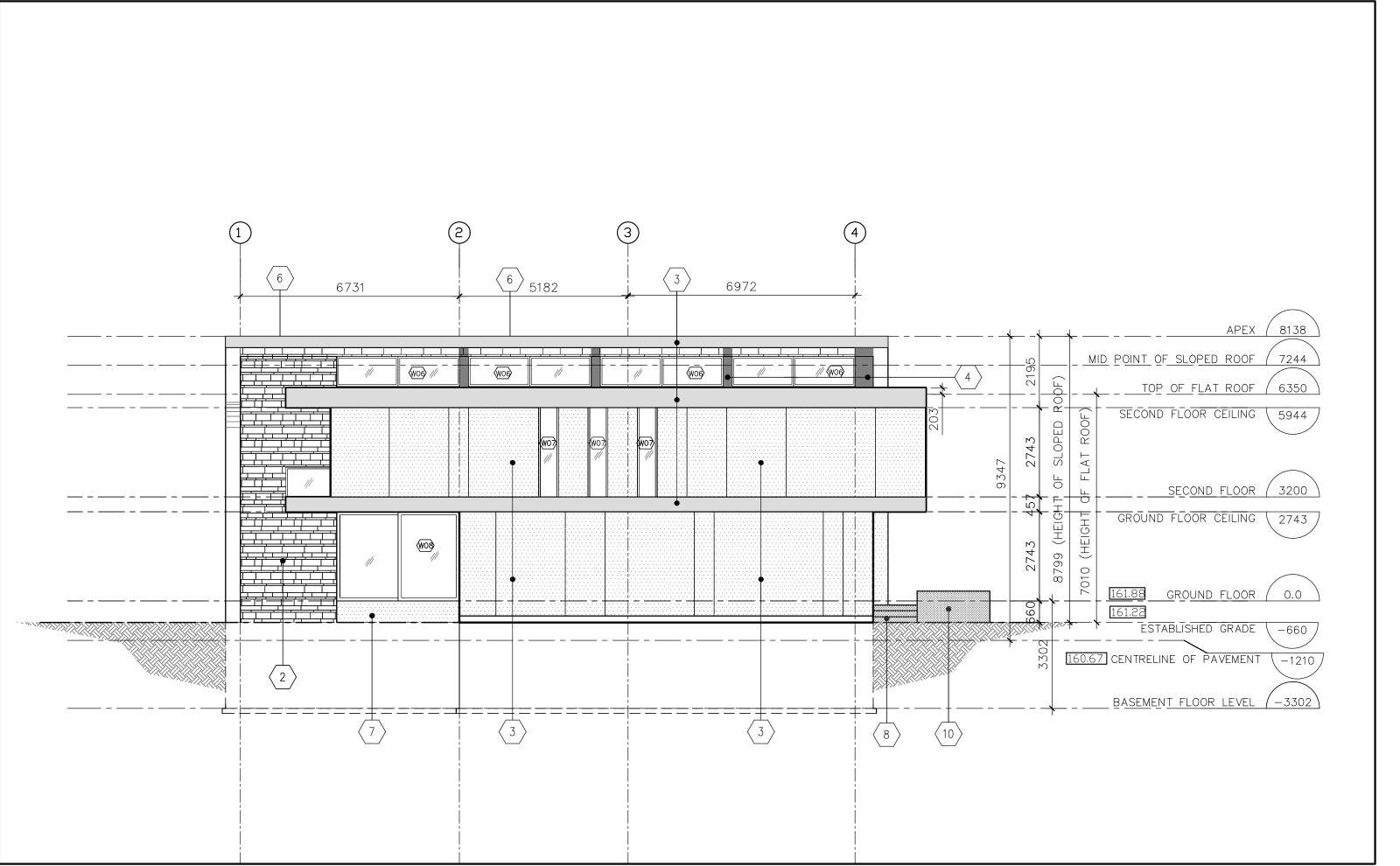
RETURNED UPON COMPLETION OF THE PROJECT.

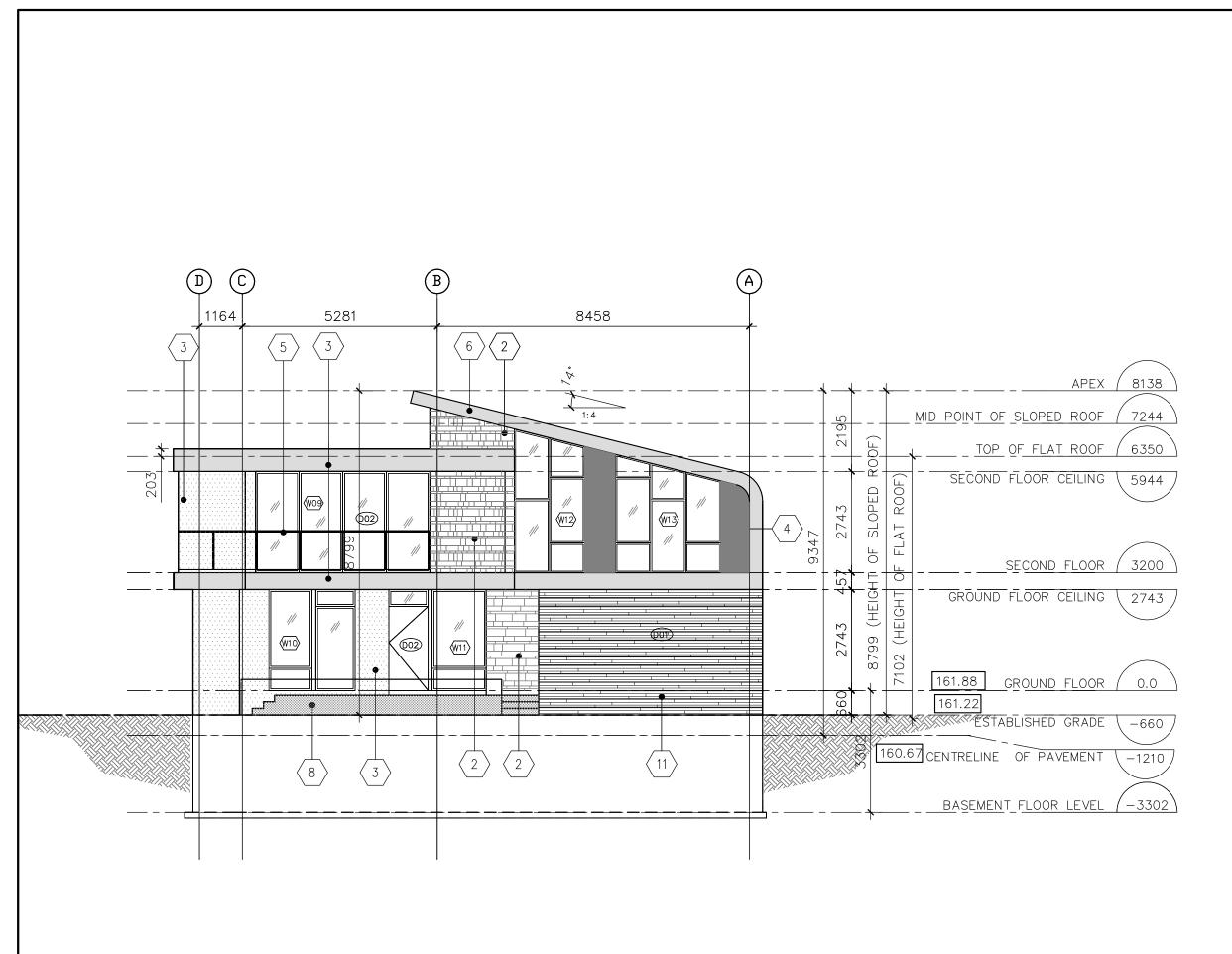
3) DO NOT SCALE THE DRAWINGS

PROPOSED SECOND FLOOR PLAN

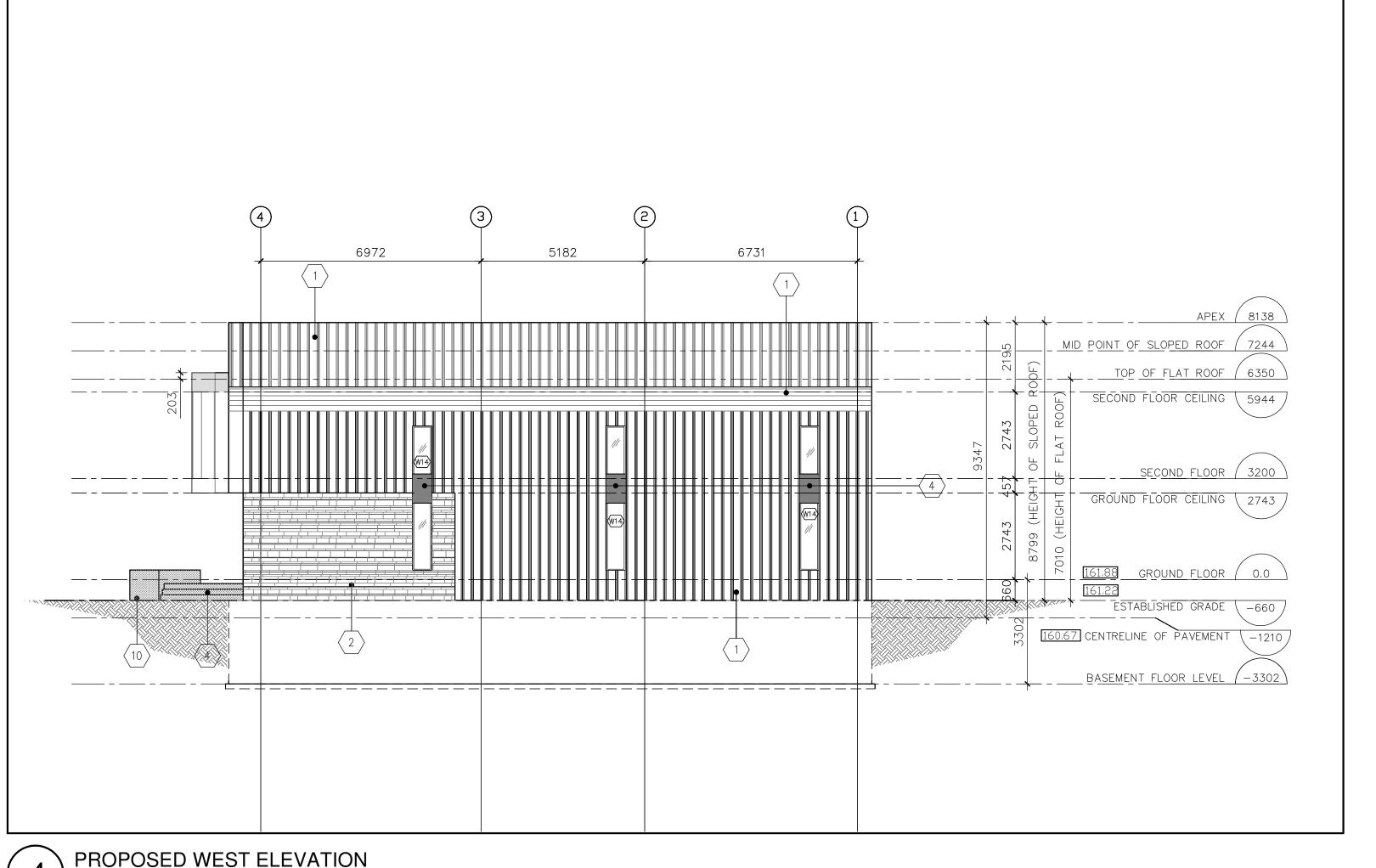
PROPOSED ROOF PLAN







PROPOSED EAST ELEVATION



PROPOSED NORTH ELEVATION

PROPOSED WEST ELEVATION
1:100

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

(1) VICWEST METAL ROOFING

 $\langle 2 \rangle$  stone cladding

 $\langle 3 \rangle$  Wall exterior panel 1

4 WALL EXTERIOR PANEL 2

5 GLASS GUARDS

6 METAL PANEL

7 DARK GREY CONCRETE

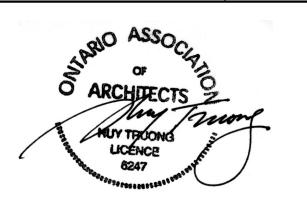
8 PORCH

9 SCREEN

(10) PLANTER

(11) 6' T&G CLEAR CEDAR

No.	Description	Date
01	Issued for zoning certificate	19 Dec. 2016
02	Issued for Z.C. notice	06 Feb. 2017
03	Issued for Z.C. resubmission	16 Aug. 2017
04	Issued for Z.C. resubmission	27 April 2018





	Designed By:  HT  Drawn By:  KL	Project Title: Proposed Two Storey Detached Dwelling 5 Barrydale Crescent, Toronto, ON, M3B 3E1
Ì	Checked By:	Drawing Name :
	HT	PROPOSED ELEVATIONS
	Project No.:	
	15-0540	
ĺ	Scale:	Drawing No.: