

DECISION AND ORDER

Decision Issue Date Tuesday, August 21, 2018

PROCEEDING COMMENCED UNDER Section 53, subsection 53(19), and Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): EKP DESIGNS INC

Applicant: EKP DESIGNS INC

Property Address/Description: 75 JASPER AVE

Committee of Adjustment Case File: 17 278635 WET 11 MV

TLAB Case File Number: **18 127897 S45 11 TLAB**

Hearing date: Friday, August 10, 2018

DECISION DELIVERED BY S. Makuch

APPEARANCES

Name	Role	Representative
MARIA GODINHO-SUAREZ	Owner/Party	
EKP DESIGNS INC	Applicant/Appellant	Eddie Peres

INTRODUCTION

This is an appeal from a decision of the Committee of Adjustment refusing five variances to permit the construction of a detached dwelling.

BACKGROUND

The applicant withdrew three of the five variances. In addition, the floor space index variance was reduced from 1.16 times coverage to 1.06 by reducing the footprint, a deck was removed from the proposal and the reduction in the east side yard setback was moved to the west side yard.

MATTERS IN ISSUE

No one appeared in opposition to the application and there were no negative reports regarding it.

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

Evidence was presented by Mr. Eddie Peres who was qualified to give expert planning evidence regarding minor variances as a result of designing buildings in conformity with the zoning bylaw and giving evidence regarding minor variances for over thirty years. It was his evidence that the variances as reduced and altered met the four tests of the Planning Act and affected no neighbours.

ANALYSIS, FINDINGS, REASONS

I have no reason to disagree with the evidence of Mr. Peres and concur, on hearing this evidence, that the variances now sought as amended, meet the four tests. Moreover, I find they are consistent with the PPS and conform with the Growth Plan. No new notice is required for the reduction and alteration of the variances.

DECISION AND ORDER

The appeal is allowed in part and the following variances are approved:

1) SECTION 10.80.40.40. (1)(A), BYLAW 596-2013

The permitted maximum floor space index is 0.8 times the area of the lot (185.8 m²).

**Decision of Toronto Local Appeal Body Panel Member: S. Makuch
TLAB Case File Number: 18 127897 S45 11 TLAB**

The new dwelling will have a floor space index equal to 1.06 times the area of the lot (247.28 m²).

2) SECTION 10.80.40.70. (3)(A), BY-LAW 569-2013

The minimum required side yard setback is 1.2m.

The new dwelling will be located 0.61 m from the west side lot.

X 

S. Makuch
Panel Chair, Toronto Local Appeal