

DECISION AND ORDER

Decision Issue Date Thursday, August 16, 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): NAVIDI MEHRSHAD

Applicant: ARCICA INC

Property Address/Description: 90, 92 JOHNSTON AVE

Committee of Adjustment Case File Number: 17 134874 NNY 23 CO, 17 134858 NNY 23 MV, 17 134868 NNY 23 MV

TLAB Case File Number: **17 221529 S53 23 TLAB, 17 221530 S45 23 TLAB, 17 221531 S45 23 TLAB**

Hearing date: Wednesday, August 01, 2018

DECISION DELIVERED BY L. McPherson

APPEARANCES

Name	Role	Representative
ARCICA INC	Applicant	
NAVIDI MEHRSHAD	Owner/Appellant	Amber Stewart
FRANCO ROMANO	Expert Witness	
CITY OF TORONTO	Party	Daniel Elmadany
VICTORIA FUSZ	Expert Witness	
XIN (WILL) ZHOU	Expert Witness	

INTRODUCTION AND BACKGROUND

This is an appeal to the Toronto Local Appeal Body (TLAB) by the owner (Applicant) of the refusal by the Committee of Adjustment for the City of Toronto (Committee) of applications for consent to sever one lot into two lots and associated minor variances to construct two single detached dwellings (the proposal).

The property is located at 90 Johnston Avenue (subject lands).

The subject lands are designated Neighbourhoods in the City of Toronto Official Plan (the Official Plan) and are zoned RD (f15.0; a550)(x5) under Zoning By-law No. 569-2013 (By-law 569-2013) and R4 under North York Zoning Bylaw No. 7625 (By-law 7625).

The proposed lots would have a frontage of 7.62 m and a lot area of 301.3 m². The minor variance application would permit the development of a single detached residential dwelling on each lot. The proposed variances and conditions are set out in Exhibit 1 and are in respect to the following matters:

- (a) reduced lot area;
- (b) reduced lot frontage;
- (c) reduced side yard setbacks;
- (d) increased lot coverage;
- (e) increased height of side walls; and,
- (f) increased building height (By-law 7625 only)

The City was a Party to the proceedings. There were no Participants.

MATTERS IN ISSUE

The primary issue in this appeal is whether the creation of two undersized lots and the resultant single detached dwellings respect and reinforce the existing physical character of the neighbourhood. In addition, a 10 cm diameter City-owned tree on the boulevard is proposed to be removed.

JURISDICTION

Provincial Policy – S. 3

A decision of the 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).

Consent – S. 53

TLAB must be satisfied that a plan of subdivision is not necessary for the orderly development of the municipality pursuant to s. 53(1) of the Act and that the application for consent to sever meets the criteria set out in s. 51(24) of the Act. These criteria require that " regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2 of the Planning Act;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
 - (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2)

of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

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 the Applicant's professional land use planner, Mr. Franco Romano, and the City's professional land use planner, Ms. Victoria Fusz, and the City's witness in forestry and arboriculture Mr. Xin (Will) Zhou.

The Evidence of Franco Romano

Mr. Romano was qualified to give professional planning opinion evidence. He described the subject lands and the surrounding area (Exhibit 2 -Document Book, Exhibit 3a-Witness Statement, 3b Visuals and 3c Decision Summary).

The subject lands are located within the former municipality of North York, west of Yonge Street, south of Sheppard Avenue West and forms part of the Willowdale community. Johnston Avenue is a local road that runs generally east-west, three blocks south from Sheppard Avenue and about four blocks north of Highway No. 401. The neighbourhood is proximate to the North York Centre, a designated intensification area and an urban growth centre. In addition, Sheppard Ave is subject to a Secondary Plan for higher intensity uses. Both Yonge Street and Sheppard Ave are well served by transit which includes surface transit and high order subway service. Similarly, both major streets contain a mixture of land uses. There are a variety of community services and facilities located on the local road network within the community.

Mr. Romano explained that the proposal is to subdivide the existing lot into two lots. On each lot, a 2-storey detached dwelling with an integral garage would be constructed (Exhibit 2 -Tab 10 and 11). A 6.5 m front yard setback to Johnston Ave is proposed to create an appropriate front wall alignment with the neighbours and along the street. The building length is 16.6 and is varied with articulation. The rear yard setback would be over 16 m. The proposed coverage is 32%. Height is measured differently in each By-law. Under By-law 7625, the proposed height is 9.1 m, because the centerline of the road is lower than grade. The original plans did not preserve either street tree however the easterly dwelling was flipped to permit one tree to remain. Mr. Romano noted that a permit would be required for each City tree, one to injure the tree being retained and

one to remove the tree affected by the driveway. These permits are subject to Urban Forestry's approval and conditions. The existing driveway width is 3.2 m and the minimum required driveway is 2.6 m and therefore the driveway could be reduced by 0.6 m. In addition the driveway could be curved.

Mr. Romano indicated that there has been regeneration occurring within the overall neighbourhood area zoned for detached dwellings in the form of consents, replacement buildings and building additions (Exhibit 3b - photos).

Mr. Romano identified a study area for his review of the neighbourhood containing 765 properties (Exhibit 3b). The boundaries of the study area are generally west of the mixed use lands along Yonge Street to the west, the north side of Bogert Ave to the north, the south side of Cameron Ave to the south and the east side of Easton Ave to the east. The area has the same building type, similarly zoned for single detached dwellings and designated Neighbourhoods.

The lot study map includes 6 categories of lot frontages in 1.8 m increments. The map demonstrates that is a range of lot frontages in the neighbourhood from 4.9 m to 22.8 m and a range of lot areas from 194 m² to 881 m². He noted that certain streets such as Cameron Ave and Poyntz Ave have lots that are shallower than Johnston Ave. In his opinion, what is being proposed fits in with what is occurring in the neighbourhood.

Within his study area, Mr. Romano noted that the western area (generally west of Pewter Road) has a greater number of larger lots and the eastern area has a greater number of smaller lots. East of Pewter Road there are a number of 7.62 m lots and smaller (small lots) scattered throughout the area. He noted that there are a variety of zoning categories within the study area with various minimum frontage requirements including a 9.0 m (the south side of Johnston Ave), 12 m (north of the subject lands) and to 15 m (the north side of Johnston Ave). Within the vicinity of the subject lands there are small lots including the lot abutting the subject lands to the east, north of the subject lands to east and west and in the southeast quadrant of Botham Rd and Johnston Ave. Mr. Romano referred to 72 Johnston Ave, on the northeast corner of Johnston Ave and Botham Rd which was proposal in 2017 for two 7.62 m lots of similar lot area (Exhibit 3a, pg 36). Mr. Romano noted that staff did not object to those applications. He considers the site at 72 Johnston Ave, 4 lots to the east, to be within the nearby context of the subject lands.

In Mr. Romano's opinion, regardless of the where the line is drawn to distinguish a boundary, the proposal represents a reasonable reflection of what is happening in the neighbourhood. Mr. Romano referred to the Official Plan (Exhibit 2 -Tab 4) and Policy 4.1.5 which states that development in established neighbourhoods will respect and reinforce the existing physical character of the neighbourhood and sets out criteria for new development. Mr. Romano distinguished the criteria in Section 4.1.5 based on the direction of the relevant area for review. Policy 4.1.5 c) refers to heights massing and scale and dwelling type of nearby residential properties. Policy 4.1.5 f) refers to prevailing patterns of rear and side yard setbacks and landscaped open spaces. Policy 4.1.5 b) refers to the size and configuration of lots without a further distinction as to the area of study, which in Mr. Romano's opinion, would direct a review of lot size and

configuration based on the overall neighbourhood. Mr. Romano identified a number of older and more recent consent approvals to create lots that are undersized relative to the zoning by-law throughout the study area in his decision summary (Exhibit 3b).

He noted that Policy 4.1.5 identifies a number of other matters to be reviewed in considering the physical character of the neighbourhood. The decision summary demonstrated that a lot coverage of 32%, as proposed, is common and proportionate to lot size. Similarly, side yard setback reductions the same or less than what is proposed are common. He noted an example of a consent and variance approval where Urban Forestry would not allow a tree to be removed resulting in the dwelling containing a garage but no driveway.

Mr. Romano noted that some of the consent approvals took place under the former North York Official Plan which had an expressed direction to preserve larger lots, while the current Official Plan does not indicate a preference to preserve larger lots.

Mr. Romano noted that new development typically results in larger dwellings occupying more space on each lot and generally located to the front central portion of the lot with modest side yard setbacks. Landscaped open space is typically located within the front and rear yards with the latter forming the main amenity space. In terms of parking, the more recent trend is to incorporate integral garages as part of the built form which may result in a split level first floor, which is a permitted by the zoning by-laws.

In his opinion, the development of each individual property is characterized by zoning attributes that may comply in some instances and not comply in others and may differ from one property to the next. The physical character of the lot fabric is varied and has evolved over time forming part of the neighbourhood's physical character. The result, in his opinion, is a compatible, stable residential neighbourhood.

With respect to provincial policy, Mr. Romano identified a number of policies within the PPS that are relevant, specifically Policies 1.1.1, 1.1.2, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.4.1, 1.4.3, 1.6 and 4.0. In his opinion, the proposal properly implements the policy thrust and direction provided for in the PPS, particularly as it relates to achieving an appropriate mix and range of housing, optimizing the use of land and making better, more efficient use of existing infrastructure.

In Mr. Romano's opinion, the proposal conforms to, and does not conflict with, the Growth Plan, in particular Policies 1.2.1, 2.2.1, 2.2.2, 2.2.6, 5.1, 5.2. The proposal appropriately implements intensification policies that achieve the objective of complete communities with transit-oriented growth focused within settlement areas in delineated areas where a diverse range and mix of land uses residential is to be achieved.

Mr. Romano advised that the Official Plan permits modest intensification within Neighbourhoods in accordance with the Urban Structure policies in Section 2.3.1, the Housing policies found in Section 3.1.2, and in accordance with the Neighbourhoods land use designation and development criteria found in Section 4.1. The policies call for a full range of housing within neighbourhoods and direct that the housing stock be maintained and replenished. Mr. Romano referred to a summary of census data (Exhibit

3a) to demonstrate that within the larger area, the single detached housing stock is declining. In his opinion, the proposed lot size and configuration is represented in the neighbourhood and within proximity to the subject lands. In his view, and based on his visual evidence and summary data, the proposed building siting, size, height, scale and massing is appropriate for each lot and compatible with the neighbourhood. In Mr. Romano's opinion, the Built Form policies have been implemented. The proposed dwellings frame the street in an appropriate manner with the front door visible and accessible. The garage and the main floor are close to grade. The development provides adequate light and privacy. The trees have been preserved where possible. In his opinion, there is nothing unusual about the variances sought and they are typical of the physical character of the neighbourhood.

Section 4.1.8 indicates that the zoning will set standards for compatibility. Mr. Romano noted that that is neighbourhood continues to evolve and it is not uncommon to vary the by-law which contributes to the neighbourhood character. The City has recognized this and has changed the zoning in this neighbourhood through studies to make it easier to redevelop without the need for minor variances. Prior to Zoning By-law 569-2013, the City introduced additional zones in this area to recognize the lot sizes. More recently, a study was completed for the block closer to Yonge Street in recognition that the zoning no longer reflected what was on the ground.

In summary, it was Mr. Romano's opinion that the variances are modest and reflective of the neighbourhood character and the proposal achieves compatible site development that respects and reinforces the neighbourhood character and conforms to the general intent of the Official Plan.

In Mr. Romano's advised that the purpose of the zoning by-law is to provide for orderly, compatible site development given a site's context. In his opinion, this is maintained by the proposal. The proposal is for single detached dwellings. The proposed coverage continues to allow an appropriate amount of open space. The proposed side yards provide for adequate access for servicing and spatial separation. The ground floor is close to grade and oriented towards to street. The proposed dwellings maintain a 2-storey low-rise profile. In his opinion, the proposal will contribute to the mixed housing character of the neighbourhood while incorporating compatible and complementary built form and site design characteristics. In his opinion, the intent and purpose of the zoning by-law is maintained.

In Mr. Romano's opinion, the proposal is desirable for the appropriate use and development of the land. The proposal represents an appropriate, reasonable and compatible site development which is well represented elsewhere in the neighbourhood.

In Mr. Romano's opinion, the proposal creates no unacceptable adverse impacts such as shadowing, privacy or overlook. The proposed lot size and built form is reasonable within the subject property's physical context and is reflective of the neighbourhood. The proposed variances are in keeping with the numeric range of approvals in the neighbourhood. In his opinion, the minor variances are minor.

With respect to the consent, it was Mr. Romano's opinion that a plan of subdivision is

not necessary to facilitate the severance proposal. There are no new roads or easements required. With respect to the consent criteria of Section 51(24), it was his opinion that the proposal satisfies each criteria individually and cumulatively. The proposal represents a gentle form intensification with no adverse impacts that conforms to the Official Plan. There are roads and services available. The lots are rectangular and reflect the diversity of lot dimensions within the area.

In summary, in Mr. Romano's opinion, the proposal represents a modest and gentle form of intensification and results in a site development which is compatible with its physical context with no unacceptable adverse impacts. Mr. Romano recommends that the proposal be approved subject to the conditions in Exhibit 1.

The Evidence of Xin Zhou

Mr. Xin Zhou was qualified to give expert opinion evidence in the field of urban forestry and arboriculture (Exhibit 8 – Witness Statement). He advised that there are four trees protected by the City Tree By-law on the subject lands - two on the City road allowance and two on private property in the rear yard (Exhibit 9 – air photo).

The City owned trees include 2 sugar maple trees measuring 10 cm in diameter planted by the City in 2009. They are considered healthy and maintainable. These trees replaced a 50 cm Catalpa tree which was in declining condition. In Mr. Zhou's opinion, these trees should be retained. The proposal would require the removal of the western most tree as a result of the proposed driveway location. The other tree would be outside of the tree protection zone.

The two private trees are Manitoba maple trees measuring 37 cm and 39 cm in diameter. Mr. Zhou advised that the 37 cm tree is in poor condition and the 39 cm tree is healthy. The proposal would only affect the 37 cm tree and Urban Forestry does not object to its removal, subject to a replacement tree as per the conditions.

In Mr. Zhou's opinion, the consent and minor variance applications fail to meet the general intent and purpose of the Official Plan, particularly Sections 2.3.1 and 3.4. Further, he opined that the proposal fails to adhere to the relevant policy and guideline directions adopted by City Council including the Every Tree Counts and Toronto's Strategic Forest Management Plan and have a negative effect on the urban forest in the neighbourhood. In his opinion, the proposed lot severance would not provide suitable planting space on the City road allowance to allow a new tree to be planted as a replacement when construction is complete. Mr. Zhou referred to the Planning Act and was the opinion that the applications fail to satisfy Section 2(a) and (s) dealing with the protection of ecological systems and climate change and Section 51(24)(a) as they necessitate the removal of trees.

With respect to the Official Plan, Mr. Zhou referred to policies 2.3.1.5 and 3.4.1 dealing with environmental sustainability and preserving and enhancing the urban forest and opined that the proposal does not conform to or maintain the general intent and purpose of the Official plan and does not support the City's goal to improve the tree canopy coverage.

Mr. Zhou provided the TLAB with a summary of other urban forestry guidelines and Council policy direction. In 2006, Council adopted a recommendation that a least one tree should be in front of every dwelling and recognized the benefits of trees the desire to protect healthy trees. In 2016, Council adopted the Tree Planting Strategy to further support expanding the urban forest. In his opinion the proposal does not align with the recommendation to increase tree canopy. The Every Tree Counts study indicated that the most effective strategy for increasing the average tree size and tree canopy is to preserve and manage existing trees. In 2013, the City adopted the Urban Forest Plan which included the strategic goal of increasing canopy cover through protection of the existing forest and setting targets for tree planting. He advised that this is being accomplished through the various policies and by-laws.

In Mr. Zhou's opinion, the applications should not be approved; however, if approved by TLAB, Mr. Zhou recommended that two conditions be imposed related to an application for tree removal and any required cash-in-lieu payments.

Under cross-examination, Mr. Zhou acknowledged that the Applicant would be required to apply to injure or remove a tree that could result in changes to the site plan that might affect the viability of retaining the tree. This process is outside of the TLAB process. Ms. Stewart referred Mr. Zhou to Policy 3.1.2.1 d) of the Official Plan which are the Built Form policies and direct new development to be located and organized to fit with its existing and/or planned context and sets out a number of directions. Subsection d) directs: "preserving existing mature trees wherever possible and incorporating them into landscaping designs". Mr. Zhou confirmed that the City tree in question at 10 cm in diameter did not qualify as a mature tree.

The Evidence of Ms. Fusz

Ms. Fusz was qualified to give professional planning opinion evidence (Exhibit 10 – Witness Statement package). She provided an overview of the proposal and the area. Ms. Fusz explained the West Lancing Zoning Study (Exhibit 13) which was undertaken in May, 2018 for the block west of Yonge Street generally from the south side of Franklin Ave to the north side of Poyntz Ave. The Study was initiated by Council in response to the evolving character of the area as a result of the number of consents taking place to determine whether the existing zoning of the lots was still representative of the emerging character. As a result, the zoning by-laws were updated (By-laws 644-2018 and 645 -2018) to amend the minimum frontage requirements to 7.5 m, the minimum lot area to 300 m² and side yard setbacks to 0.9 m and 1.2 m in recognition of the emerging character of this area of smaller lots. Ms. Fusz noted that the original study area for the Study was reduced after public input and the northern boundary was changed to the north side of Johnston Ave.

The By-laws are under appeal. Once in force, all of the lots in the area would comply with the zoning frontage requirements.

Ms. Fusz's neighbourhood study area (Exhibit 12) was similar to Mr. Romano's but included Easton Road to the west. Her study area included 833 detached houses (vs. 765 lots in Romano's lot study). She indicated that there are various zones found within

the study area and the notable distinction between the zones is the minimum lot frontage and area. She identified three character areas within the overall study area.

The first character area consists of all lots west of Pewter Road where the overwhelming majority of the lots either comply with or exceed the minimum lot frontage requirements (12 m and 15 m). She noted a few exceptions of undersized lots that were historic.

The second character area consists of all lots west of Beaman Rd and Botham Rd, including the subject lands. She noted that lots within this area are subject to a greater range of zones with frontages ranging from 9 m to 15 m and that lots within this character area are generally reflective of the zones in which they are located with the exception of lots on Cameron Ave which have been subject to consents. She described an OMB decision where a consent application was approved on the north side of Cameron and the OMB indicated that the proposed 7.6 m frontage was not a huge variation from the required 9.0 m frontage. Within the subject property's block, there is one stand alone lot, adjacent to the subject lands, which is 7.62 m lot and dates back to the plan of subdivision. There is some variation in lot size on the south side of Cameron Ave in this block as the zoning requirement is for a 9.0 m frontage and all of the lots comply. A proposal for consent at 89 Johnston Ave was refused by the OMB.

The third character area consists of all lots east of Beaman and Botham Roads. Lots within this character area are also subject to a range of zones, as above. She indicated that the emerging character within this area is that of narrower frontages generally created through applications for consent. It is noted that this character area includes the original study area for the West Lansing Zoning Study.

There are approximately 75 lots that are comparable to the proposed lots of which 44 are located within the eastern portion of the neighbourhood, the majority of which are now compliant based on the new zoning (Exhibit 12). The remainder include some historic lots in the western portion of the neighbourhood and some of which were created through consent, mainly on Cameron Avenue with some north of the subject lands.

Ms. Fusz is in opposition to the application for consent to create 2 lots as the proposal does not comply with two of the consent criteria of the Planning Act - Sections 51(24)(c) and (d) as discussed below.

In terms of provincial policy, Ms. Fusz advised that in her opinion the applications conform to and are consistent with Growth Plan and the PPS, respectively. She noted that under the PPS, Policy 4.7 states: "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans". Similarly, the Growth Plan, under Policy 5.2.5.8 indicates that any development is subject to the relevant municipal planning policies and approval process. She advised that applications must be assessed against the Official Plan, which in this case is the Neighbourhoods designation.

With respect to Section 51(24)(c)) of the Planning Act (Official Plan conformity), Ms. Fusz referred to Section 2.3.1 of the Official Plan which indicates that neighbourhoods are considered physically stable areas and development will respect and reinforce the existing physical character. Further, Section 4.1 of states that “physical changes to our established Neighbourhoods must be sensitive, gradual, and generally ‘fit’ the existing physical character”. Policy 4.1.5 sets out development criteria for development in order that new development respects and reinforces the existing physical character of the neighbourhood including b) size and configuration lots. In her opinion, the proposed lots are not characteristic of the central part of the neighbourhood.

With respect to Section 51(24)(f) (size and configuration of lots), in Ms. Fusz’s opinion, the size of the proposed lots do not respect and reinforce the existing physical character of the neighbourhood. In her opinion, the central area has remained stable and has not experienced the same degree of change as other areas and the proposed 7.62 m lots would not be consistent with the surrounding area. She opined that if the proposed frontages are approved, the streetscape of Johnston Avenue would be changed and other applications would follow.

She noted that although there are lots in the neighbourhood of comparable size, the majority of those lots are reflective of an emerging character of the third character area or are historic in nature.

With respect to the variance applications, Ms. Fusz indicated that her concern related to the size of the proposed lots. She did not provide evidence on any of the other proposed variances. She referred to her visual evidence (Exhibit 11) which showed houses in the east character area that are a result of severances. In her opinion, these houses are very different in character than what currently exists on the north and south side of Johnston Ave, west of Botham Rd. The removal of the larger trees and the replacement with smaller trees is also changing the streetscape.

Ms. Fusz referred to Official Plan 320 (OPA 320) which amends the Official Plan Neighbourhood policies. She noted that OPA 320 incorporates the word “prevailing” into the development criteria of “size and configuration of lots”. While OPA 320 has been appealed to the OMB and not determinative to her opinion, she advised that it would support her delineation of character areas and her opinion that the proposal does not fit the existing physical character of the neighbourhood. Ms. Fusz referred to two examples of decisions made prior to OPA 320 which support the notion of defining different character areas within a neighbourhood (80 Cameron Ave and 89 Johnston Ave).

With respect to the Zoning By-law, Ms. Fusz advised that the minimum standards for lot frontage are to ensure consistent patterns of development in order to preserve the look and feel of established neighbourhoods. In her opinion, the proposed lots do not maintain the same development patterns as lots within the character areas, which generally reflect the zone requirements. If approved, this pattern of consents would creep further west and would start to change the area significantly and destabilize the block and character of the area. She indicated that there are certain areas where 7.5 m

lots are considered appropriate. The recently approved Zoning By-laws for the eastern area do not justify for small lots in the central area.

In her opinion, the proposal does not meet the general intent and purpose of the zoning by-law.

In Ms. Fusz's opinion, the requested variances are not desirable for the appropriate development of the land. She indicated that the majority of the applications for consent and minor variance that have been approved are in the first block west of Yonge Street. She noted this pattern of development could be repeated elsewhere in the central character area which would alter the existing physical character and lotting pattern of the area and would be contrary to the Neighbourhoods policies that growth is to be sensitive and gradual.

In terms of minor, it is Ms. Fusz's opinion that the requested variances are not minor as they would start to change the character of the block as the pattern of development would continue further west. She noted that the further west from Yonge Street, the lots are larger. In terms of impact, she agrees with the evidence of Mr. Zhou regarding the trees and that the Official Plan directs that the trees be preserved where possible.

In summary, Ms. Fusz recommended that the appeals be dismissed.

ANALYSIS, FINDINGS, REASONS

The key issue in this Hearing is whether the creation of two lots with a frontage of 7.62 m conforms the Official Plan direction that new development respect and reinforce the physical character of the neighbourhood. The provincial policy context supports intensification within the framework of municipal planning policy, in this case, the Official Plan. While the Official Plan recognizes that some physical change within neighbourhoods will occur over time, any change must be sensitive, gradual and generally fit the existing character. The framework for this assessment is set out in Section 4.1.5. In addition, any proposal must have regard for the Built Form policies of the Official Plan.

In terms of the consent application, the panel must consider Section 51(24) of the Planning Act with particular regard to (c) whether the plan conforms to the official plan and adjacent plans of subdivision; and (f) the dimensions and shapes of the proposed lots. The panel is satisfied that a plan of subdivision is not required for the subject lands.

In respect to criteria (c), both planners undertook a neighbourhood study area analysis in order to determine the existing physical character of the area. Both of the study area limits and the results were similar. I agree with Mr. Romano that the Official Plan criteria does not require that proposed lot size be the predominate lot size. The applicable criteria for fit, found in Section 4.1.5 of the Official Plan, does not direct an evaluation based on the prevailing or predominate size and configuration of lots in a neighbourhood at this time. However, while it is important to assess the neighbourhood

as a whole, it is also important to assess patterns of development at a finer level to ensure “fit” within a specific context as patterns can vary.

Although each planner used different categories of lot frontage to demonstrate lot size, both of the lot studies demonstrated that, throughout the neighbourhood, there are a significant variety of lot sizes. Part of the variation recognizes the three zoning categories within the study area, each with a different lot frontage minimum. It is common for the zoning on the opposite side of the same street to be different. The range in lot size is also the result of numerous severances that have taken place, particularly in the eastern section of the neighbourhood, which has been recognized in the recent City Zoning Study and resulting By-laws. In addition, there have been a concentration of severances in the southern part of the central section and a number scattered to the north of the subject lands.

On a finer level of analysis, the lot studies also demonstrate that there are a number of small lots within the vicinity of the subject lands. This is partially the result of the existing zoning where the lots on the south side of Johnston are zoned for a minimum frontage of 9.0 m frontage while the lots on the north side are zoned for a minimum frontage of 15 m. Lots to the north of the subject lands are zoned for a minimum frontage of 12 m. This results in a variation of lot sizes along the same street and between streets. There is a small lot adjacent to the subject lands to the east. Within the quadrant of Botham Road and Johnston Ave there are number of lot sizes including small lots similar to the proposal.

The City Study and resulting By-laws did not result in a prohibition of smaller lots in the overall area, it merely recognized that the eastern area character has evolved over time and the existing zoning no longer reflected the character.

The panel finds that, in the context of the site's location, the proposed severance would fit within the pattern of development and would respect and reinforce the existing physical character of the neighbourhood. The proposal maintains the predominant built form of detached dwelling units.

With regard to the issue of the City tree, the TLAB understands the importance of maintaining and enriching the City's tree canopy. The plans were revised to maintain one of the City trees. Within the policy context of the Official Plan, the subject tree is not a mature tree. The Applicant would be required to apply to the City for a permit to remove or injure a tree under the Municipal Act which leaves the ultimate decision regarding the future of the tree in the City's jurisdiction. As noted by Ms. Stewart and acknowledged by Mr. Zhou, it is possible that there may be options to retain the tree or address the City's objectives in other ways. The Official Plan recognizes that trees may be removed. In this panel's opinion, the retention of a tree that is not classified as mature is not sufficient reason to refuse the consent application. There is a separate process that will determine the ultimate disposition of this issue.

The City raised the concern of precedent if the application is approved. The evidence was that the three zoning categories largely reflect the actual minimum lot sizes. As a result, there may be less opportunity to subdivide the smaller lots without lot

consolidation. The Official Plan and Zoning by-law provide appropriate direction and criteria for the consideration of such consent proposals and each application would be considered on its own merits based on the specifics of the proposal and its context such as its size and location.

The remaining issues relate to whether the proposed variances satisfy the four tests under s. 45(1) of the Act. Ms. Fusz did not provide any evidence on the variances other than the proposed lot frontage and resulting lot area. The panel accepts the uncontradicted evidence of Mr. Romano. The coverage variances is minimal, the proposed setbacks have been approved before in this area, the front door will address the street with a small landing, the side wall height variance is for only a portion of the side wall. The height variance under By-law 7625 is the result of the grade of the street. No overall height variance is required under By-law 569-2013.

The TLAB is satisfied that the variances, both individually and cumulatively, maintain the general intent and purpose of the standards set out in the Zoning By-laws, are minor and desirable for the reasons reported.

In addition, the TLAB is satisfied that the Applications are consistent with the 2014 Provincial Policy Statement and conform to the 2017 Growth Plan.

DECISION AND ORDER

The TLAB orders:

1. The appeals are allowed and provisional consent is granted subject to the conditions set out in Exhibit 1, attached;
2. The variances to the Zoning By-laws set out in Exhibit 1 are authorized, subject to the conditions contained therein.

X 

Laurie McPherson
Panel Chair, Toronto Local Appeal Body

90 Johnston Avenue – Part 1 (West Lot)

Case File Number: 17 221529 S53 TLAB
Property Address: 90, 92 Johnston Ave.
Date Marked: April 16, 2018

- 1. Chapter 10.20.30.40, By-law No. 569-2013**
The maximum permitted lot coverage is 30% of the lot area. The proposed lot coverage is 32% of the lot area.
- 2. Chapter 10.20.40.70, By-law No. 569-2013**
The minimum required side yard setback is 1.8m. The proposed west side yard setback is 0.9m.
- 3. Chapter 10.20.40.70, By-law No. 569-2013**
The minimum required side yard setback is 1.8m. The proposed east side yard setback is 0.9m.
- 4. Chapter 10.5.40.10.(5), By-law No. 569-2013**
A minimum of 10m² of the first floor must be within 4m of the main front wall. The proposed first floor within 4m of the main front wall is 2.2m².
- 5. Chapter 10.5.40.60(1), By-law No. 569-2013**
The minimum required side lot line for the front porch is 1.8m. The proposed front porch is 1.15m from the side lot line.
- 6. Chapter 10.20.30.20, By-law No. 569-2013**
The minimum required lot frontage is 15m. The proposed lot frontage is 7.62m.
- 7. Chapter 10.20.30.10, By-law No. 569-2013**
The minimum required lot area is 550m². The proposed lot area is 301.3m².
- 8. Chapter 10.20.40.10, By-law No. 569-2013**
The maximum permitted wall height is 7.5m. The proposed wall height is 7.8m for 81% and 8.7m for 19% of the side walls.
- 9. Section 13.2.1 & 6(8), By-law No. 7625**
The minimum required lot frontage and width is 15m. The proposed lot frontage and width is 7.62m.
- 10. Section 13.2.2, By-law No. 7625**
The minimum required lot area is 550m². The proposed lot area is 301.3m².
- 11. Section 13.2.4, By-law No. 7625**
The maximum permitted lot coverage is 30% of the lot area. The proposed lot coverage is 32% of the lot area.
- 12. Section 13.2.3A, By-law No. 7625**
The minimum required side yard setback is 1.8m. The proposed west side yard setback is 0.9m.
- 13. Section 13.2.3A, By-law No. 7625**
The minimum required side yard setback is 1.5m. The proposed east side yard setback is 0.9m.
- 14. Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8.8m.
The proposed building height is 9.1m.

90 Johnston Avenue – Part 2 (East Lot)

1. **Chapter 10.20.30.40, By-law No. 569-2013**
The maximum permitted lot coverage is 30% of the lot area. The proposed lot coverage is 32% of the lot area.
2. **Chapter 10.20.40.70, By-law No. 569-2013**
The minimum required side yard setback is 1.8m. The proposed west side yard setback is 0.9m.
3. **Chapter 10.20.40.70, By-law No. 569-2013**
The minimum required side yard setback is 1.8m. The proposed east side yard setback is 0.9m.
4. **Chapter 10.5.40.10.(5), By-law No. 569-2013**
A minimum of 10m² of the first floor must be within 4m of the main front wall. The proposed first floor within 4m of the main front wall is 2.2m².
5. **Chapter 10.5.40.60(1), By-law No. 569-2013**
The minimum required side lot line for the front porch is 1.8m. The proposed front porch is 1.15m from the side lot line.
6. **Chapter 10.20.30.20, By-law No. 569-2013**
The minimum required lot frontage is 15m. The proposed lot frontage is 7.62m.
7. **Chapter 10.20.30.10, By-law No. 569-2013**
The minimum required lot area is 550m². The proposed lot area is 301.3m².
8. **Chapter 10.20.40.10, By-law No. 569-2013**
The maximum permitted wall height is 7.5m. The proposed wall height is 7.8m for 81% and 8.7m for 19% of the side walls.
9. **Section 13.2.1 & 6(8), By-law No. 7625**
The minimum required lot frontage and width is 15m. The proposed lot frontage and width is 7.62m.
10. **Section 13.2.2, By-law No. 7625**
The minimum required lot area is 550m². The proposed lot area is 301.3m².
11. **Section 13.2.4, By-law No. 7625**
The maximum permitted lot coverage is 30% of the lot area. The proposed lot coverage is 32% of the lot area.
12. **Section 13.2.3A, By-law No. 7625**
The minimum required side yard setback is 1.8m. The proposed west side yard setback is 0.9m.
13. **Section 13.2.3A, By-law No. 7625**
The minimum required side yard setback is 1.5m. The proposed east side yard setback is 0.9m.
14. **Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8.8m. The proposed building height is 9.1m.

Consent to Sever Conditions:

- (1) Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.
- (2) Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of Survey and Mapping Services, Technical Services.
- (3) Prior to the issuance of a building permit, the applicant shall satisfy all conditions concerning City owned trees, to the satisfaction of the Director, Parks, Forestry & Recreation, Urban Forestry Services.
- (4) Where no street trees exist, the owner shall provide payment in an amount to cover the cost of planting a street tree abutting each new lot created, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- (5) **Two copies of the registered reference plan of survey** integrated with the Ontario Coordinate System and listing the Parts and their respective areas, shall be filed with City Surveyor, Survey & Mapping, Technical Services.
- (6) **Three copies of the registered reference plan of survey** satisfying the requirements of the City Surveyor, shall be filed with the Committee of Adjustment.
- (7) The applicant shall be required to comply with all of the Heritage Preservation Services Conditions outlined in the Staff Report from Mary L. MacDonald, Senior Manager, Heritage Preservation Services, dated April 21, 2017 (Appendix "A"). More specifically the following conditions:
 - a. The applicant shall retain a consultant archaeologist, licenced by the Minister of Tourism, Culture and Sport, under the provisions of the *Ontario Heritage Act* (R.S.O. 1990 as amended) to carry out a Stage 1-2 archaeological assessment of the entire development property and following through on recommendations to mitigation, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the 2011 Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport.
 - b. The consultant archaeologist shall submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF File on CD.
 - c. No demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Tourism, Culture and Sport (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.
- (8) Within **ONE YEAR** of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions and prepare for electronic submission to the Deputy Secretary-Treasurer, the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection

50(3) or (5) or subsection 53(42) of the *Planning Act* , as it pertains to the conveyed land and/or consent transaction.

Minor Variance Conditions

- (1) The applicant shall build the proposed dwellings substantially in accordance with the plans dated May 17, 2017 for 92 Johnston Avenue and November 16, 2016 for 90 Johnston Avenue.
- (2) The applicant shall be required to comply with all of the Engineering and Construction Services Conditions and all of the Engineering and Construction Services Advisory Comments outlined in the Staff Memorandum Report from Alick Wong, Acting Manager, Development Engineering – North York, dated May 1, 2017 (Appendix “B”).

APPENDIX "A"



STAFF REPORT

90 Johnston Avenue, Committee of Adjustment – Consent Application

Application No: B0021/17NY,A0292/17NY,A0293/17NY

Date:	April 21, 2017
To:	Chair and Committee Members, North York Committee of Adjustment
From:	Mary L. MacDonald, Senior Manager, Heritage Preservation Services
Wards:	23
Reference:	Archaeological Assessment Review

RECOMMENDATION

Should the Committee of Adjustment approve the requested consent application, Heritage Preservation Services (HPS) respectfully requests that approval be subject to the following conditions:

Prior to the issuance of the certificate of official by the Manager and Deputy Secretary Treasurer, Committee of Adjustment:

1. The applicant shall retain a consultant archaeologist, licensed by the Ministry of Tourism, Culture and Sport, under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 1- 2 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the 2011 Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport.
2. The consultant archaeologist shall submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file on CD.

3. No demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Tourism, Culture and Sport (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.

APPLICATION

The applicant is requesting consent to sever the property into two undersized residential lots. Each lot will be re-developed as the site of a new detached dwelling requiring variances to the applicable zoning by-law(s).

COMMENTS

The property at 90 Johnston Avenue is located in an area of archaeological potential. Heritage Preservation Services has reviewed plans submitted with the application and identify that any soil disturbance activity associated with the proposal has the potential for impacting archaeological resources and an archaeological assessment is required.

CONTACT

Susan Hughes, Project Manager, Archaeology, Heritage Preservation Services, City Planning
Tel: (416) 338-1096 Email: shughes@toronto.ca

SIGNATURE



Mary L. MacDonald, Senior Manager
Heritage Preservation Services

E-mail copy to:	Committee of Adjustment Case Manager – Sai-Man Lam
E-mail copy to:	Daniel Antonacci, Manager and Deputy Secretary Treasurer, Committee of Adjustment



Memorandum

Alick Wong, P. Eng.
Acting Manager, Development Engineering
North York District

Engineering & Construction Services
North York Civic Centre
5100 Yonge Street, 4th Floor
Toronto, Ontario
M2N 5V7

W. Browne, P. Eng.
Senior Engineer
Tel: 416-395-6255
Fax: 416-395-6328
wbrowne@toronto.ca

TO: Committee of Adjustment,
Urban Development Services
Attention: Sai-Man Lam

FROM: Alick Wong, P. Eng.
Acting Manager, Development Engineering, North York District

DATE: May 1, 2017

RE: **LAND DIVISION APPLICATION:** B0021/17NY, A0292/17NY and A0293/17NY
YOUR MEMORANDUM DATED: April 11, 2017
APPLICANT: Ali Shakeri
LOCATION: 90 Johnston Avenue

AVAILABLE MUNICIPAL SERVICES					
Roadway	Water	Curbs	Sanitary Sewer	Storm Sewer	Sidewalk
Johnston Ave	X	X	X		

This is an application to obtain consent to sever the property into two residential lots. There are no transportation related variances..

ENGINEERING AND CONSTRUCTION SERVICES CONDITIONS

1. Despite any other general or specific provision in Zoning By-law No. 7625 of the former City of North York, enacted under section 34 of the Planning Act or its predecessor section the following shall apply:
 - (1) for a ONE FAMILY DETACHED DWELLING, SEMI-DETACHED DWELLING, DUPLEX DWELLING, DOUBLE DUPLEX DWELLING, TRIPLEX DWELLING, MULTIPLE ATTACHED DWELLING, BOARDING OR LODGING HOUSE, CONVERTED DWELLING, the elevation of the lowest point of an opening to an area that may be used for parking or storage of a vehicle located inside or abutting the dwelling shall be:
 - a) higher than the elevation of the street, arterial road or minor arterial road, the lot abuts measured at its centreline directly across from the driveway leading to the parking space; and
 - b) higher than the elevation of a public lane that the lot abuts measured at its centreline directly across from the driveway leading to the parking space.

2. In order to create an additional on-street parking space on Johnston Avenue fronting 90 Johnston Avenue (Part 2), the proposed dwelling unit for 90 Johnston Avenue (Part 2) must be mirrored to the proposed dwelling unit 92 Johnston Avenue (Part 1) so the driveway for 90 Johnston Avenue is on the east side of the new lot. NOTE: THIS MAY RESULT IN REVISED MINOR VARIANCES.

ENGINEERING AND CONSTRUCTION SERVICES ADVISORY COMMENT

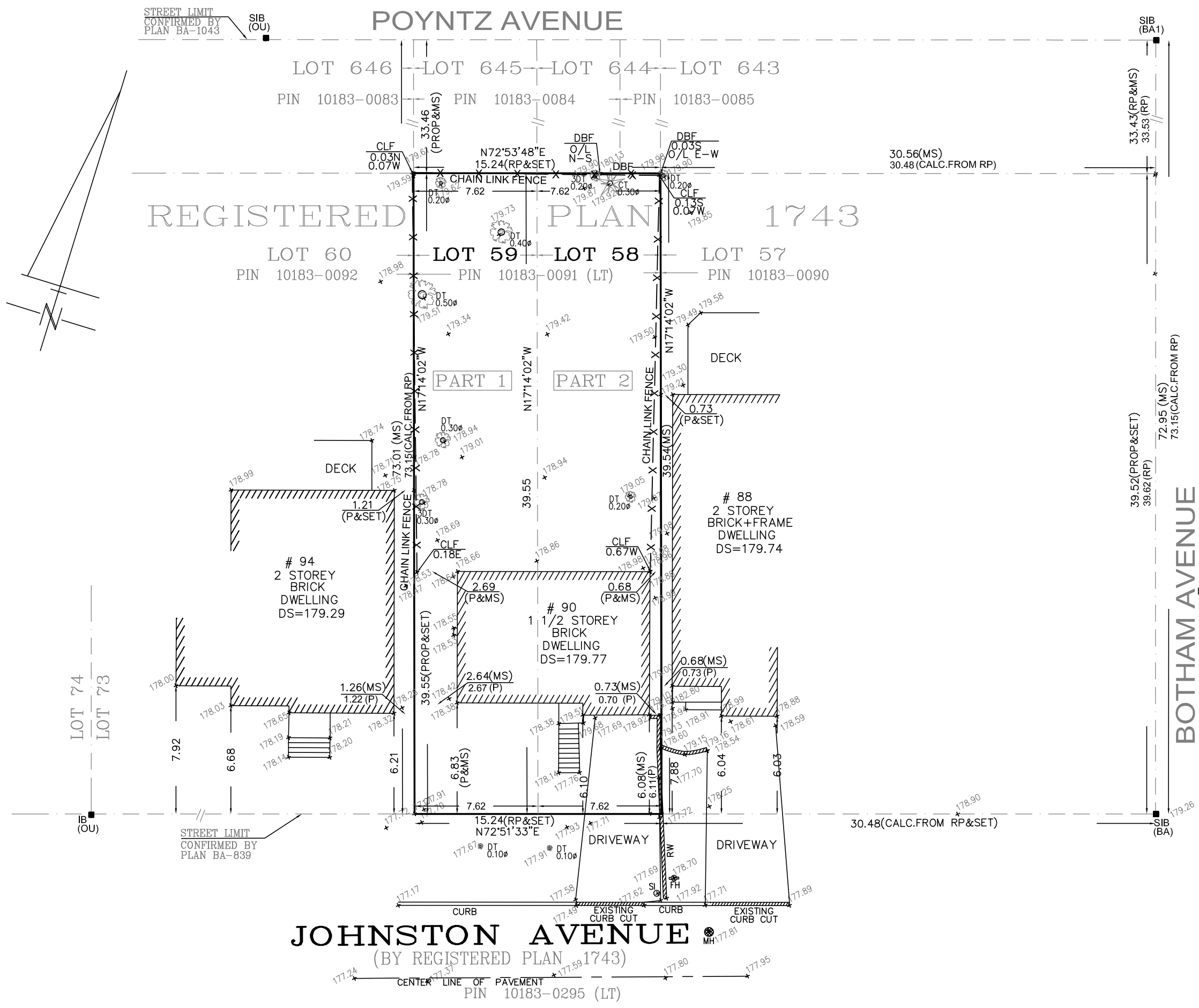
1. The owner will be required to make application to the Toronto Water Services Division, and pay for the installation of City service connections for each building from the property line to the City mains and the abandonment of the old service connections. The owner is responsible to provide for the installation of the water and sanitary service connections from each building to City services at the property line.
2. The owner shall install a sump pump in the dwellings for the purposes of draining ground water from weeping tiles and any driveway catchbasins to a pervious surface.
3. The owner will be required to make an application to Engineering & Construction Services, Land & Property Surveys Section for revised municipal numbering.
4. The applicant must apply for a Construction Access permit from Transportation Services' Right-of-Way Management for the required access approval and curb repairs.
5. All accesses must be at least 1.0 metre from existing utilities, including fire hydrants. If required, the relocation of any public utilities would be at the cost of the developer and shall be subject to the approval of the applicable governing agencies;


Alick Wong, P. Eng.

Acting Manager, Development Engineering - North York


wb/

Copy to: Carly Hinks, C.E.T., Manager, Traffic Planning and ROW Management, North York District





SURVEYOR'S REAL PROPERTY REPORT OF
PART 1:
PLAN OF LOTS 58 & 59
REGISTERED PLAN 1743
CITY OF TORONTO
(FORMERLY THE CITY OF NORTH YORK)

5 0 5 10 metres
SCALE = 1 : 250
MITSCHÉ & AZIZ INC., O.L.S.
METRIC: DISTANCES SHOWN HEREON ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

© COPYRIGHT 2016
THE REPRODUCTION, ALTERATION OR USE OF THIS REPORT IN WHOLE OR IN
PART WITHOUT THE EXPRESS PERMISSION OF MITSCHÉ & AZIZ INC. O.L.S.
IS STRICTLY PROHIBITED.

PART 2:
REPORT
* THIS REPORT WAS PREPARED FOR B.KEIVANLOO, AND THE UNDERSIGNED
ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.
BOUNDARIES
* LOTS 58 & 59 , REGISTERED PLAN 1743
TITLE SEARCH INDICATES
* NO EASEMENTS OR RIGHT OF WAYS REGISTERED ON TITLE.
ZONING
* NO INVESTIGATION WITH RESPECT TO MUNICIPAL ZONING BY LAW HAS BEEN MADE
FOR THE SUBJECT PROPERTY (PROPERTIES).
ENCROACHMENTS
* PLEASE NOTE THE POSITION OF THE FENCES IN RELATION TO THE
NORTHERLY, EASTERLY & WESTERLY BOUNDARIES; THEY ARE LOCATED OVER THE
SUBJECT BOUNDARIES TO THE EXTENT SHOWN ON THE PLAN.
BEARING NOTE
* BEARINGS HEREON ARE GRID BEARINGS AND ARE DERIVED FROM
CONTROL POINTS LISTED BELOW AND ARE REFERRED TO CENTRAL MERIDIAN
79°30' WEST LONGITUDE.
GEODETIC:
* ELEVATIONS SHOWN HEREON ARE GEODETIC DRIVEN FROM CITY OF TORONTO
BENCH MARK # NY25006, ELEVATION 177.371 m

LEGEND:			SI	"	SIGN
■	DENOTES	SURVEY MONUMENT FOUND	SH	"	FIRE HYDRANT
□	"	SURVEY MONUMENT SET	MH	"	MANHOLE
SIB	"	STANDARD IRON BAR	OU	"	ORIGIN UNKNOWN
IB	"	IRON BAR	MS	"	MEASURED
N,E,S,W	"	NORTH, EAST, SOUTH, WEST	 DT.	"	DECIDUOUS TREE
DBF	"	DOUBLE BOARD FENCE	 CT.	"	CONIFEROUS TREE
CLF	"	CHAIN LINK FENCE	○ DT.	"	DECIDUOUS TREE TRUNK
RP	"	REGISTERED PLAN 1743	● CT.	"	CONIFEROUS TREE TRUNK
P	"	SURVEY BY W.S.GIBSON & SONS	DS	"	DOOR SILL
		O.L.S. DATED NOVEMBER, 25, 1960	RW	"	RETAINING WALL
BA	"	PLAN BA-839	O/L	"	ON-LINE
BA1	"	PLAN BA-1043	PROP	"	PROPORTIONAL

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES
ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 04th DAY OF OCTOBER, 2016

DATE: OCTOBER, 11, 2016
A. ABDEL SHAHID
ONTARIO LAND SURVEYOR

MITSCHÉ & AZIZ INC.			
ONTARIO LAND SURVEYORS			
120 NEWKIRK ROAD- #31, RICHMOND HILL, ONT. L4C-9S7			
Tel. (905) 237-8224 Fax: (416) 477-5465			
Website : M-Azizsurveyors.ca			
E-Mail : aziz@m-azizsurveyors.ca			
PROJECT NUMBER		PROJECT	
16-394		90 JOHNSTON AVENUE (SR-PR)	
DRAWN BY		CHECKED BY	
J.I		A.A	

PE:

I REQUIRE THIS PLAN TO BE DEPOSITED
UNDER THE LAND TITLES ACT,

PLAN 66R----

RECEIVED AND DEPOSITED :

DATE : OCTOBER, 11, 2016

DATE : _____, 2016

A.ABDEL SHAHID O.L.S

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES
DIVISION OF THE TORONTO REGISTRY OFFICE (No. 66)

SCHEDULE

PART	LOT	R. PLAN	ALL OF P.I.N.	AREA (Sq.m)
1	59	1743	10183-0091 (LT)	301.3
2	58			301.3

PLAN OF SURVEY OF

LOTS 58 & 59

REGISTERED PLAN 1743

CITY OF TORONTO

(FORMERLY THE CITY OF NORTH YORK)

SCALE = 1 : 200
MITSCH & AZIZ INC., O.L.S.METRIC: DISTANCES SHOWN HEREON ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

BEARING NOTE

BEARINGS HEREON ARE GRID BEARINGS AND ARE DERIVED FROM CONTROL POINTS
LISTED BELOW AND ARE REFERRED TO CENTRAL MERIDIAN 79°30' WEST LONGITUDE.

MONUMENT	EASTING	NORTHING
A	311665.489	4846462.672
B	311724.344	4846480.150

COORDINATES ARE MTM ZONE 10,NAD 83 (CSRS) TO URBAN ACCURACY PER SEC. 14 (2) OF
O.REG. 216/10 AND CANNOT,N THEMSELVES BE USED TO RE-ESTABLISH CORNERS OR
BOUNDARIES SHOWN ON THIS PLAN.

COORDINATE VALUES

NO	EASTING	NORTHING
1	311660.914	4846477.809
2	311649.197	4846515.584
3	311663.763	4846520.066
4	311675.477	4846482.301

DISTANCE NOTE

DISTANCES SHOWN ON THIS PLAN ARE GROUND(UNLESS OTHERWISE NOTED) AND CAN BE
CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99990035

LEGEND

DENOTES	SURVEY MONUMENT SET
SIB	SURVEY MONUMENT FOUND
IB	STANDARD IRON BAR
Meas	IRON BAR
DBF	MEASURED
CLF	DOUBLE BOARD FENCE
RP	CHAIN LINK FENCE
P	REGISTERED PLAN 1743
BA	SURVEY BY W.S.GIBSON & SONS
BA1	O.L.S. DATED NOVEMBER, 25, 1960
PROP	PLAN BA-1043
O/L	PLAN BA-839
	PROPORTIONAL
	ON-LINE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT :

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE
SURVEYS ACT,THE SURVEYOR'S ACT AND THE LAND TITLES ACT AND THE
REGULATIONS MADE UNDER THEM.

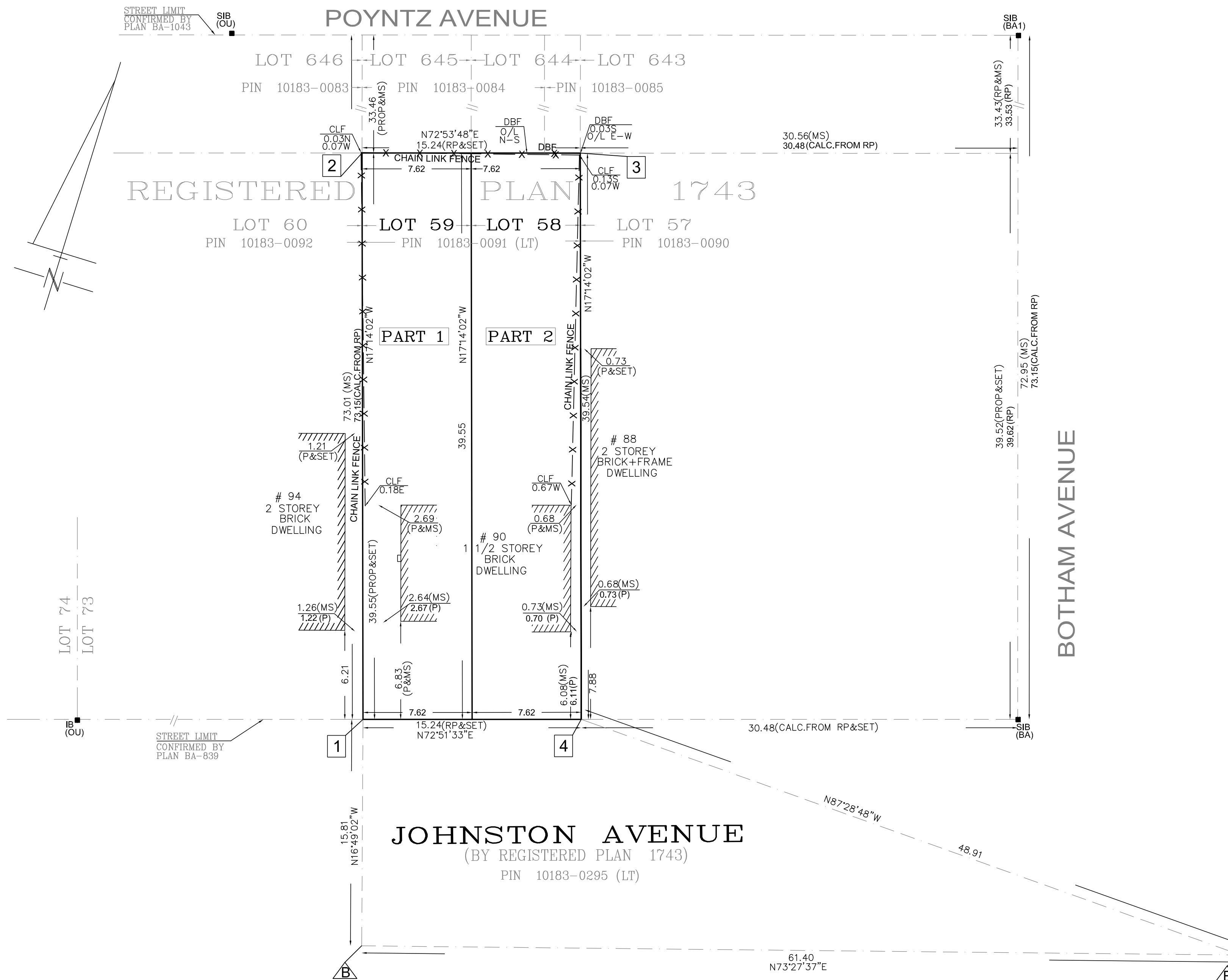
THE SURVEY WAS COMPLETED ON 04th DAY OF OCTOBER, 2016

OCTOBER, 11, 2016
DATEA. ABDEL SHAHID
ONTARIO LAND SURVEYOR

MITSCH & AZIZ INC.

ONTARIO LAND SURVEYORS
120 NEWKIRK ROAD- #31, RICHMOND HILL, ONT, L4C-9S7
Tel. (416) 409-4267 Fax: (905) 237-8224
Website : M-Azizsurveyors.ca
E-Mail : aziz@m-azizsurveyors.ca

PROJECT NUMBER	PROJECT
16-394	90 JOHNSTON AVENUE (RP)
DRAWN BY J.I.	CHECKED BY A.A

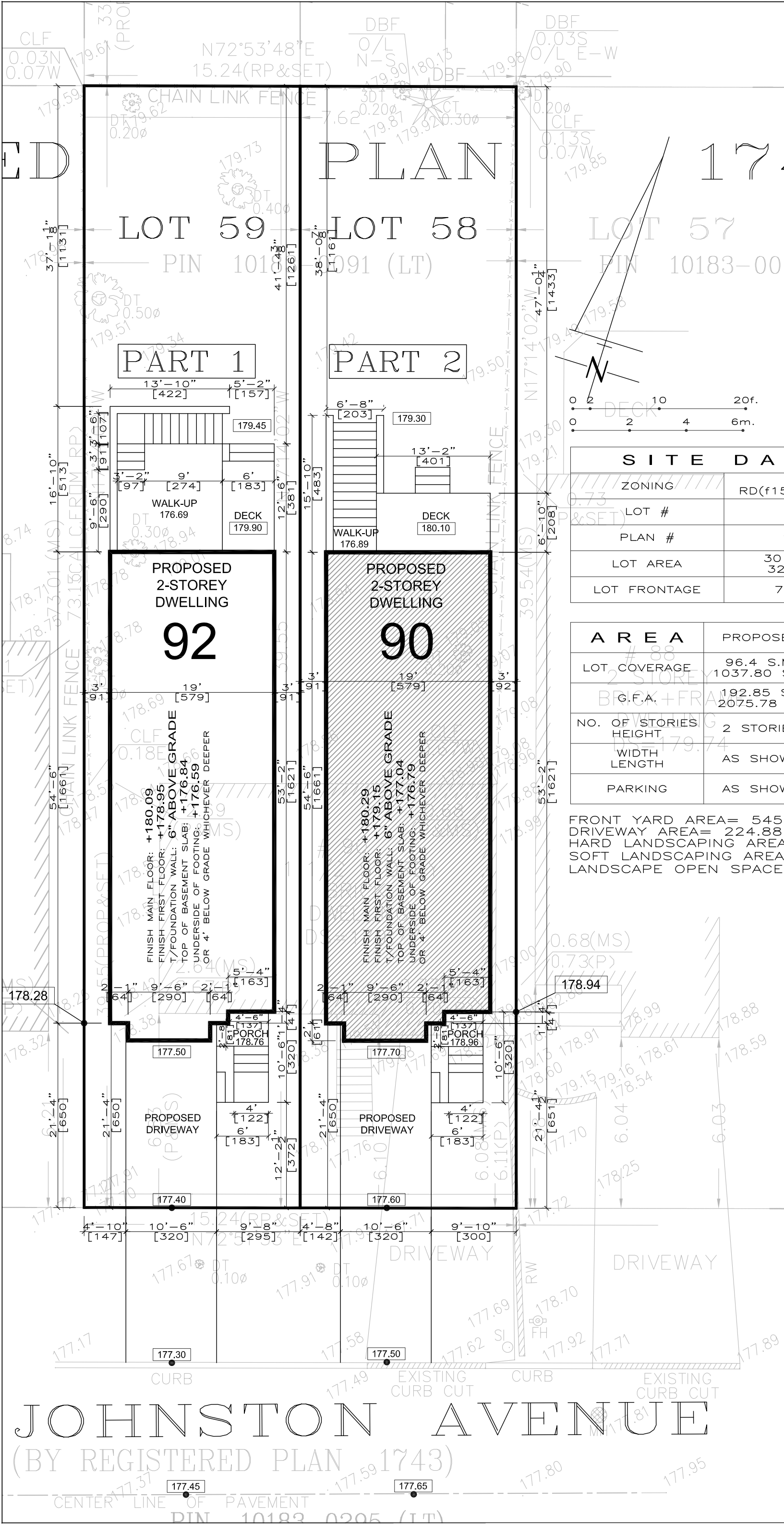


ARCICA INC.
326 SHEPPARD AVENUE EAST,
M2N 3B4
TORONTO, ONTARIO, CANADA,

ALI SHAKERI

T.416 8166651 F.416 2508900

- 1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE.
- 2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
- 3. DO NOT SCALE DRAWINGS.
- 4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.
- 5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION".
- 6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION



S I T E D A T A	
ZONING	R4- RD(f15,a550)(x5)
LOT #	58
PLAN #	1743
LOT AREA	301.3 S.M. 3243 S.F.
LOT FRONTAGE	7.62 M

A R E A	PROPOSED	PROPOSED COVERAGE
LOT COVERAGE	96.4 S.M. 1037.80 S.F.	%32
G.F.A.+FRONT YARD	192.85 S.M. 2075.78 S.F.	
NO. OF STORIES HEIGHT	2 STORIES	
WIDTH LENGTH	AS SHOWN	
PARKING	AS SHOWN	

FRONT YARD AREA= 545.47 S.F.
DRIVEWAY AREA= 224.88 S.F.
HARD LANDSCAPING AREA=61.22 S.F.
SOFT LANDSCAPING AREA=259.37 S.F.(%80.90)
LANDSCAPE OPEN SPACE=320.59 S.F.(%58.77)

90 JOHNSTON AVENUE

SITE PLAN

3/32"=1'

A1

revisions:
NOV 16, 2016- ISSUED FOR COA

THIS UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAS THE QUALIFICATIONS & MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER
Ali Shakeri F&A Associates Ltd.
BCIN-24574 BCIN-30998

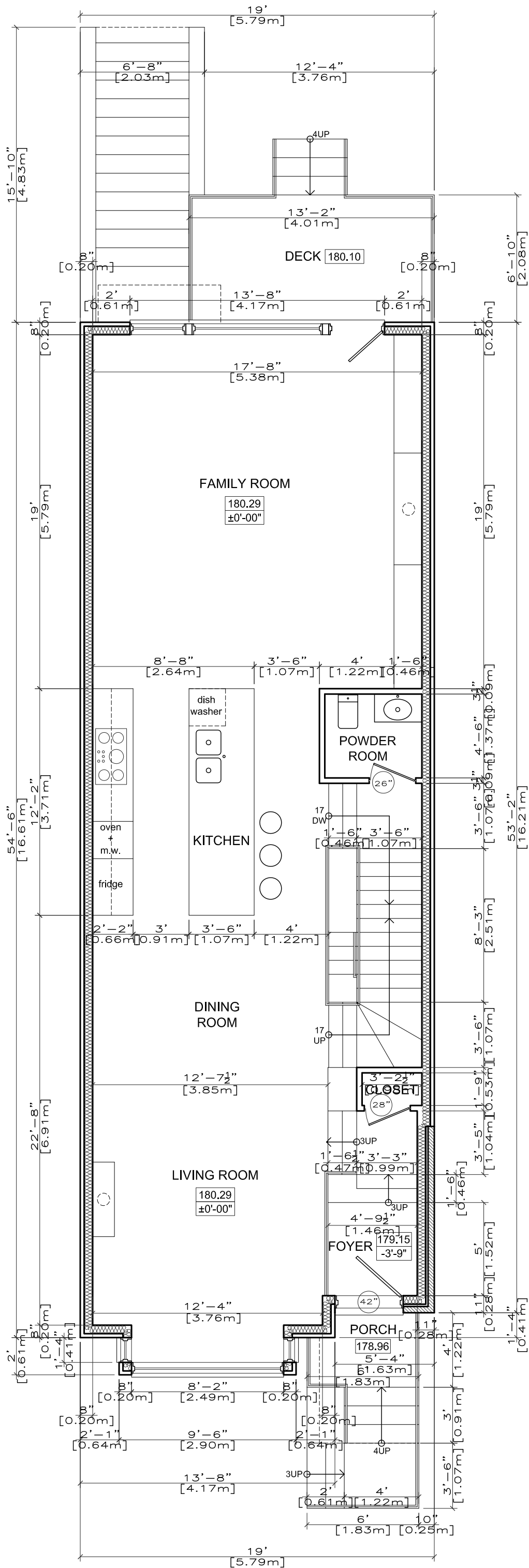
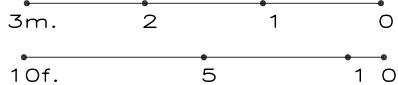


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M2N 3B4
TORONTO, ONTARIO, CANADA,

ALI SHAKERI

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NOTE:
ALL INTERIOR
WALL DIMENSIONS
SHOW FACE OF
STUDS

90 JOHNSTON AVENUE

FIRST FLOOR PLAN

3/16"=1'

A3

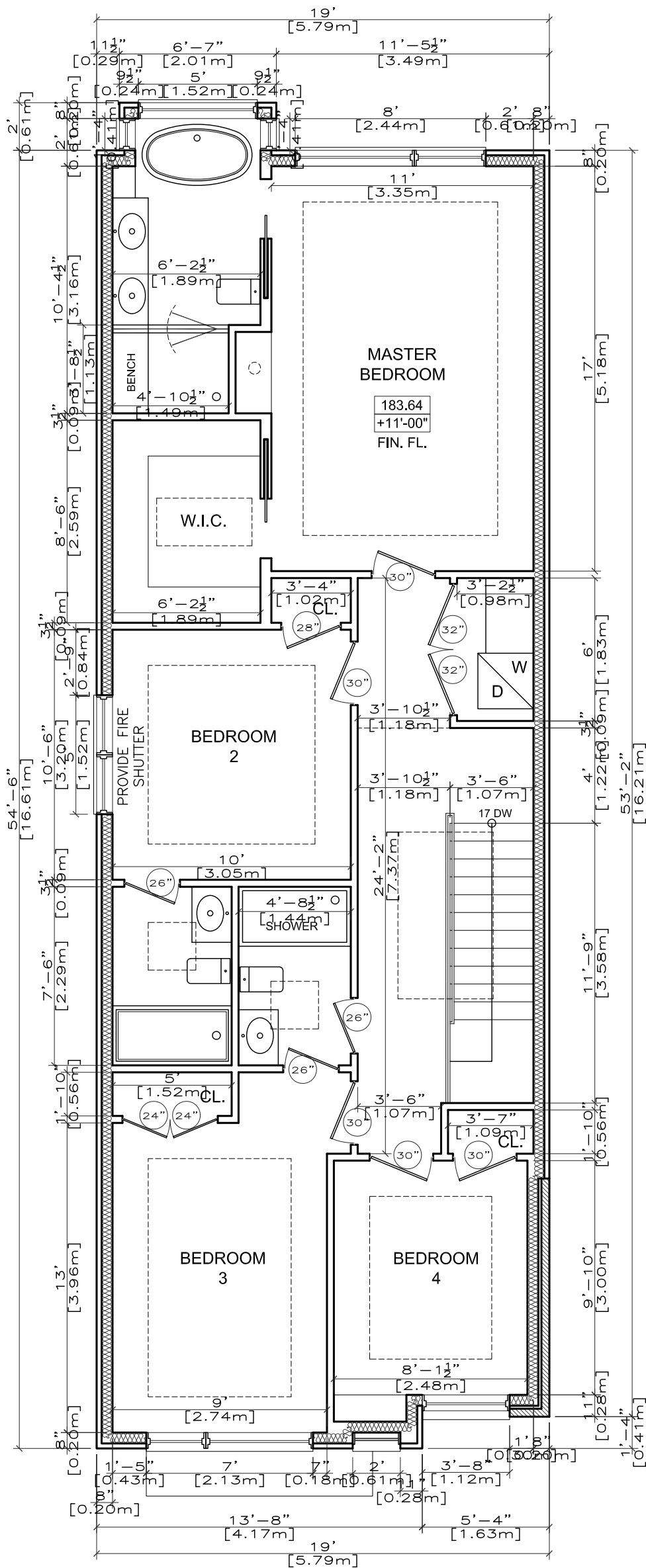
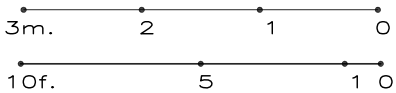
revisions:
NOV 16, 2016- ISSUED FOR COA

THIS UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAS THE QUALIFICATIONS & MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER
Ali Shakeri F&A Associates Ltd.
BCIN-24574 BCIN-30998

Ali Shakeri

ARCICA INC.
326 SHEPPARD AVENUE EAST,
M2N 3B4
TORONTO, ONTARIO, CANADA,
ALI SHAKERI
T.416 8166651 F.416 2508900

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NOTE:
ALL INTERIOR
WALL DIMENSIONS
SHOW FACE OF
STUDS

90 JOHNSTON AVENUE

SECOND FLOOR PLAN

3/16"=1'

A4

revisions:
NOV 16, 2016- ISSUED FOR COA

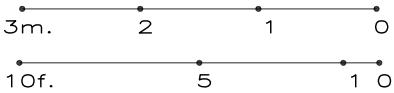
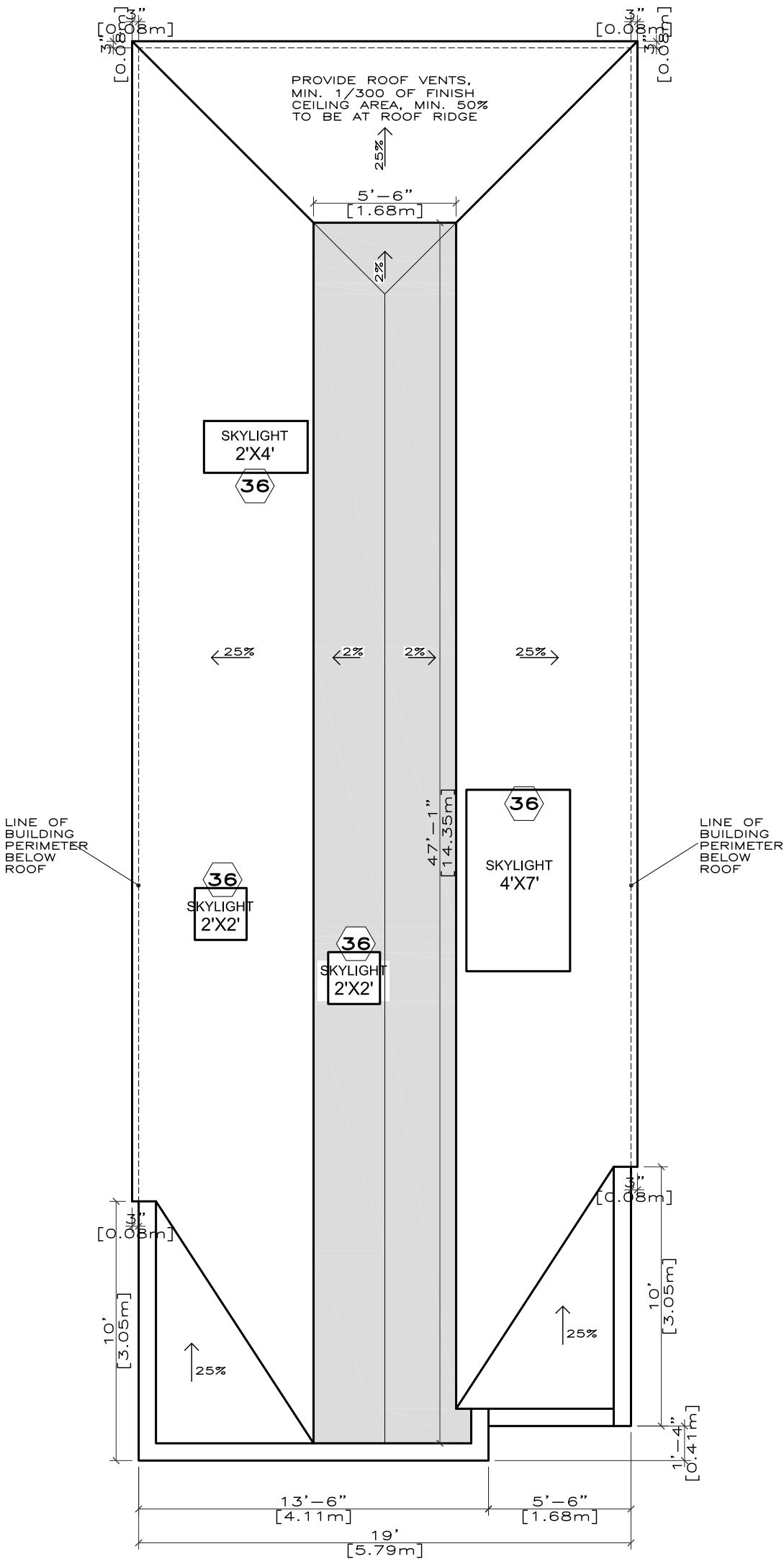
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Ali Shakeri F&A Associates Ltd.
BCIN-24574 BCIN-30998

Ali Shakeri

ARCICA INC.
326 SHEPPARD AVENUE EAST,
M2N 3B4
TORONTO, ONTARIO, CANADA,
ALI SHAKERI
T.416 8166651 F.416 2508900

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TOTAL ROOF AREA = 1049.42 S.F.
FLAT ROOF AREA (by-law 7625) = 258.96 S.F. (24.68 %)



NOTE:
ALL INTERIOR
WALL DIMENSIONS
SHOW FACE OF
STUDS

90 JOHNSTON AVENUE

ROOF PLAN

3/16"=1'

A5

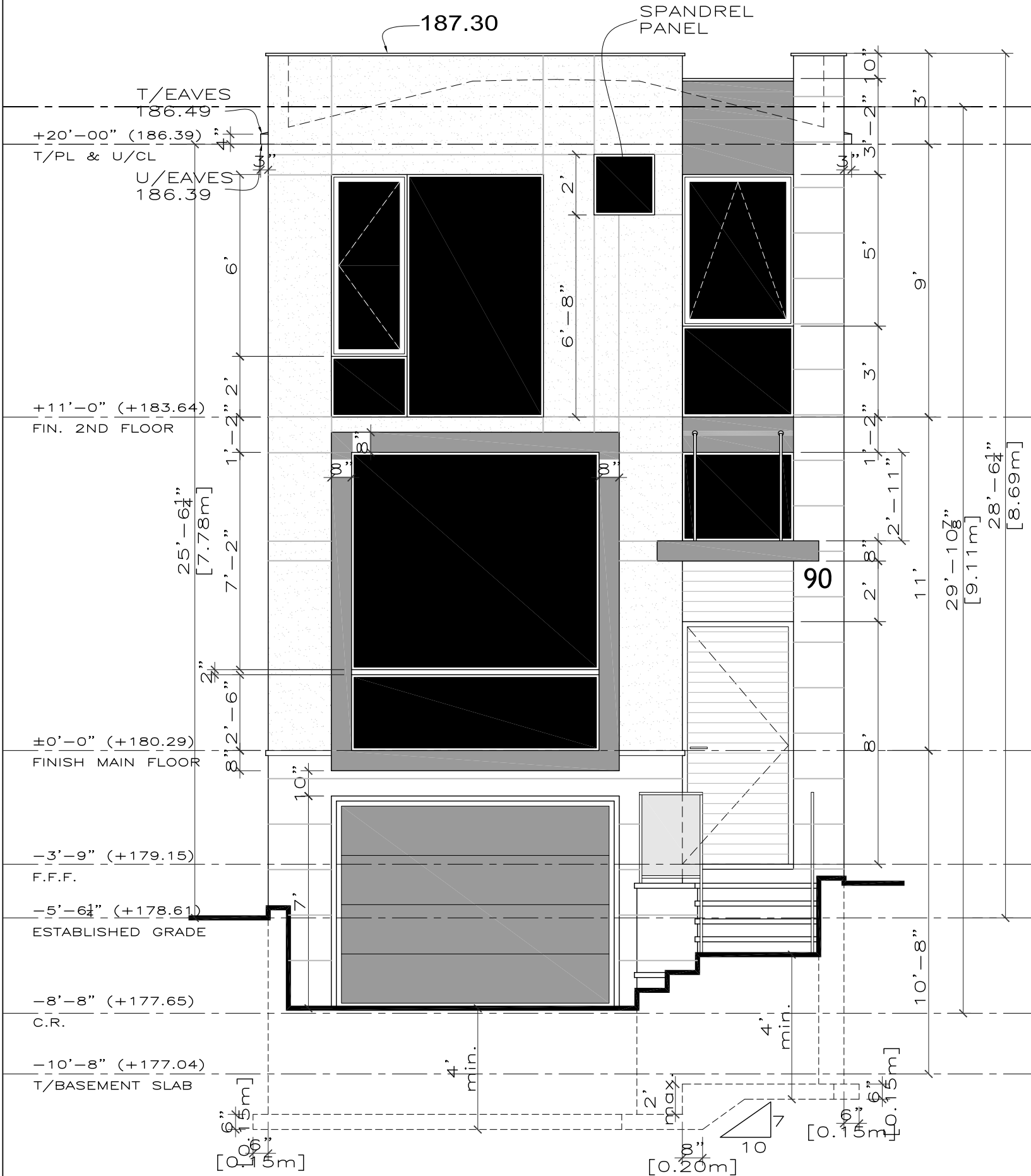
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FRONT ELEVATION

90 JOHNSTON AVENUE

FRONT ELEVATION

1/4"=1'

A6

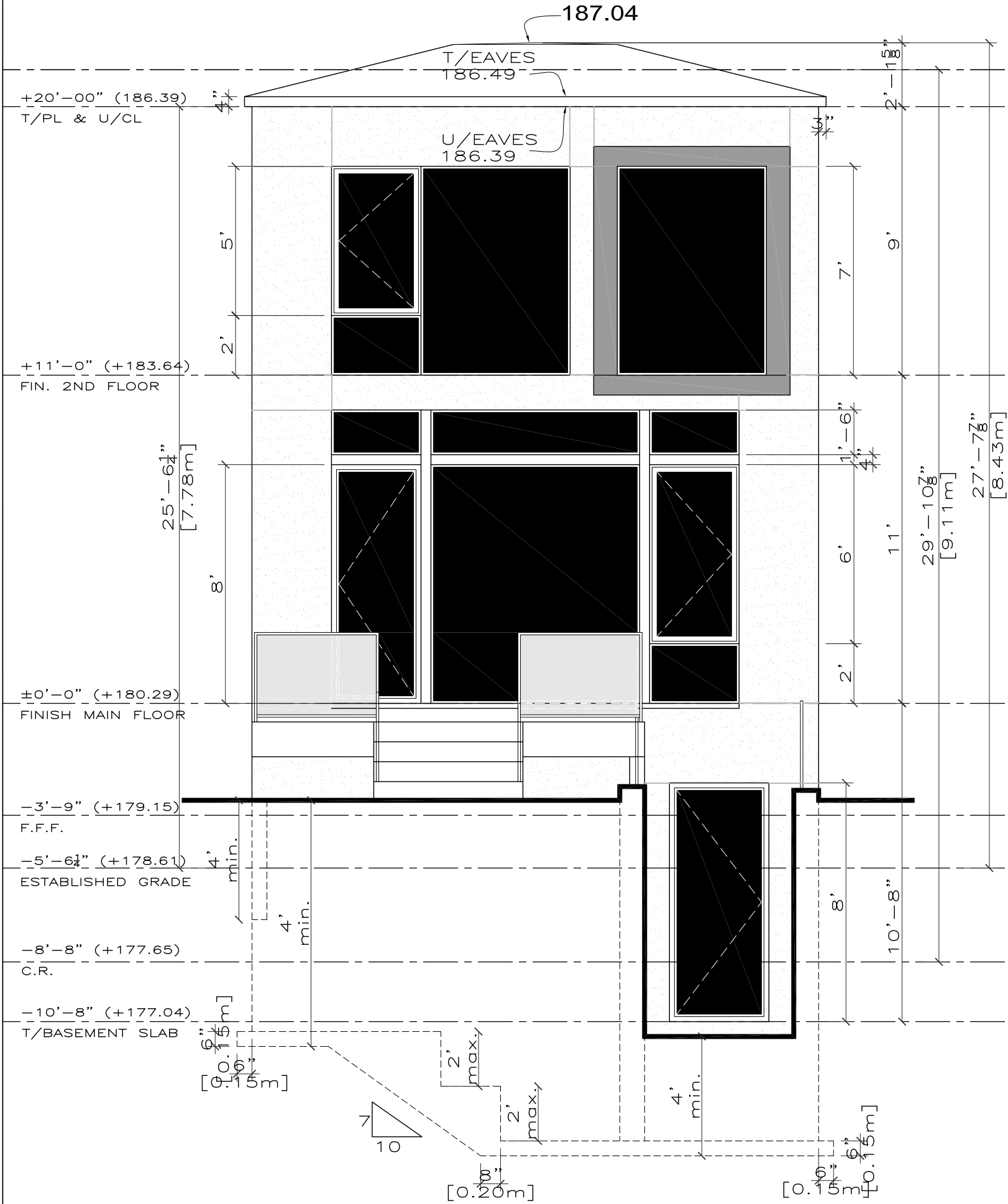
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REAR ELEVATION

90 JOHNSTON AVENUE

REAR ELEVATION

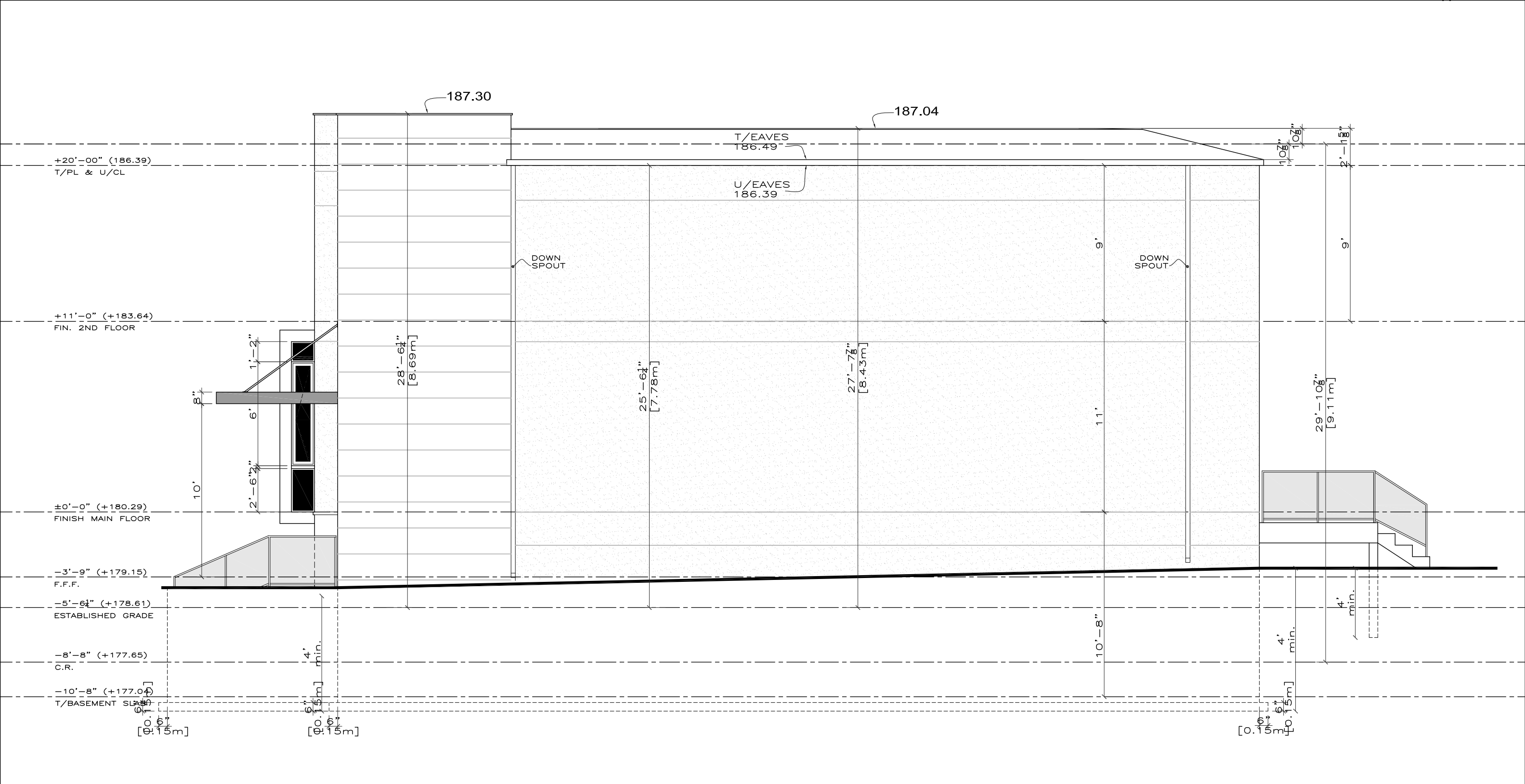
1/4"=1'

A7

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SIDE ELEVATION (EAST)



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90 JOHNSTON AVENUE

SIDE ELEVATION

3/16"=1'

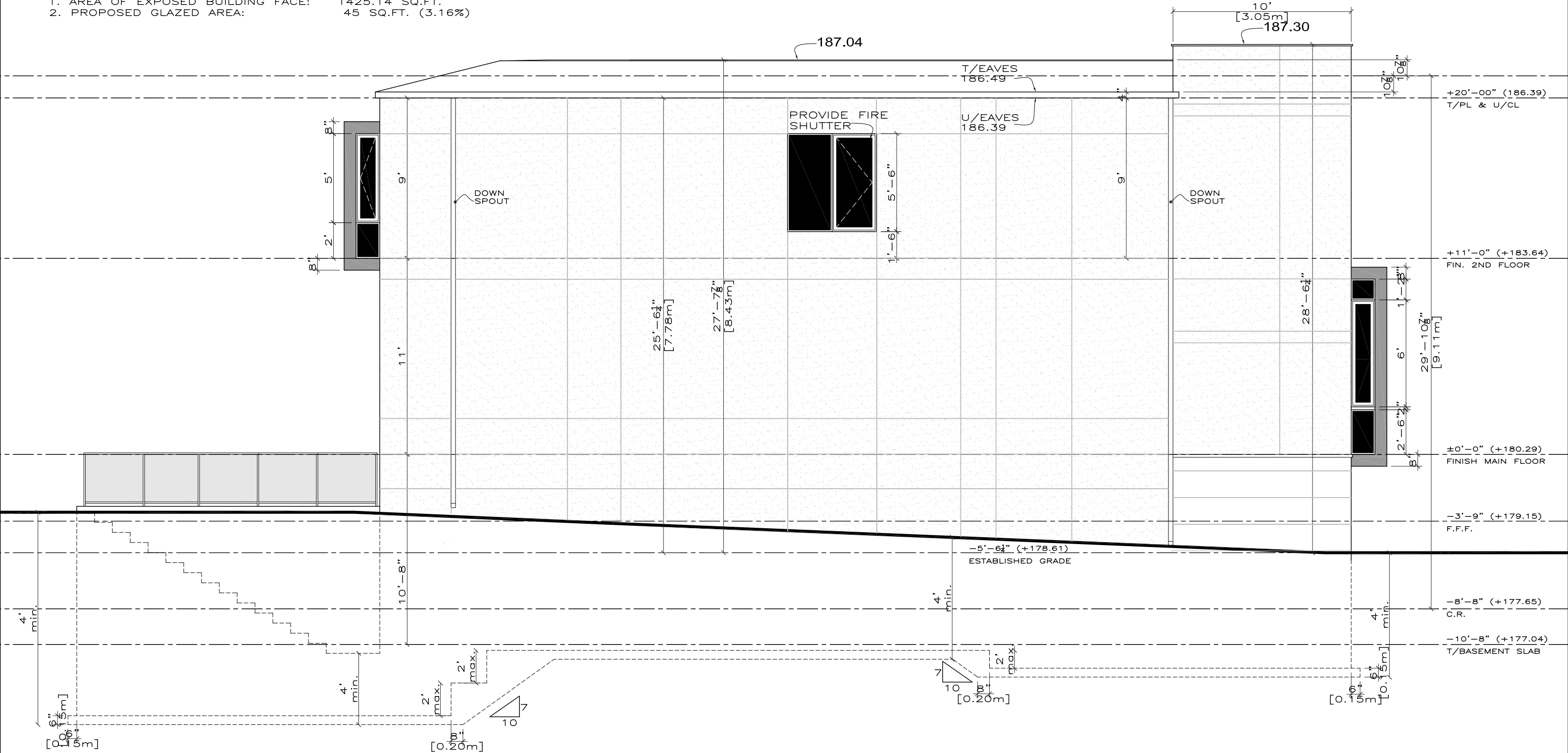
A8

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GLAZED AREAS:

1. AREA OF EXPOSED BUILDING FACE: 1425.14 SQ.FT.
2. PROPOSED GLAZED AREA: 45 SQ.FT. (3.16%)



SIDE ELEVATION (WEST)



ARCICA INC.
326 SHEPPARD AVENUE EAST,
M2N 3B4
TORONTO, ONTARIO, CANADA,
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90 JOHNSTON AVENUE

SIDE ELEVATION

3/16"=1'

A9

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Ali Shakeri

STREET LIMIT
CONFIRMED BY
PLAN BA-1043SIB
(OU)

POYNTZ AVENUE

SIB
(BA1)

LOT 646 LOT 645 LOT 644 LOT 643

PIN 10183-0083

PIN 10183-0084

PIN 10183-0085

REGISTERED PLAN 1743

LOT 60
PIN 10183-0092LOT 59
PIN 10183-0091 (LT)

LOT 58

LOT 57
PIN 10183-0090

PART 1

PART 2

94
2 STOREY
BRICK
DWELLING
DS=179.29# 90
1 1/2 STOREY
BRICK
DWELLING
DS=179.77# 88
2 STOREY
BRICK+FRAME
DWELLING
DS=179.74STREET LIMIT
CONFIRMED BY
PLAN BA-839JOHNSTON AVENUE
(BY REGISTERED PLAN 1743)CENTER LINE OF PAVEMENT
PIN 10183-0295 (LT)30.56(MS)
30.48(CALC.FROM RP)33.43(RP&MS)
33.53(RP)39.52(PROP&SET)
39.62(RP)72.95(MS)
73.15(CALC.FROM RP)

BOTHAM AVENUE

SURVEYOR'S REAL PROPERTY REPORT OF
PART 1:
PLAN OF LOTS 58 & 59
REGISTERED PLAN 1743
CITY OF TORONTO
(FORMERLY THE CITY OF NORTH YORK)

5 0 5 10 metres

SCALE = 1 : 250

MITSCHÉ & AZIZ INC., O.L.S.

METRIC: DISTANCES SHOWN HEREON ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

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IS STRICTLY PROHIBITED.PART 2:
REPORT* THIS REPORT WAS PREPARED FOR B.KEIVANLOO, AND THE UNDERSIGNED
ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

BOUNDARIES

* LOTS 58 & 59, REGISTERED PLAN 1743

TITLE SEARCH INDICATES

* NO EASEMENTS OR RIGHT OF WAYS REGISTERED ON TITLE.

ZONING

* NO INVESTIGATION WITH RESPECT TO MUNICIPAL ZONING BY LAW HAS BEEN MADE
FOR THE SUBJECT PROPERTY (PROPERTIES).

ENCROACHMENTS

* PLEASE NOTE THE POSITION OF THE FENCES IN RELATION TO THE
NORTHERLY, EASTERLY & WESTERLY BOUNDARIES; THEY ARE LOCATED OVER THE
SUBJECT BOUNDARIES TO THE EXTENT SHOWN ON THE PLAN.

BEARING NOTE

* BEARINGS HEREON ARE GRID BEARINGS AND ARE DERIVED FROM
CONTROL POINTS LISTED BELOW AND ARE REFERRED TO CENTRAL MERIDIAN
79°30' WEST LONGITUDE.

GEODETIC:

* ELEVATIONS SHOWN HEREON ARE GEODETIC DRIVEN FROM CITY OF TORONTO
BENCH MARK # NY25006, ELEVATION 177.371 m

LEGEND:

■	DENOTES	SURVEY MONUMENT FOUND	SI	"	SIGN
□	"	SURVEY MONUMENT SET	SH	"	FIRE HYDRANT
SIB	"	STANDARD IRON BAR	MH	"	MANHOLE
IB	"	IRON BAR	OU	"	ORIGIN UNKNOWN
N,E,S,W	"	NORTH, EAST, SOUTH, WEST	MS	"	MEASURED
DBF	"	DOUBLE BOARD FENCE	DT.	"	DECIDUOUS TREE
CLF	"	CHAIN LINK FENCE	*CT.	"	CONIFEROUS TREE
RP	"	REGISTERED PLAN 1743	○DT.	"	DECIDUOUS TREE TRUNK
P	"	SURVEY BY W.S.GIBSON & SONS	●CT.	"	CONIFEROUS TREE TRUNK
BA	"	O.L.S. DATED NOVEMBER, 25, 1960	DS	"	DOOR SILL
BA1	"	PLAN BA-839	RW	"	RETAINING WALL
		PLAN BA-1043	O/L	"	ON-LINE
			PROP	"	PROPORTIONAL

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES
ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 04th DAY OF OCTOBER, 2016

DATE: OCTOBER, 11, 2016

A. ABDELSHAHID
ONTARIO LAND SURVEYOR

MITSCHÉ & AZIZ INC.

ONTARIO LAND SURVEYORS

120 NEWKIRK ROAD- #31, RICHMOND HILL, ONT. L4C-9S7

Tel. (905) 237-8224 Fax: (416) 477-5465

Website : M-Azizsurveyors.ca

E-Mail : aziz@m-azizsurveyors.ca

PROJECT NUMBER	PROJECT
16-394	90 JOHNSTON AVENUE (SR-PR)
DRAWN BY	J.I
CHECKED BY	A.A

PE:

I REQUIRE THIS PLAN TO BE DEPOSITED
UNDER THE LAND TITLES ACT,

PLAN 66R-----

RECEIVED AND DEPOSITED :

DATE : OCTOBER, 11, 2016

DATE : _____, 2016

A.ABDEL SHAHID O.L.S.

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES
DIVISION OF THE TORONTO REGISTRY OFFICE (No. 66)

SCHEDULE

PART	LOT	R. PLAN	ALL OF P.I.N.	AREA (Sq.m)
1	59	1743	10183-0091 (LT)	301.3
2	58			301.3

PLAN OF SURVEY OF

LOTS 58 & 59

REGISTERED PLAN 1743

CITY OF TORONTO

(FORMERLY THE CITY OF NORTH YORK)



SCALE = 1 : 200

MITSCHKE & AZIZ INC., O.L.S.

METRIC: DISTANCES SHOWN HEREON ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

BEARING NOTE

BEARINGS HEREON ARE GRID BEARINGS AND ARE DERIVED FROM CONTROL POINTS
LISTED BELOW AND ARE REFERRED TO CENTRAL MERIDIAN 79°30' WEST LONGITUDE.

MONUMENT	EASTING	NORTHING
A	311665.489	4846462.672
B	311724.344	4846480.150

COORDINATES ARE MTM ZONE 10,NAD 83 (CSRS) TO URBAN ACCURACY PER SEC. 14 (2) OF
O.REG. 216/10 AND CANNOT,N THEMSELVES BE USED TO RE-ESTABLISH CORNERS OR
BOUNDARIES SHOWN ON THIS PLAN.

COORDINATE VALUES

NO	EASTING	NORTHING
1	311660.914	4846477.809
2	311649.197	4846515.584
3	311663.763	4846520.066
4	311675.477	4846482.301

DISTANCE NOTE

DISTANCES SHOWN ON THIS PLAN ARE GROUND(UNLESS OTHERWISE NOTED) AND CAN BE
CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99990035

LEGEND

DENOTES	SURVEY MONUMENT SET
SIB	SURVEY MONUMENT FOUND
IB	STANDARD IRON BAR
Meas	IRON BAR
DBF	MEASURED
CLF	DOUBLE BOARD FENCE
RP	CHAIN LINK FENCE
P	REGISTERED PLAN 1743
BA	SURVEY BY W.S.GIBSON & SONS
BA1	O.L.S. DATED NOVEMBER, 25, 1960
PROP	PLAN BA-1043
O/L	PLAN BA-839
	PROPORTIONAL
	ON-LINE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT :

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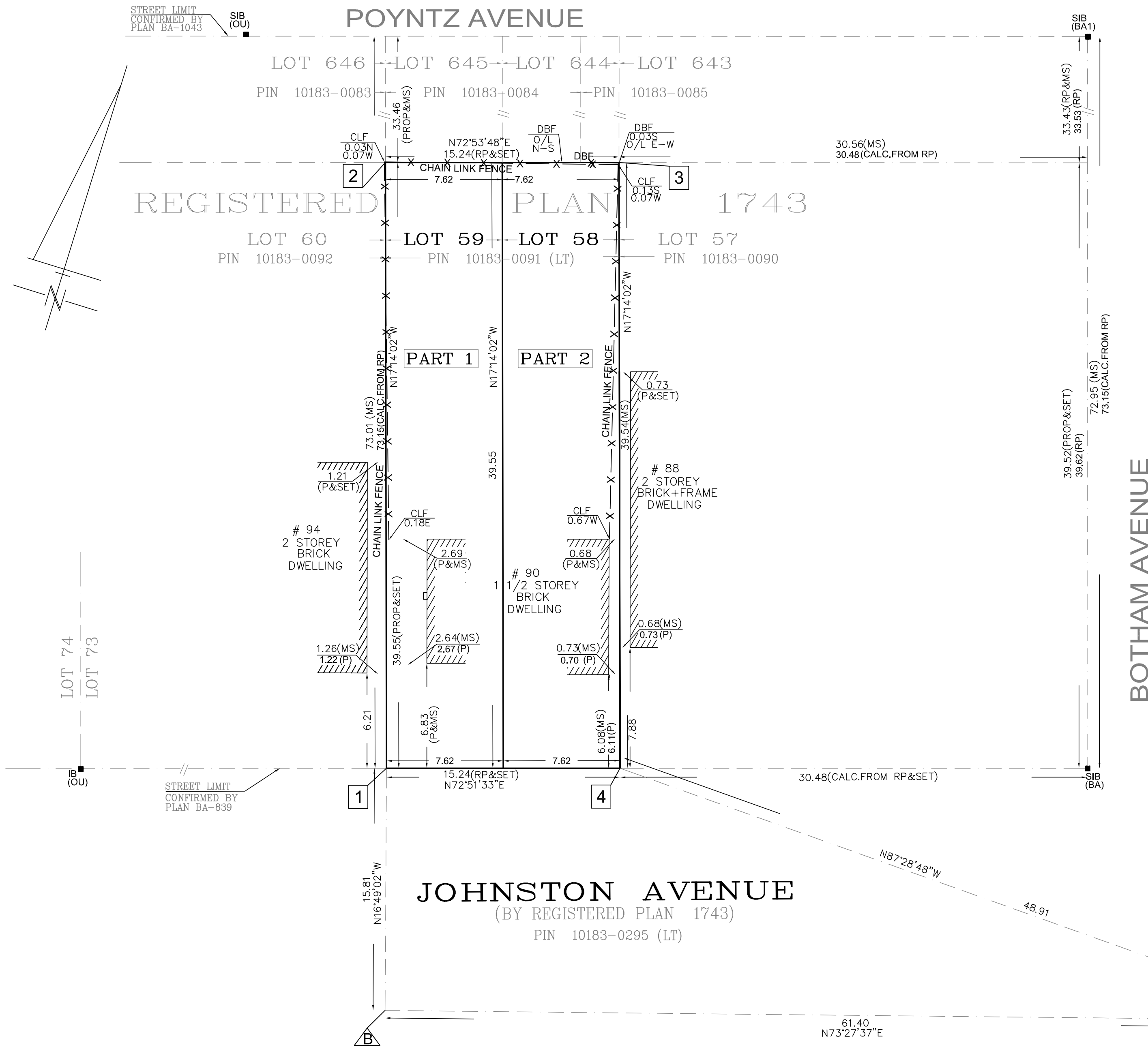
THE SURVEY WAS COMPLETED ON 04th DAY OF OCTOBER, 2016

OCTOBER, 11, 2016
DATEA. ABDEL SHAHID
ONTARIO LAND SURVEYOR

MITSCHKE & AZIZ INC.

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Website : M-Azizsurveyors.ca
E-Mail : aziz@m-azizsurveyors.ca

PROJECT NUMBER	PROJECT
16-394	90 JOHNSTON AVENUE (RP)
DRAWN BY J.I.	CHECKED BY A.A



ARCICA INC.
326 SHEPPARD AVENUE EAST,
M2N 3B4
TORONTO, ONTARIO, CANADA,

ALI SHAKERI

T.416 8166651 F.416 2508900

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S I T E D A T A

ZONING	R4- RD(f15,a550)(x5)
LOT #	59
PLAN #	1743
LOT AREA	301.3 S.M. 3243 S.F.
LOT FRONTAGE	7.62 M

A R E A	PROPOSED	PROPOSED COVERAGE
LOT COVERAGE	96.4 S.M. 1037.80 S.F.	%32
G.F.A.	192.85 S.M. 2075.78 S.F.	
NO. OF STORIES HEIGHT	2 STORIES	
WIDTH LENGTH	AS SHOWN	
PARKING	AS SHOWN	

FRONT YARD AREA= 545.47 S.F.
DRIVEWAY AREA= 224.88 S.F.
HARD LANDSCAPING AREA=61.22 S.F.
SOFT LANDSCAPING AREA=259.37 S.F.(%80.90)
LANDSCAPE OPEN SPACE=320.59 S.F.(%58.77)

92 JOHNSTON AVENUE

SITE PLAN

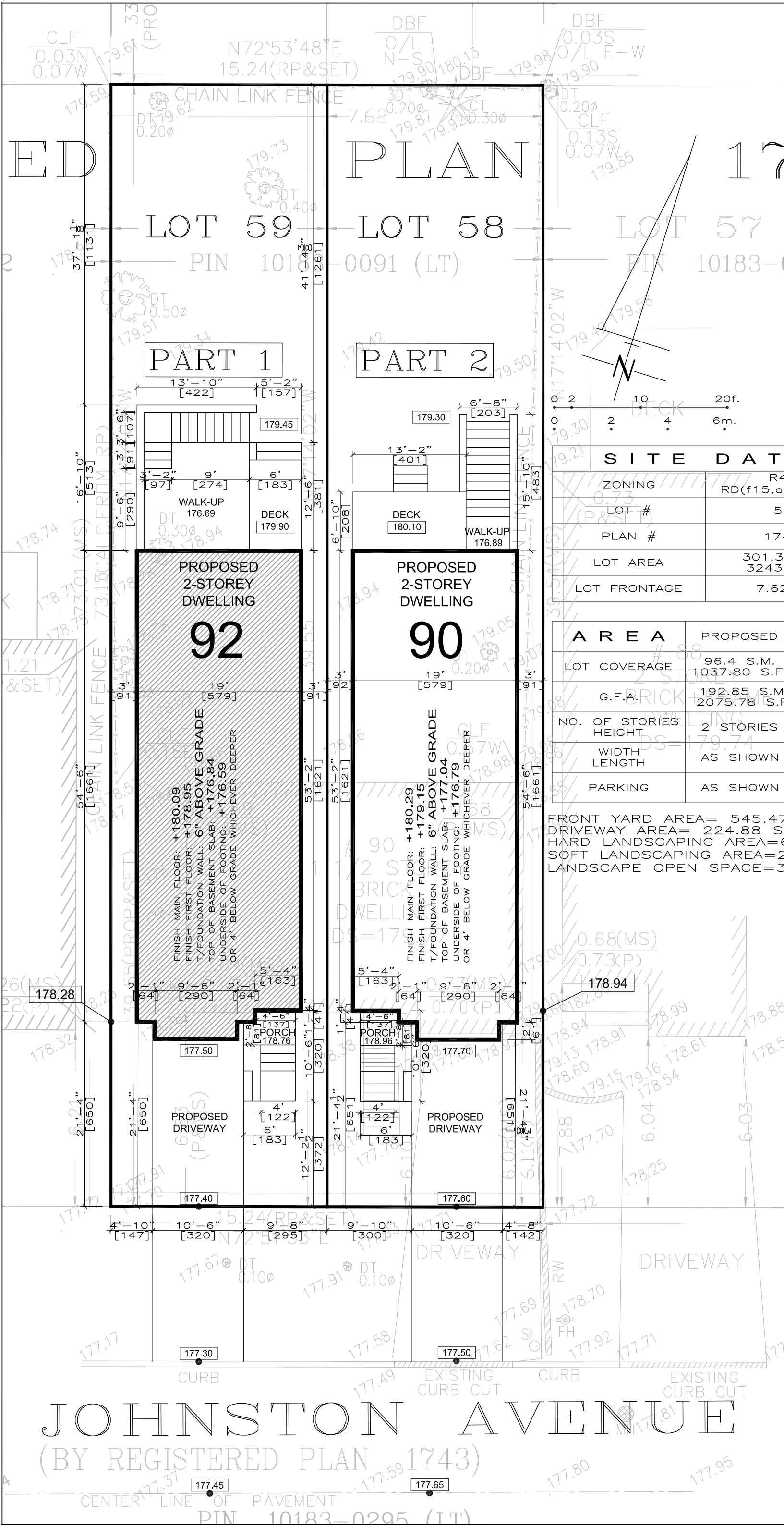
3/32"=1'

A1

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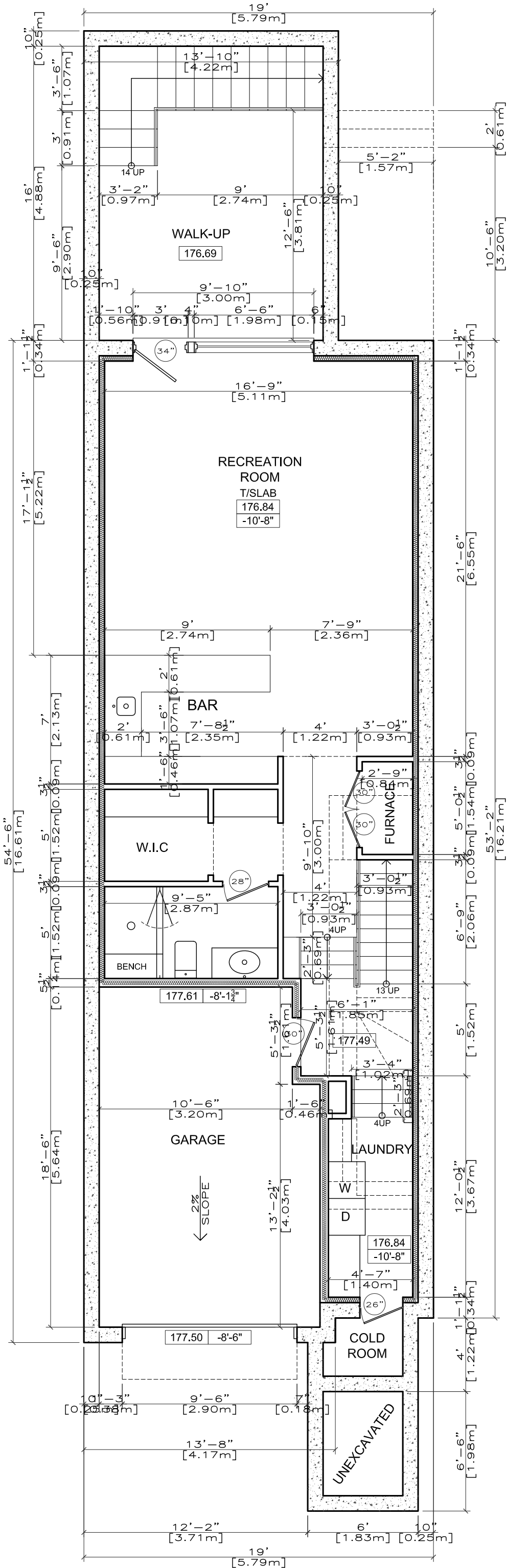
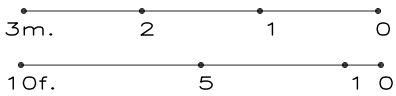
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NOTE:
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92 JOHNSTON AVENUE

BASEMENT PLAN

3/16"=1'

A2

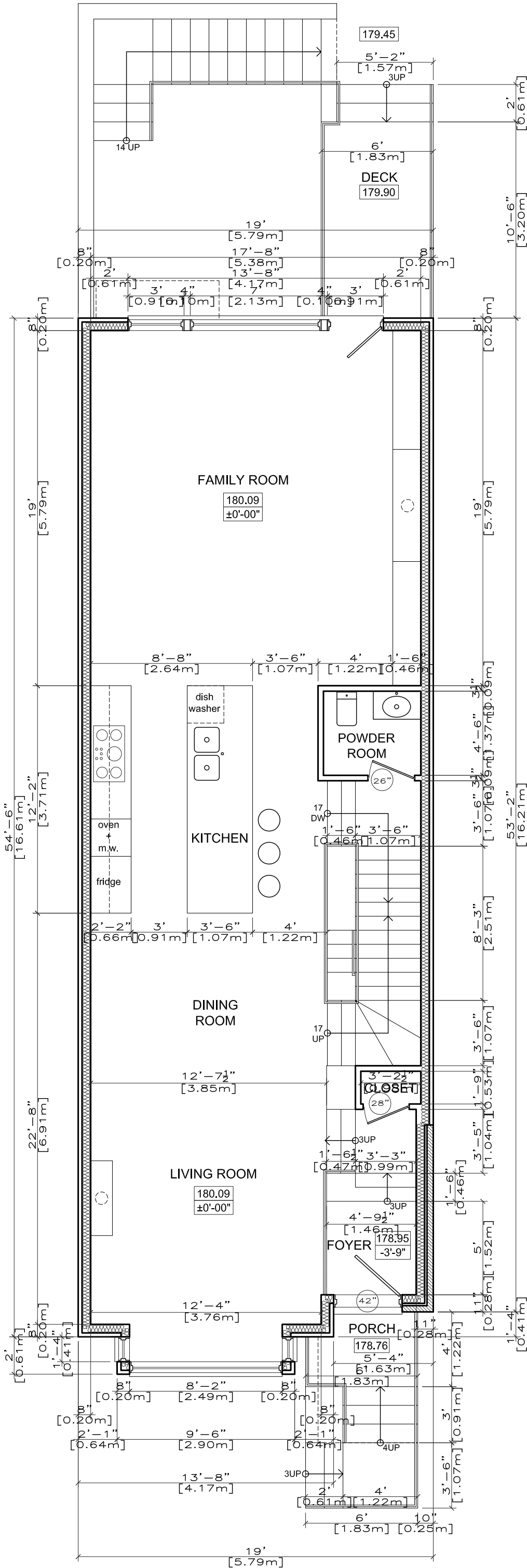
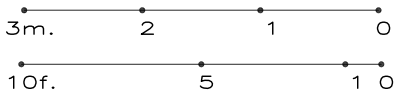
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92 JOHNSTON AVENUE

FIRST FLOOR PLAN

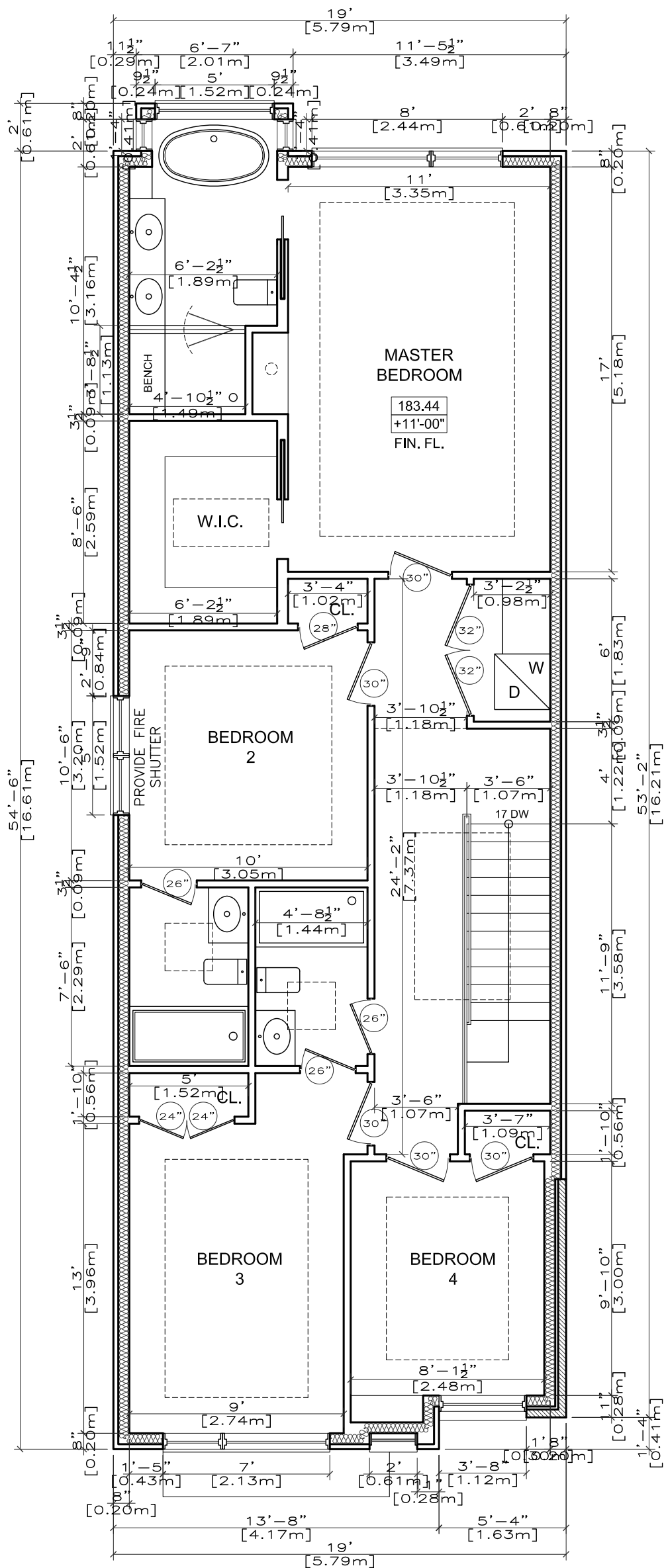
3/16"=1'

A3

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Ali Shakeri



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92 JOHNSTON AVENUE

SECOND FLOOR PLAN

$$3/16'' = 1'$$

A4

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At. shl

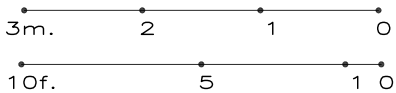
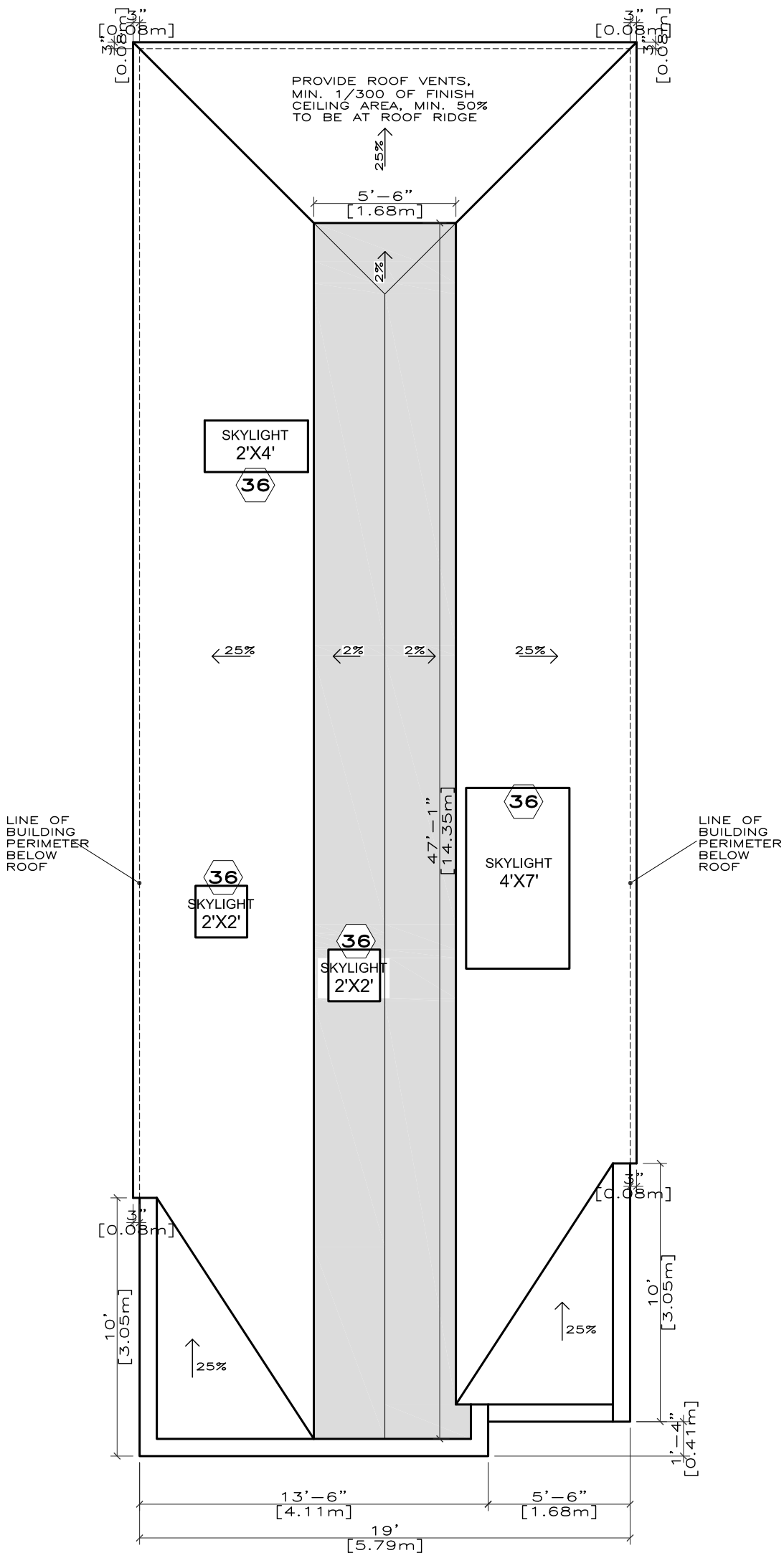
ARCICA INC.
326 SHEPPARD AVENUE EAST,
M2N 3B4
TORONTO, ONTARIO, CANADA,

ALI SHAKERI

T.416 8166651 F.416 2508900

1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE.
2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
3. DO NOT SCALE DRAWINGS.
4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.
5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION".
6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION

TOTAL ROOF AREA = 1049.42 S.F.
FLAT ROOF AREA (by-law 7625) = 258.96 S.F. (24.68 %)



NOTE:
ALL INTERIOR
WALL DIMENSIONS
SHOW FACE OF
STUDS

92 JOHNSTON AVENUE

ROOF PLAN

3/16"=1'

A5

revisions:
NOV 16, 2016- ISSUED FOR COA

THIS UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAS THE QUALIFICATIONS & MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER
Ali Shakeri F&A Associates Ltd.
BCIN-24574 BCIN-30998

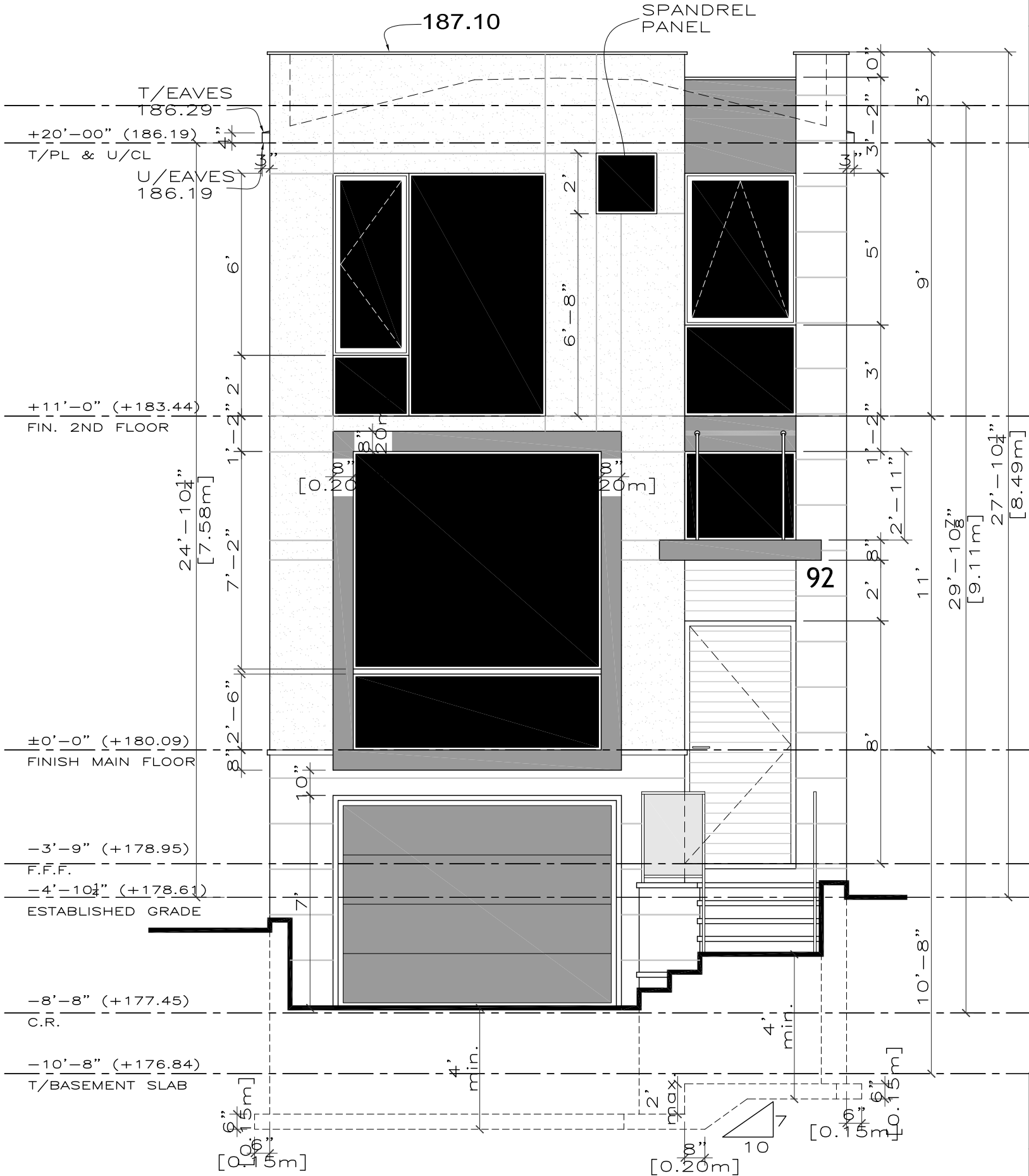
Ali Shakeri

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TORONTO, ONTARIO, CANADA,

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FRONT ELEVATION

92 JOHNSTON AVENUE

FRONT ELEVATION

1/4"=1'

A6

revisions:
NOV 16, 2016- ISSUED FOR COA

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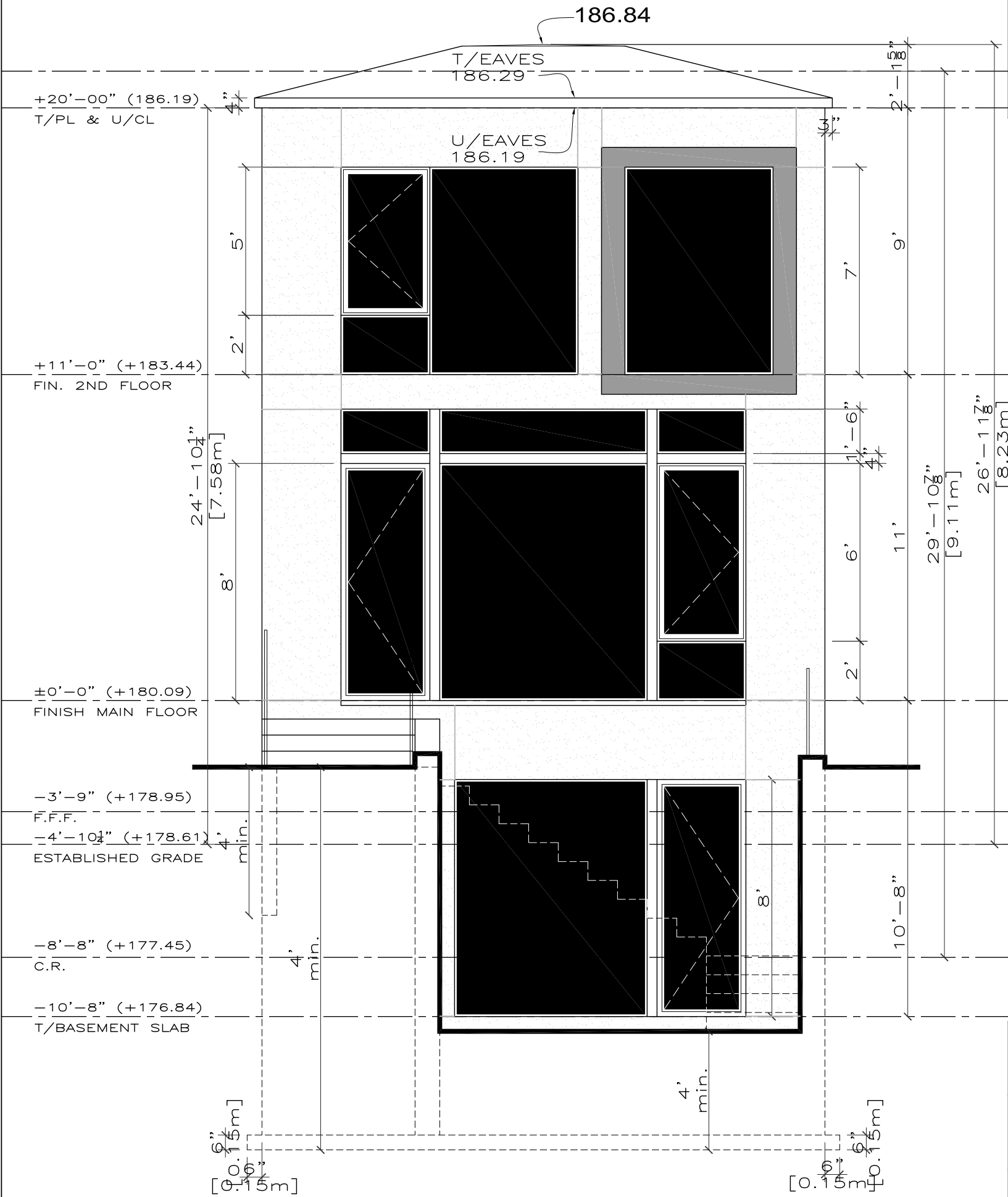
Ali Shakeri

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REAR ELEVATION

92 JOHNSTON AVENUE

REAR ELEVATION

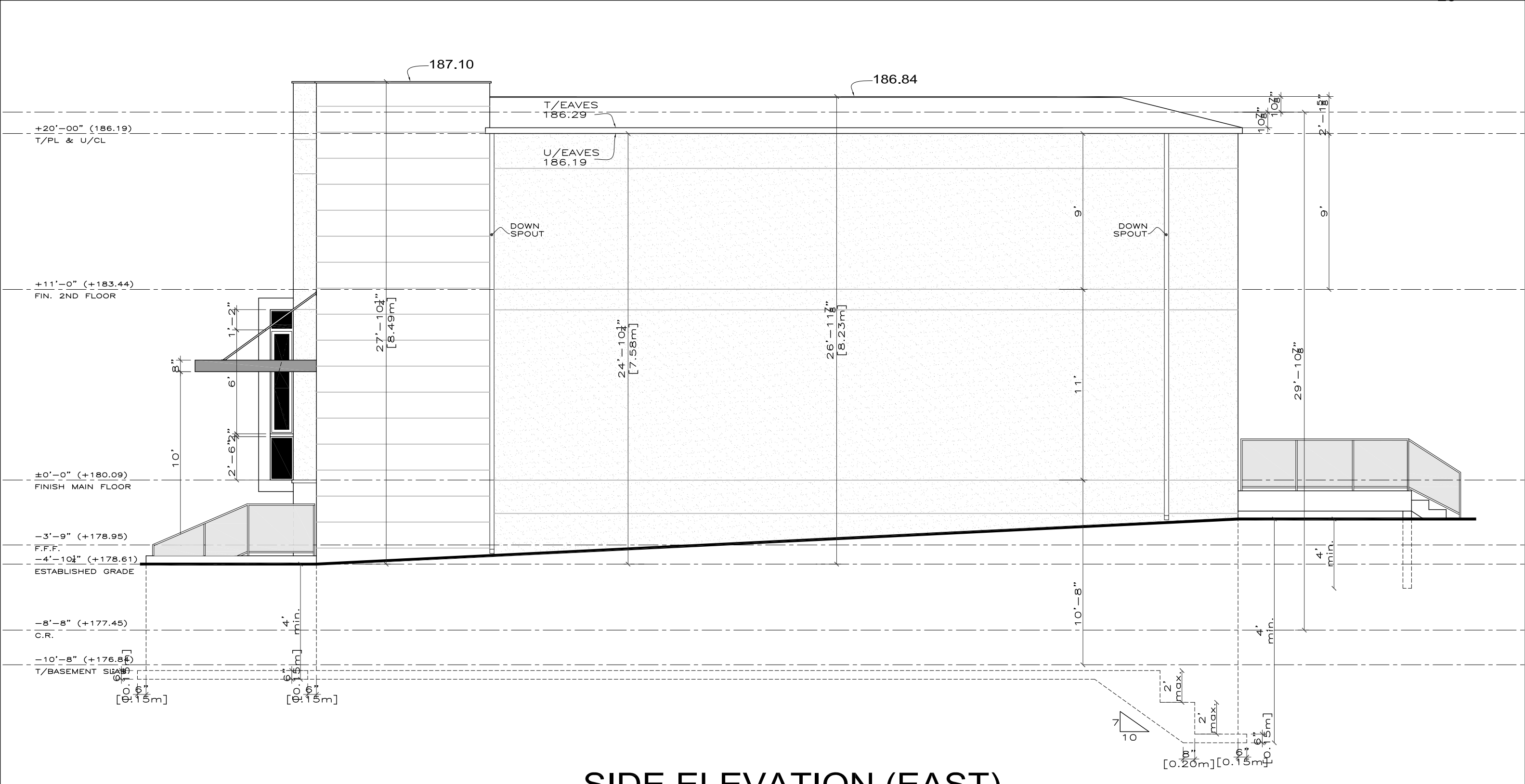
1/4"=1'

A7

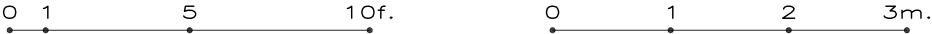
revisions:
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BCIN-24574 BCIN-30998

Ali Shakeri



SIDE ELEVATION (EAST)



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M2N 3B4
TORONTO, ONTARIO, CANADA,

ALI SHAKERI

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92 JOHNSTON AVENUE
SIDE ELEVATION
3/16"=1'
A8
revisions: NOV 16, 2016- ISSUED FOR COA
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