

# DECISION AND ORDER

**Decision Issue Date**      Friday, November 16, 2018

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

Appellant(s): RAN KONG

Applicant: RAN KONG

Property Address/Description: 1-11 CHARNWOOD RD

Committee of Adjustment Case File Number: 18 100150 NNY 25 CO, 18 100154 NNY 25 MV, 18 100127 NNY 25 CO, 18 100135 NNY 25 MV, 18 100144 NNY 25 MV

TLAB Case File Number: **18 151246 S53 25 TLAB, 18 151249 S45 25 TLAB, 18 151253 S45 25 TLAB, 18 151254 S45 25 TLAB, 18 151255 S53 25 TLAB**

**Hearing dates:**      Tuesday, October 16, 2018

**DECISION DELIVERED BY LAURIE MCPHERSON**

## APPEARANCES

Name	Role	Representative
Ran Kong	Appellant	Amber Stewart
City of Toronto	Party	Daniel Elmadany/Aderinsola Abimbola
Brian Story	Party	William Roberts
Franco Romano	Expert Witness	
Simona Rasanu	Expert Witness	

## INTRODUCTION

This is an appeal to the Toronto Local Appeal Body (the TLAB) by the owner (Applicant) of the refusal of the Committee of Adjustment for the City of Toronto (Committee) of

applications for consent to sever two lots to create three lots and associated minor variances to construct three single detached dwellings with integral garages (applications).

The two properties are located at 1 and 11 Charnwood Rd (subject lands).

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

## **BACKGROUND**

On April 18, 2018, the Committee had before it two consent applications and three minor variance applications. The Committee decisions are included as Attachment 1. Since that time, a driveway has been relocated on the plans in response to concerns from Urban Forestry. This does not affect the requested variances.

## **MATTERS IN ISSUE**

The primary issue in this appeal is whether the creation of three undersized lots from two larger lots and the resultant three single detached dwellings respects and reinforces the existing physical character of the neighbourhood as required by the Official Plan.

## **JURISDICTION**

### **Provincial Policy – S. 3**

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

### **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:

**Decision of Toronto Local Appeal Body Panel Member: L. MCPHERSON**  
**TLAB Case File Number: 18 151246 S53 25 TLAB, 18 151249 S45 25 TLAB, 18 151253 S45 25 TLAB, 18 151254 S45 25 TLAB, 18 151255 S53 25 TLAB**

- 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 land use planner, Mr. Franco Romano and the City's land use planner, Ms. Simona Rasanu. Both were qualified to give professional planning opinion evidence. In addition, the TLAB heard from Mr. Bob Story who provided evidence on behalf of the Don Mills Resident's Association.

Mr. Romano

Mr. Romano described the site and area context (Witness Statement- Exhibit 3a). The subject lands consist of two properties, 1 and 11 Charnwood Rd. They are located at the corner of Bond Ave and Charnwood Rd, east of Leslie Street and midway between Lawrence Avenue East and York Mills Road. The subject lands are within the northwest portion of the Don Mills community, a well-established community with four neighbourhoods centred on the Donways. The Don Mills community includes curvilinear streets, crescents, cul de sacs and road stumps to discourage through traffic. This road pattern impacts the shape and configuration of lots with many irregular lots. Each neighbourhood was centred on schools, churches and parks.

Bond Ave is a local street which runs east west and dead ends at Bond Park. Charnwood Road is a curvilinear road running north from Bond Ave. Previous employment lands, further east of Bond Ave before the park, have been redeveloped for semi-detached homes and townhouses with live-work permissions. There have been two lots severed on Sandalwood Pl creating two additional lots which front onto Bond Ave, close to Leslie Street, each of which contains a single detached dwelling of different architectural expression. In addition, at the end of Bond Ave there was a land division beside the park which created a new lot with a dwelling facing Bond Ave.

In Mr. Romano's opinion, the subject lands are located within an eclectic neighbourhood with a mixture of building types with the prevailing type being single detached dwellings. There has been some evolution in the lot fabric over time which has been gentle in nature and contributed to the health and stability of the neighbourhood.

The subject lands include a corner lot and a through lot although they can both be considered through lots as each of the lots has frontage on two streets. Mr. Romano noted that By-law 569- 2013 allows either of Charnwood Rd or Bond Ave to be the lot frontage for each lot. In terms of size, 1 Charnwood has a frontage of 24.36 m and an area of 800.7 m<sup>2</sup> and 11 Charnwood has a frontage of 18.29 m and a lot area of 727

**Decision of Toronto Local Appeal Body Panel Member: L. MCPHERSON**  
**TLAB Case File Number: 18 151246 S53 25 TLAB, 18 151249 S45 25 TLAB, 18 151253**  
**S45 25 TLAB, 18 151254 S45 25 TLAB, 18 151255 S53 25 TLAB**

m2. The lot depth is approximately 39.7 m. A one-storey dwelling is located towards the north central portion of each lot. Driveway access is from Charnwood Rd. Mature trees are located along the perimeter of the subject lands.

The proposal is to sever the two lots in order to create a third lot. Two of the new lots will have lot frontages of 12.8m (at both the street line/front lot line and as measured under the zoning by-law). The third lot which is at the corner will have a lot frontage and front lot line of 12.1m (north side) and 17.1m (west side), although the north side is considered the frontage in this proposal. The proposed lot areas are the 511.3 m<sup>2</sup> (corner lot), 507.6m<sup>2</sup> (centre lot) and 508.6 m<sup>2</sup> (east lot). Minor variances are required to the minimum lot frontage and lot area zoning standards of 15m and 550m<sup>2</sup>, respectively. A new two -storey detached dwelling is proposed for each new lot. The dwellings will continue to have a frontage facing north with access from Charnwood Road. To accommodate the proposed dwellings, each lot would require minor variances for lot coverage, side yard setbacks and eaves/chimney encroachments. In addition, the corner lot would require variances for front yard setback, vehicle access location and platform. Each dwelling would have different features on the front elevation.

Mr. Romano referred to his photo evidence to describe the neighbourhood (Visuals - Exhibit 3b). Some changes have taken place such as the new semi-detached and townhouses to the east which, in his view, form part of the character of the neighbourhood. He noted that the zoning for the semi-detached dwellings permits single detached dwellings. There is some variation in the lot fabric because of the curve of the streets. In his opinion, there has been some evolution in the lot fabric since the original Don Mills subdivision which demonstrates that the area is not static but stable.

For the purpose of evaluating the physical character of the neighbourhood, Mr. Romano identified a study area which was closely aligned to the study area used in the planning staff report to the Committee, extending east of Leslie Street to the Duncairn Park Trail and railway line, between York Mills Road and Lawrence Ave East. He noted that the area is difficult to traverse by car but can be experienced by walking. The area contains 632 residential lots or 572 lots if the semi-detached and the townhouses to the west of the subject lands are excluded.

Mr. Romano explained the challenge of using the City's data to determine lot frontage in this area. The lot frontage database is based on a measurement of the width of the lot at the street line or front lot line while the zoning by-law defines lot frontage measured from the required minimum front yard setback. This would require a site -by -site measurement as the front yard setback depends on the location of the main wall of neighbouring dwellings. He noted a survey would be required for each property in order to determine the minimum front yard setback. The City mapping and air photos show the roofline and not necessarily the main front wall so are not an accurate depiction that can be used. In Mr. Romano's opinion, the City's dataset is appropriate to use for numeric purposes and has been accepted practice in Toronto in his experience.

**Decision of Toronto Local Appeal Body Panel Member: L. MCPHERSON  
TLAB Case File Number: 18 151246 S53 25 TLAB, 18 151249 S45 25 TLAB, 18 151253  
S45 25 TLAB, 18 151254 S45 25 TLAB, 18 151255 S53 25 TLAB**

Based on this data, he advised that for the 572 lots within the same zone, 13.3% have a lot frontage that is smaller than the 15 m by-law requirement; and 9.4% are equal to or smaller than the 12.8 m proposed. In terms of lot size, 12.4% are smaller than the by-law requirement and 7.6% are smaller than the proposed area. Mr. Romano indicated that undersized lots are also represented in a smaller geographic area proximate to the subject lands. He advised that the residential lots throughout the neighbourhood are varied in terms of lot size and configuration and can have lots of varying sized adjacent to one another, as is the case with the subject lands. Mr. Romano cited examples where lots or blocks on the original plan of subdivision have been reconfigured over the years and the neighbourhood has evolved over time.

In terms of neighbourhood character, Mr. Romano indicated that the proposed lot frontages of 12.1 and 12.8 represent lots that are well represented in the neighbourhood's lot fabric and will contribute appropriately to the lot fabric in a manner that respects and reinforces its physical characteristics. Similarly, in his opinion, the proposed lots sizes are well represented and fit well with the mix of lot sizes within the neighbourhood. The proposed detached dwellings are located along the front central portion of the lot with a good front wall alignment including the corner lot which gives prominence to the corner. The front yards will contain landscaping, walkways and driveway features that are common with front yards in the area. The proposal has modest to wide side yards to provide access to the rear and landscaping that are keeping with side yards in the area. The rear yards are in excess of the zoning requirements and contain hard and soft amenity. In addition to the landscaping around the perimeter of each lot, the boulevard trees have been incorporated into the site design to reduce impact. The driveway of one of the houses has been shifted to avoid a City owned tree.

Mr. Romano reviewed recent minor variance activity (Exhibit 3a pg. 42) over the past 10 years. There have been variances for side yards, building length, lot coverage, front yard setbacks and coverage.

In his opinion, the proposal contains lot configuration, lot size, site design, and built form features and physical characteristics that exhibit complementary and compatible features which will contribute positively to respect and reinforce the neighbourhood's physical character. In his opinion, the proposed two storey dwelling on each lot has a height, mass and scale that fits in well with the varied height, mass and scale typology of nearby and neighbourhood properties. The dwellings are sited and designed to fit appropriately and proportionately to the proposed lots without the need for extraordinary treatment to accommodate it.

Development Engineering staff reviewed the application and had no objection and provided conditions to approval (Exhibit 2 – pg. 206). Urban Forestry comments have been addressed through the relocated and driveway and conditions to approval. Planning staff recommended refusal and Mr. Romano noted they used averages and determined that average frontage within the study area was 17.7 m. Mr. Romano noted

that the comparison is not appropriate as the neighbourhood is characterized by a variety of lot sizes in the area and not lots that are 17.7 m.

With respect to the PPS, Mr. Romano reviewed 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 and the applicable definitions. In his opinion, the proposal consistent with the PPS, particularly as it relates to achieving an appropriate mix and range of housing and densities, optimizing the use of land and making better, more efficient use of existing infrastructure. In addition he noted that municipalities are to promote opportunities for intensification for all forms of housing. For single detached dwellings, he advised that this would be in the City's Neighbourhoods. The policies provide that the Official Plan is the main implementation tool for the PPS.

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. He noted that the Growth Plan encourages intensification to reflect the desired urban structure which, in this instance, is implemented by the detached residential proposal. In his opinion, 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.

With respect to the Official Plan, Mr. Romano noted the Don Mills Secondary Plan and indicated there was nothing specific in it related to the applications and therefore the parent Official Plan applies. The subject lands are designated Neighbourhoods and the Official Plan contains policies that recognize that change within neighbourhoods will occur over time and that such change should respect and reinforce the existing physical character of the neighbourhood. The Neighbourhoods policies do not require replication of existing physical character, but instead provide that new development should fit the general physical patterns. In his opinion, the Official Plan permits intensification within Neighbourhoods in accordance with the Urban Structure policies in Section 2.3.1, the Built Form policies of Section 3.1.2, the Housing policies found in Section 3.2.1, and in accordance with the development criteria found in Sections 4.1.1, 4.1.5 and 4.1.8.

The Housing policies call for a full range of housing to be provided and policy 3.2.1. 2 states that the existing housing stock will 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 although there is a general increase in overall units. The proposal would provide the opportunity to implement housing policies which implement provincial policy by adding a new unit.

He indicated that the proposed lot frontage, lot depth and lot area fit well with those found in the neighbourhood. As well, the proposed building siting, size, height, scale and massing are appropriately proportionate to each proposed lot and compatible with

the neighbourhood. The proposal appropriately addresses the built form policies, which effectively direct a compatibility assessment. In his opinion,

Policy 4.1.5 states that development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood. Mr. Romano noted that the pattern of the streets is not being changed but influences the character of the area (4.1.5 a). With respect to the size and configuration of lots (4.1.5.b), Mr. Romano found the lots in the neighbourhood to be varied and the proposed configuration of the lots is respectful and consistent with the neighbourhood. Further, the size is consistent with other lots and it is common for lot sizes to differ from one to the next. The heights, massing, scale and dwelling type are similar to nearby dwellings which are varied with one to two storeys (4.1.5 c, d). The setbacks from the streets are appropriate, the rear yards are the same and the side yard setbacks are modest in size...and there is landscaped open space in the front. In his opinion, the proposal conforms with the criteria. Policy 4.1.8 indicates that the zoning by-law will contain numeric site standards to ensure that new development is compatible. In his opinion, the proposal is compatible and similar to other properties.

Policy 2.3.1 indicates that neighbourhoods are not frozen in time that some change will occur over time. In his opinion, the proposed dwellings respect and reinforce the detached residential character and features of the neighbourhood and the streetscape and open space patterns. With respect to the built form policies in Section 3.1.2, Mr. Romano noted that the proposed dwellings had been located and organized to fit within the context and the result is an appropriate application of the policies which respect and reinforce the neighbourhood character.

Overall, it was Mr. Romano's opinion that the applications maintain the general intent and purpose of the Official Plan.

With respect to the zoning by-law, Mr. Romano indicated that the intent and purpose is to provide for an orderly and compatible low rise residential form of development suitable for the site's physical context. In his opinion, the lot sizes are respectful of the physical context and fit within the lots sizes in the neighbourhood and nearby. The smallest side yard is 1.22 m, which is more than adequate to provide for access, spacing and maintenance. The setbacks provide for good sight lines for the corner lot. The lot coverage proposed provides for adequate amenity space and setbacks. The encroachment provisions are to ensure that the eaves and chimney do not encroach into the side yard and in the proposal the eaves and chimney are removed from the side lot lines. The height provision is to ensure that a low rise 2 storey built form is maintained. The measurement for height is taken from the centerline of the road to the midpoint of the roof in the former By-law 7625. The measurement in this case includes the rise in topography from the road. The proposed heights comply with zoning by-law 569-2013. The western corner lot requires variances for location of the driveway on the north frontage of Charnwood Road as the by-law requires vehicle access from the flanking street. The proposed driveway is located away from the intersection and is



**Decision of Toronto Local Appeal Body Panel Member: L. MCPHERSON**  
**TLAB Case File Number: 18 151246 S53 25 TLAB, 18 151249 S45 25 TLAB, 18 151253**  
**S45 25 TLAB, 18 151254 S45 25 TLAB, 18 151255 S53 25 TLAB**

similar to other properties in the neighbourhood. The front yard variances for the corner lot is a result of the curvature of the streetline which reduces the setback numerically while the dwelling is similar to the proposed neighbouring setback. The side yard platform variance maintains the accessory role of the platform and is a result of it being excavated.

In summary, in Mr. Romano's opinion, the proposed variances, individually and cumulatively, meet the general intent and purpose of the Toronto Zoning By-law 569-2013 and North York Zoning By-law 7625, as amended.

In his view, the proposal is desirable for the appropriate use and development of the land as it provides for the continued gradual evolution of the neighbourhood and reinforces and reflects the character. In terms of the test for minor, Mr. Romano indicated that there would be no unacceptable adverse impacts and the order of magnitude of the variances is reasonable and appropriate. He does not think the proposal will result in a precedent as, in his opinion, it is uniquely positioned and located in the neighbourhood with 3 street frontages. He is of the opinion that the variances are minor.

With respect to the consent application, Mr. Romano opined that a plan of subdivision was not required. In terms of the consent criteria in Section 51(24), it is Mr. Romano's opinion that the proposal satisfies each criterion individually and cumulatively. He indicated that there are no substantive implications related to subsections d.1, g, h, j, k and m. With respect to the other subsections:

- a – the proposal properly implements matters of provincial interest including Section 2 of the Planning Act, the Provincial Policy Statement and Growth Plan.
- b – the proposal is not premature as services are readily available to accommodate the development. The proposal is within the public interest to accommodate a gentle intensification that is reflective of and represented elsewhere in the neighbourhood
- c – the proposal conforms to the Official Plan and is reflective of and represented elsewhere in adjacent plans of subdivision.
- d – the lands are physically suitable for the proposed residential development
- e – the local road network is available and adequate to service the proposed residential development.
- f – the dimensions of the proposed lots are in keeping with the dimensions of other lots in adjacent plans of subdivision. The rectangular shape of the proposed lots is also reflective of the rectangular shape of other lots in adjacent plans of subdivision.
- g – there are no restrictions or impediments to development including no easements, rights of way etc.
- i – services are available and adequate.
- l – the proposed development will utilize modern materials that will optimize the

land usage and energy etc. efficiencies.

In summary, it was Mr. Romano's opinion that the proposal represents a continuation of the gradual evolution of the fabric and built form of the neighbourhood as seen over time. In his opinion, the proposal respects and reinforces the physical character of the neighbourhood and is in keeping with the eclectic and varied dwelling type and site and building designs nearby. It was his opinion that the consent criteria have been satisfied and the minor variance meet the four tests and the proposal represents good planning. He recommended that provisional consent be granted and the minor variances approved subject to the conditions

Ms. Rasanu

Ms. Rasanu provided similar evidence on the site and the surrounding context. With respect to the relevant Official Plan policies, Ms. Rasanu focused on the in-force Central Don Mills Secondary Plan and noted the subject lands are designated Neighbourhoods on Map 24-1 of the Secondary Plan (Exhibit 4). She advised that Secondary Plans contain policies that are area specific and more detailed than those in the general Official Plan. The goal of the Secondary Plan is to manage change in the community in a way that retains and enhances the existing character garden city traditions of Central Don Mills, which was planned in the 1950s as a self-contained community and became a model for suburban development across Canada.

The Secondary Plan contains a number of objectives to achieve this goal including: preserving the scale, height and built form relationships originally provided for in the development concept for Don Mills; preserving and protecting stable residential neighbourhoods; and reaffirming and extending into the future the basic elements of the concept of Don Mills.

Ms. Rasanu referred to policies within the Secondary Plan that are specific to Neighbourhoods. One of the specific objectives of the Secondary Plan is "to preserve and protect stable residential neighbourhoods;" (Objective 2.1 (e)). In her opinion, also of importance is Objective 2.1 (n): "to preserve and enhance streetscapes and landscaped areas in keeping with the garden city concept that formed part of the original concept for Don Mills." She reference 2 Secondary Plan policies that are of particular relevance:

- Policy 3.11 (Family Housing)  
"Don Mills traditionally has been regarded as a desirable community within which to start and raise a family. Neighbourhoods will be protected and conserved".
- Policy 3.1.2 (Balanced Housing Mix)  
"Don Mills was planned to provide a mix of housing forms and tenure, generally with higher density within the Donways, and lower density outside the Donways. Since its original development, specialized housing for senior citizens and the

handicapped, and condominium ownership have been added to the original balance. The full range of housing types and tenure, and the existing pattern of density distribution, will be maintained”.

In her opinion, the Secondary Plan envisions very limited change to the existing residential neighbourhood. Further, she opined that the emphasis of Policy 3.1.2 on maintaining the "existing pattern of density distribution" is important for these Applications, which seek to increase density to, and intensify in, the existing residential neighbourhood.

With respect to the delineation of a study area, Ms. Rasanu originally reviewed a larger area (similar to Mr. Romano's) for her report to the Committee recommending refusal of the applications. Under cross-examination, she explained that the larger study area was used to demonstrate to the Applicant that her planning opinion would not change by increasing the study area. The study area contained in her witness statement (Exhibit 9) is bounded generally by Hurlingham Crescent to the north (including properties on the north side of Hurlingham Crescent), Leslie Street to the east, Talwood Park to the south, and Scarsdale Road and the Don Mills Trail connecting Talwood Park to Bond Park. The study area consists of 339 lots which are subject to the same land use designation in the Official Plan and to a single zone under both By-laws.

The study area excludes properties fronting Preakness Drive since, in her opinion, they represent a different built form than what is proposed. The west side of Preakness Drive is comprised of semi-detached houses zoned differently than the Site. The east side of Preakness Drive and the southern portion of Bond Avenue (1-41 Preakness Drive and 20-40) Bond Avenue contain a townhouse development also zoned differently than the Site. The streetscape, setbacks, landscaping and open space, as well as heights, massing, and scale of the dwellings along with driveway configurations are different for this area. The townhouse development was the subject of a number of planning approvals, including an official plan amendment, zoning by-law amendment and plan of subdivision under the former City of North York Official Plan. Further, the uses of these properties are live-work units, which is different than what is permitted for this site. The properties fronting Preakness Drive were also excluded from the study area since they are not part of the Central Don Mills Secondary Plan area, unlike the rest of the neighbourhood study area.

Ms. Rasanu noted that the neighbourhood has experienced a fair amount of redevelopment activity, particularly involving the construction of replacement dwellings with approximately 75 minor variance applications filed since 2000. She referenced recent examples in her photobook (Exhibit 10). She described the neighbourhood as retaining much of its original modernist character and is characterized by single detached houses on large lots exceeding the zoning by-law requirements with abundant landscaping. She noted that since that time there have been no approved consent applications in the neighbourhood – one application was filed in 2003 and was subsequently withdrawn.

With respect to the lot frontage and area analysis (Exhibit 11), due to the irregular nature of many lots in the neighbourhood, curved and irregular lots were individually measured using GIS software in accordance with the provisions in Zoning By-law No. 569-2013 to ensure accuracy. The frontages and areas of regular lots were based on data available to the City.

The lot study analysis determined that all of the lots in her study area have frontages that meet or exceed the Zoning By-law. Furthermore, 95% of the lots have frontages that are approximately two metres greater than required by the by-law. Further, her analysis found that, with the exception of one lot, all of the lots meet the minimum lot area in the Zoning Bylaw with more than half have a lot area of 150 m<sup>2</sup> greater than the zoning requirement.

Ms. Rasanu concluded from the findings of the lot study that, as the vast majority of the lot frontages and areas meet the Zoning By-law, the proposed lots with frontages ranging from 12.1 m to 12.8 m and areas ranging from 507.63 m<sup>2</sup> to 511.3 m<sup>2</sup> would be significantly different than the existing neighbourhood lots.

In terms of provincial policy, Ms. Rasanu was of the opinion that the Applications conform to, and are generally consistent with the PPS and Growth Plan although she noted that the PPS recognizes that the local context is important, not all policies will be applicable to every site and the official plan is the most important vehicle for implementation of the PPS. With respect to the Growth Plan, while the site is located in a delineated built-up area, the underlying land use designation of Neighbourhoods is still applicable and the City has the flexibility in determining where intensification should and should not occur.

With respect to the requested consent applications, in Ms. Rasanu's opinion, the consent applications fail to satisfy the criteria in paragraphs (c) and (f) of s 51(24).

In terms of (c)- whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any, Ms. Rasanu referred to Sections 2.3.1, 4.1 and 4.1.5 which recognize that Neighbourhoods as physically stable areas where development is to respect and reinforce the existing physical character of the buildings, streetscapes and open space patterns in these areas, and any physical change must be sensitive, gradual and generally fit the existing physical character. The criteria in 4.1.5 require an assessment of the size and configuration of the lots when determining the appropriateness of a development and no changes are to be made that through minor variance or consent that are out of keeping with the physical character of the neighbourhood. In Ms. Rasanu's opinion, the proposed size and configuration of the lots do not fit the existing character of the neighbourhood and the proposed severance does not conform to the policies of the Official Plan or the Secondary Plan.

In terms of (f) -the dimensions and shapes of the proposed lots, Ms. Rasanu noted that

the neighbourhood lots meet and usually significantly exceed the zoning by-law frontage and area requirements. The proposed severance would result in the creation of three substantially undersized lots in comparison with the zoning by-law standards and would be the smallest lots created in the neighbourhood in terms of both frontage and area.

With respect to the variances, it was Ms. Rasanu's opinion that the requested lot frontages and lot areas do not satisfy the four tests of the Planning Act. With respect to the Official Plan, as noted previously the Official Plan sets out criteria under 4.1.5 call for an assessment of the size and configuration of lots. In her opinion, based on her analysis, the proposed frontages and areas would be out of keeping with the neighbourhood lot pattern and do not respect and reinforce the existing physical character of the neighbourhood. Based on her lot study, all of the lots comply with the minimum lot frontage and all but one complies with the required lot area. In her opinion, the proposed lots do not respect and reinforce the size and configuration of the lots in the neighbourhood. If approved, the proposal would be the first severance in the neighbourhood (based on her lot study) that does not meet the lot frontage or lot area requirements, and could be replicated, setting a precedent for future severances which would be contrary to the intent of the Official Plan and Secondary and could change the streetscapes and character of the Don Mills neighbourhood.

With respect to the intent and purpose of the zoning by-law, Ms. Rasanu stated that the general intent and purpose of the Zoning By-laws are to regulate the use of the land to ensure that development both fits on a given site and within its surrounding context and reduces impacts on adjacent properties. Minimum standards for lot frontage and lot area help to regulate the size of lots within a given neighbourhood to ensure consistent patterns of development and open space in order to preserve the look and feel of established streetscapes. Ms. Rasanu focused on the lot frontage variance in her evidence as it is noticeable by a passerby and has a greater impact on the streetscape than the overall lot size. In her opinion, the applications do not meet the intent of the Zoning By-law as the variances both individually and collectively significantly depart from the zoning permissions.

It was Ms. Rasanu's opinion that the proposal would not be desirable for the streetscape and the character of the larger neighbourhood. The proposal deviates from this vision for Don Mills, which the Official Plan and the associated Secondary Plan seek to maintain, by proposing lots that are significantly smaller than the norm in terms of both frontage and area. The resulting built form constructed on narrower lots would look different to passerby on the street than the rest of the houses in the neighbourhood. This would not be in keeping with the built form policies identified in Section 3.1.2 of the Official Plan which require development to fit within its existing and planned context. Should the Consent and Variance Applications be approved, this pattern of development could be repeated elsewhere within the neighbourhood and would alter the existing physical character and lotting pattern, which the Secondary Plan states will be protected and conserved. This would also be directly contrary to the Neighbourhoods policies in the Official Plan regarding growth that is to be sensitive and

gradual.

In terms of minor, it was Ms. Rasanu's opinion that the requested variances are not minor in nature from a quantitative or qualitative perspective. The proposed lots would have the smallest frontage and area in the neighbourhood and therefore constitute a significant departure from the lot pattern, where the overwhelming majority of lots (i.e. 95%) have frontages that exceed 17.1 m when the minimum zoning by-law requirement is 15 m. adverse impacts on the Charnwood Road streetscape in the form of reduced front yards, which will result in a reduction in the amount of landscaping and tree canopy – this would not be in keeping with the existing character of the Don Mills suburban neighbourhood.

In conclusion, it was Ms. Rasanu's opinion that the appeals should be dismissed.

Mr. Brian Story

Mr. Story was in attendance to represent the Don Mills Residence Inc. (DMRI), a volunteer, non-for-profit incorporation established in 1984 to represent the common interests of the residents in the community, such as development (Exhibit 12 – Witness Statement, Exhibit 13 – Documents). Mr. Story explained that he has been a resident of Don Mills for over 45 years, and has been on the Board of DMRI for 4 years where he currently is the Vice President of Development. As the Vice President it is his responsibility to look into any development issues, large and small, occurring within the neighbourhood. In response to this development, he had attended the Committee of Adjustment meeting where he was in opposition to the severances and variances. He is concerned that the proposed applications would establish a precedent that would fundamentally change the character of Don Mills.

In regard to this character, Mr. Story provided a brief background of the neighbourhood, where he explained that Don Mills is a unique community that was master planned and self-contained. He described the layout of the community, where 4 neighbourhoods are positioned around the Donways with a school and a church at its centre. He also clarified that the houses in the City's study area, which is to the west of the Don Mills Trail, are centred around a different church and school (however the church no longer exists). The students on the west side of the trail do not attend the school but rather attend Rippleton School on the west side of Leslie Street. What is now the Don Mills Trail used to be a fairly active rail spur line, which was considered unsafe for residents, especially children, to cross.

Mr. Story discussed how each of the four neighbourhoods has its own character, however all of them have large lots with plenty of greenspace on all four sides of the lots, and a path network connecting the community, which altogether comprise the 'garden city concept' for Don Mills.

Mr. Story was concerned that the proposed severances would fundamentally compromise this character. He reiterated the minimum sizing of the lots within the neighbourhood, which is set at a width of 15 m and an area of 550 m<sup>2</sup> and noted that virtually every lot is larger than this minimum. Mr. Story was particularly concerned with Mr. Romano's data which indicated the widths and areas of the lots in the community. Mr. Story believed this data was inconsistent with his understanding as a resident in the Don Mills community. In response, he tested this data against the surveys and MPAC data that he could acquire (Exhibit 13). In these documents, Mr. Story had calculated the frontage at a 6 m setback and then calculated the area using the City's method in their documentation. Mr. Story clarified that the use of a 6 m setback was a conservative number; he knew it could be more, but it was unlikely to be less. He reiterated these calculations were approximate, however, in his view, they showed a great inconsistency with the data provided in Mr. Romano's report.

Mr. Story used his own property at 15 Tadcaster Place as an example, identified as Lot 502 in Exhibit 13. He noted this lot was an irregular lot as it was 5-sided. Using the 6m setback, he found his frontage was 20 m and had an area closer to 880 m<sup>2</sup>, which is almost double that of Mr. Romano's report, which showed a frontage of 12.8 m and an area of 466 m<sup>2</sup>.

Mr. Story then discussed his findings with other surveys for irregular shaped lots which he obtained through the Committee. For the lot at 21 Fordham Pl, Mr. Story indicated that at the street line the lot has a width of 10.16 m, while at a setback of 6 m it is closer to 16-17 m wide and has an area of 703 m<sup>2</sup> (a conservative calculation), whereas Mr. Romano's data showed a lot area of 442 m<sup>2</sup>. Next, Mr. Story used the lots on Charnwood Road, which are located across the street from the subject lands. He noted that the houses identified as Lot 12, 13, and 14 are all irregular lots. Using Lot 14 as an example, Mr. Story referred to Mr. Romano's data which showed a width of 14.5 m and an area of 0 m. He noted that many of the lots in Mr. Romano's data listed an area of 0 m. Using his own calculations, Mr. Story found Lot 14 had an actual frontage of 18.5 m and an area of over 1,000 m<sup>2</sup>. Mr. Story's last example was 46 Ballyronan Road, which he noted the Committee identified as slightly irregular. Mr. Romano listed the frontage as just over 17 m and had an area of 0 m. Using his own calculations, Mr. Story had found the frontage to be almost 18 m (17.9 m), with an area of 700 m.

Mr. Story then discussed how he went back to the MPAC data to check his calculations for these lots and found them to be roughly consistent. He also compared his calculations for the Charnwood Road and Ballyronan Road houses with the City's dimensions and found them to be similar. With these calculations, Mr. Story illustrated his concern that the data being relied on in Mr. Romano's calculations was not actually the frontage, but the front lot line, and that the area was being calculated using the front lot line multiplied by only one side of the lot. Mr. Story believed this calculation was arbitrary and erroneous as many lots listed an area of 0 m<sup>2</sup>. Further, many of the lots are irregularly shaped and his calculations could only accurately determine the

**Decision of Toronto Local Appeal Body Panel Member: L. MCPHERSON**  
**TLAB Case File Number: 18 151246 S53 25 TLAB, 18 151249 S45 25 TLAB, 18 151253**  
**S45 25 TLAB, 18 151254 S45 25 TLAB, 18 151255 S53 25 TLAB**

dimensions of a rectangular structure. Mr. Story concluded that the data provided by Mr. Romano cannot be relied on and is thus not applicable.

Mr. Story clarified that he is not an expert, however he included references to the Planning Act, the Official Plan, including the healthy neighbourhoods policies, and the Secondary Plan.

Mr. Story also identified the issues with the lack of trees on the proposed properties as a second concern. He acknowledged that this issue appears to have been resolved but wanted to reemphasize that the tree canopy in general and the preservation of mature trees is a very important issue for the residents of Don Mills.

Mr. Story commented that the DMRI acknowledges the changes that have been occurring in Don Mills, for example, in the style of houses. However, he maintained that through all of this change, the DMRI have endeavored and have largely succeeded in preserving the setbacks – front, side, and back – and limiting the lot coverage to a great extent, which he believed was an important step in preserving the garden city concept.

He referred to some successful severances in the community such the three severances on Bond Street, referenced earlier. However, he noted that these were all exceptionally large lots to begin with, and once severed, the new lots were all substantially larger than the minimum by-law dimensions.

Mr. Story indicated that the fundamental issue with the DMRI is the severance applications; however, he believed the variances in themselves are not minor. He is particularly concerned with the combination of the two. In his view, the variances for the proposed lots illustrate and reinforce that the severed lots are too small. They are all between 12.1 m to 12.8 m wide with areas just over 500 m<sup>2</sup>, however the variances proposed for the side yards and lot coverage indicate a coverage moving towards 30%. The severed lots have a coverage of 29.2%, 29.1%, and 28.7% respectively while the maximum coverage is only 25%. As a result, in their view, the variances illustrate the lots that would be created from the severances are too small and the variances are unacceptable to the community.

Mr. Story concluded that the severances and variances would fundamentally alter the community and set a precedent which could further alter the community. He noted that the houses would be very large and too close together by the standards of the Don Mills community and if accepted, would allow for the rest of the street to begin to do the same. He believed the severances and variances together would fundamentally change the character of the Don Mills community and garden city concept, and requested the TLAB to confirm the decision of the Committee of Adjustment and dismiss the appeals.



## **ANALYSIS, FINDINGS, REASONS**

The key issue to be resolved in this matter is whether the proposal to create three lots from two lots in this neighbourhood conforms to the policies of the Official Plan and the Don Mills Secondary Plan. While the provincial policy direction supports intensification, it is to be considered within the framework of municipal planning policy. As a result, depending on the policy framework and the neighbourhood context, not all proposals for intensification in Neighbourhoods can be supported, even through the lens of provincial policy.

The Official Plan contains policies that recognize that some physical change within neighbourhoods will occur over time in the form of enhancements, additions and infill housing on individual sites and that such development must respect the general physical character of the neighbourhood (2.3.1). The City Official Plan includes policy direction for the consideration of intensification in Neighbourhoods, directing that development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood.

In addition, the Don Mills Secondary Plan, which applies to the subject lands, contains additional language about preserving and conserving the neighbourhood. In particular, I have had regard to the objectives "to preserve and protect stable residential neighbourhoods" and "to preserve and enhance streetscapes and landscaped areas in keeping with the garden city concept that formed part of the original concept for Don Mills". In addition, Policy 3.11 states: "Don Mills traditionally has been regarded as a desirable community within which to start and raise a family. Neighbourhoods will be protected and conserved". This policy direction goes beyond respecting and reinforcing the physical character of the neighbourhood and directs an additional test to be met in the consideration of new development - to preserve, protect and conserve the neighbourhood.

In this regard, as noted by both planners, Section 4.1.5 of the Official Plan provides criteria to assess the neighbourhood characteristics. Each planner identified as study area for the purposes of their analysis. It was appropriate for Mr. Romano to use the same general parameters as the City planner originally did when establishing his study area for a comparison, including the area east of the greenway. However, I agree with Ms. Rasanu that the semi-detached and townhouse/live work units further east on Bond Ave, in proximity to the subject lands, should be excluded from the study area as they are not within the Don Mills Secondary Plan which provides additional policy direction for the original neighbourhoods within the boundary.

It is recognized that there are limitations with the available data from the City regarding lot frontage and lot area. The publicly accessible data available from the City does not provide an accurate measurement of lot frontage for irregular lots based on the zoning by-law provisions. I agree with Mr. Romano that to do a conclusive analysis would require information that is not generally available, including surveys of the lots in the

area. I understand that it is common to use the City's data in the absence of other information. The problem in this area is with the prevalence of irregular lots as a result of the design of the subdivision. Ms. Rasanu provided an analysis based on GIS, which in her opinion was accurate. I appreciate the effort to calculate the lot frontage of each lot in her study area, but I also agree that it is difficult to confirm the accuracy of the information without an individual lot- by- lot analysis to review. However, even allowing for some error, it is clear from her analysis that lot frontages in the neighbourhood are generally larger than the zoning by-law minimum of 15.0 m. In addition, Mr. Story provided surveys of lots in the area and, allowing for error, still demonstrate that the City data does not accurately reflect the true lot frontage or lot area of these lots.

Based on the lot study analysis of both planners, the City data for the regular shaped rectangular lots is generally accurate and most lots have a lot frontage that exceed the zoning by-law standard of 15 m. The lots that Mr. Romano has identified as less than 15 m are almost exclusively irregularly shaped corner or pie shaped lots that, by their very nature, fan out from the street line and would have a lot frontage, as defined, that would be greater than the frontage at the lot line. As noted by Mr. Story, even assuming a relatively modest front yard setback for this area would increase the frontage as defined. As a result, in this context, I do not find that the City lot data is a reliable measure of the true lot frontage in an area with so many irregular lots. It is difficult to accept that the corner lots have frontages that do not meet or exceed the zoning by-law standard of 15 m or a lot area of 550 m<sup>2</sup>. While I do not have conclusive evidence that there are no lot frontages in the neighbourhood that are less than the by-law standard or of the lot size being proposed, I also do not have any persuasive evidence that single detached lots of such size exist in either study area.

The previous severances identified in the neighbourhood did not require a variance for lot size or frontage. There is no evidence that there have been any consents for a frontage of 12.1m – 12.8m for single detached dwellings in the Neighbourhood as defined in the Secondary Plan. I am not persuaded that the proposal reflects the lot patterns or sizes in the neighbourhood or form part of the character of the area. The issue of precedent was raised. While each application is assessed on its own merits within its context, I agree with the concern of the precedent setting nature of the proposal, if approved. There may not be other contiguous lots that share all of the same characteristics as the subject lands, however; there are certainly a number of contiguous large lots in the neighbourhood which would have the potential to create similar sized lots if consolidated. I find that repeating this pattern of development would not preserve or conserve the neighbourhood as directed by the Secondary Plan

The Official Plan directs that no changes will be made through minor variance or consent that are out of keeping with the physical character of the neighbourhood. As a result, I find that the proposal, with respect to the lot frontage and lot size, does not conform to provisions of Official Plan or Secondary Plan and therefore the provisions of 51(24) and the tests in 45(1) of the Act not met.

**Decision of Toronto Local Appeal Body Panel Member: L. MCPHERSON**  
**TLAB Case File Number: 18 151246 S53 25 TLAB, 18 151249 S45 25 TLAB, 18 151253**  
**S45 25 TLAB, 18 151254 S45 25 TLAB, 18 151255 S53 25 TLAB**

Both planners addressed Official Plan Amendment 320, which is currently under appeal at the OMB. While I have had consideration to the policy direction contained therein, I have not relied on it as part of this analysis. However, this decision does not conflict with its intent and purpose.

The remaining minor variances relate directly to the three new dwellings that would be created on the new, undersized lots. These have not been specifically addressed in this decision, as the proposal to create the lots is refused. This does not prejudice a future application(s) for these variances on the lots of record at a future date.

## **DECISION AND ORDER**

The appeals are denied and the decisions of the Committee dated April 18, 2018 are confirmed as set out in Attachment 1.

X 

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Laurie McPherson  
Panel Chair, Toronto Local Appeal Body

Wednesday, April 18, 2018

**NOTICE OF DECISION**  
**CONSENT**  
**(Section 53 of the Planning Act)**

File Number:	B0001/18NY	Zoning	R4/RD(x5) [ZZC]
Owner(s):	RAN KONG	Ward:	Don Valley West (25)
Agent:	RAN KONG	Heritage:	Not Applicable
Property Address:	<b>1 CHARNWOOD RD</b>	Community:	North York
Legal Description:	PLAN M667 LOT 9		

Notice was given and the application considered on Wednesday, April 18, 2018, as required by the Planning Act.

**THE CONSENT REQUESTED:**

To obtain consent to sever a portion of land for the purpose of a lot addition to create a new building lot.

**CONVEYED - Part 3**

Part 3 has a lot frontage of 7.31m and a lot area of 289.4m<sup>2</sup>. Part 3 will be added to Part 2 (severed from B0002/18NY) to create a new building lot with a frontage of 12.8m and a lot area of 507.63m<sup>2</sup>. Parts 2 and 3 will be redeveloped with a new detached residential dwelling requiring variances to the applicable zoning by-laws as outlined in application A0003/18NY.

**RETAINED - Part 4**

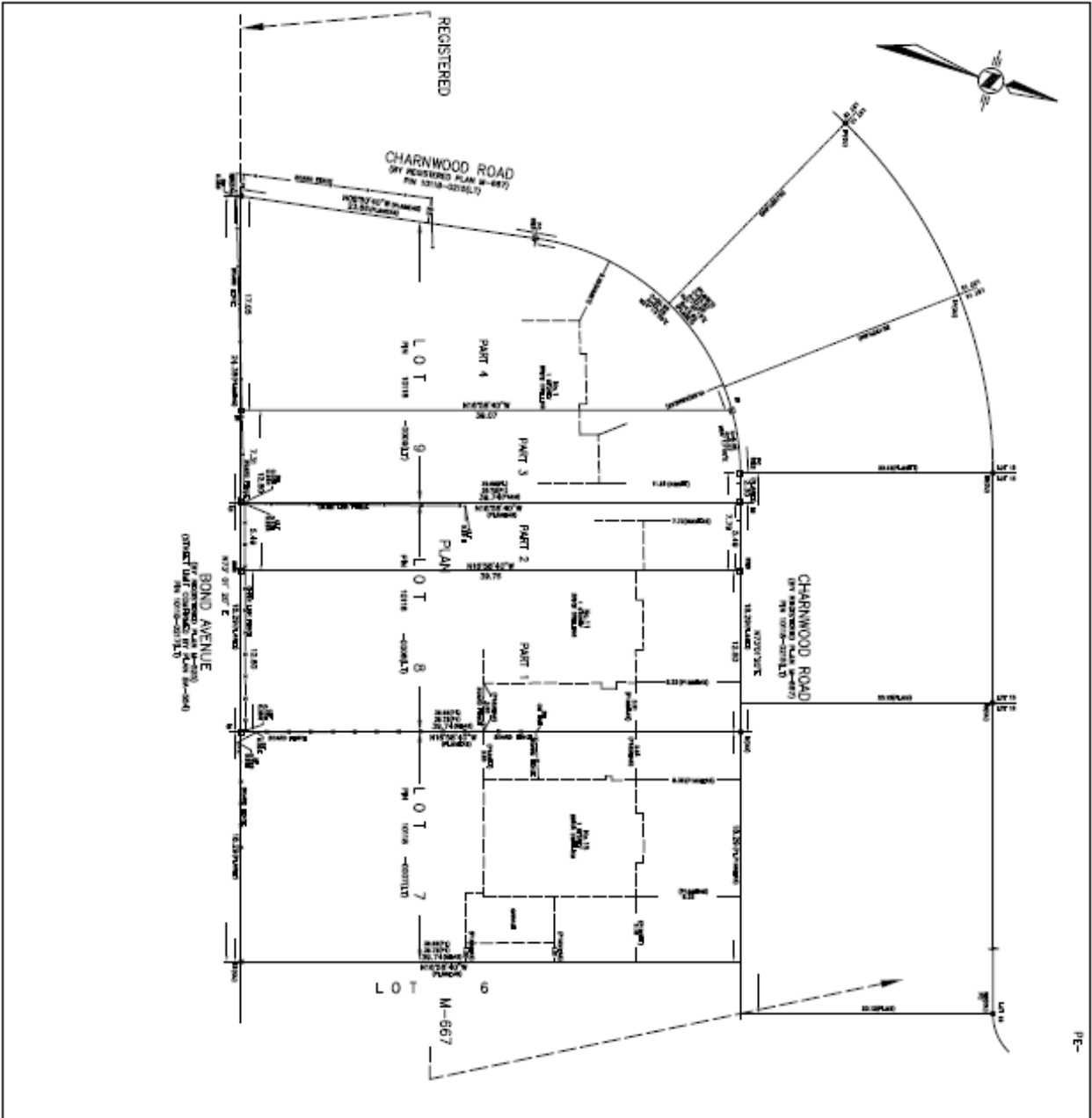
Part 4 has a lot frontage of 12.1m and a lot area of 511.3m<sup>2</sup>. The lot will be redeveloped with a new detached dwelling requiring variances to the applicable zoning by-laws as outlined in application A0002/18NY.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

**The Consent Application is Refused**

In the opinion of the Committee, the application does not satisfy the requirements of Section 51(24) of the Planning Act and is **NOT** approved for the following reason(s):

- The proposed land division does not conform to the policies of the official plan.
- The suitability of the land for the purposes for which it is to be subdivided has not been demonstrated.
- The suitability of the dimensions and shapes of the proposed lots has not been demonstrated.



1E-

I hereby declare this plan to be a true and correct copy of the original plan as shown to me by the Surveyor.		PLAN 668-	
NAME _____		DRAWING AND DESIGNER _____	
ADDRESS _____		NAME _____	
CITY _____		PROFESSIONAL REGISTRATION NO. _____	
PROFESSIONAL REGISTRATION NO. _____		DATE OF REGISTRATION _____	
<p>NOTES AND LEGEND</p> <p>1. REGISTERED SURVEY PLAN</p> <p>2. REGISTERED SURVEY PLAN</p> <p>3. REGISTERED SURVEY PLAN</p> <p>4. REGISTERED SURVEY PLAN</p> <p>5. REGISTERED SURVEY PLAN</p> <p>6. REGISTERED SURVEY PLAN</p> <p>7. REGISTERED SURVEY PLAN</p> <p>8. REGISTERED SURVEY PLAN</p> <p>9. REGISTERED SURVEY PLAN</p> <p>10. REGISTERED SURVEY PLAN</p> <p>11. REGISTERED SURVEY PLAN</p> <p>12. REGISTERED SURVEY PLAN</p> <p>13. REGISTERED SURVEY PLAN</p> <p>14. REGISTERED SURVEY PLAN</p> <p>15. REGISTERED SURVEY PLAN</p> <p>16. REGISTERED SURVEY PLAN</p> <p>17. REGISTERED SURVEY PLAN</p> <p>18. REGISTERED SURVEY PLAN</p> <p>19. REGISTERED SURVEY PLAN</p> <p>20. REGISTERED SURVEY PLAN</p> <p>21. REGISTERED SURVEY PLAN</p> <p>22. REGISTERED SURVEY PLAN</p> <p>23. REGISTERED SURVEY PLAN</p> <p>24. REGISTERED SURVEY PLAN</p> <p>25. REGISTERED SURVEY PLAN</p> <p>26. REGISTERED SURVEY PLAN</p> <p>27. REGISTERED SURVEY PLAN</p> <p>28. REGISTERED SURVEY PLAN</p> <p>29. REGISTERED SURVEY PLAN</p> <p>30. REGISTERED SURVEY PLAN</p> <p>31. REGISTERED SURVEY PLAN</p> <p>32. REGISTERED SURVEY PLAN</p> <p>33. REGISTERED SURVEY PLAN</p> <p>34. REGISTERED SURVEY PLAN</p> <p>35. REGISTERED SURVEY PLAN</p> <p>36. REGISTERED SURVEY PLAN</p> <p>37. REGISTERED SURVEY PLAN</p> <p>38. REGISTERED SURVEY PLAN</p> <p>39. REGISTERED SURVEY PLAN</p> <p>40. REGISTERED SURVEY PLAN</p> <p>41. REGISTERED SURVEY PLAN</p> <p>42. REGISTERED SURVEY PLAN</p> <p>43. REGISTERED SURVEY PLAN</p> <p>44. REGISTERED SURVEY PLAN</p> <p>45. REGISTERED SURVEY PLAN</p> <p>46. REGISTERED SURVEY PLAN</p> <p>47. REGISTERED SURVEY PLAN</p> <p>48. REGISTERED SURVEY PLAN</p> <p>49. REGISTERED SURVEY PLAN</p> <p>50. REGISTERED SURVEY PLAN</p> <p>51. REGISTERED SURVEY PLAN</p> <p>52. REGISTERED SURVEY PLAN</p> <p>53. REGISTERED SURVEY PLAN</p> <p>54. REGISTERED SURVEY PLAN</p> <p>55. REGISTERED SURVEY PLAN</p> <p>56. REGISTERED SURVEY PLAN</p> <p>57. REGISTERED SURVEY PLAN</p> <p>58. REGISTERED SURVEY PLAN</p> <p>59. REGISTERED SURVEY PLAN</p> <p>60. REGISTERED SURVEY PLAN</p> <p>61. REGISTERED SURVEY PLAN</p> <p>62. REGISTERED SURVEY PLAN</p> <p>63. REGISTERED SURVEY PLAN</p> <p>64. REGISTERED SURVEY PLAN</p> <p>65. REGISTERED SURVEY PLAN</p> <p>66. REGISTERED SURVEY PLAN</p> <p>67. REGISTERED SURVEY PLAN</p> <p>68. REGISTERED SURVEY PLAN</p> <p>69. REGISTERED SURVEY PLAN</p> <p>70. REGISTERED SURVEY PLAN</p> <p>71. REGISTERED SURVEY PLAN</p> <p>72. REGISTERED SURVEY PLAN</p> <p>73. REGISTERED SURVEY PLAN</p> <p>74. REGISTERED SURVEY PLAN</p> <p>75. REGISTERED SURVEY PLAN</p> <p>76. REGISTERED SURVEY PLAN</p> <p>77. REGISTERED SURVEY PLAN</p> <p>78. REGISTERED SURVEY PLAN</p> <p>79. REGISTERED SURVEY PLAN</p> <p>80. REGISTERED SURVEY PLAN</p> <p>81. REGISTERED SURVEY PLAN</p> <p>82. REGISTERED SURVEY PLAN</p> <p>83. REGISTERED SURVEY PLAN</p> <p>84. REGISTERED SURVEY PLAN</p> <p>85. REGISTERED SURVEY PLAN</p> <p>86. REGISTERED SURVEY PLAN</p> <p>87. REGISTERED SURVEY PLAN</p> <p>88. REGISTERED SURVEY PLAN</p> <p>89. REGISTERED SURVEY PLAN</p> <p>90. REGISTERED SURVEY PLAN</p> <p>91. REGISTERED SURVEY PLAN</p> <p>92. REGISTERED SURVEY PLAN</p> <p>93. REGISTERED SURVEY PLAN</p> <p>94. REGISTERED SURVEY PLAN</p> <p>95. REGISTERED SURVEY PLAN</p> <p>96. REGISTERED SURVEY PLAN</p> <p>97. REGISTERED SURVEY PLAN</p> <p>98. REGISTERED SURVEY PLAN</p> <p>99. REGISTERED SURVEY PLAN</p> <p>100. REGISTERED SURVEY PLAN</p>			

**SIGNATURE PAGE**

File Number:	B0001/18NY	Zoning	R4/RD(x5) [ZZC]
Owner(s):	RAN KONG	Ward:	Don Valley West (25)
Agent:	RAN KONG	Heritage:	Not Applicable
Property Address:	<b>1 CHARNWOOD RD</b>	Community:	North York
Legal Description:	PLAN M667 LOT 9		

\_\_\_\_\_  
Beth Levy (signed)

\_\_\_\_\_  
Denise Graham (signed)

\_\_\_\_\_  
Giacomo Tonon (signed)

\_\_\_\_\_  
Isaac Lallouz (signed)

\_\_\_\_\_  
Wayne McEachern (signed)

DATE DECISION MAILED ON: Wednesday, April 25, 2018

LAST DATE OF APPEAL: Tuesday, May 15, 2018

CERTIFIED TRUE COPY

Dan Antonacci  
Manager & Deputy Secretary Treasurer  
North York Panel

Wednesday, April 18, 2018

## NOTICE OF DECISION CONSENT (Section 53 of the Planning Act)

File Number:	B0002/18NY	Zoning	R4/RD(x5) [ZZC]
Owner(s):	WENQING LU	Ward:	Don Valley West (25)
Agent:	RAN KONG	Heritage:	Not Applicable
Property Address:	<b>11 CHARNWOOD RD</b>	Community:	North York
Legal Description:	PLAN M667 LOT 8		

Notice was given and the application considered on Wednesday, April 18, 2018, as required by the Planning Act.

### **THE CONSENT REQUESTED:**

To obtain consent to sever a portion of land for the purpose of a lot addition to create a new building lot.

### **CONVEYED - Part 2**

Part 2 has a lot frontage of 5.49m and a lot area of 218.2m<sup>2</sup>. Part 2 will be added to Part 3 (severed from B0001/18NY) to create a new building lot with a frontage of 12.8m and a lot area of 507.63m<sup>2</sup>. Parts 2 and 3 will be redeveloped with a new detached residential dwelling requiring variances to the applicable zoning by-laws as outlined in application A0003/18NY.

### **RETAINED - Part 1**

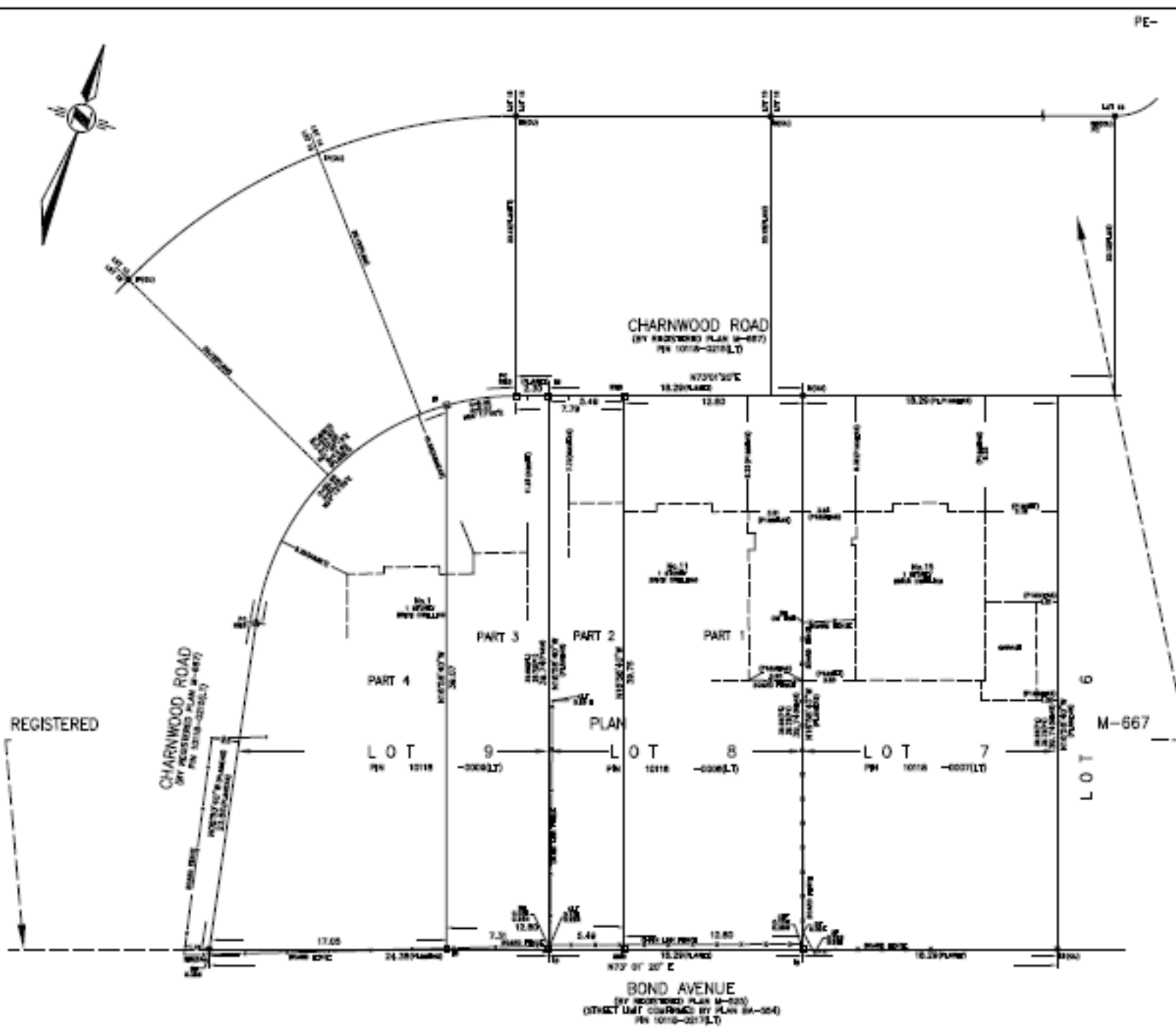
Part 1 has a lot frontage of 12.8m and a lot area of 508.67m<sup>2</sup>. The lot will be redeveloped with a new detached residential dwelling requiring variances to the applicable zoning by-laws as outlined in application A0004/18NY.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

### **The Consent Application is Refused**

In the opinion of the Committee, the application does not satisfy the requirements of Section 51(24) of the Planning Act and is **NOT** approved for the following reason(s):

- The proposed land division does not conform to the policies of the official plan.
- The suitability of the land for the purposes for which it is to be subdivided has not been demonstrated.
- The suitability of the dimensions and shapes of the proposed lots has not been demonstrated.





**SIGNATURE PAGE**

File Number:	B0002/18NY	Zoning	R4/RD(x5) [ZZC]
Owner(s):	WENQING LU	Ward:	Don Valley West (25)
Agent:	RAN KONG	Heritage:	Not Applicable
Property Address:	<b>11 CHARNWOOD RD</b>	Community:	North York
Legal Description:	PLAN M667 LOT 8		

\_\_\_\_\_  
Beth Levy (signed)

\_\_\_\_\_  
Denise Graham (signed)

\_\_\_\_\_  
Giacomo Tonon (signed)

\_\_\_\_\_  
Isaac Lallouz (signed)

\_\_\_\_\_  
Wayne McEachern (signed)

DATE DECISION MAILED ON: Wednesday, April 25, 2018

LAST DATE OF APPEAL: Tuesday, May 15, 2018

CERTIFIED TRUE COPY

Dan Antonacci  
Manager & Deputy Secretary Treasurer  
North York Panel

Wednesday, April 18, 2018

**NOTICE OF DECISION**  
**MINOR VARIANCE/PERMISSION**  
**(Section 45 of the Planning Act)**

File Number:	A0002/18NY	Zoning	R4/RD(x5) [ZZC]
Owner(s):	RAN KONG	Ward:	Don Valley West (25)
Agent:	RAN KONG	Heritage:	Not Applicable
Property Address:	<b>1 CHARNWOOD RD (PART 4)</b>	Community:	North York
Legal Description:	PLAN M667 LOT 9		

Notice was given and a Public Hearing was held on Wednesday, April 18, 2018, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new single detached dwelling with integral garage. Applications B0001/18NY, B0002/18NY, A0002/18NY, A0003/18NY, A0004/18NY will be considered jointly.

**REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:**

- 1. Chapter 900.3.10(5), By-Law 569-2013**  
The required minimum side yard setback is 1.8m on each side.  
The proposed east side yard setback is 1.22m.
- 2. Chapter 10.20.30.10.(1), By-Law 569-2013**  
The required minimum lot area is 550.0m<sup>2</sup>.  
The proposed lot area is 511.3m<sup>2</sup>.
- 3. Chapter 10.20.30.20.(1), By-Law 569-2013**  
The required minimum lot frontage is 15.0m.  
The proposed lot frontage is 12.1m.
- 4. Chapter 10.20.30.40.(1), By-Law 569-2013**  
The permitted maximum lot coverage is 25% of the lot area.  
The proposed lot coverage is 29.1% of the lot area.
- 5. Chapter 10.5.80.40.(3), By-Law 569-2013**  
Vehicle access to a parking space on a corner lot must be from a flanking street that is not a major street.  
The proposed vehicle access to a parking space is from the front portion of the street.
- 6. Chapter 10.5.40.60.(7), By-Law 569-2013**  
Roof eaves may project a maximum of 0.9m provided that they are no closer than 0.30m to a lot line.  
The proposed eaves project 1.05m.

7. **Chapter 10.5.40.60.(1), By-Law 569-2013**  
A platform without main walls, attached to or less than 0.3m from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required side yard setback a maximum of 1.5m, if it is no closer to the side lot line than 0.3m. The proposed platform may not have excavated space below.  
The proposed platform in the side yard is excavated.
8. **Chapter 10.5.40.70.(1), By-Law 569-2013**  
The required minimum front yard setback is 9.09m.  
The proposed front yard setback is 6.66m.
9. **Section 13.2.3(b), By-Law 7625**  
The minimum required east side yard setback is 1.5m.  
The proposed east side yard setback is 1.22m.
10. **Section 13.2.6, By-Law 7625**  
The maximum permitted building height is 8.8m.  
The proposed building height is 9.2m.
11. **Section 6(9)(c), By-Law 7625**  
For R and RM zones, exterior stairways, wheelchair ramps, and porches and decks 2.3m<sup>2</sup> or less in area, shall be permitted to project into one minimum side yard setback only, not more than 1.6m, not no closer than 0.6m from any side lot line,  
The proposed side porch projects 1.98m and is 8.3m<sup>2</sup>.
12. **Section 6(9)(j), By-Law 7625**  
For one-family detached dwellings, and semi-detached dwellings, canopies 2.3m<sup>2</sup> or less in area shall be permitted to project into one minimum side yard setback not more than 1.6m, but no closer than 0.6m from any side lot line.  
The proposed side canopy is 8.3m<sup>2</sup> and project 1.98m.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

### **The Minor Variance Application is Refused**

It is the decision of the Committee of Adjustment to **NOT** approve this variance application for the following reasons:

- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

**SIGNATURE PAGE**

File Number:	A0002/18NY	Zoning	R4/RD(x5) [ZZC]
Owner:	RAN KONG	Ward:	Don Valley West (25)
Agent:	RAN KONG	Heritage:	Not Applicable
Property Address:	<b>1 CHARNWOOD RD (PART 4)</b>	Community:	North York
Legal Description:	PLAN M667 LOT 9		

\_\_\_\_\_  
Beth Levy (signed)

\_\_\_\_\_  
Denise Graham (signed)

\_\_\_\_\_  
Giacomo Tonon (signed)

\_\_\_\_\_  
Isaac Lallouz (signed)

\_\_\_\_\_  
Wayne McEachern (signed)

DATE DECISION MAILED ON: Wednesday, April 25, 2018

LAST DATE OF APPEAL: Tuesday, May 8, 2018

CERTIFIED TRUE COPY

Dan Antonacci  
Manager & Deputy Secretary Treasurer  
North York Panel

Wednesday, April 18, 2018

**NOTICE OF DECISION**  
**MINOR VARIANCE/PERMISSION**  
**(Section 45 of the Planning Act)**

File Number:	A0003/18NY	Zoning	R4/RD(x5) [ZZC]
Owner(s):	WENQING LU RAN KONG	Ward:	Don Valley West (25)
Agent:	RAN KONG	Heritage:	Not Applicable
Property Address:	<b>9 CHARNWOOD RD</b> <b>(PARTS 2&amp;3)</b>	Community:	North York
Legal Description:	PLAN M667 LOT 9		

Notice was given and a Public Hearing was held on Wednesday, April 18, 2018, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new single detached dwelling with integral garage. Applications B0001/18NY, B0002/18NY, A0002/18NY, A0003/18NY, A0004/18NY will be considered jointly.

**REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:**

- 1. Chapter 900.3.10(5), By-Law 569-2013**  
The minimum required side yard setback is 1.8m.  
The proposed east side yard setback is 1.22m.
- 2. Chapter 900.3.10(5), By-Law 569-2013**  
The minimum required side yard setback is 1.8m.  
The proposed west side yard setback is 1.22m.
- 3. Chapter 10.20.30.10.(1), By-Law 569-2013**  
The required minimum lot area is 550.0m<sup>2</sup>.  
The proposed lot area is 507.63m<sup>2</sup>.
- 4. Chapter 10.20.30.20.(1), By-Law 569-2013**  
The required minimum lot frontage is 15.0m.  
The proposed lot frontage is 12.8m.
- 5. Chapter 10.20.30.40.(1), By-Law 569-2013**  
The permitted maximum lot coverage is 25% of the lot area.  
The proposed lot coverage is 28.76% of the lot area.

6. **Chapter 10.5.40.60.(5), By-Law 569-2013**  
A chimney breast, on a building, may encroach into a required building setback a maximum of 0.6m, if it is no closer to a lot line than 0.3m.  
The proposed chimneys encroach 1.05m into the required 1.8m building setback.
7. **Chapter 10.5.40.60.(7), By-Law 569-2013**  
Roof eaves may project a maximum of 0.9m provided that they are no closer than 0.30m to a lot line.  
The proposed eaves project 1.05m into the required side yards.
8. **Section 13.2.3(b), By-Law 7625**  
The minimum required east side yard setback is 1.58m.  
The proposed east side yard setback is 1.22m.
9. **Section 13.2.6, By-Law 7625**  
The maximum permitted building height is 8.8m.  
The proposed building height is 9.18m.
10. **Chapter 13.2.3(b), By-Law 7625**  
The minimum required west side yard setback is 1.58m.  
The proposed west side yard setback is 1.22m.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

### **The Minor Variance Application is Refused**

It is the decision of the Committee of Adjustment to **NOT** approve this variance application for the following reasons:

- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

**SIGNATURE PAGE**

File Number:	A0003/18NY	Zoning	R4/RD(x5) [ZZC]
Owner:	WENQING LU	Ward:	Don Valley West (25)
	RAN KONG		
Agent:	RAN KONG	Heritage:	Not Applicable
Property Address:	<b>9 CHARNWOOD RD</b>	Community:	North York
	<b>(PARTS 2&amp;3)</b>		
Legal Description:	PLAN M667 LOT 9		

\_\_\_\_\_  
Beth Levy (signed)                      Denise Graham (signed)                      Giacomo Tonon (signed)

\_\_\_\_\_  
Isaac Lallouz (signed)                      Wayne McEachern (signed)

DATE DECISION MAILED ON: Wednesday, April 25, 2018

LAST DATE OF APPEAL: Tuesday, May 8, 2018

CERTIFIED TRUE COPY

Dan Antonacci  
Manager & Deputy Secretary Treasurer  
North York Panel

Wednesday, April 18, 2018

**NOTICE OF DECISION**  
**MINOR VARIANCE/PERMISSION**  
**(Section 45 of the Planning Act)**

File Number:	A0004/18NY	Zoning	R4/RD(x5) [ZZC]
Owner(s):	WENQING LU	Ward:	Don Valley West (25)
Agent:	RAN KONG	Heritage:	Not Applicable
Property Address:	<b>11 CHARNWOOD RD</b> <b>(PART 1)</b>	Community:	North York
Legal Description:	PLAN M667 LOT 8		

Notice was given and a Public Hearing was held on Wednesday, April 18, 2018, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new single detached dwelling with integral garage. Applications B0001/18NY, B0002/18NY, A0002/18NY, A0003/18NY, A0004/18NY will be considered jointly.

**REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:**

- 1. Chapter 900.3.10(5), By-Law 569-2013**  
The minimum side yard setback is 1.8m.  
The proposed west side yard setback is 1.22m.
- 2. Chapter 10.20.30.10.(1), By-Law 569-2013**  
The required minimum lot area is 550.0m<sup>2</sup>.  
The proposed lot area is 508.67m<sup>2</sup>.
- 3. Chapter 10.20.30.20.(1), By-Law 569-2013**  
The required minimum lot frontage is 15.0m.  
The proposed lot frontage is 12.8m.
- 4. Chapter 10.20.30.40.(1), By-Law 569-2013**  
The permitted maximum lot coverage is 25% of the lot area.  
The proposed lot coverage is 29.2% of the lot area.
- 5. Chapter 10.5.40.60.(5), By-Law 569-2013**  
A chimney breast, on a building, may encroach into a required building setback a maximum of 0.6m, if it is no closer to a lot line than 0.3m.  
The proposed chimney encroaches 1.05m into the required west building setback.



6. **Chapter 10.5.40.60.(7), By-Law 569-2013**  
Roof eaves may project a maximum of 0.9m provided that they are no closer than 0.30m to a lot line.  
The proposed eaves project 1.05m into the required west side yard.
7. **Section 13.2.3(b), By-Law 7625**  
The minimum required west side yard setback is 1.58m.  
The proposed west side yard setback is 1.22m.
8. **Section 13.2.6, By-Law 7625**  
The maximum permitted building height is 8.8m.  
The proposed building height is 9.36m.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

### **The Minor Variance Application is Refused**

It is the decision of the Committee of Adjustment to **NOT** approve this variance application for the following reasons:

- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

**SIGNATURE PAGE**

File Number:	A0004/18NY	Zoning	R4/RD(x5) [ZZC]
Owner:	WENQING LU	Ward:	Don Valley West (25)
Agent:	RAN KONG	Heritage:	Not Applicable
Property Address:	<b>11 CHARNWOOD RD (PART 1)</b>	Community:	North York
Legal Description:	PLAN M667 LOT 8		

\_\_\_\_\_  
Beth Levy (signed)

\_\_\_\_\_  
Denise Graham (signed)

\_\_\_\_\_  
Giacomo Tonon (signed)

\_\_\_\_\_  
Isaac Lallouz (signed)

\_\_\_\_\_  
Wayne McEachern (signed)

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