

# DECISION AND ORDER

**Decision Issue Date: Friday, December 21, 2018**

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

Appellant(s): PETER PITTNER

Applicant: GLENN RUBINOFF DESIGN GROUP

Property Address/Description: 60 BELVIDERE AVE

Committee of Adjustment Case File Number: 18 143728 NNY 15 MV

TLAB Case File Number: **18 187077 S45 15 TLAB**

**Motion Hearing date:** Tuesday, October 30, 2018

**DECISION DELIVERED BY S. MAKUCH**

## APPEARANCES

Name	Role	Representative
Glenn Rubinoff Design Group	Applicant	
Peter Pittner	Appellant/Owner	Amber Stewart
David McKay	Expert Witness	

## INTRODUCTION

This is an electronic hearing on the merits of an appeal from a decision refusing minor variances to permit the construction of a two-storey addition over the existing dwelling, in conjunction with a three storey addition to the rear. The applicant is also proposing other interior and exterior alterations. A previous application (File # A0898/17NY) with respect to the subject property, was before the Committee of Adjustment on Tuesday, November 21, 2017, and was ultimately approved.

## **BACKGROUND**

A motion allowed this appeal to be heard by electronic hearing. The variances sought have been modified to meet the concerns of a neighbour who is not a party.

## **MATTERS IN ISSUE**

The matters in issue are whether the variances meet the four tests under section 45 of the Planning Act and conform with the Provincial Policy Statement and the Growth Plan.

## **JURISDICTION**

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

In considering the applications for variances from the Zoning By-laws, the TLAB Panel must be satisfied that the applications meet all of the four tests under s. 45(1) of the Act. The tests are whether the variances:

- maintain the general intent and purpose of the Official Plan;
- maintain the general intent and purpose of the Zoning By-laws;
- are desirable for the appropriate development or use of the land; and
- are minor.

## **EVIDENCE**


The only party on the appeal is the owner/appellant and the only witness is David McKay, who has been qualified to give land use planning evidence before TLAB. His evidence is provided by a witness statement filed August 31, 2018, and a supplemental affidavit filed September 19, 2018. His uncontradicted, detailed evidence as set out in those documents is that the variances meet the four tests of the Planning Act and comply with the requisite provincial policy documents.

## **ANALYSIS, FINDINGS, REASONS**

As a result of reading Mr. McKay's evidence and the other documents on file, I adopt and conclude that the variances do meet the four tests and comply with the applicable provincial policy documents. I find that the variances should be subject to the conditions recommended in the City Transportation Report, filed June 5, 2018.

## **DECISION AND ORDER**

The appeal is allowed and the variances as set out in Appendix 1 are approved, subject to the conditions also set out in that Appendix.

X 

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S. Makuch  
Panel Chair, Toronto Local Appeal

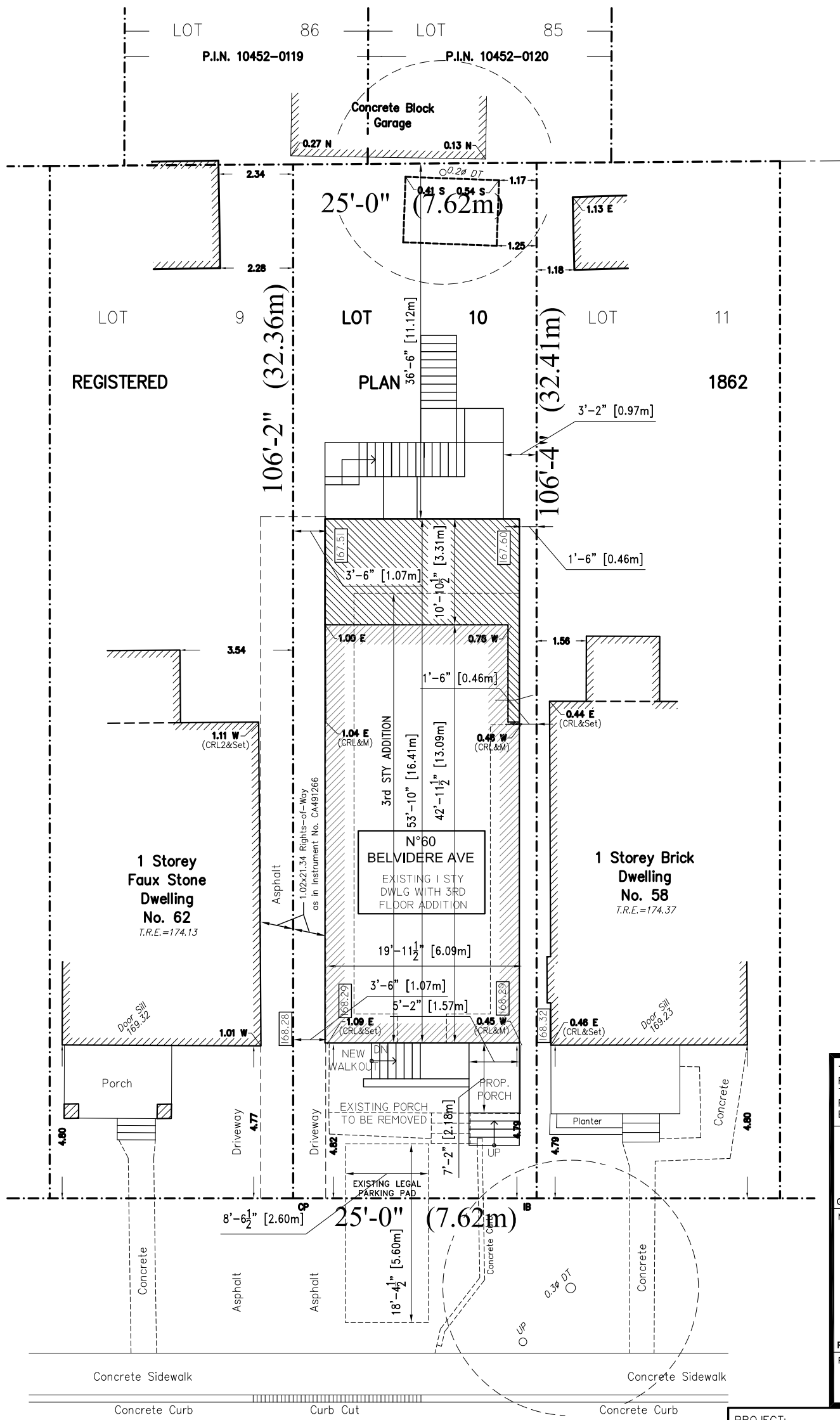
## APPENDIX 1

### LIST OF REVISED VARIANCES AND CONDITIONS

1. Chapter 10.5.40.(2), By-law No. 569-2013 A platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.30m of a building, must comply with the required minimum building setback for the zone; in this case 1.20m. The proposed east side yard setback to the deck is 0.97m.
2. Chapter 10.5.40.60.(7), By-law No. 569-2013 Roof eaves may project a maximum of 0.90m provided that they are no closer than 0.30m to a lot line. The proposed eaves project 0.30m and are 0.15m from the east lot line.
3. Chapter 10.80.20.40.(1), By-law No. 569-2013 A dwelling unit is only permitted in a detached house, semi-detached house, or a duplex. The proposed the proposed dwelling unit is located in a triplex.
4. Chapter 10.80.40.10.(1), By-law No. 569-2013 The maximum permitted building height is 11.00m. The proposed building height is 11.30m.
5. Chapter 10.80.40.40.(1), By-law No. 569-2013 The maximum permitted floor space index is 0.80 times the lot area. The proposed floor space index is 1.06 times the lot area.
6. Chapter 200.5.10.1.(1), By-law No. 569-2013 The minimum required number of parking space(s) for a triplex is three (3) spaces. The proposal will have zero (0) spaces.
7. Section 3.2.1(v), By-law No. 1-83 The proposed dwelling requires three (3) residential parking spaces. The proposed can provide 0 (zero) parking spaces.
8. By-law No. 1-83 The proposed use, Dwelling House, Multiple, is not a permitted use in the R2 zone.

## **CONDITIONS OF APPROVAL**

1. The proposed dwelling shall be constructed substantially in accordance with the Site Plan and Elevations prepared by Rubinoff Design Group, dated August 21, 2018 and attached hereto
2. The owner shall maintain a front yard parking license and renew it annually.
3. The owner must provide access to only one parking space in the front yard



THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER

QUALIFICATION INFORMATION  
 REQUIRED UNLESS DESIGN IS EXEMPT UNDER 2.17.5.1. OF THE BUILDING CODE

GLENN RUBINOFF *[Signature]* 22370  
 NAME SIGNATURE BCIN/BCDN

REGISTRATION INFORMATION  
 REQUIRED UNLESS DESIGN IS EXEMPT UNDER 2.17.4.1. OF THE BUILDING CODE

RUBINOFF DESIGN GROUP 27293  
 FIRM NAME BCIN/BCDN

PROJECT: 60 BELVIDERE AVE  
 TORONTO, ONTARIO

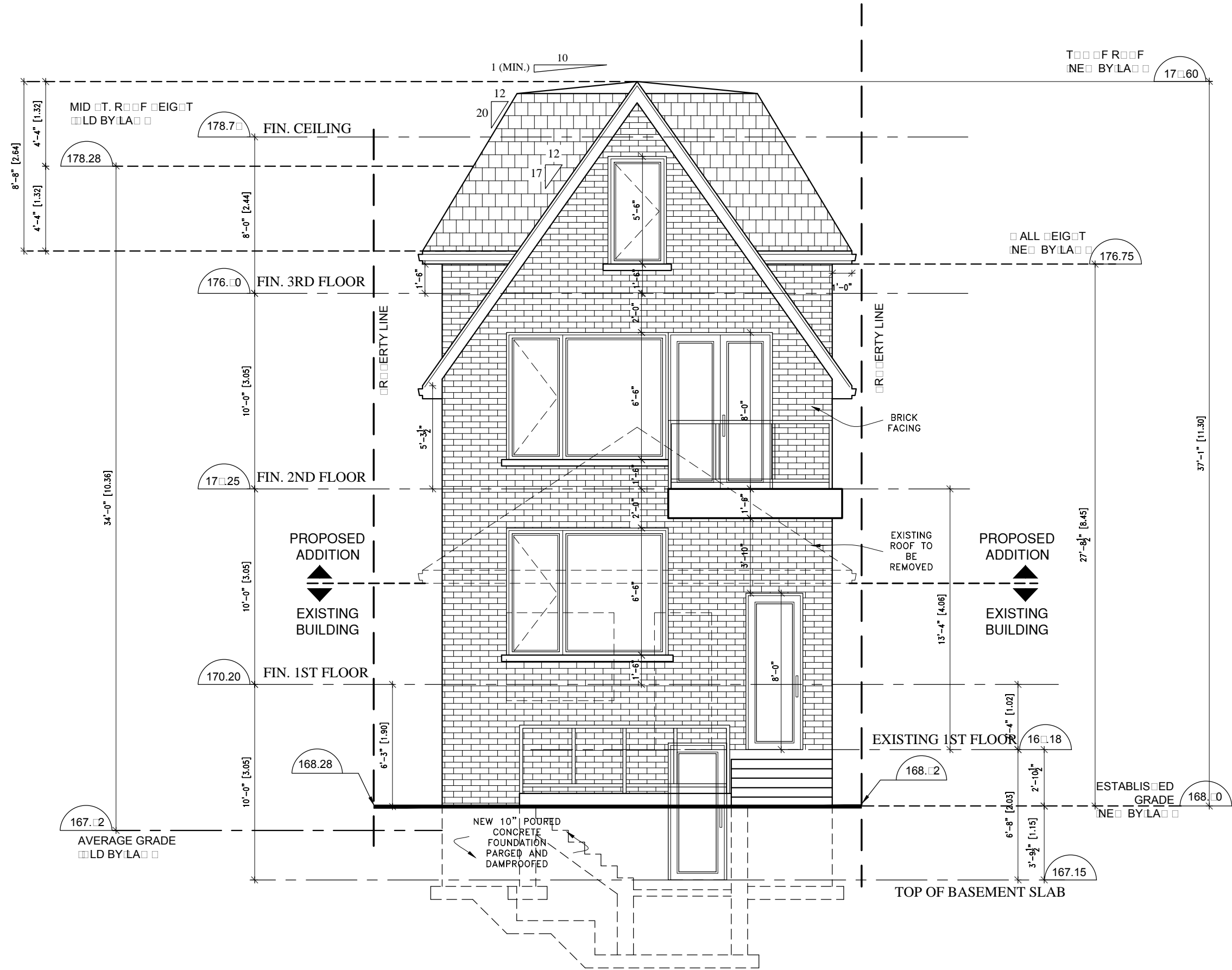
SITE STATISTICS:  
 COVERAGE: 1075 SQ.FT. ( 99.9 SQ.M.)(0.40%)  
 DENSITY: 2810 SQ.FT. ( 261.1SQ.M.)(1.06%)  
 SITE AREA: 2656 SQ.FT. ( 246.8 SQ.M.)

**R**ubinoff Design Group  
 697 Mt.Pleasant Road, Toronto Ontario, M4S 2N4  
 TEL. 416.667-0322 FAX.416.667.0751 EMAIL. info@rubinoffdesign.com

PROJECT DESIGNER: G.R.	DRAWING NO.
DRAWN BY: N.V.	DATE: AUG 2018
CHECKED BY:	SCALE: 1:150

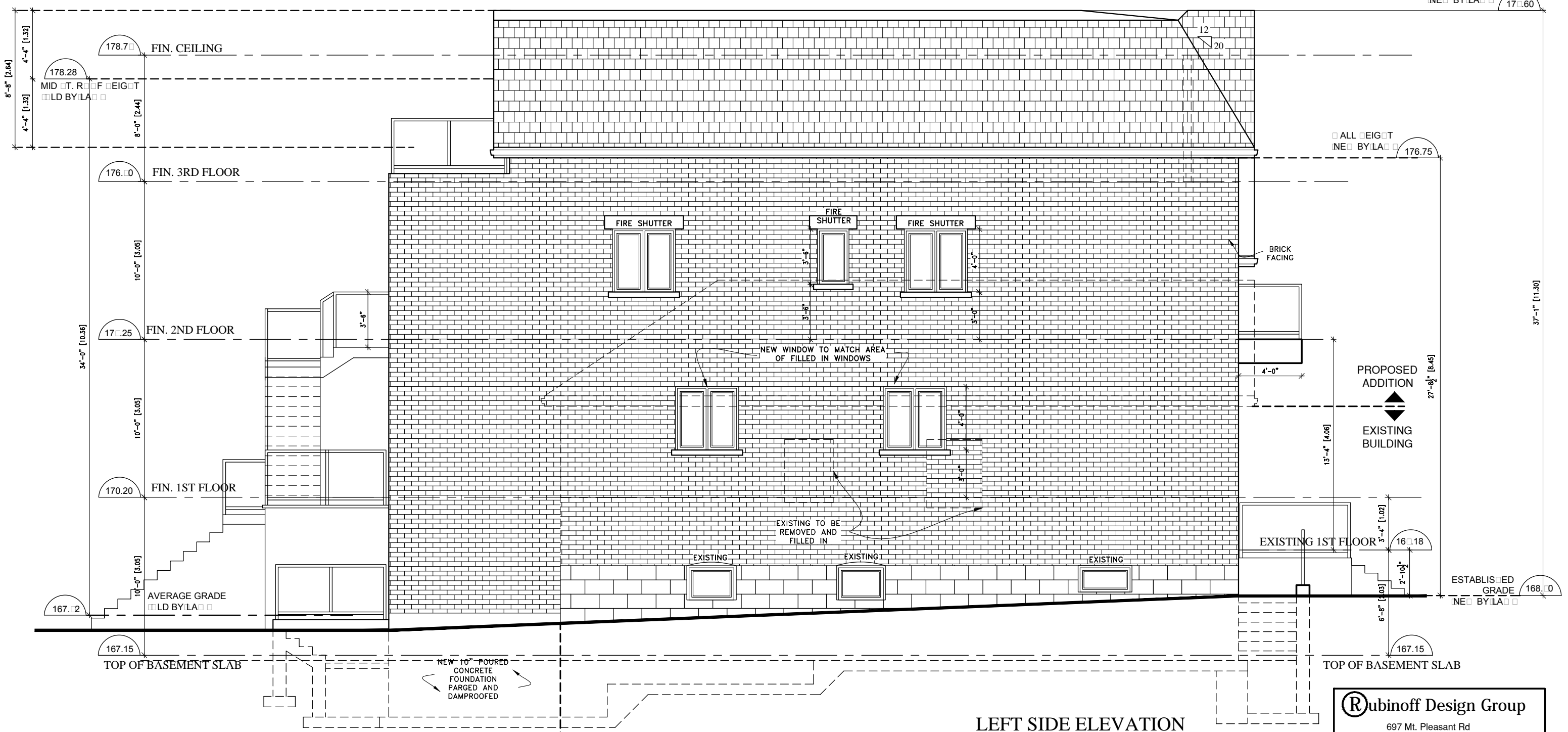
**A**

BELVIDERE AVENUE  
 (Formerly Highfield Road, by Registered Plan 1862)



**FRONT ELEVATION**  
\*SOUTH\*

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**60 BELVIDERE AVE**  
 TORONTO, ONTARIO  
 3/16"=1'-0" AUG 21 / 18



**LEFT SIDE ELEVATION**

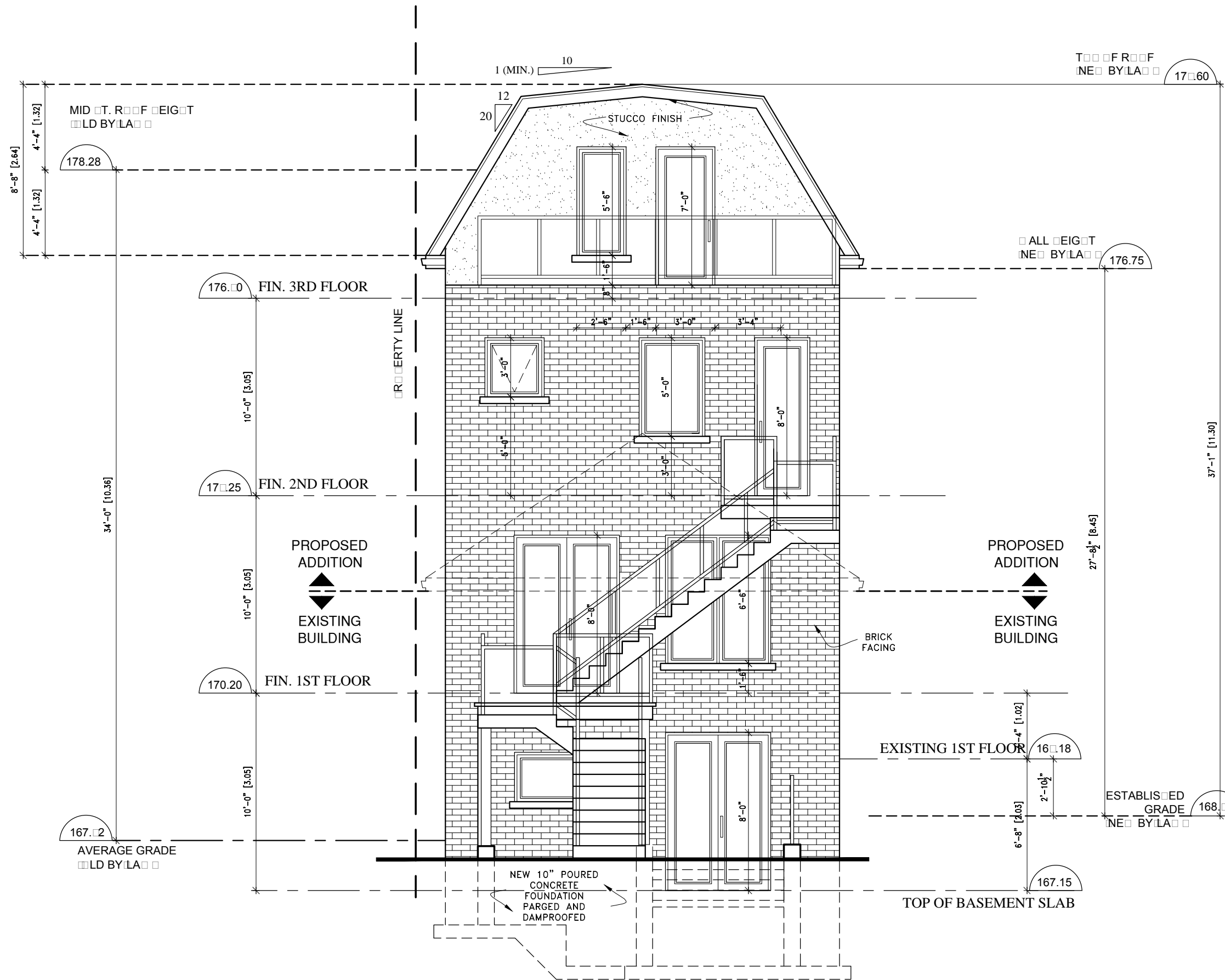
\*WEST\*

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 TORONTO, ONTARIO  
 N. T. S. AUG 21 / 18





# REAR ELEVATION

\*NORTH\*

**R**ubinoff Design Group

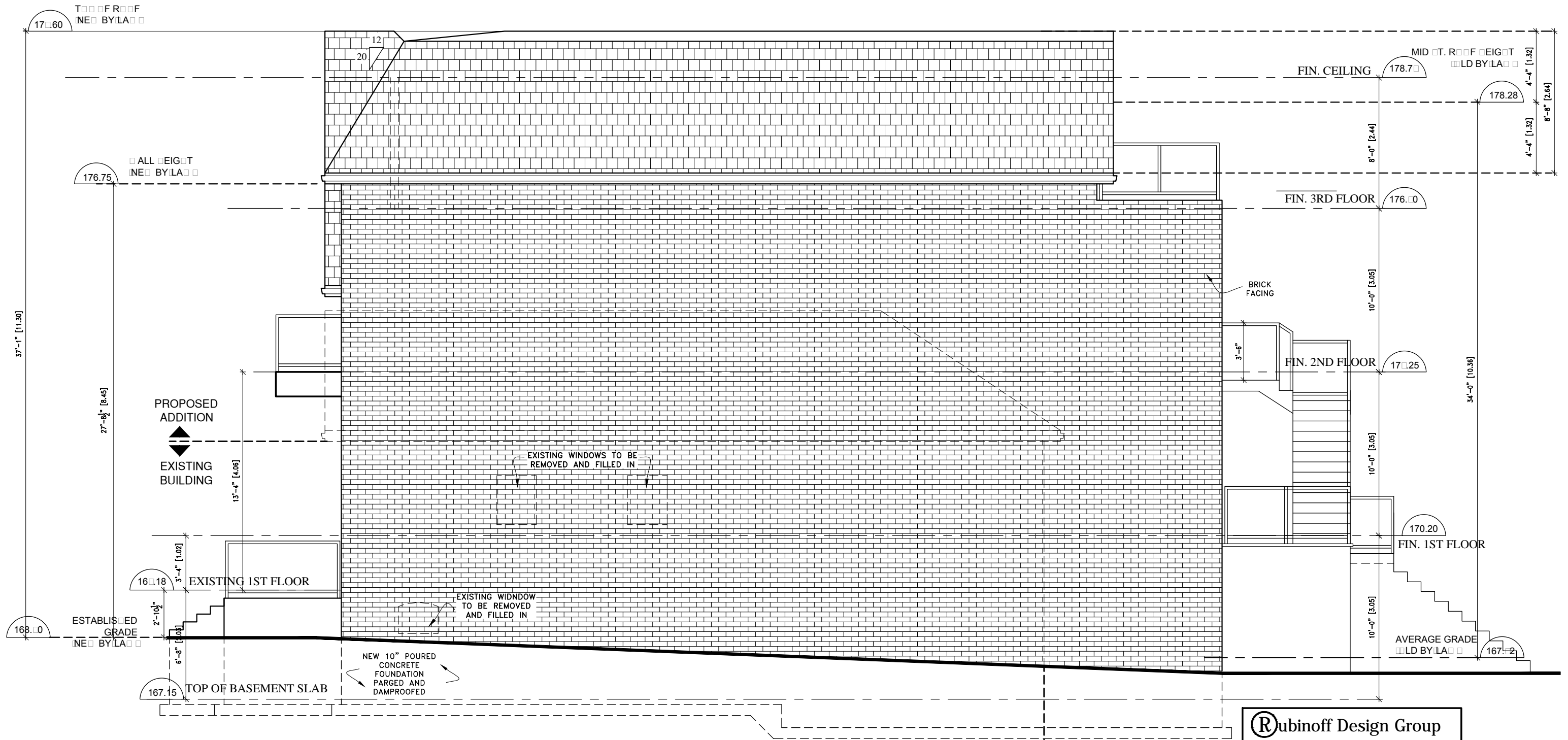
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**60 BELVIDERE AVE**

TORONTO, ONTARIO

3/16"=1'-0"

AUG 21 / 18



**RIGHT SIDE ELEVATION**

\*EAST\*

EXISTING BUILDING  
 PROPOSED ADDITION

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