

DECISION AND ORDER

Decision Issue Date Thursday, December 06, 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): CHRISTOPHER ELLISON

Applicant: LUKAS SIRVINSKAS

Property Address/Description: 29 MONKTON AVE

Committee of Adjustment Case File: 18 159353 WET 05 MV

TLAB Case File Number: **18 205121 S45 05 TLAB**

Hearing date: Tuesday, December 04, 2018

DECISION DELIVERED BY T. YAO

APPEARANCES

NAME	ROLE
LUKAS SIRVINSKAS	APPLICANT/OWNER/PARTY
CHRISTOPHER ELLISON	APPELLANT

INTRODUCTION

This is a settlement. Mr. Sirvinkas seeks to demolish the existing residence at 29 Monkton Ave and construct a new one.

BACKGROUND

Mr. Sirvinkas requires six variances:

Zoning By-law 569-2013			
		required	proposed
1	Lot coverage	.33 times lot area	.3586 times lot area
2	Floor space index	0.45 m	0.64 m
3	Side yard setbacks	1.2 m	.61 m from north and .91 m from south side lot line
4	Exterior main wall height	7 m	8 m
5	Maximum permitted area of platform at the second storey	4 m ²	6 m ²
6	Roof eave projection	Max of .9 m if no closer than .3 m from lot line	Will project 1 m into setback and will be located .2 m from north lot line

On July 18, 2018, the Committee of Adjustment granted the variances. Mr. Chris Ellison appealed and so the matter comes before the TLAB.

At the hearing, the parties settled as follows:

1. Mr. Sirvinkas agrees to plant three Emerald Cedars at least 7 feet high at the spots marked "X" close the southeast corner of his property.
2. The plantings will be generally 12 to 18 inches apart in an effort to provide privacy to 134 Meadowvale Avenue.
3. This spacing may be varied according to best horticultural practice.
4. Mr. Sirvinkas will on a best efforts basis use columnar cedars instead of Emerald cedars but does not commit to do so.
5. Planting shall be completed before occupancy of 29 Monkton Ave.
6. On this basis, Mr. Ellison is satisfied that I issue an order approving all the variances.

The diagram used for location of the plantings and a photograph of the intended privacy space are attached as schedules to this Decision.

On this basis I find the variances are consistent with the 2014 Provincial Policy Statement and conform to the Growth Plan and


- 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.

I may be spoken to if there are difficulties. I wish to thank Mr. Sirvinkas and Mr. Ellison for their cooperation throughout.

DECISION

I authorize the variances in Table 1 subject to the following conditions:

1. Submission of a complete application for permit to injure or destroy privately owned trees.
2. Where there are no existing street trees, the owner shall provide payment in lieu of planting one street tree on the City road allowance abutting each of the sites involved in the application. The current cost of planting a tree is \$583, subject to changes.
3. The applicant shall submit an application for permit to injure or remove trees to Urban Forestry, as per City of Toronto Municipal Code Chapter 813, Article III.
4. The dwelling shall be constructed substantially in accordance with the revised elevation drawings date stamped July 17, 2018 and held on file by the Committee of Adjustment office, to the satisfaction of the Director, Community Planning, Etobicoke York District. Any other variances that may appear on these plans but are not listed in the written decision are NOT authorized.

X 

Ted Yao

Panel Chair, Toronto Local Appeal Body

Signed by: Ted Yao