

DECISION AND ORDER

Decision Issue Date Monday, January 07, 2019

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): FRANCIS CHIU

Applicant: FRANCIS CHIU

Property Address/Description: 2274 BRIMLEY RD

Committee of Adjustment Case File Number: 16 250505 ESC 41 MV

TLAB Case File Number: **18 205219 S45 41 TLAB**

Hearing date: Friday, December 07, 2018

DECISION DELIVERED BY T. YAO

APPEARANCES

Name	Role	Representative
Francis Chiu	Appellant/Applicant	Sharon Ho
Dilys Chiu	Owner	

INTRODUCTION

The Chius seek the following five variances.

Table 1. Variances sought by Chiu family			
Zoning By-law 569-2013 (more recent, City-wide)			
		required	proposed

Table 1. Variances sought by Chiu family				
1	Front Yard landscaped open space		60%	39.5%
2	Hammerhead turnaround requirements	1	Requires frontage of 18 m	frontage is only 15.54 m
		2	Must front on a road with 27 m width	Brimley is only 26.21 m wide
		3	must comply with all landscaping requirements	doesn't comply with landscaping which must be $\geq 60\%$
3	Hammerhead dimensions	A	Width 3.0 m	Width 6.4 m
		B	Extend no more than 4.5 metres from one edge of the driveway;	Extends 6.6 m
		C	Extend no more than 3.0 metres from each opposite edge of the driveway	See Note below
4	Driveway width		6.0 m	7.4 m at the hammerhead and 7.4 m leading to the parking space
Zoning By-law 10076 (former City of Scarborough)				
5	Driveway width		6.0 m	7.4 m at the hammerhead and 7.4 m leading to the parking space

Note to variance 3: The Committee of Adjustment Decision July 19, 2018 reads

“The hammerhead vehicle turnaround is 6.4 m in width and extends 6.6 m from the edge of the driveway

Whereas a hammerhead turnaround must have a maximum width of 3.0 metres; extend no more than 4.5 metres from one edge of the driveway; and extend no more than 3.0 metres from each opposite edge of the driveway”

MATTERS IN ISSUE

I must be satisfied that the variances meet the test under the *Planning Act*, that is, whether they:

- 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 do not feel the Provincial Policy Statement and Growth Plan have any applicability.

ANALYSIS, FINDINGS, REASONS

The Chius purchased 2274 Brimley Road in 2016, at which time it already contained the hammerhead for which the variances are sought in this appeal. A neighbour questioned whether they should have four cars and a City zoning by-law officer came to the house and gave them an Offence Notice.

It appears the Chius applied to the Committee of Adjustment for a 31% landscaped open space and were refused. They have retained an architect, Russ Gregory, to increase the landscaped open space to 39.5% (attachment to Exhibit 2) and reapplied. The Committee refused them a second time and they appealed to the TLAB.

The side of Brimley opposite the Chius is commercial. Many of their neighbours also have similar sized hammerheads, so these variances respect and reinforce the existing physical pattern in the neighbourhood. Undoubtedly the neighbours, like the Chius, are concerned with the lack of safety in backing out onto a busy street like Brimley Road.

Ms. Ho filed a decision granting similar driveway variances which the Committee of Adjustment granted to Dora Quattrocchi, 2275 Warden Ave on Sept 16, 2015. In that case a driveway width of 5.47 m and 53% landscaping was permitted. That case is evidence that the Committee in similar circumstances is prepared to find that front yard landscaping and driveway widths may be relaxed in the case of major arterials in the former City of Scarborough.

I find all the statutory tests are met.

DECISION AND ORDER

The variances as set out in Table 1 are authorized on condition that the Chius construct in accordance with the undated diagram by Mr. Gregory on file with the Committee of Adjustment and which is also Exhibit 2 to this hearing.

X 

Ted Yao
Panel Chair, Toronto Local Appeal Body
Signed by: Ted Yao