

DECISION AND ORDER

Decision Issue Date **Monday, January 21, 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): ADAM ARONSBURG

Applicant: BRENDA IZEN

Property Address/Description: 37 TYRREL AVE

Committee of Adjustment Case File Number: 18 117739 STE 21 MV

TLAB Case File Number: **18 212272 S45 21 TLAB**

Hearing date: Monday, December 10, 2018

DECISION DELIVERED BY STANLEY MAKUCH

APPEARANCES

Name	Role	Representative
Brenda Izen	Applicant	
Srah Aronsberg	Owner	
Adam Aronsberg	Primary Owner/Appellant	Joseph Hoffman
Glenda Rissman	Party	Meaghan McDermitt

INTRODUCTION

This is a decision on a motion to convert the hearing in the above matter to a telephone conference call to allow the appeal from the Committee of Adjustment arising out of a settlement between the applicant/appellants and their neighbour who was a party to the appeal. The appeal was from the Committee's refusal to grant variances to permit a two story addition to the rear of a two storey dwelling.

BACKGROUND

The settlement was the result of alterations to the proposed addition which: reduced its length and height; lowered the rear deck and reduced an overhang.

MATTERS IN ISSUE

As a result of the settlement there are no matters in issue.

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

It was the unchallenged and uncontroverted evidence of Michael Goldberg, a land use planner qualified to give expert planning opinion that the variances, as modified and set out in Appendix 1, meet the four tests of the Planning Act and meet all provincial planning requirements. Moreover it was his evidence that the modifications to the variances were minor.

ANALYSIS, FINDINGS, REASONS

Based on the evidence presented, I find that there is no need for notice of the modified variances to be given and that they should be approved and the appeal allowed.

DECISION AND ORDER

The variances set out in Appendix 1 are approved subject to the condition that construction is substantially in accordance with the plans in Appendix 2.

APPENDIX 1

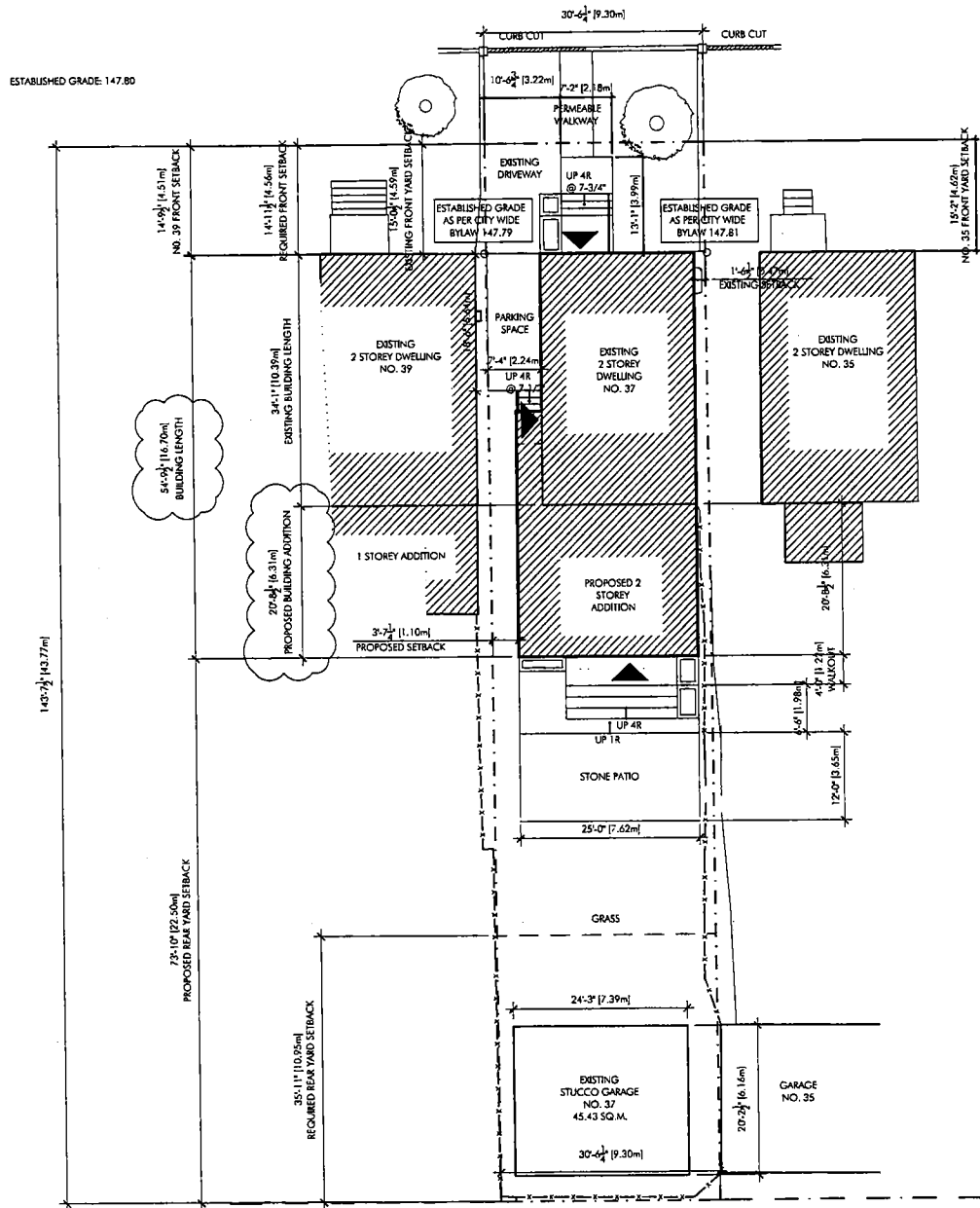
Requested Variances

City of Toronto Zoning By-law 569-2013

1. **Chapter 10.20.40.40.(I)(A), 'By-law 569-2013**
The maximum permitted floor space index .of a detached dwelling is 0.35 times the area of the lot (141.18 m²).
The altered detached dwelling will have a floor space index equal to 0.594 times the area of the lot (239.54 m²)
2. **Chapter 200.5.1.10.(2)(A)(i), By-law 569-2013**
The required parking space must have a minimum width of 2.9 metres.
The parking space will measure 2.24 metres in width.

Former City of Toronto By-law 438-86

3. **Section 6(3) Part I 1, By-law 438-86**
The maximum permitted gross floor area of a detached dwelling is 0.35 times the area of the lot(141.18 m²).
The altered detached dwelling will have a gross floor area equal to 0.59 times the area of the lot (239.54 m²).
4. **Section 291), By-law 438-86**
The minimum required length of a parking space is 5.6 metres and the minimum required width is 2. 9 metres.
The parking space will measure 5.8 metres in length and 2.24metres in width.



ZONING DATA

PROPERTY ADDRESS: 37 TYREL AVENUE
TORONTO, M6G 2G1

LEGAL DESCRIPTION: PART OF LOTS 56 AND 57
REGISTERED PLAN 945-Y

LOT AREA: 403.38 SQ.M. (4395.81 SQ.FT.)

ZONE CODE: RD (40.35) (#41)

MAXIMUM FLOOR SPACE INDEX: 0.35 = 142.93 SQ.M. (1538.53 SQ.FT.)

SETBACKS:
MINIMUM FRONT YARD: 4.56m
EXISTING FRONT YARD: 4.29m
MINIMUM REAR YARD (25%): 10.94 m
PROPOSED REAR YARD: 22.50m
MINIMUM INTERIOR SIDE YARD: 0.9m
EXISTING EAST SIDE YARD: 0.47m
PROPOSED WEST SIDE YARD: 1.10 m
MAXIMUM BUILDING HEIGHT: 12m

EXISTING GROSS FLOOR AREA (NOT INCL. BASEMENT): 1468.78 SQ.FT / 136.36 SQ.M
PROPOSED ADDITIONAL FLOOR AREA: 1110.55 SQ.FT / 103.18 SQ.M
TOTAL GROSS FLOOR AREA (NOT INCL. BASEMENT): 2579.33 SQ.FT / 239.54 SQ.M

SITE DATA

TOTAL FRONT YARD LANDSCAPE AREA - PRINCIPLE DRIVEWAY
= 42.70 SQ.M. (100% - 12.45 (30%))
= 30.25 (70%) MIN REQUIRED 50%

TOTAL SOFT LANDSCAPE AREA - HARD (STEPS, PORCH, WALKWAY)
= 30.25 SQ.M. - 9.85 SQ.M.
= 20.40 SQ.M. (67%)

TOTAL REAR YARD AREA - HARD REAR YARD LANDSCAPE (PATIO, STEPS)
= 209.14 SQ.M. - 96.35 SQ.M.
= 111.40 SQ.M. (53%)

LEGEND

- - - - - PROPERTY LINE
- x x x x - EXISTING FENCE
- ▲ ENTRY POINT
- EXIST. TREE TO REMAIN

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Revisions / Issue sets:

1. ZONING CERTIFICATE APPLICATION	2018.02.02
2. MINOR VARIANCE APPLICATION	2018.02.14
3. MINOR VARIANCE REVISION	2018.04.20
4. ISSUED FOR CLIENT REVIEW	2018.06.14
5. REVISION AT COA HEARING	2018.08.21
6. TLAB REVISION	2018.10.23



37 TYREL AVENUE
TORONTO, ON M6G 2G1

IZEN
ARCHITECTURE AND DESIGN
91 TYCOS DRIVE #203 TORONTO, ON M8B 1Y3



date:

OCTOBER 2018

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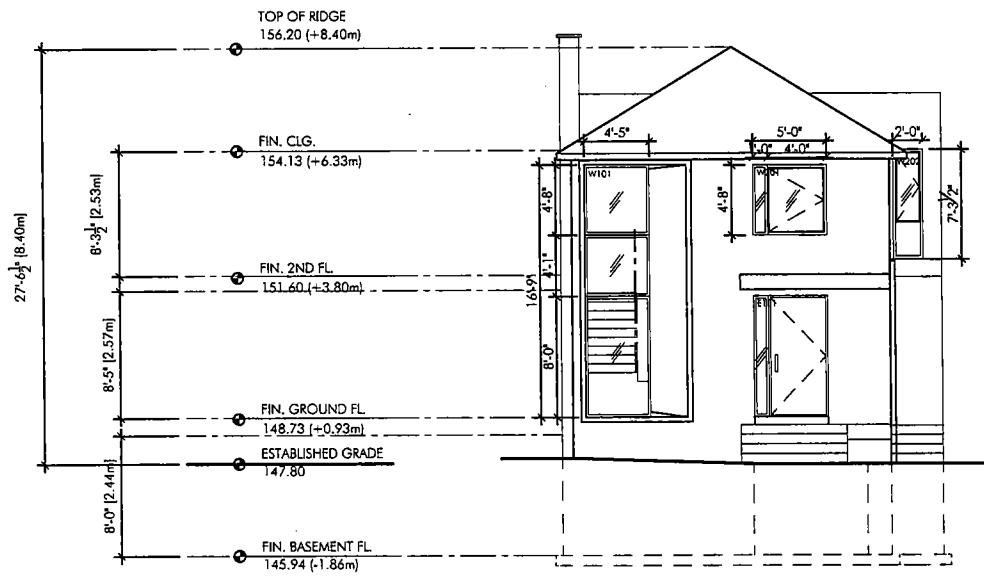
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SITE PLAN

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6. TAB REVISION	2018.10.23

37 TYRREL AVENUE
TORONTO, ON M6G 2G1

IZEN
ARCHITECTURE AND DESIGN
91 TYCOS DRIVE #203 TORONTO, ON M6B 1W3



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OCTOBER 2018

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NORTH ELEVATION

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5. SLAB REVISION	2018.10.23

37 TYRREL AVENUE
TORONTO, ON M6G 2G1

IZEN
ARCHITECTURE AND DESIGN
91 TYCOS DRIVE #203 TORONTO, ON M5B 1W3



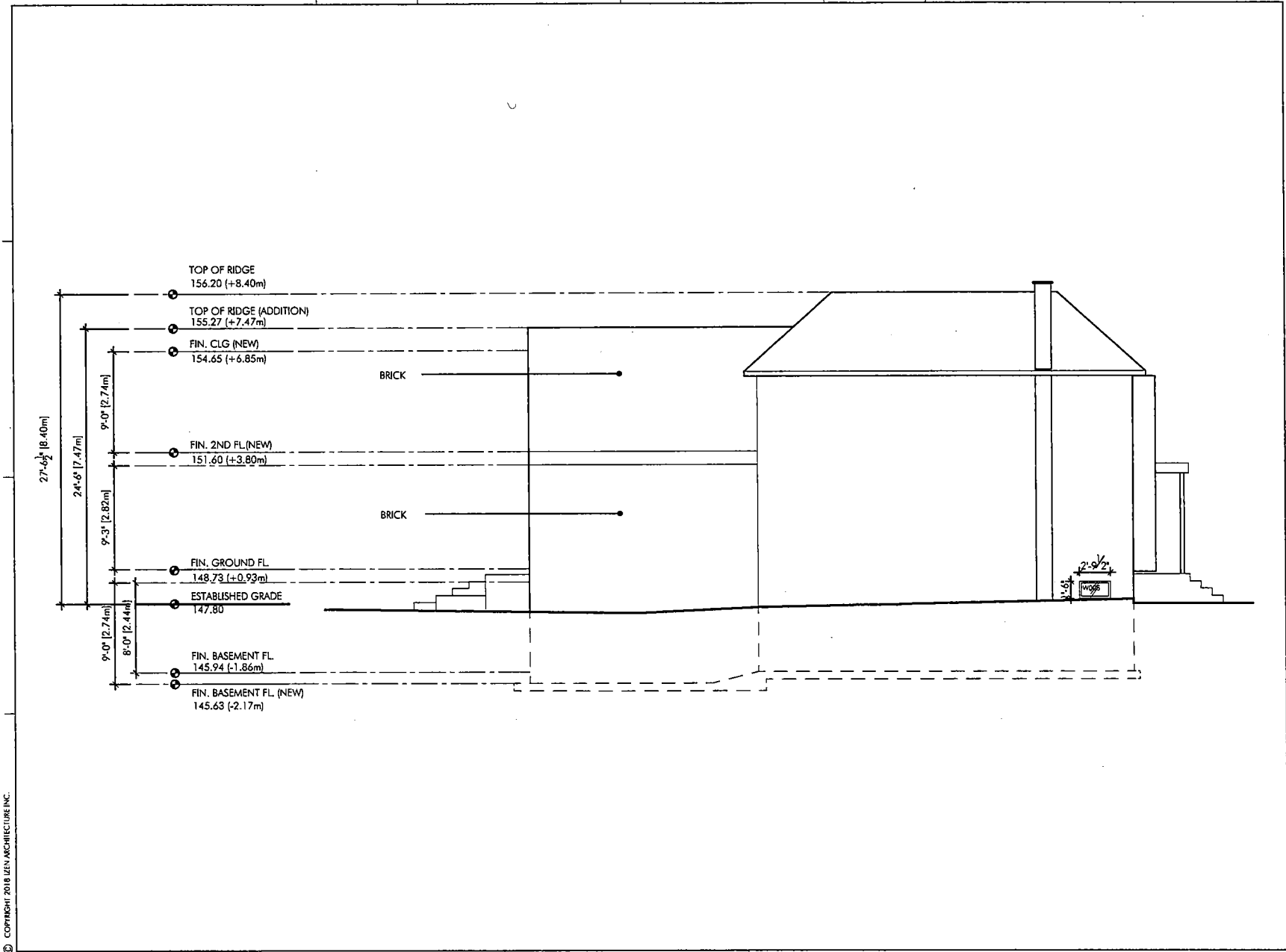
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OCTOBER 2018

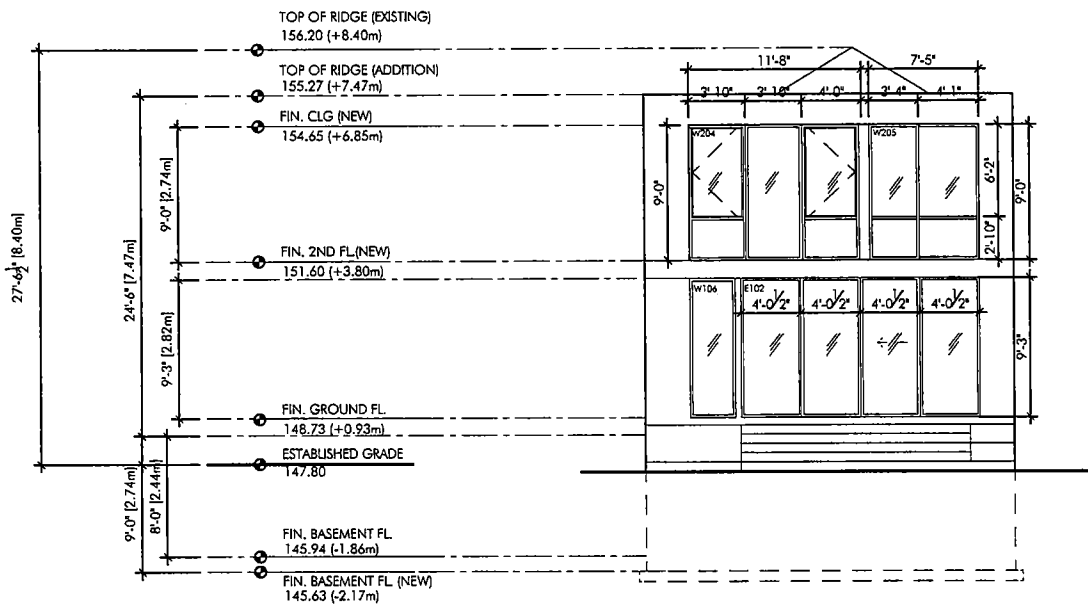
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4.	REVISION AT COA-HEARING	2018.07.31
5.	TLAB REVISION	2018.10.23

37 TYRREL AVENUE
TORONTO, ON M6G 2G1

IZEN
ARCHITECTURE AND DESIGN
91 TYCOS DRIVE #203 TORONTO, ON M6B 1W3



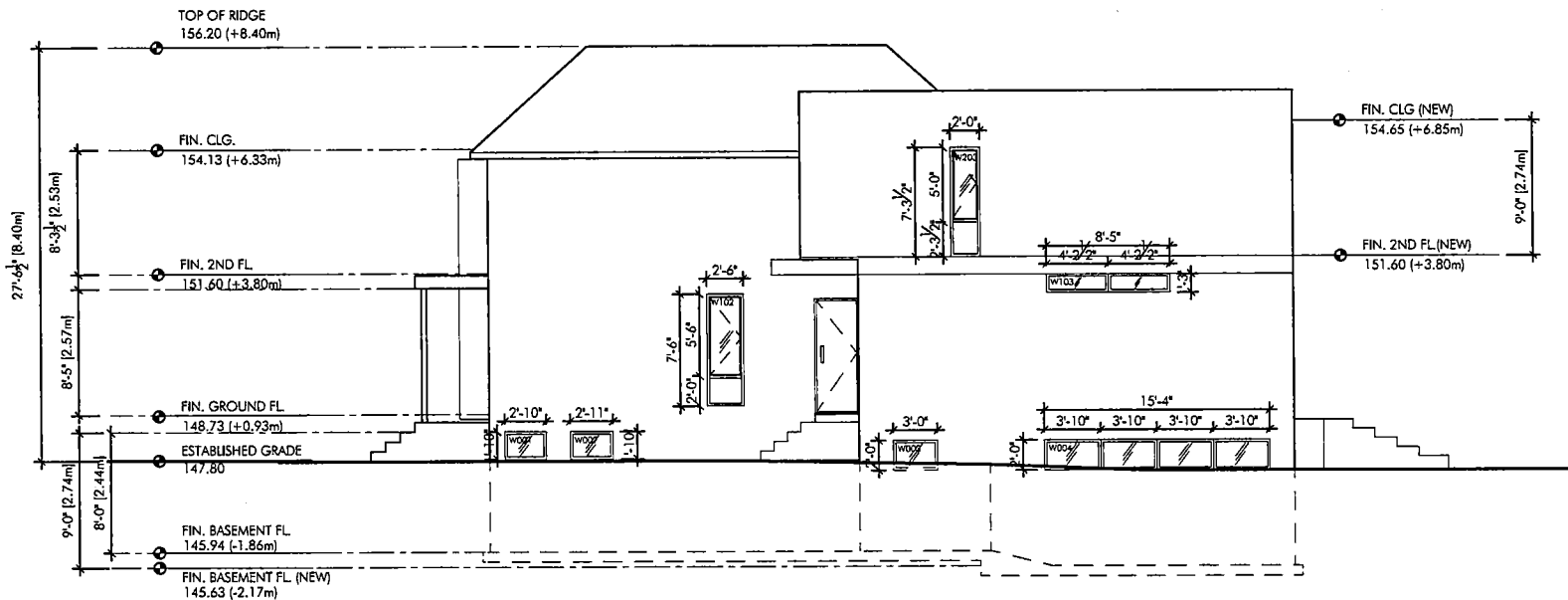
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37 TYRREL AVENUE
 TORONTO, ON M6G 2G1

IZEN
 ARCHITECTURE AND DESIGN
 91 TYCOS DRIVE #203 TORONTO, ON M6B 1W3



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 OCTOBER 2018

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 1/8" = 1'-0"

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 WEST ELEVATION

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A4.4