

DECISION AND ORDER

Decision Issue Date **Wednesday, March 27, 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): MORDECHAL DEUTSCH

Applicant: SARAH IFRAH ARCHITECT INC

Property Address/Description: 45 FRONTENAC AVE

Committee of Adjustment Case File: 18 167345 NNY 16 MV (A0409/18NY)

TLAB Case File Number: 18 202656 S45 16 TLAB

Hearing date: Monday, January 28, 2019

DECISION DELIVERED BY S. Makuch

APPEARANCES

Appellant	Mordechal Deutsch
Appellant's Legal Rep.	Aaron Platt
Applicant	Sarah Ifrah Architect Inc
Expert Witness	Kentridge Johnston Limited (Paul Johnston)

INTRODUCTION

This is an appeal from a decision refusing variances which would permit an increase in the number of units of the existing 2 1/2 storey converted dwelling to four units by constructing a third story addition and roof top terrace.

BACKGROUND

No one appeared at the hearing in opposition to the appeal. Although there was a planning staff report filed with the Committee in opposition to the approval, there were

no detailed reasons in the report, and the City did not appear at the hearing. The only witness was Paul Johnston, a qualified land use planner who gave written and oral evidence in favour of the application.

MATTERS IN ISSUE

There were 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

The uncontradicted and unchallenged evidence of Mr. Johnston was that the proposal had been slightly altered and thus a new list of variances as set out in Appendix 1 were being sought. He noted that there were only minor changes in the original application and no increase in the built form. His evidence was also that the new variances met the requirements related to the Provincial Policy Statement and the Growth Plan and the four tests of the Planning Act. The details were set out in his written witness statement, filed with TLAB.

ANALYSIS, FINDINGS, REASONS

Based on the written and oral evidence of Mr. Johnston I find the alterations to the plans and the new variances to be minor. There is, therefore, no need for new notice. Moreover, the variances set out in Appendix 1 conform with all provincial requirements and meet the four tests of the Planning Act. There is no opposition to the appeal and Mr. Johnston's evidence is that the proposal will have no impact.

DECISION AND ORDER

The appeal is allowed and the variances set out in Appendix 1 are approved subject to the condition that construction be substantially in accordance with the site plans and elevations in Appendix 2.

X 

S. Makuch
Panel Chair, Toronto Local Appeal

APPENDIX 1

Your property is subject to the City-wide Zoning By-law No. 569-2013, as amended. Based on By-law No. 569-2013, your property is zoned RD (x5).

1. A platform attached to the front main wall may be no higher than 1.2 m above established grade. The proposed front platform is 1.65 m above established grade.

[10.5.40.50.(4) Platforms at or Below the First Storey of a Residential Building Other than an Apartment Building]

2. A platform without main walls, such as a deck, porch, balcony or similar structure, which is not encroaching as permitted, and attached to or within 0.3 metres of a building, must comply with the required minimum building setbacks for the zone.

The proposed front yard platform, which is not encroaching as permitted, is 1.22 metres from the west side lot line AND 1.23 metres from the east side lot line, where 1.8 metres is required.

[10.5.40.50 Decks, Platforms and Amenities]

3. In the RD zone with a minimum required lot frontage of 18.0 metres or less, the permitted maximum building length for a detached house is 17.0 metres. The proposed building length is 21.01 metres.

[10.20.40.20.(1) Maximum Building Length if Required Lot Frontage is in Specified Range]

4. The permitted maximum building depth for a detached house is 19.0 metres. The proposed building depth is 22.14 metres.

[10.20.40.30.(1) Maximum Building Depth if Required Lot Frontage is in Specified Range]

5. B) The required minimum rear yard setback is 8.92 metres. The proposed rear yard setback is 7.11 metres.

[10.20.40.70.(2) Minimum Rear Yard Setback]

6. A) The permitted maximum lot coverage is 35 percent of the lot area. The proposed lot coverage is 46.60 percent of the lot area.

[10.20.30.40.(1) Maximum Lot Coverage]

7. For a detached house or semi-detached house, and for an individual townhouse dwelling unit where an individual private driveway leads directly to the dwelling unit, the elevation of the lowest point of a vehicle entrance in a main wall of the building must be higher than the elevation of the centreline of the driveway at the point

where it intersects a lot line abutting a street 179.61. The proposed elevation of the lowest point of a vehicle entrance in a main wall of the building is 178.71.

[10.5.80.40.(2) Elevation of Garage Entrance in Certain Types of Residential Buildings]

8. A) The permitted maximum height is 7.2 metres. The proposed height is 10.83 metres.

[10.20.40.10.(4) Restrictions for a Detached House with a Flat or Shallow Roof]

9. 6) The permitted maximum height of the lowest point of a main pedestrian entrance through the front main wall may be no higher than 1.2 metres above established grade. The proposed height of main pedestrian entrance through the front main wall is 1.8 metres.

[10.20.40.10.(6) Height of First Floor Above Established Grade]

10. Roof eaves may encroach into a required minimum building setback a maximum of 0.9 metres. The proposed eaves encroach 1.02 metres into a required minimum side yard building setback.

[10.5.40.60.(7) Roof Projections]

11. (A)(i) A platform without main walls, attached to or less than 0.3 metres from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required front yard setback if it is no closer to a side lot line than the required side yard setback of 1.8 metres. The proposed platform is 1.23 metres from the east side lot line AND 1.22 metres from the west side lot line.

[10.5.40.60.(1) Platforms]

12. C) The permitted maximum number of storeys is 2 (two). The proposed number of storeys is 3 (three).

[10.20.40.10.(4) Restrictions for a Detached House with a Flat or Shallow Roof]

13. B) The permitted maximum area of each platform at or above the second storey of a detached house is 4.0 square metres. The proposed area of east side platform at or above the second storey is 4.03 square metres.

[10.20.40.50.(1) Platforms at or Above the Second Storey of a Detached House]

14. 900.3.10 Exceptions for RD Zone

(5) Exception RD 5

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and

Prevailing Sections:

Decision of Toronto Local Appeal Body Panel Member: S. Makuch
TLAB Case File Number: 18 202656 S45 16 TLAB

Site Specific Provisions:

(A) Despite regulation 10.20.40.70 (3), the minimum side yard setback is 1.8 metres. The proposed west side yard setback is 1.22 metres. AND The proposed east side yard setback is 1.23 metres.

North York Zoning by-law

Your property is located in the former municipality of North York and is subject to Zoning By-law No. 7625, as amended.

Based on Zoning By-law No. 7625, the property is zoned R4, and is located in the Neighbourhood Glenwood (Schedule Q) in

District No. 9 (Schedule A).

15. The maximum finished first floor height is 1.5 m. The proposed finished first floor height is 2.07 m. [6(30)a - Maximum First Floor Height]

16. The maximum permitted number of storeys is 2. The proposed number of storeys is 3. [13.2.6 - Maximum Number of Storeys]

17. The maximum permitted building height is 8.8 m. The proposed building height is 10.06 m. [13.2.6 - Maximum Building Height]

45 Frontenac Avenue
City of Toronto (Formerly North York)

November 9th, 2018

Zoning Designation: R4, RD(f15.0; a550) (x5), Ward: Eglinton-Lawrence (16)
Glenwood
Lot Frontage: 50.03' = 15.25m
Lot Area: 5,857.91 ft² = 544.20m²
Coverage Allowable: 35% (allowable) = 2,050.27 ft² = 190.47m²
****Coverage Proposed:** 43.22% (proposed) = 2,532 ft² = 235.22 m² (house only)
46.60% (proposed) = 2,695 ft² = 250.37 m²
(house + rear deck)
(deck stairs not included)

<u>GFA:</u>	<u>Total</u>
Ground Floor	2,532 sq.ft
Second Floor	2,350 sq.ft
Third Floor	1,738 sq.ft
	6,620 sq.ft (615 sq.m.)

RECEIVED Jan 14, 2019
By Toronto Local Appeal Body

<u>Setbacks:</u>	<u>By-Law 7625</u>	<u>By-Law 569-2013</u>	<u>Proposed</u>
Front:	7.5m ±1.0m	6.44m	7.57m
**Rear:	9.5m	7.5m or 25% (8.92m)	7.11m (to house & deck)
**Side (w):	1.8m	1.8m	1.22m
**Side (e):	1.8m	1.8m	1.23m
**Height:	8.8m (sloped)	7.2m (considered flat)	10.06m / 10.83m (taken to uncovered porch wall)
**Finished First Floor:	1.5m	1.2m	2.07m / 1.80m
**Dwelling Length/ Building Length:	16.8m	17m	21.01m (to rear of house & deck) 17.49m (2-storey) 16.89m (main 2-storey box)
**Building Depth:	n/a	19m	22.14m (FYS (6.44m) to rear deck/house)
**Maximum Storeys:	2	2	3
Platforms above the first floor	3.8 m ²	4.0 m ²	3.8 m ² max

Landscape calculations refer to drawing A1b

**Anticipated Variances

1 SITE STATISTICS
A0 SCALE: N/A

Project Name and Address

RESIDENCE
45 FRONTENAC AVENUE
NORTH YORK, ONTARIO

sarahifrah
ARCHITECT INC
75 Dufferin Road 201A, Toronto M6A 2W4
416.784.0707

Project	17.12	A0
Date	DEC.6.18	
Scale	AS NOTED	



FRONTENAC AVENUE

(BY REGISTERED PLAN 1786)

PIN 10193 - 0261

CENTRELINE OF ROAD

LOT 370

LOT 372

PIN 10193 - 0141

LOT 379
PIN 10193 - 0149

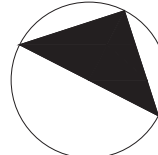
LOT 378
PIN 10193 - 0148

LOT 377
PIN 10193 - 0147

1
A1
SITE PLAN
SCALE: 1/16"=1'-0"

Project Name and Address

RESIDENCE
45 FRONTENAC AVENUE
NORTH YORK, ONTARIO



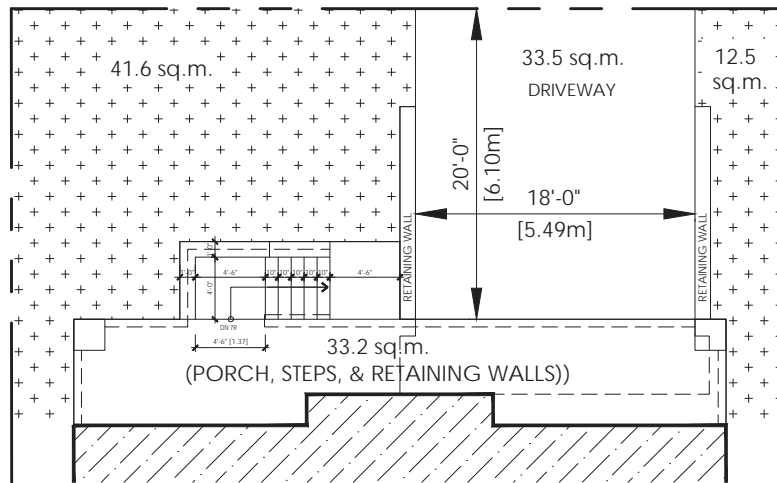
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Date
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Sheet
A1

15.25



122.54 sq.m.=FRONT YARD AREA

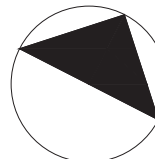
Approx.=driveway 33.5 sq.m.
=72.67% is landscaped

89.04 sq.m. (122.54-33.5) of the front yard area must be 75% soft
=66.78 sq.m. soft landscape required
41.6 sq.m. + 12.5 sq.m. = 54.1 sq.m.
=60.76% soft landscape

1 LANDSCAPE CALCULATIONS
A1b SCALE: 1/8"=1'-0"

Project Name and Address

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45 FRONTENAC AVENUE
NORTH YORK, ONTARIO



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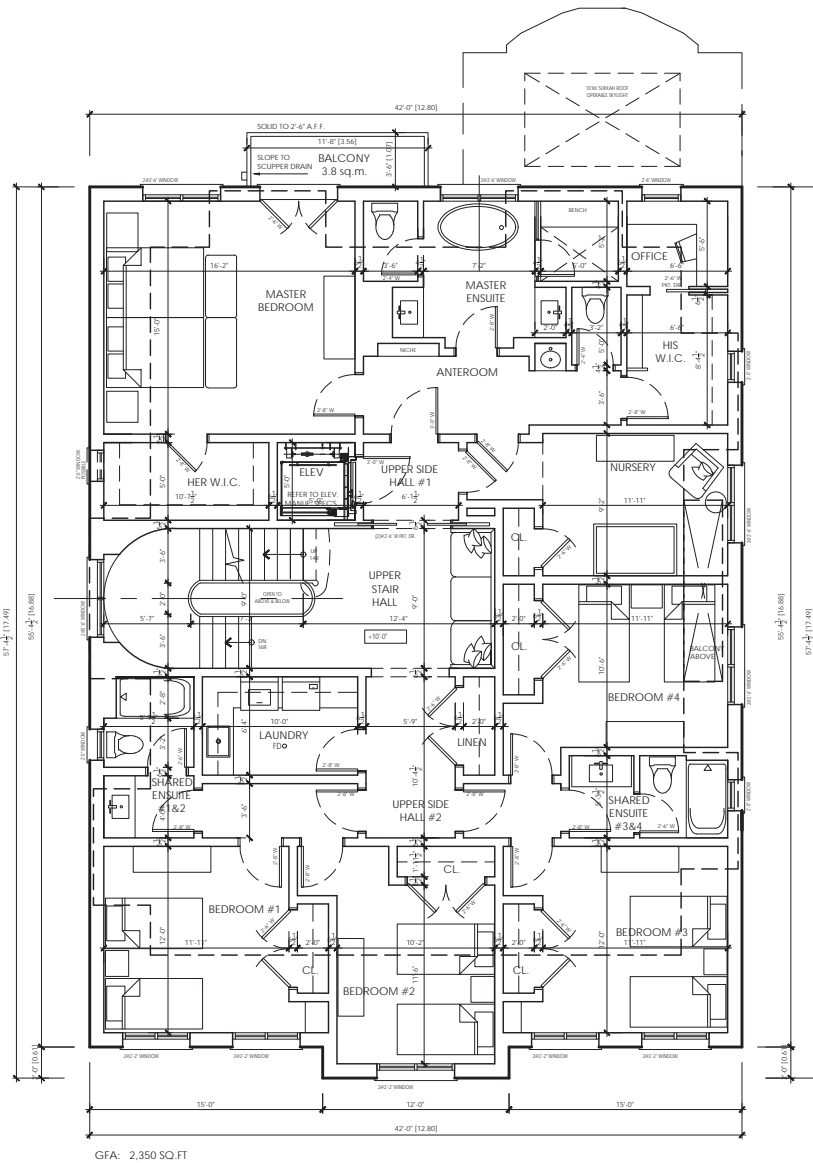
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Date	DEC.6.18		
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Project 17.12	Sheet A2
Date DEC.6.18	
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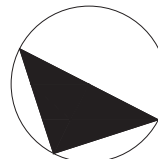
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Date DEC.6.18	
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1
A4 SECOND FLOOR PLAN
SCALE: 1/8"=1'-0"

Project Name and Address

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45 FRONTENAC AVENUE
NORTH YORK, ONTARIO



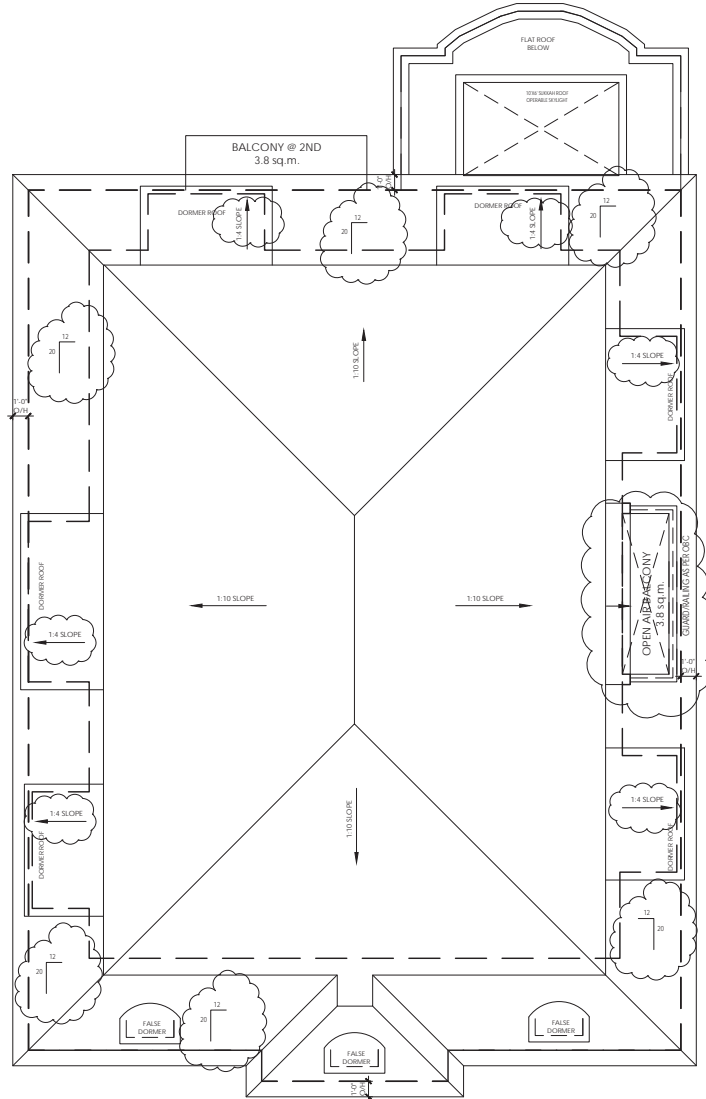
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A4



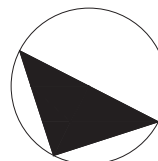
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1 ROOF PLAN
A5a SCALE: 1/8"=1'-0"

Project Name and Address

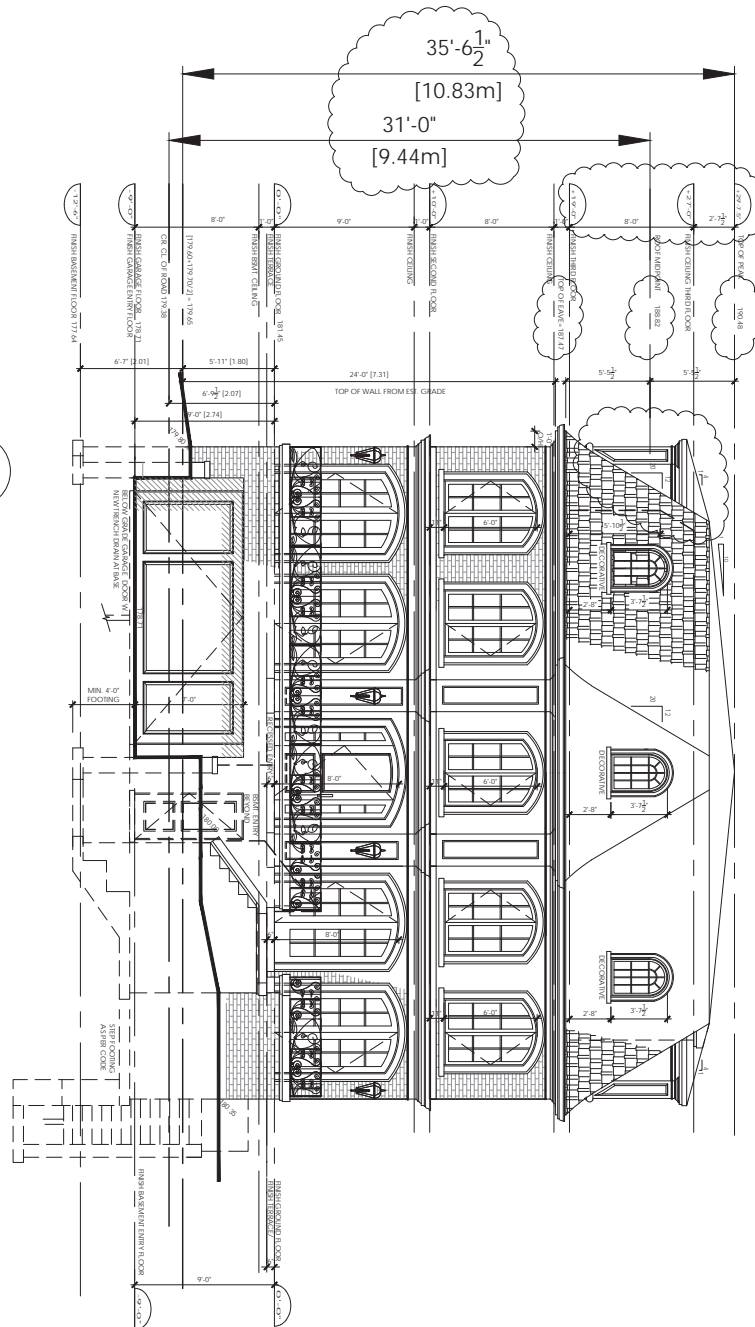
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Project	17.12	Sheet	A5a
Date	DEC.6.18		
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1 FRONT ELEVATION (NORTH)
A6 SCALE: 1/8"=1'-0"



Project Name and Address

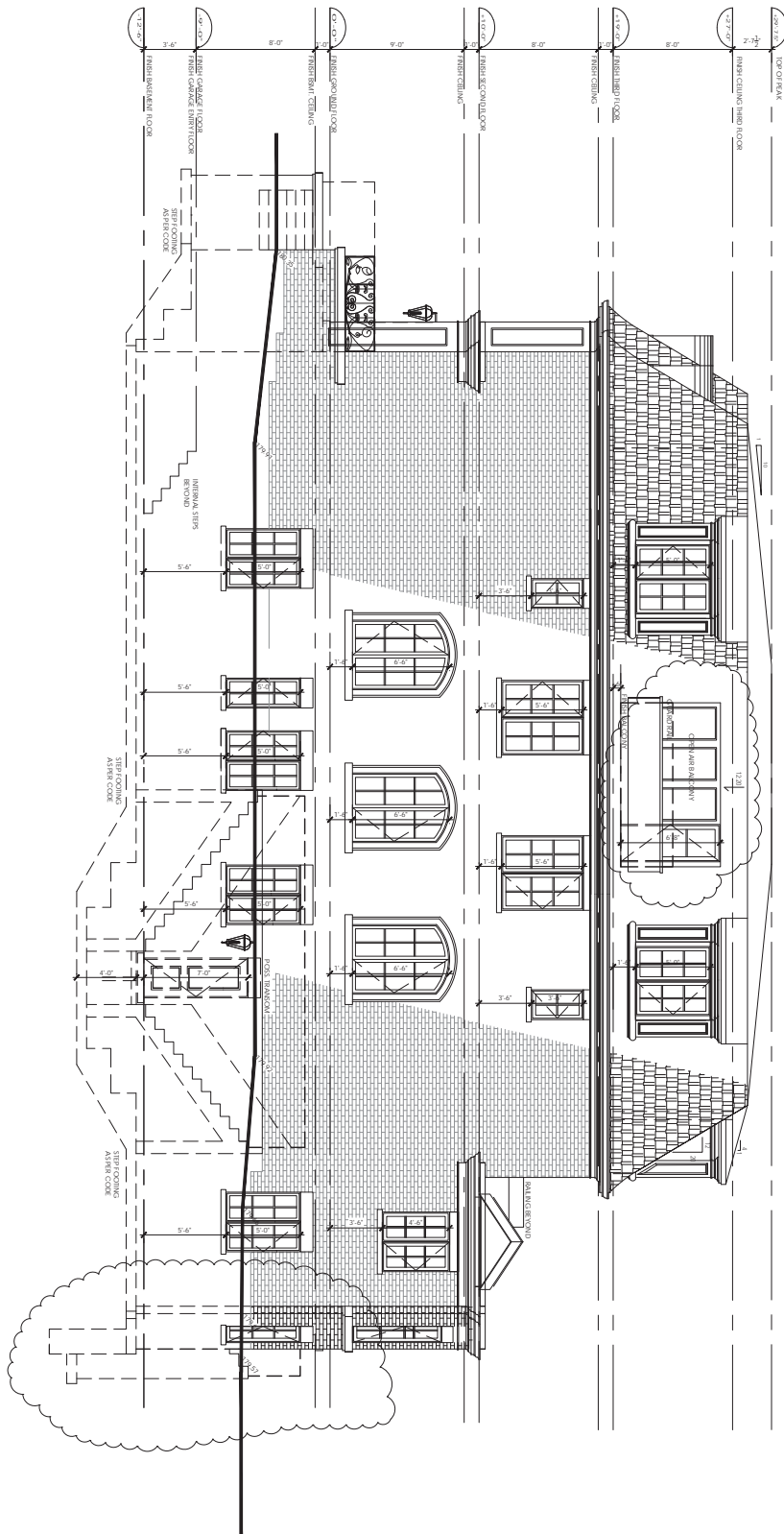
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Project	17.12	Sheet	A6
Date	DEC.6.18		
Scale	AS NOTED		



Project 17.12	Sheet A7
Date DEC.6.18	
Scale AS NOTED	



1 SIDE ELEVATION - WEST
A8 SCALE: 1/8"=1'-0"

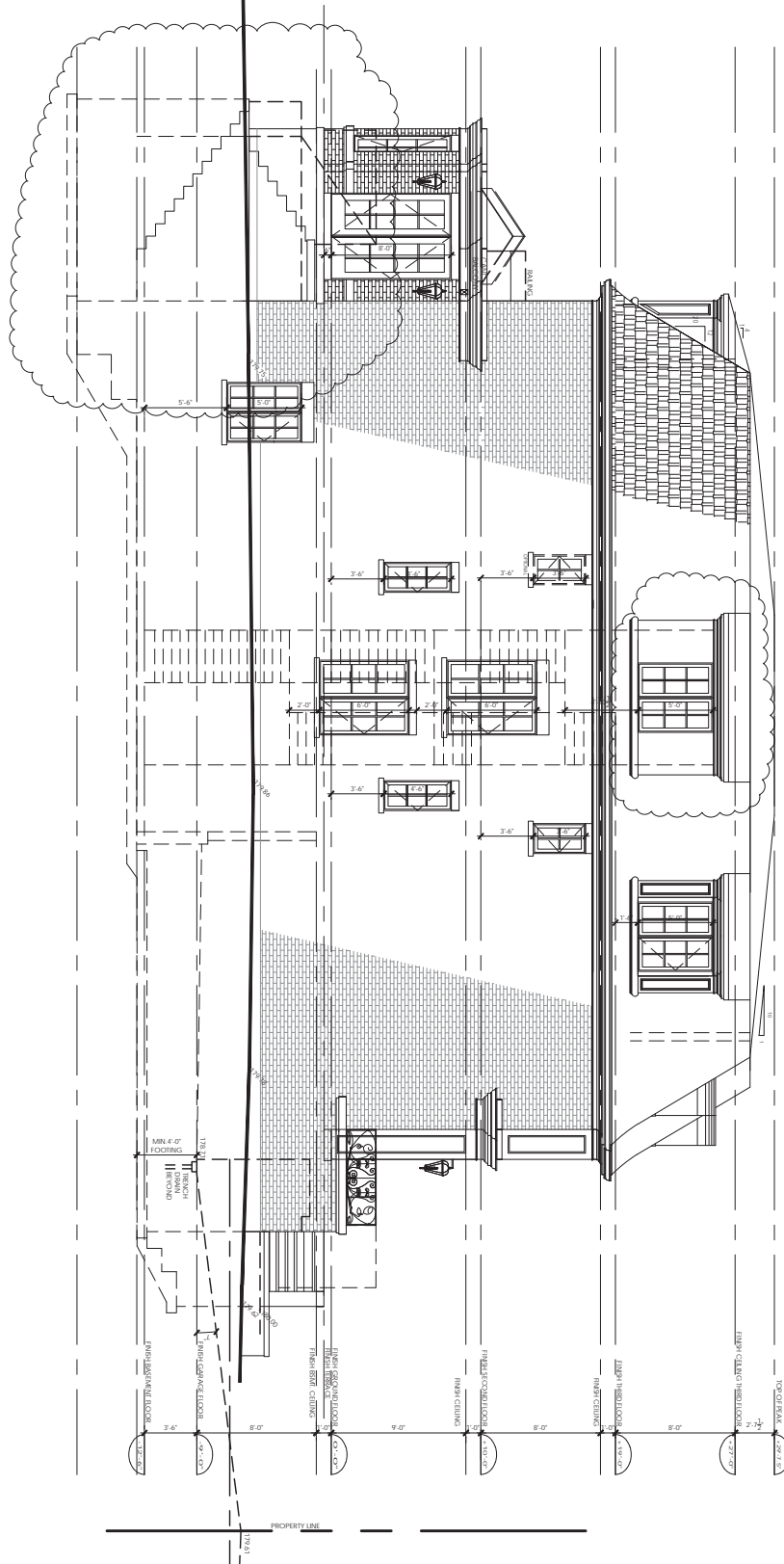
Project Name and Address

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Project	17.12	Sheet	A8
Date	DEC.6.18		
Scale	AS NOTED		

1 SIDE ELEVATION - EAST
A9 SCALE: 1/8"=1'-0"



Project Name and Address

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Project	17.12	Sheet	A9
Date	DEC.6.18		
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