

SUPPLEMENTARY REVIEW REQUEST ORDER

Review Issue Date: Tuesday, March 19, 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): YASSER PHILOBES

Applicant: ARMANDO BARBINI PLANNING & PERMIT SERVICES

Property Address/Description: 116 BRIAR HILL AVE

Committee of Adjustment Case File Number: 17 118467 NNY 16 CO, 17 118476 NNY 16 MV, 17 118478 NNY 16 MV, 17 273928 000 00 OA, 17 273944 000 00 OA, 17 273952 000 00 OA

TLAB Case File Number: **17 274122 S53 16 TLAB, 17 274139 S45 16 TLAB, 17 274147 S45 16 TLAB**

Decision Order Date: Wednesday, October 31, 2018

Review Request Order: Tuesday, January 8, 2019

DECISION DELIVERED BY Ian James Lord

REVIEW REQUEST NATURE AND RULE COMPLIANCE TO INITIATE

The Decision of Member G. Burton dated October 31, 2018 (Decision) in respect of 116 Briar Hill Avenue (subject property) was the subject of a Review Request Order issued January 8, 2019 (Review Decision).

The Review Request Order confirmed the Decision but suspended its application pending consideration by the owner/Applicant of two matters. That consideration was to be reported upon by April 8, 2019 for further consideration. This is that consideration.

BACKGROUND

The Decision granted the Applicant's request to sever the subject property into two parcels for the purpose of the construction of a single detached dwelling with integral garage on both. Variances to the applicable zoning were also granted for both parts. The Decision applied conditions of approval to both the consent application and, separately, to the minor variance approvals.

The Review Decision, as above described, accepted the Decision, but suspended its effective date pending the consideration of the addition of a modification to the variance conditions respecting storm water management, a matter which had not been objected to in the Review.

As well, the Review Decision directed that the front elevations of the two proposed dwellings, as depicted in front elevation drawings A6 and A16, be altered so as to differentiate their appearance by façade treatment and materials or other design elements employing neighbourhood character attributes.

If these requests were received and judged to be satisfactory to the Toronto Local Appeal Body (TLAB) within three months, the Review Decision was undertaken to be varied to release the suspension and to permit the Decision and Order herein to be issued in final form.

The Applicant complied with the requests of the TLAB and its counsel supplied a revised list of variance conditions and revised facade elevation, identified as Drawing A16 under revision date of 2019/01/06.

No revisions were proposed for Drawing A6 for Lot 1, dated 2017/12/19.

The Applicant also supplied a rendering of the proposed streetscape representation for proposed Lots 1 and 2 which aid somewhat in identifying the proposed roof configuration and materials applicable to both proposed dwellings.

The TLAB appreciates the effort made at differentiating the streetscape presentation of the proposed new dwellings. Undifferentiated 'mirror image' buildings do little to reflect and maintain streetscape character.

JURISDICTION

Below are some of the TLAB Rules applicable to a request for review:

31.6 The Local Appeal Body may review all or part of any final order or decision at the request of a Party, or on its own initiative, and may:

a) seek written submissions from the Parties on the issue raised in the request;

- b) grant or direct a Motion to argue the issue raised in the request;
- c) grant or direct a rehearing on such terms and conditions and before such Member as the Local Appeal Body directs; or
- d) confirm, vary, suspend or cancel the order or decision.

31.8 Where the Local Appeal Body seeks written submissions from the Parties or grants or directs a Motion to argue a request for review the Local Appeal Body shall give the Parties procedural directions relating to the content, timing and form of any submissions, Motion materials or Hearing to be conducted.”

CONSIDERATIONS AND COMMENTARY

The TLAB requested that consideration be given to the two matters above identified. It received constructive responses to both matters within the suggested timeframe. It is therefore appropriate for the TLAB to fulfill its undertaking to complete the matter in accordance with the directions given under Rule 31.8, the responses made and the jurisdiction afforded under Rule 31.6 d).

DECISION AND ORDER

The Review is allowed, in part.

The Review Decision is supplemented by varying the Decision to provide as follows:

- a) Paragraph 4 of the Decision is deleted and replaced with the minor variance conditions of approval to read as follows:

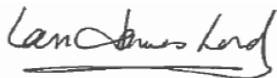
116 Briar Hill Avenue
Revised Conditions of Minor Variance Approval

1. The proposed dwellings shall be constructed substantially in accordance with the Site Plans, Rear Elevations, East Elevations, and West Elevations dated December 19, 2017, and the Front Elevations dated December 19, 2017 (Lot 1) and January 6, 2019 (Lot 2), all prepared by Giancarlo Garofalo Architect and attached as **Attachment 4** to this decision. Any other variances that may appear on these plans that are not listed in this decision are not authorized.
2. For a one family detached dwelling, the elevation of the lowest point of an opening to an area that may be used for parking or storage of a vehicle located inside or abutting the dwelling shall be higher than the elevation of the street the lot abuts measured at its centerline directly across from the driveway leading to the parking space.

Decision of Toronto Local Appeal Body Panel Member: I. Lord
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274147 S45 16 TLAB

3. The Site Plan shall indicate the existing light standard and its relocation to the satisfaction of Toronto Hydro.
 4. The proposed driveways shall be constructed with permeable pavers.
 5. A fence shall not be installed along the common lot line between Part 1 (West Lot) and Part 2 (East Lot) along the length of the dwellings constructed on those lots, in order to enhance access to the rear yards.
 6. No water will be permitted to drain from the roof of Lot 1 onto 122 Briar Hill Avenue.
 7. No water will be permitted to drain from the roof of Lot 2 onto 112 Briar Hill Avenue.
 8. The Applicant shall comply with the City of Toronto Municipal Code Chapter 813, Article II (Private Trees) and Article III (City-Owned Trees).
- b). **Attachment 4** to the Decision, including all references thereto in paragraphs 1 through 4 of the Decision, including as revised and replaced herein, is varied to the extent necessary by replacing elevation Drawing A16 therein dated 2017/12/19 by the drawing attached hereto and identified as elevation Drawing A16 dated 2019/01/06, applicable to Part 2 (**Appendix A hereto**).
- c). For greater specificity as to the materials and roof treatment on the façade only applicable to both Lots 1 and 2, and their differentiation, the rendering attached hereto is provided for reference (**Appendix B hereto**). Construction is to be substantially in accordance therewith.
- d). With the Decision so varied, the suspension in the Review Decision is hereby removed.

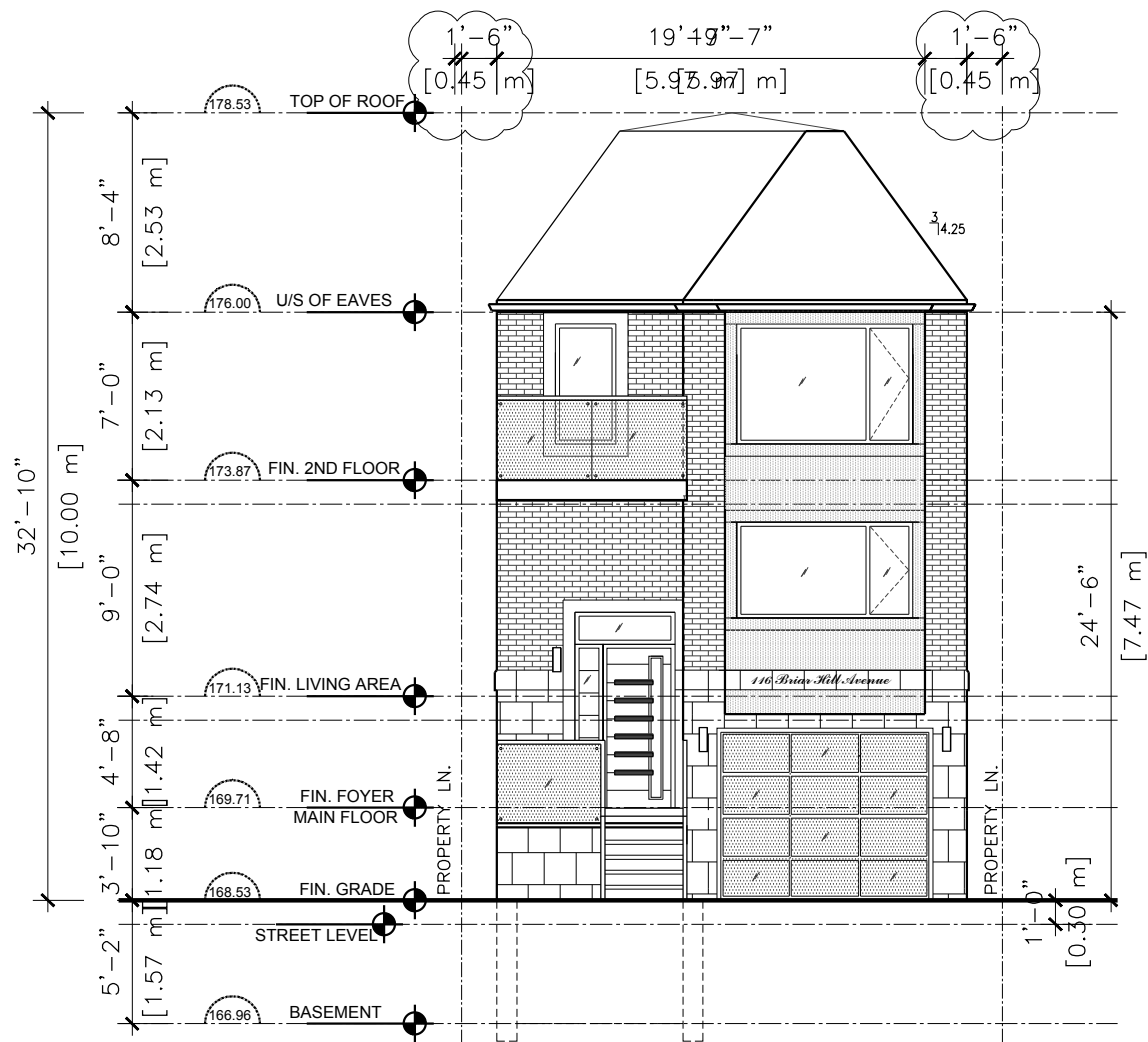
X



Ian James Lord
Panel Chair, Toronto Local Appeal Body
Signed by: Ian Lord

APPENDIX A

LOT 2



A
A16 **FRONT ELEVATION**
SCALE : 1/8" = 1'-0"

THE GENERAL CONTRACTOR SHALL REPORT AND VERIFY ALL DIMENSIONS AND REPORT ERRORS AND OMISSIONS TO THE ARCHITECT. DRAWINGS MUST NOT BE SCALED.

THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS COUNTERSIGNED BY: _____



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Title:
**116 BRIAR HILL AVE.
TORONTO**

Sheet Title:
FRONT ELEVATION

No.	Revision	Date
6	Issued for Review-revised	2017/04/26
7	Issued for CoA-Revised	2017/08/10
8	Issued for CoA-Revised	2017/11/10
9	Issued for review	2017/12/19
10	Issued for review	2019/01/06

Drawn:
H.P.
Checked:
G.G.
Date:
NOV 2016

Scale:

Dwg. No.
A16

APPENDIX B

