

MATTERS IN ISSUE

The requested severance and variances for the houses to be built on the three lots are listed in Appendix A, attached to this decision.

JURISDICTION

Provincial Policy – S. 3

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 for the Greater Golden Horseshoe for the subject area ('Growth Plan').

Consent – S. 53

TLAB must be satisfied that a plan of subdivision is not necessary for the orderly development of the municipality pursuant to s. 53(1) of the Act and that the application for consent to sever meets the criteria set out in s. 51(24) of the Act. These criteria require that " regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2 of the Planning Act;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
 - (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

Minor Variance – S. 45(1)

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 hearing held on 20 May, 2019, was attended by Mr. Peyman Ghorbakhani, the Appellant and Mr. Masoud Fallahy, who stated that he owned 319 Homewood. Mr. Mathew Cherian, a Participant who lives at 74 Dewlane Crescent appeared in opposition to the Appeal.

At the beginning of the hearing, I asked Mr. Ghorbakhani and Mr. Fallahy if they opposed the idea of combining the two Appeals, as suggested in the intermediary Orders issued by myself, and Mr. Lord, on November 27, 2018, and November 22, 2018. Both of them responded in the affirmative, and said that they had no issue with the Appeals being combined. Mr. Fallahy said that he would speak on behalf of both himself, and Mr. Ghorbakhani.

Mr. Fallahy asked for an adjournment since he wanted to retain a lawyer, and claimed that he couldn't find a lawyer who could be present at the TLAB on June 20, 2019. I refused the Motion because the case had been postponed twice for reasons

**Decision of Toronto Local Appeal Body Panel Member: S. Gopikrishna
TLAB Case File Number: 18 191774 S53 10 TLAB, 18 191782 S53 10 TLAB**

stated earlier in this decision, and the ensuing time between November 2018 and May 2019 was sufficient to retain a lawyer, and a planner, if necessary

After being affirmed, Mr. Fallahy showed me a map of the area, which demonstrated the Zoning By-laws governing the Subject property, and the neighbourhood. The Area in which the Subject Property lay, was zoned RD (f12, A370). In the vicinity there is a different area zoned RD (f12, A370). He drew my attention to advertisements from Mattamy Homes, which was in the processing of “building detached homes in the vicinity.” I read the allowable areas and frontages in metres and sq. metres out deliberately to emphasize that the measurements are usually spelt out in m and sq m, because Canada follows the metric system, but Mr. Fallahy insisted on referring to the figures in feet.

Mr. Fallahy’s evidence was that the combined frontage of the properties at 317 and 319 Homewood came to 42 “feet”, which when divided into 3 lots, came to frontage of 14”feet” each. He argued that the severance should be granted because:

- The zoning in the vicinity of the Subject Properties allowed houses with a frontage of 15 feet, which was close to the requested frontage of 14 feet.
- There were a number of lots in the community, including some behind the Subject property, that were 14 m.
- On the opposite side of Lissom Park, Mattamy was building detached houses, comparable to what the Appellants wanted to build, with frontages of 14 m.

However, Mr. Fallahy couldn’t name the addresses on the street behind the Subject property which had frontages of 14 feet. Secondly, he could not name the park which divided the Subject property from the detached homes being built by Mattamy.

I asked Mr. Fallahy to submit details of the property with frontages of 14 feet or less on the street behind the Subject property, and how he had concluded that the frontages were less than 14 feet. Likewise, I asked him to submit information about how he concluded that the properties constructed by Mattamy were less than 14 feet, because the advertising material did not have this information.

Mr. Cherian spoke next, and said that the Appellants had not spoken with, or consulted with any of the neighbours, about their plans. He said that the entire neighbourhood was against the proposal, and people did not come to the hearing, because they didn’t want to take time off time and again, given how many times the Appellants got adjournments for their case. Mr. Cherian said that the massiveness of their project could be understood from their seeking 78 variances to build the 3 planned homes, one each on a lot He said that he had “read somewhere” that more than 90% of the lots in the community were more than 50 feet. When asked where he had read this, he said that he did not remember. I asked him to find the information and send the same to the TLAB.

I gave the Parties time till the end of Wednesday, May 26, 2019, and asked them to complete the submissions.

Decision of Toronto Local Appeal Body Panel Member: S. Gopikrishna
TLAB Case File Number: 18 191774 S53 10 TLAB, 18 191782 S53 10 TLAB

On May 26, 2019, the Appellants made the following submissions- this follows from my instructions at the end of the hearing:

- A Decision of the TLAB, issued by Member Burton, respecting 169 Goulding Ave. The Decision was to allow a severance of the property into two halves, as a result of a Settlement involving the City and the Appellants.
- A report from the City of Toronto about the Zoning Amendment of 451 Patricia Avenue, to facilitate thirty 4-storey semi-detached dwellings (linked only at the garages), four 4-storey single detached dwellings and six 3-storey single detached dwellings, for a total of 40 units, all with integral 2-car garages
- MPAC information about 6 properties on Dewlane Dr. (56-66 Dewlane, even numbers) demonstrating that the frontages are between 42.57 and 46.54 feet
- MPAC information about 10 properties on Homewood Ave with a frontage of 40-45 feet
- MPAC information about 40 properties on Patricia Ave with a frontage of 40- 45 feet

On May 28, 2019, Mr. Cherian sent in a Report from the City's Planning Department dated June 4, 2018, filed with the COA, where it is stated clearly that around 93% of the lots in the vicinity of the Subject property, have frontages of more than 15 m.

ANALYSIS, FINDINGS, REASONS

It is important to note that the Appeals respecting 317 Homewood Ave., and 319 Homewood Ave., needed to be combined to be able to answer the question about creating three lots out of two existing lots. The Appellant did not object to the combination, and the two Appeals were combined, before being heard together.

I will start by pointing out that the onus of proof is on the Appellants.

The lack of submissions from the Appellants till the hearing commenced deprived me of the opportunity to understand the planning rationale behind their proposal. Their evidence was rich in rhetoric, but had a paucity of planning evidence.

The Appellants did not discuss the criteria for severances under Section 51(24) of the Planning Act, nor did they discuss how the variances needed to build a house each on each of the lots, under Section 45.1. Despite their not being able to pinpoint any property with less than a 14 m frontage on the street behind the Subject properties, they insisted that they deserve 14 "feet" frontages because examples of houses with similar frontages existed within the vicinity of the Subject property.

The TLAB Decision respecting 169 Goulding Ave., submitted on June 26, 2019, demonstrates that fulsome evidence demonstrating the compatibility between the proposal (as modified by the Settlement) and Section 45.1 of the Planning Act, was provided to the presiding Member, resulting in an approval of the severance. The case before me is distinguished by the lack of planning evidence, as discussed above.

The reference to thirty one detached properties at 451 Patricia Ave. demonstrates the Site underwent a Re-zoning Application; the report submitted by the Appellants demonstrates that the Zoning Application is supported by sound planning rationale.

The Appellants' information about the properties with frontages between 40-45 feet, is appreciated. However, this submission uses MPAC information for purposes other than which it is intended to be used by the MPAC, namely the determination of property tax. MPAC is very explicit in cautioning the user about how the information may be used, and specifically advises that the information not be used for purposes other than assessing property tax. It would have behooved the Appellants to obtain the consent, and the necessary permission of MPAC, if they wished to use the data to establish development of the Subject property.

Since there is no evidence before me that the Appellants sought MPAC's explicit permission to utilize the latter's data and information in support of their severance application, no weight is assigned to this submission.

Based on the paucity of evidence and submissions demonstrating alignment between the proposal, and Sections 51(24) and 45.1 of the Planning Act, I believe that it would be prudent to refuse the combined Appeals respecting 317 and 319 Homewood Ave. The oppositions evidence does not have to be analyzed since the Appellants have not proven their case.

DECISION AND ORDER

1. The hearings respecting 317 and 319 Homewood were combined and heard simultaneously.
2. The Appeal respecting 317 and 319 Homewood is refused in its entirety, and the decision of the COA dated June 13, 2018 is confirmed.

So orders the Toronto Local Appeal Body

S. Gopikrishna
Panel Chair, Toronto Local Appeal Body

SCHEDULE A

317 AND 319 HOMEWOOD AVE – RECITATION OF THE CONSENT TO SEVER AND VARIANCES REQUESTED

THE CONSENT REQUESTED

To obtain consent to sever a portion of land from 317 and 319 Homewood Ave for the purpose of lot additions to create 3 lots from 2 existing lots. A new detached dwelling is proposed to be constructed on each new lot. The existing dwellings would be demolished. Related minor variance applications have been submitted to accommodate the proposed development.

CONVEYED - Part 2

Part 2 has a lot frontage of 6 m and a lot area of 233.76m². Part 2 will be added to the Part 3 (severed from B0079/17NY) to create a new building lot with a frontage of 11.68 m and a lot area of 479.25 m². Parts 2 and 3 will be redeveloped with a new detached residential dwelling. (A01114/17NY)

RETAINED - Part 1

Part 1 has a lot frontage of 11.68 m and a lot area of 479.25 m². The lot will be redeveloped with a new detached residential dwelling (A1113/17NY).

B0079/17NY- 319 HOMEWOOD AVENUE

CONVEYED – Part 3

Part 3 has a lot frontage of 5.69 m and a lot area of 246.35m². Part 3 will be added to the Part 2 (severed from B0078/17NY) to create a new building lot with a frontage of 11.68m and a lot area of 479.25 m². Parts 2 and 3 will be redeveloped with a new detached residential dwelling (AOI 114/17NY).

RETAINED -Part 4

Part 4 has a lot frontage of 11.69 m and a lot area of 479.21 m². The lot will be redeveloped with a new detached residential dwelling (AI 115/17NY).

**REQUESTED VARIANCE(S) TO THE ZONING BY.LAW: AIII3/17NY- 317
HOMEWOOD AVENUE (PART 1)**

To construct a new two-storey dwelling with an integral garage. The existing dwelling will be demolished.

1. Chapter 900.3.10(5), By-law No. 569-2013

The minimum side yard setback is 1 .8 m. The proposed west side yard setback is 1 .2 m.

2. Chapter 900.3.10(5), By-law No. 569-2013

The minimum side yard setback is 1 .8 m. The proposed east side yard setback is 0.95 m.

3. Chapter IO.5.40.IO.(5), By-law No. 569-2013

An area of 1 0 m² of the first floor must be within 4 m of the front main wall. 9.68 m² of the first floor is within 4 m of the front main wall.

4. Chapter IO.540.50.(2), By-law No. 569-2013

A platform without main walls such as a deck, porch or similar structure, attached to or within 0.3 m of a building, must comply with the required side yard setbacks; 1 .8 m. The proposed west side yard setback is 1 .65 m for the front porch.

5. Chapter 10.20.40.20.(I), By-law No. 569-2013

The permitted maximum building length is 17.0 m. The proposed building length is 17.06 m.

6. Chapter 10.20.30.10.(1), By-law No. 569-2013

The required minimum lot area is 550 m². The proposed lot area is 479.25 m².

7. Chapter 10.20.30.20.(1), By-law No. 569-2013

The required minimum lot frontage is 15 m. The proposed lot frontage is 1 1 .68 m.

8. Chapter 10.20.30.40.(1), By-law No. 569-2013

The permitted maximum lot coverage is 30% of the lot area. The proposed lot coverage is 33.75% of the lot area.

9. Chapter 10.5.40.60.(1), By-law No. 569-2013

A platform without main walls such as a deck, porch or similar structure, attached to or within 0.3 m of 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 of 2.5 m if it is no closer to a side lot line than the required side yard setback; 1 .8 m. The proposed platform encroaches 1 .22 m into the required front yard setback and is 1 .65 m from the west side yard.

10. Chapter 10.50.40.60.(6), By-law No. 569-2013

A bay window, or other window projection from a main wall of a building, which increases floor area or enclosed space and does not touch the ground, may encroach into a required front yard setback or rear yard setback a maximum of 0.75 m, if the window projections in total do not occupy more than 65% of the width of the front main wall or rear main wall at each storey. The proposed window encroaches 0.609 m from the wall. The total window projections occupy 68.03% of the front main wall width.

11. Chapter 10.5.40.60.(2), By-law No. 569-2013

A canopy, awning or similar structure above a platform may encroach into a required building side yard setback to the same extent as the platform it is covering; 1 .8 m. The proposed canopy is setback from the west side lot line by 1 .65 m

12. Chapter 10.20.40.10.(1), By-law No. 569-2013

The permitted maximum height of a building is 10 m. The proposed building height is 10.72 m.

13. Chapter 10.20.40.10.(2), By-law No. 569-2013

The permitted maximum height of all side exterior main walls facing a side lot line is 7.5 m. The proposed height of the side exterior main walls facing a side lot line is 9.36 m.

14. Chapter 10.20.40.10.(6), By-law No. 569-2013

The permitted maximum height of the first floor above established grade is 1 .2 m. The proposed height of the first floor above established grade is 1 .37 m.

15. Chapter 10.5.40.60.(5), By-law No. 569-2013

A chimney breast, on a building, may encroach into a required building setback a maximum of 0.6 m, if it is no closer to a lot line than 0.3 m. The proposed chimney

encroaches 1 m into the required west building setback and is 0.8 m from the west side lot line.

16. Chapter 10.5.40.60.(7) , By-law No. 569-2013

Roof eaves may project a maximum of 0.9 m into a required building setback provided that they are no closer than 0.30 m to a lot line. The proposed eaves project 1 .3 1 m into the east side yard setback and are 0.49 m from the east side lot line.

17. Chapter 10.5.40.60.(7) , By-law No. 569-2013

Roof eaves may project a maximum of 0.9 m into a required building setback provided that they are no closer than 0.30 m to a lot line. The proposed eaves project 1 .06 m into the west side yard setback and are 0.74 m from the west side lot line.

18. Section 13.2.1, By-law No. 7625

The minimum required lot frontage is 15 m. The proposed lot frontage is 1 1 .68 m.

19. Section 13.2.2, By-law No. 7625

The minimum required lot area is 550 m². The proposed lot area is 479.25 m².

20. Section 13.2.3(b), By-law No. 7625

The minimum required side yard setback is 1 .5 m. The proposed west side yard setback is 1 .2 m.

21. Section 13.2.3(b), By-law No. 7625

The minimum required side yard setback is 1 .5 m. The proposed east side yard setback is 0.95 m.

22. Section 13.2.5A, By-law No. 7625

The maximum permitted building length is 16.8 m. The proposed building length is 17.67 m.

23. Section 13.2.6, By-law No. 7625

The maximum permitted building height is 8.8 m. The proposed building height is 10.11 m.

24. Section 6(8) , By-law No. 7625

The minimum required lot width is not to be less than the lot frontage for the zone in which the building is to be constructed; 15 m. The proposed lot width is 1 1 .68 m.

25. Section 6(9)(b), By-law No. 7625

Exterior stairways shall be permitted to project into the minimum front yard setback not more than 2.1 m. The proposed front stairs project 2.39 m.

26. Section 6(30)a, By-law No. 7625

The maximum finished first floor height is 1.5 m. The proposed finished first floor height is 1.76 m.

A1114/17NY- 317 & 319 HOMEWOOD AVENUE (PART 2 & 3)

To construct a new two-storey dwelling with an integral garage, the existing dwelling will be demolished.

1. Chapter 900.3.10(5), By-law 569-2013

The minimum side yard setback is 1.8 m.
The proposed west side yard setback is 1.2 m.

2. Chapter 900.3.10(5), By-law 569-2013.

The minimum side yard setback is 1.8 m.
The proposed east side yard setback is 0.95 m.

3. Chapter 10.5.40.10(5), By-law 569-2013

An area of 10 m² of the first floor must be within 4 m of the front main wall. (9.68 m² of the first floor foyer is within 4 m of the front main wall)

4. Chapter 10.5.40.50(2), By-law 569-2013

A platform without main walls, such as a deck, porch, or similar structure, attached to or within 0.3 m of a building, must comply with the required minimum side yard setbacks for the zone; 1.8 m. The proposed front porch is setback from the west side lot line by 1.65 m.

5. Chapter 10.20.40.20.(1), By-law 569-2013

The permitted maximum building length for a detached house is 17.0 m.
The proposed building length is 17.06 m.

6. Chapter 10.20.30.10.(1), By-law 569-2013

The required minimum lot area is 550 m².

The proposed lot area is 479.25 m².

7. Chapter 10.20.30.20.(1), By-law 569-2013

The required minimum lot frontage is 15 m.

The proposed lot frontage is 11.68 m.

8. Chapter 10.20.30.40.(1), By-law 569-2013

The permitted maximum lot coverage is 30 % of the lot area.

The proposed lot coverage is 33.75 % of the lot area.

9. Chapter 10.5.40.60.(1), By-law 569-2013

A platform without main walls, attached to or less than 0.3 m 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 of 2.5 m if it is no closer to a side lot line than the required side yard setback; 1.8m. The proposed platform encroaches 1.22 m into the required front yard setback and is setback from the west side lot line by 1.65 m.

10. Chapter 10.5.40.60.(2), By-law 569-2013

A canopy, awning or similar structure above a platform may encroach into a required building setback to the same extent as the platform it is covering; 1.8 m.

The proposed canopy is setback from the west side lot line by 1.65 m.

11. Chapter 10.5.40.60.(6), By-law 569-2013

A bay window, or other window projection from a main wall of a building, which increases floor area or enclosed space and does not touch the ground, may encroach into a required front yard setback or rear yard setback a maximum of 0.75 m, if the window projections in total do not occupy more than 65 % of the width of the front main wall or rear main wall at each storey.

The proposed window encroaches 0.609 m from the wall. The total window projections occupy 68.03 % of the front main wall width.

12. Chapter 10.20.40.10.(1), By-law 569-2013

The permitted maximum height of a building or structure is 10 m. The proposed height of the dwelling is 10.7 m.

13. Chapter 10.20.40.10.(2), By-law 569-2013

The permitted maximum height of all side exterior main walls facing a side lot line is 7.5 m. The proposed height of the side exterior main walls facing a side lot line is 9.36 m.

14. Chapter 10.5.40.60.(5), By-law 569-2013

A chimney breast, on a building, may encroach into a required building setback a maximum of 0.6 m, it is no closer to a lot line than 0.3 m. The proposed chimney encroaches 1 m into the required west side building setback and is 0.8 m from the west side lot line.

15. Chapter 10.5.40.60.(7), By-law 569-2013

Roof eaves may project a maximum of 0.9 m into the required building setback provided that they are no closer than 0.30 m to a lot line. The proposed eaves project 1.31 m in the required east side yard setback and are 0.49 m from the east side lot line.

16. Chapter 10.5.40.60.(7), By-law 569-2013

Roof eaves may project a maximum of 0.9 m into the required building setback provided that they are no closer than 0.30 m to a lot line. The proposed eaves project 1.06 m into the required west side yard setback and are 0.74 m from the west side lot line.

17. Chapter 10.20.40.10.(6), By-law 569-2013

The permitted maximum height of the first floor above established grade is 1.2 m. The proposed height of the first floor above established grade is 1.37 m.

18 Section 13.2.1, By-law 7625

The minimum required lot frontage is 15 m. The proposed lot frontage is 11.68 m.

19. Section 13.2.2. By-law 7625

The minimum required lot area is 550m². The proposed lot area is 479.25m².

20. Section 13.2.3(b), By-law 7625

The minimum required side yard setback is 1.5 m. The proposed west side yard setback is 1.2 m

21. Section 13.2.3(b), By-law 7625

The minimum required side yard setback is 1.5 m. The proposed east side yard setback is 0.95 m.

22. Section 13.2.SA, By-law 7625

The maximum permitted building length is 16.8 m.

The proposed building length is 17.67 m.

NOTE: The building length includes the front bay windows not meeting the permitted projection requirements (i.e. 50% of the total width permitted and 68.03% width proposed).

23. Section 13.2.6, By-law 7625

The maximum permitted building height is 8.8 m.
The proposed building height is 10.21 m.

24. Section 6(8), By-law 7625

The minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed 15m. The proposed lot width is 11 .68 m.

25. Section 6(9)(b), By-law 7625

Exterior stairways shall be permitted to project into the minimum front yard setback not more than 2.1 m. The proposed front stairs projects 2.39 m.

26. Section 6(30)a, By-law 7625

The maximum finished first floor height is 1 .5m.
The proposed finished first floor height is 1 .86m.

A1115/17NY- 319 HOMEWOOD AVENUE (PART 4)

To construct a new two-storey dwelling with an integral garage, the existing dwelling will be demolished.

1. Chapter 900.3.10(5), By-law No. 569-2013

The minimum side yard setback is 1 .8 m.
The proposed east side yard setback is 1 .2 m.

2. Chapter 900.3.10(5), By-law No. 569-2013

The minimum side yard setback is 1 .8 m.
The proposed west side yard setback is 0.95 m.

3. Chapter 10.5.40.10.(5), By-law No. 569-2013

An area of 10 m² of the first floor must be within 4 m of the front main wall.
9.68 m² of the first floor is within 4 m of the front main wall.

4. Chapter 10.5.40.50.(2), By-law No. 569-2013

A platform without main walls such as a deck, porch or similar structure, attached to or within 0.3 m of a building, must comply with the required side yard setbacks; 1 .8 m.
The proposed west side yard setback is 1 .4 m for the front porch.

5. Chapter 10.20.40.20.(1), By-law No. 569-2013

The permitted maximum building length is 17.0 m. The proposed building length is 17.06 m.

6. Chapter 10.20.30.10.(1), By-law No. 569-2013

The required minimum lot area is 550 m². The proposed lot area is 481 .21 m².

7. Chapter 10.20.30.20.(1), By-law No. 569-2013

The required minimum lot frontage is 15 m. The proposed lot frontage is 11 .69 m.

8. Chapter 10.20.30.40.(1), By-law No. 569-2013

The permitted maximum lot coverage is 30% of the lot area.

The proposed lot coverage is 33.7% of the lot area.

9. Chapter 10.5.40.60.(1), By-law No. 569-2013

A platform without main walls such as a deck, porch or similar structure, attached to or within 0.3 m of 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 of 2.5 m if it is no closer to a side lot line than the required side yard setback; 1 .8 m.

The proposed platform encroaches 1 .22 m into the required front yard setback and is 1 .4 m from the west side yard.

10. Chapter 10.50.40.60.(6), By-law No. 569-2013

A bay window, or other window projection from a main wall of a building, which increases floor area or enclosed space and does not touch the ground, may encroach into a required front yard setback or rear yard setback a maximum of 0.75 m, if the window projections in total do not occupy more than 65% of the width of the front main wall or rear main wall at each storey.

The proposed window encroaches 0.609 m from the wall. The total window projections occupy 68.03% of the front main wall width.

11. Chapter 10.5.40.60.(2), By-law No. 569-2013

A canopy, awning or similar structure above a platform may encroach into a required building side yard setback to the same extent as the platform it is covering; 1 .8 m.

The proposed canopy is setback from the west side lot line by 1 .4 m

12. Chapter 10.20.40.10.(1), By-law No. 569-2013

The permitted maximum height of a building is 10 m.

The proposed building height is 10.72 m.

13. Chapter 10.20.40.10.(2), By-law No. 569-2013

The permitted maximum height of all side exterior main walls facing a side lot line is 7.5 m. The proposed height of the side exterior main walls facing a side lot line is 9.36 m.

14. Chapter 10.20.40.10.(6), By-law No. 569-2013

The permitted maximum height of the first floor above established grade is 1 .2 m.
The proposed height of the first floor above established grade is 1 .37 m.

15. Chapter 10.5.40.60.(5), By-law No. 569-2013

A chimney breast, on a building, may encroach into a required building setback a maximum of 0.6 m, if it is no closer to a lot line than 0.3 m. The proposed chimney encroaches 1 .25 m into the required west building setback and is 0.55 m from the west side lot line.

16. Chapter 10.5.40.60.(7) , By-law No. 569-2013

Roof eaves may project a maximum of 0.9 m into a required building setback provided that they are no closer than 0.30 m to a lot line. The proposed eaves project 1 .31 m into the west side yard setback and are 0.49 m from the west side lot line.

17. Chapter 10.5.40.60.(7) , By-law No. 569-2013

Roof eaves may project a maximum of 0.9 m into a required building setback provided that they are no closer than 0.30 m to a lot line. The proposed eaves project 1 .06 m into the east side yard setback and are 0.74 m from the east side lot line.

18. Section 13.2.1, By-law No. 7625

The minimum required lot frontage is 15 m. The proposed lot frontage is 1 1 .69 m.

19. Section 13.2.2, By-law No. 7625

The minimum required lot area is 550 m².
The proposed lot area is 481.21 m².

20. Section 13.2.3(b), By-law No. 7625

The minimum required side yard setback is 1 .5 m.
The proposed west side yard setback is 0.95 m.

21. Section 13.2.3(b), By-law No. 7625

The minimum required side yard setback is 1 .5 m.
The proposed east side yard setback is 1 .2 m.

22. Section 13.2.5A, By-law No. 7625

The maximum permitted building length is 16.8 m.
The proposed building length is 1 7.67 m.

23. Section 13.2.6, By-law No. 7625

The maximum permitted building height is 8.8 m.
The proposed building height is 10.22 m.

24. Section 6(8) , By-law No. 7625

The minimum required lot width is not to be less than the lot frontage for the zone in which the building is to be constructed; 15 m. The proposed lot width is 11 .69 m.

25. Section 6(9)(b), By-law No. 7625

Exterior stairways shall be permitted to project into the minimum front yard setback not more than 2.1 m. The proposed front stairs project 2.39 m.

26. Section 6(30)a, By-law No. 7625

The maximum finished first floor height is 1 .5 m. The proposed finished first floor height is 1 .87 m.

27. Section 6(9)(t), By-law No. 7625

Porches and decks, either excavated or unexcavated, shall be permitted to project into the minimum front yard setback not more than 2.1 m but no closer to the side lot line than the minimum side yard setback for the main building; 1 .5 m. The proposed front porch projects 1 .22 m and is setback from the west side lot line by 1 .4 m.

28. Section 6(9)(f), By-law No. 7625

Canopies shall be permitted to project into the minimum front yard setback not more than 2.1 m but no closer to the side lot line than the minimum side yard setback for the main building; 1 .5 m. The proposed front porch canopy projects 1 .22 m and is setback from the west side lot line by 1.4 m.