

DECISION AND ORDER

Decision Issue Date Monday, July 15, 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): TARESA CONSTRUCTION INC

Applicant: TARESA CONSTRUCTION INC

Property Address/Description: 64 EMPRESS AVE

Committee of Adjustment Case File Number: 18 198245 NNY 23 MV (A0556/18NY)

TLAB Case File Number: 18 236323 S45 23 TLAB

Hearing date: Tuesday, June 11, 2019

DECISION DELIVERED BY S. Gopikrishna

APPEARANCES

Appellant	Taresa Construction Inc
Appellant's Legal Rep.	Patrick Bakos
Appellant's Expert Witness	Jane McFarlane
Party	City of Toronto
Party's Legal Rep.	Matthew Schuman
Owner	Anjuman Ara Shahid

INTRODUCTION AND BACKGROUND

Following the hearing held on June 11, 2019, an Interim Decision and Order was issued on June 26, 2019. The Decision allowed, in part, the Appeal respecting 64 Empress Ave., and approved all the variances, as put forward by the Appellants at the aforementioned hearing. The Decision and Order, also imposed conditions requiring

any future basement walkout to be located at the rear wall of the dwelling, and that an application would be made to the City's Urban Forestry division for permits to injure or remove private trees, consistent with the provisions of the City's Municipal Code.

It also stated that a Final Decision and Order would be issued after the TLAB receives, and reviews the date stamped Plans and Elevations, with the name of the architect, listed clearly on the Plans and Elevations.

ANALYSIS, FINDINGS, REASONS

On the afternoon of July 26, 2019, an email was received from the Appellants, with the Site Plans and Elevations for 64 Empress Ave, date stamped January 10, 2019, prepared by Stavros Charitanios, P.Eng. Since the Appellants fulfilled the condition imposed through the Interim Decision, a final Decision and Order is issued below as follows:

FINAL DECISION AND ORDER

1. The Appeal is allowed in part, and the decision of the Committee of Adjustment respecting 64 Empress Ave., dated July 13, 2018, is set aside.
2. The following variances are considered approved:

City-wide Zoning By-law

The subject property is subject to the *City-wide Zoning By-law No. 569-2013, as amended*. Based on By-law No. 569-2013, the subject property is zoned RD (f15; a550) (x5).

Variances Sought

1. The minimum required side yard setback is 1.8 metres. The proposed west side yard setback is 1.55 metres. [Chapter 900.3.10(5) Exceptions for RD Zone, Exception RD5]
2. The permitted maximum lot coverage is 30 percent of the lot area. The proposed lot coverage is 32 percent of the lot area. [Chapter 10.20.30.40.(1) Maximum Lot Coverage]

North York Zoning By-law

The subject 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 subject property is zoned R4, and is located in the McKee Neighbourhood (Schedule Q) in District No. 4 (Schedule A).

Variances Sought

Decision of Toronto Local Appeal Body Panel Member: S. Gopikrishna
TLAB Case File Number: 18 236323 S45 23 TLAB

3. The maximum finished first floor height is 1.5 metres. The proposed finished first floor height is 1.58 metres. [Section 6(30)a - Maximum First Floor Height]
4. The maximum permitted building height is 8.8 metres. The proposed building height is 8.86 metres. [Section 13.2.6 – Maximum Building Height]
5. No other variances are approved.
6. The approval is subject to the following conditions:
 - a) Any basement walkout must be located at the rear (north) wall of the dwelling and not in any side yard.
 - b) The Appellant will apply to the City's Urban Forestry division for permits to injure or remove private trees, consistent with the provisions of the City's Municipal Code
 - c) The building needs to be built in substantial compliance with the submitted plans and elevations diagrams, date stamped January 10, 2019, prepared by Stavros Charitanios, P.Eng. These Plans and Elevations are included as an attachment to this Decision and Order.

So orders the Toronto Local Appeal Body

X 

S. Gopikrishna
Panel Chair, Toronto Local Appeal Body

LOT GRADING PLAN OF
LOT 216 & PART OF LOT 217, REGISTERED PLAN 1751
CITY OF TORONTO (FORMERLY THE CITY OF NORTH YORK)

Scale 1 : 200
PETER N. AUBREY O.L.S., © 2019

METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

GENERAL NOTES

- ALL DIFFERENCES IN GRADE BETWEEN THIS SITE AND ADJOINING LANDS ARE TO BE TAKEN UP ON THE OWNER'S LAND WITH 2 HORIZONTAL TO 1 VERTICAL SLOPED AND PEGGED SLOPES, AND/OR
- BOULEVARDS TO BE GRADED AND SLOPED BY OWNER/BUILDER/DEVELOPER TO CITY SPECIFICATIONS.
- THE OWNER IS REQUIRED TO MAKE AN APPLICATION TO TORONTO WATER DIVISION-MR. KEVIN CONNORS (416) 395-1126, FOR THE INSTALLATION OF ANY PROPOSED SERVICES WITHIN THE RIGHT-OF-WAY AND DISCONNECTION OF OLD SUBSTANDARD SERVICES NOT BEING UTILIZED. THE CONNECTIONS WILL BE DONE BY CITY FORCES AT
- BUILDER TO CONTACT WASTE WATER MANAGEMENT AT 416 396-7367 TO INSPECT TO EXISTING SEWER CONNECTIONS TO DETERMINE THEIR CONDITION BEFORE THEY CAN BE USED (48 HOURS NOTICE IS REQUIRED). SEWER INVERTS TO BE CONFIRMED ON SITE.
- DRIVEWAY APPROACH TO BE PAVED BY BUILDER TO CITY SPECS
- THE OWNER AGREES THAT ALL EXISTING UTILITIES AND TREES WHICH WILL NOT HAVE ADEQUATE CLEARANCE FROM ANY DRIVEWAY PROPOSED SHALL BE REMOVED OR RELOCATED AT THE OWNER'S EXPENSE WHETHER OR NOT THE OBSTRUCTIONS ARE INDICATED ON THE PLAN. ALTERNATIVELY, THE DEVELOPER MAY BE PERMITTED BY THE COMMISSIONER OF WORKS, IN WRITING, TO RELOCATE THE
- OWNER TO CONTACT SCARBOROUGH PARKS DEPARTMENT REGARDING THE REMOVAL OF ANY TREES ON PUBLIC ROAD ALLOWANCE AT
- CURB CUT OR COMBINED CURB AND SIDEWALK, DEPRESSION TO BE INSTALLED BY CITY AT OWNER'S EXPENSE IF REQUIRED. ALL EXISTING CURB CUTS NOT UTILIZED ARE TO BE REPLACED BY CITY BY
- STORM DRAINAGE: WHERE THE GRADES OF THE NATURAL TOPOGRAPHY ARE ALTERED, GRADING SHALL BE SUCH THAT WATER WILL NOT ACCUMULATE AT OR NEAR A BUILDING AND THAT DRAINAGE INCLUDING ANY RELATED EXCAVATIONS, FILL AND GRADING HAVING AN EFFECT THEREON WILL BE UNDERTAKEN AND COMPLETED IN ACCORDANCE WITH GOOD ENGINEERING PRACTICE SO AS TO ENSURE STABLE CONDITIONS AND SO AS NOT TO ADVERSELY AFFECT ADJACENT PROPERTY.
- THE BUILDER MUST PERFORM ALL NECESSARY WORKS TO ENSURE THAT NO SURFACE DRAINAGE PROBLEMS ARE CREATED ON OR ADJACENT TO PRIVATE OR PUBLIC LANDS BY REASON OF HIS DEVELOPMENT.

REG'D

PLAN

1790

LOT 249

LOT 250

LOT 251

PIN.

10082-0126(LT)

PIN.

10082-0125(LT)

REG'D

PLAN

1751

LOT 217

LOT 216

LOT 215

PIN. 10082-0145(LT)

PIN. 10082-0144(LT)

PIN. 10082-0146(LT)

DORIS AVENUE

KENNETH AVENUE

EMPRESS AVENUE (RENAMED BY BY-LAW NO. 16830)

(FORMERLY EMPRESS BOULEVARD BY REGISTERED PLAN 1751)
PIN. 10082-0191(LT)

BENCH MARK

ELEVATIONS ARE GEODETIC AND ARE REFERRED TO BM. NO. CT 33026
DESCRIPTION: SET IN FOURTH BRICK IN THE N. SIDE OF HOUSE NO. 83
HILLCREST, 0.3m E. OF THE NW. COR., 0.32m ABOVE GROUND.
ELEVATION: 173.468m

NOTE

BOUNDARY INFORMATION TAKEN FROM SURVEYOR'S REAL PROPERTY REPORT BY
PETER N. AUBREY O.L.S. DATED OCTOBER 31, 2017.

□	DENOTES	SURVEY MONUMENT SET	lfw	DENOTES	LINK WIRE FENCE
■	"	SURVEY MONUMENT FOUND	bf	"	BOARD FENCE
SIB	"	STANDARD IRON BAR	OU	"	ORIGIN UNKNOWN
IB	"	IRON BAR	WIT	"	WITNESS
CC	"	CUT CROSS	str	"	STONE
pl	"	REGISTERED	al	"	ALUMINIUM
1176,DER	"	DONALD E. ROBERTS O.L.S.	fr	"	FRAME
D	"	INSTRUMENT NO. NY707088	-W-	"	AERIAL SERVICE WIRE
BA	"	PLAN BA-530			BUILDING TIES ARE TO
Y	"	YATES & YATES O.L.S., SURVEY			BRICK CORNERS EXCEPT
		DATED MAY 29, 1959			AS NOTED.

SURVEYOR'S CERTIFICATE

IT IS MY BELIEF THAT ADHERENCE TO THE PROPOSED GRADES AS SHOWN WILL
PRODUCE ADEQUATE SURFACE DRAINAGE WITHOUT DETRIMENTAL EFFECT TO THE
EXISTING DRAINAGE PATTERNS OF ADJACENT PROPERTIES

DATE JANUARY 2nd, 2019

PETER N. AUBREY
ONTARIO LAND SURVEYOR

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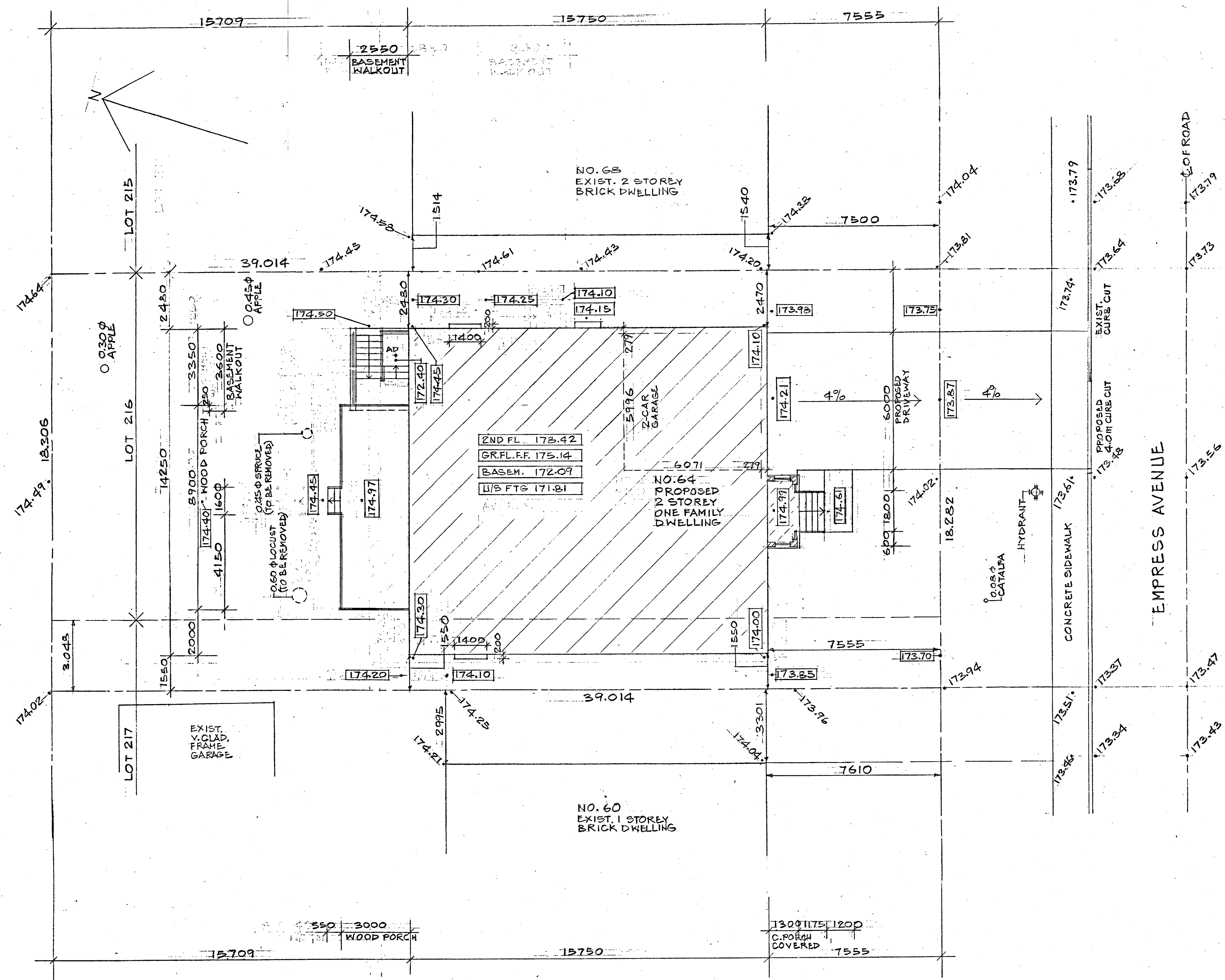
TREES THAT ARE IN THE STREET IN FRONT OF THE PROPERTY AND
7.5m FROM EITHER SIDE LOT LINE ARE AS SHOWN.

FRONT YARD=138.1 sq.m. STEPS=1.8 sq.m.
PORCH=4.6 sq.m., WALKWAY=2.4 sq.m., DRIVEWAY=45.9 sq.m.
FRONT YARD SOFT LANDSCAPING=83.4 sq.m.
FRONT YARD LANDSCAPING=87.6 sq.m.

DONALD E. ROBERTS LTD., ONTARIO LAND SURVEYORS
111 RAILSIDE ROAD, SUITE 304, TORONTO ONTARIO, M3A 1B2, (416) 755-5320

DRAWN J.H.
CHECKED P.N.A.
DATE JANUARY 2, 2019
SCALE 1 : 200

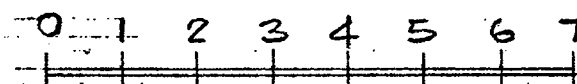
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PROPOSED 2-STOREY HOUSE
 LOT AREA = 713.722 m²
 GROUND FLOOR = 224.438 m²
 2ND FLOOR = 224.438 m²
 FRONT PORCH COVER = 3.90 m²
 TOTAL COVERAGE = 31.99 m²
 REAR WD PORCH = 26.70 m, 3.74%

- LIST OF DWGS
 1. SITE PLAN
 2. BASEMENT
 3. GROUND FLOOR
 4. 2ND FLOOR
 5. SOUTH ELEVATION
 6. NORTH ELEVATION
 7. EAST ELEVATION
 8. WEST ELEVATION
 9. ROOF PLAN

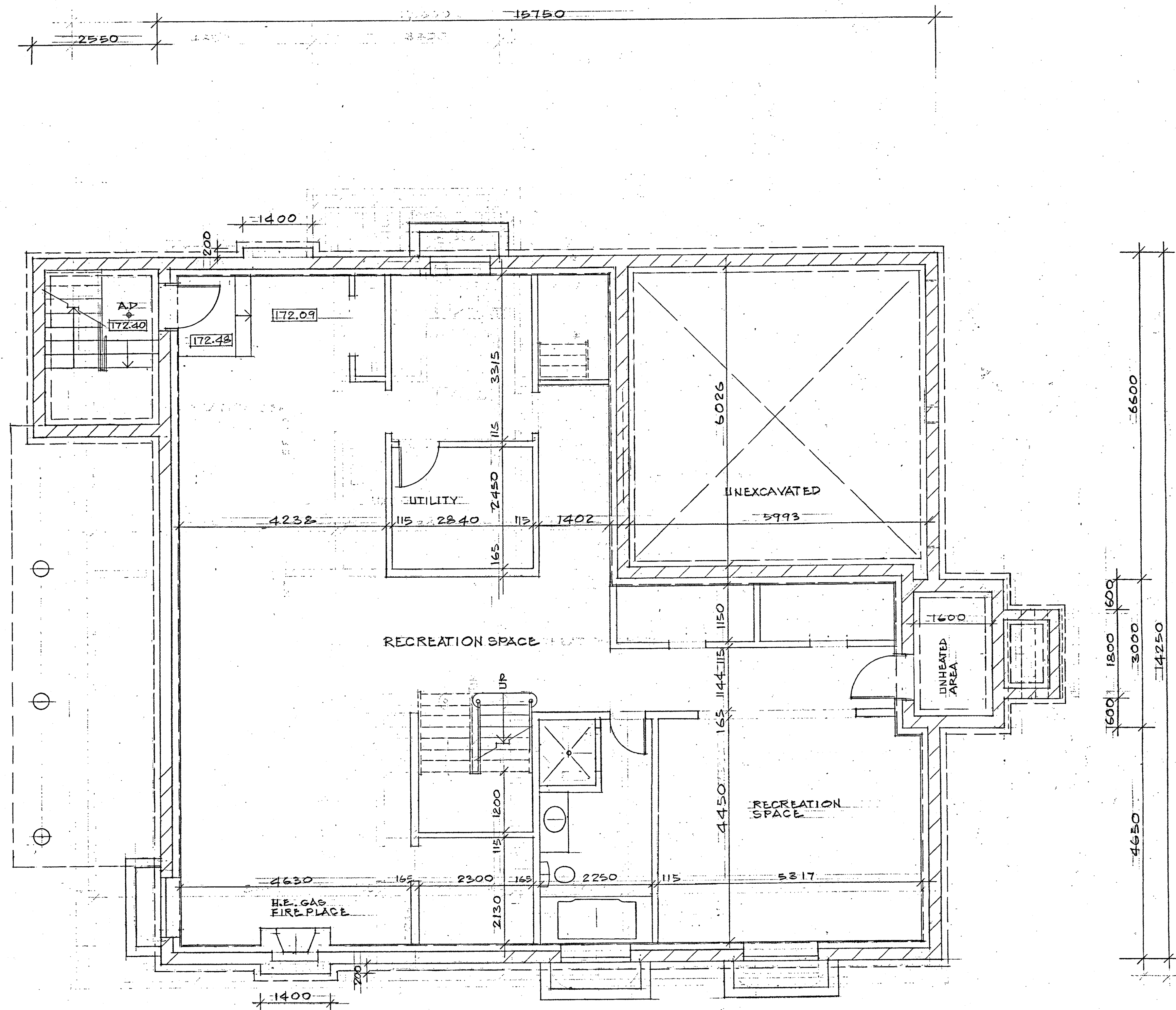
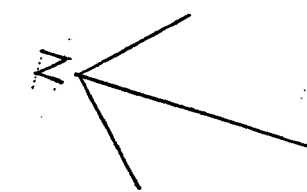
SITE PLAN SCALE 1:100 REG. PLAN 1731



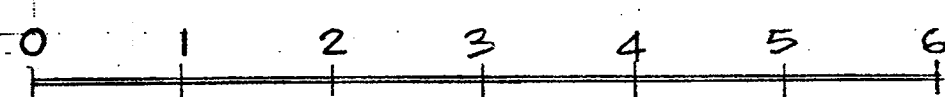
64 EMPRESS AVENUE
 TORONTO, ONTARIO

STAVROS CHARITONOS P. ENG

JAN. 10, 2019



BASEMENT SCALE 1:50

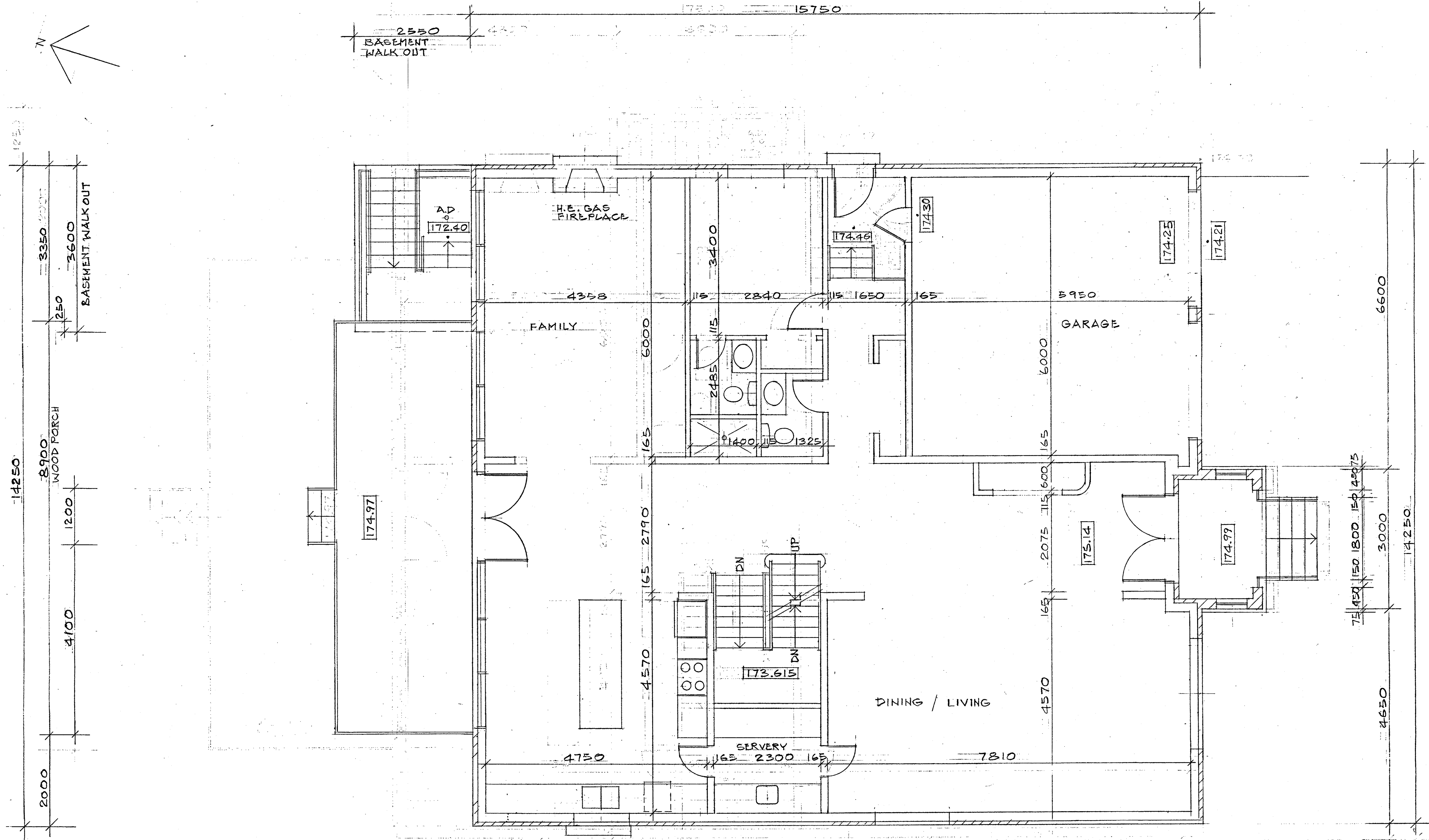


64 EMPRESS AVENUE
TORONTO, ONTARIO

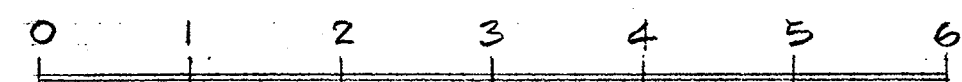
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JAN. 10, 2019

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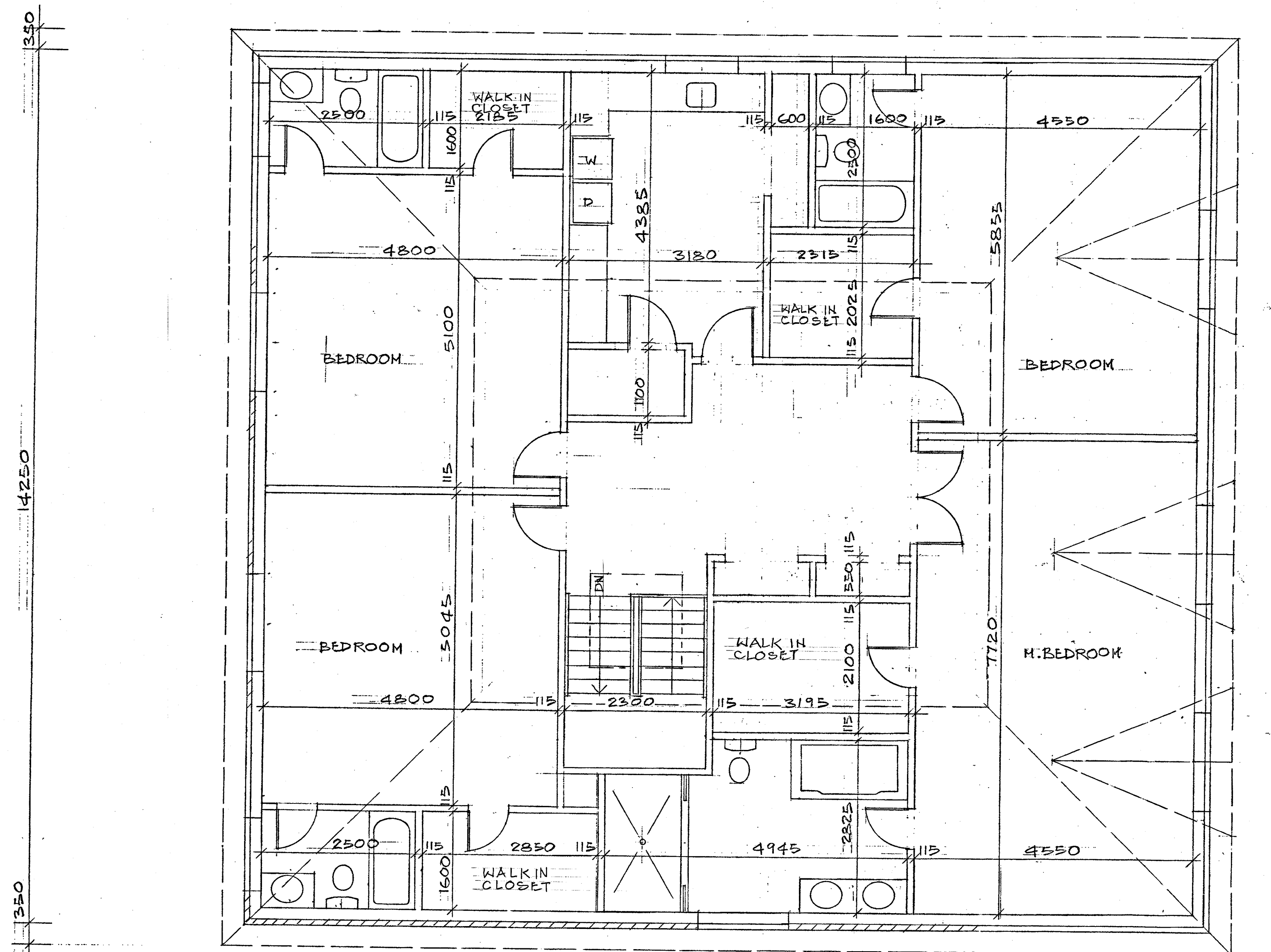
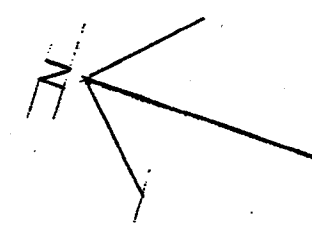
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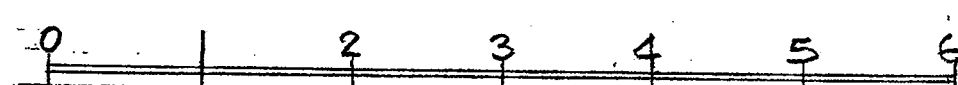
64 EMPRESS AVENUE
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JAN. 10, 2019 3



2ND FLOOR SCALE 1:50

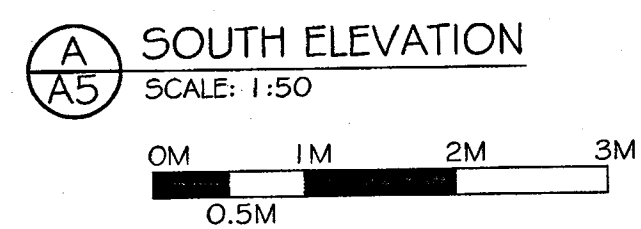


64 EMPRESS AVENUE
TORONTO, ONTARIO

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JAN. 10, 2019

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No.	REVISION	DATE	BY
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PROJECT:

PROPOSED DWELLING

64 EMPRESS AVENUE TORONTO, ONTARIO

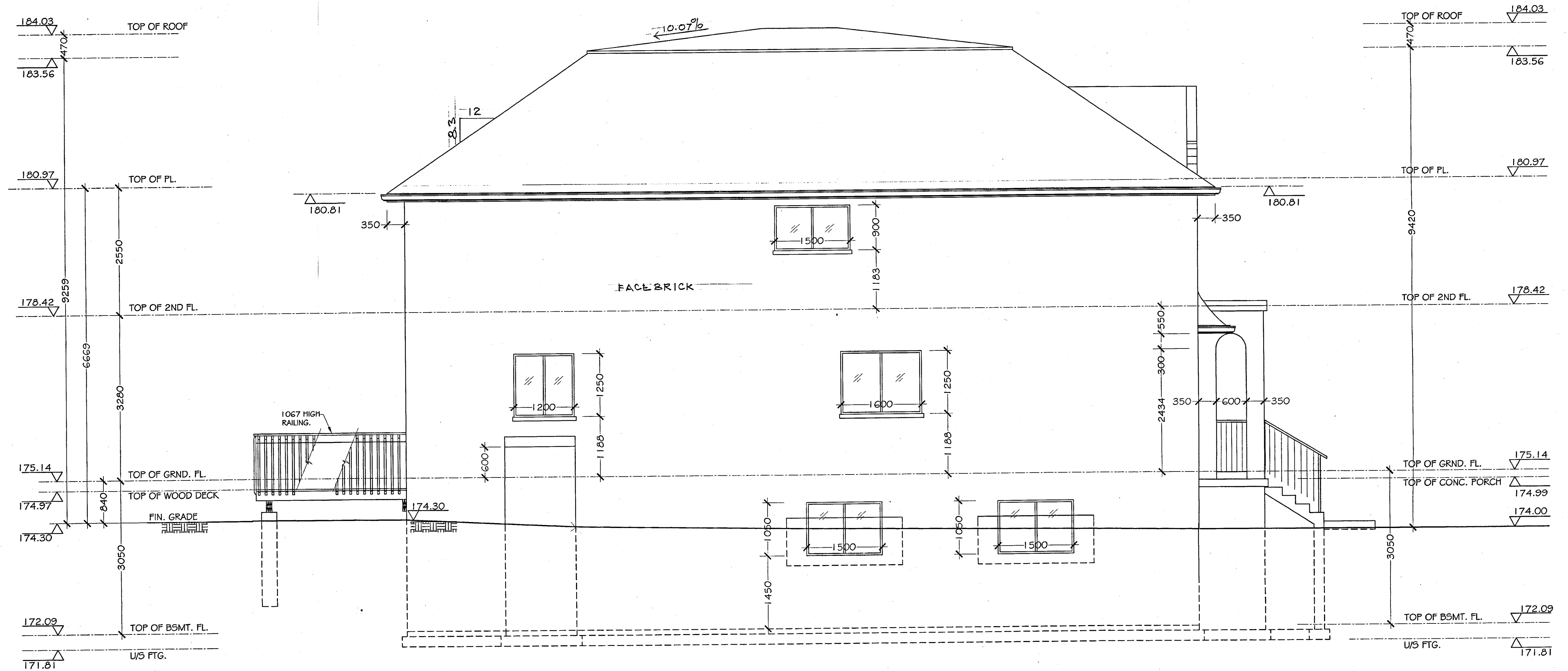
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DATE:	JAN 10, 2019	DWG. No.
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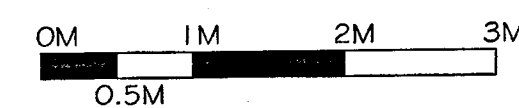


A NORTH ELEVATION
 AG SCALE: 1:50
 0M 1M 2M 3M
 0.5M

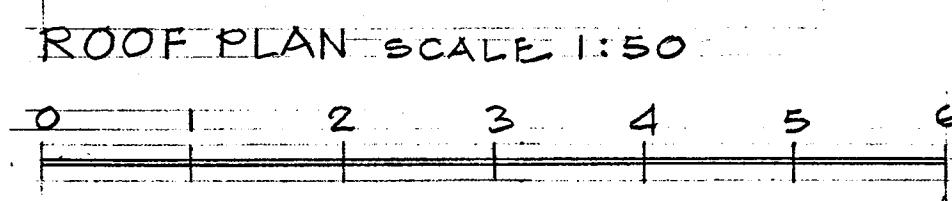
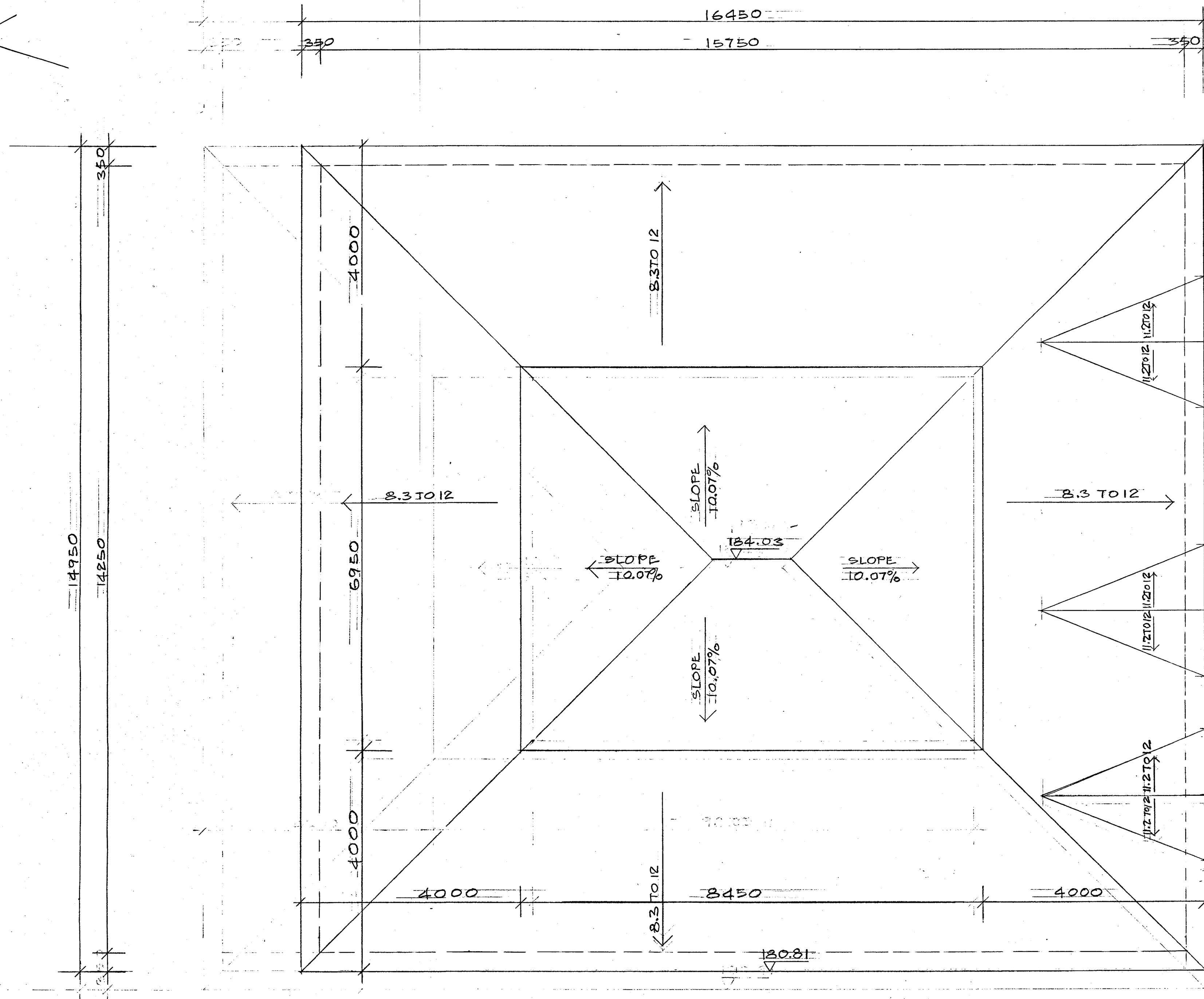
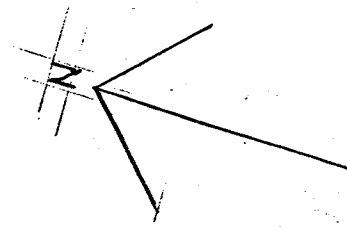
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64 EMPRESS AVENUE TORONTO, ONTARIO			
STAVROS CHARITONOS P. ENG			
DATE: JAN 10, 2019 DWG. No.			
SCALE: AS NOTED 6			



WEST ELEVATION
SCALE: 1:50



No.	REVISION	DATE	BY
PROJECT:			
PROPOSED DWELLING			
64 EMPRESS AVENUE TORONTO, ONTARIO			
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DATE:	JAN. 10, 2019	DWG. No.	
SCALE:	AS NOTED		8



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TORONTO, ONTARIO

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JAN. 10, 2019

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