

DECISION AND ORDER

Decision Issue Date Tuesday, August 6, 2019

PROCEEDING COMMENCED UNDER Section 53, subsection 53(19), and Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): SOPHIA KAHILL

Applicant: EXP SERVICES INC

Property Address/Description: 68 CLISSOLD RD

Committee of Adjustment Case File: 18 204280 WET 05 MV (A0611/18EYK)

TLAB Case File Number: 19 115089 S45 03 TLAB

Hearing date: Wednesday, June 26, 2019

DECISION DELIVERED BY S. MAKUCH

APPEARANCES

NAME	ROLE	REPRESENTATIVE
EXP SERVICES INC	Applicant	
MERIMA ICAGIC	Owner	
SOPHIA KAHILL	Appellant	
AMIR ICAGIC	Primary Owner/Party (TLAB)	BRUCE KETCHESON CHRISTINA KAPELOS
JOHN CIARDULLO	Participant	
KENT NIELSEN	Expert Witness	
MICHAEL HAYEK	Expert Witness	

MARK PACAN

Party (TLAB)

MAX DIDA

Witness

INTRODUCTION

This is an appeal of six minor variances granting permission to construct a dwelling with an attached garage.

BACKGROUND

At the commencement of the hearing the parties were given time to negotiate a settlement. As a result, principles of settlement were agreed to and presented to me which addressed all the issues between the parties.

MATTERS IN ISSUE

There are no issues between the parties based on the principles of settlement of settlement attached as Appendix 1.

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 for 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

Evidence was given by Mr. Hayek, a qualified land use planner, that the principles of minutes of settlement Attached as Appendix 1 meet the requirements of the relevant Provincial Policies and plans and the four tests of the Planning Act.

ANALYSIS, FINDINGS, REASONS

Based on the uncontradicted evidence of Mr. Hayak I find the I find that variances as revised in Appendix 1 should form the basis for an interim approval subject to the finalization of the plans and the finalization of the variances in a zoning notice.

DECISION AND ORDER

The appeal is allowed based on the revised variances in Appendix 1 which are approved subject to the following:

- (1) This and the final approval are conditional upon the requirement that construction be substantially in accordance with the final revised plans filed, and in particular that the foundation of the house is at least 4 m from the bark of the 52 cm Manitoba Maple tree located on 70 Clissold Rd.
- (2) The applicant will prepare final revised plans in accordance with the principles attached as Appendix 1 to be submitted for a new zoning review. Prior to submission, the plans will be delivered to the parties. If within two weeks of receipt of the plans the parties do not notify the applicants that they have concerns, the applicant may then submit the plans for a zoning review. If concerns are raised by the parties and not resolved then I may be spoken to and remained seized of the matter to amend the principles of settlement.

X 

S. Makuch
Panel Chair, Toronto Local Appeal

① APPENDIX I

Principles of Settlement Related
to ~~Decis~~ C.A. Application
A0611/18EYK

- ① Revise Site Plan drawing
Labelled as Sheet S1 in
Respondent's Document Disclosure
as follows:
 - (i) Revise minimum front
yard setback variance
(Variance No. 3 in C.A.
Decision) from 6.5 m to
5.0 m to permit moving
forward of building
foot print
 - (ii) Revise Site plan drawings
to eliminate projection
of garage wall beyond
main front wall by
approximately 1.2 m
 - (iii) Withdraw request for
minor variance for dwelling
length (Variance No. 5
in the C.A. Decision)

(2)
APPENDIX I

- (iv) Withdraw Request for side yard set back variance along north property line ↓ variance & \$
- (v) Flip back bumpout at rear of building from south-west corner to the north-west corner of the building as noted on attached sketch
- (vi) no windows to be shown on north elevation of the proposed dwelling as illustrated on site plan drawings ~~as to~~ revised be submitted.
- (vii) revise site plan drawing ~~to remove notation to~~ indicate uncovered deck & to re-position area of deck to south-west corner of proposed building
- (viii) applicant to prepare revised site plan drawings for circulation to Parties & review by Toronto Building for purpose of confirming revisions, variances for floor space index and

(3) Appendix I

to confirm that the above changes will result in minor variances to the application and not require new notice.

lot coverage

~~to confirm that the above changes will result in minor variances to the application and not require new notice.~~

(ix) requested variance for soft height to be approved (Committee of Adjustment Decision No. 6)

(2) TLAB decision final order approving variances as revised to be withheld pending submission of revised plans & confirmation by City by Zoning Notice of revised variance details

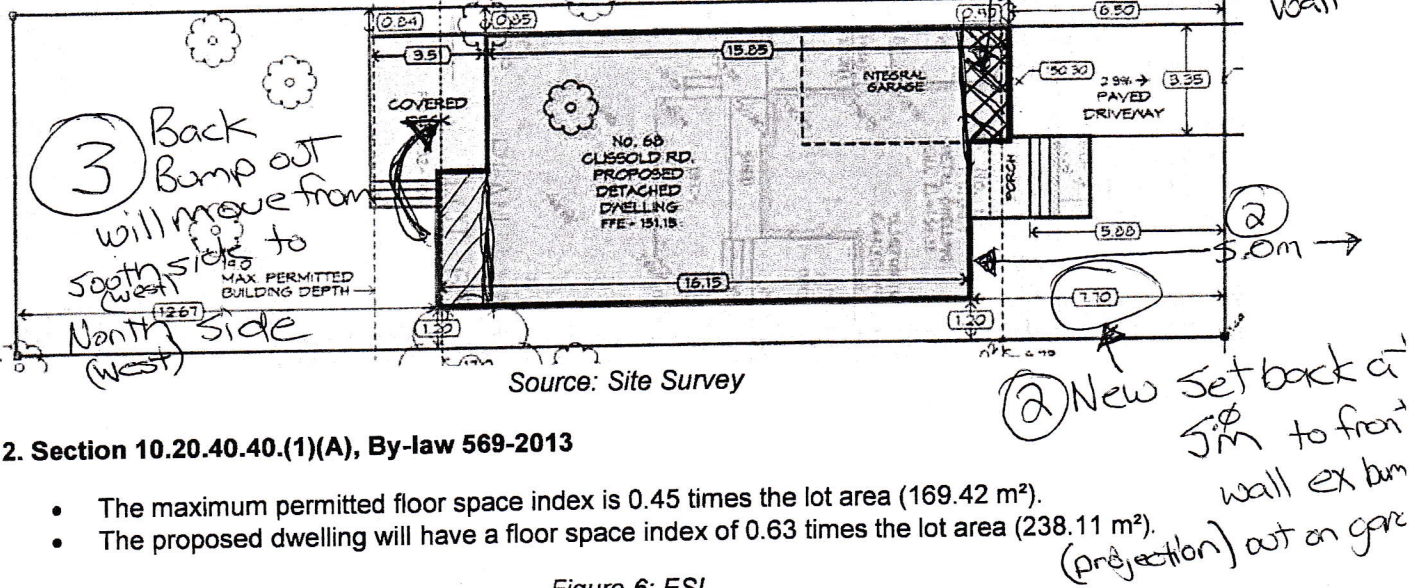
(3) All parties agree appeal to be allowed on a non costs basis

(4) Parties agree that intent of revisions in part is to achieve an increased separation of the rear of the building by approximately 4.4 metres from the trunk of the 52 cm Manitoba Maple located on 70 Clissold Road, Toronto.

5 Key Changes

APPENDIX 1

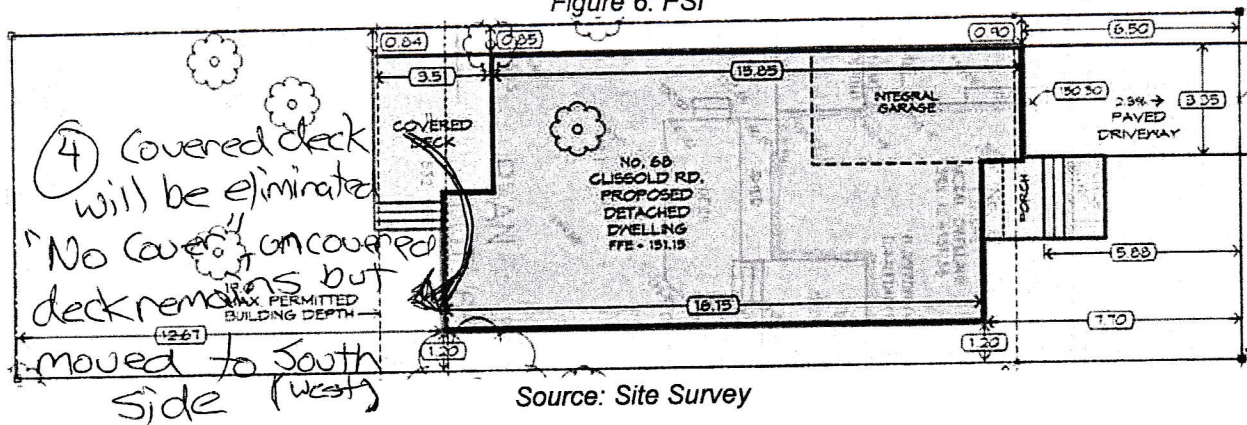
Figure 5: Lot Coverage



2. Section 10.20.40.40.(1)(A), By-law 569-2013

- The maximum permitted floor space index is 0.45 times the lot area (169.42 m²).
- The proposed dwelling will have a floor space index of 0.63 times the lot area (238.11 m²).

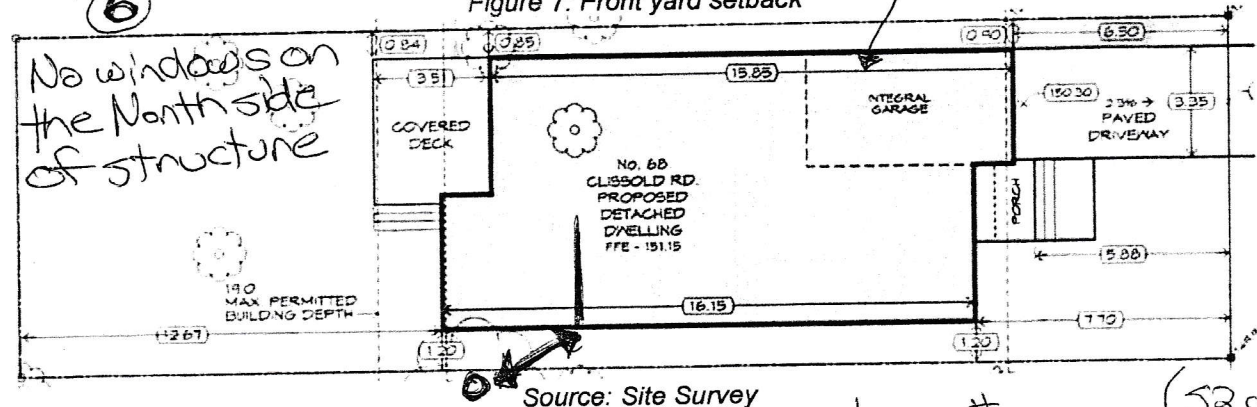
Figure 6: FSI



3. Section 10.5.40.70.(1)(B), By-law 569-2013

- The minimum required front yard setback is 6.73 m.
- The proposed dwelling will be located 6.5 m from the front lot line.

Figure 7: Front yard setback



Source: Site Survey

- (7) Distance from tree (Manitoba maple tree) will be increased from existing proposed plan by approximately 4.4 m. (52 cm exp.)