

Toronto Local Appeal Body

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DECISION AND ORDER

Decision Issue Date October 25, 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): ADRIEL ORTINO

Applicant: CORBETT LAND STRATEGIES

Property Address/Description: 48 & 50 GWENDOLEN CRES

Committee of Adjustment Case File: 17 180192 NNY 23 MV, 17 180203 NNY 23 MV

TLAB Case File Number: 19 119910 S45 18 TLAB, 19 119912 S45 18 TLAB

Hearing date: Monday August 12, 2019

DECISION DELIVERED BY STANLEY MAKUCH

APPEARANCES

Name Role Representative

Corbett Land Strategies Applicant

Adriel Ortino Appellant Eileen Costello

City of Toronto Party Roman Ivanov

INTRODUCTION

This decision relates to the appeal of two decisions refusing variances for the construction of a house on each of two existing lots. The City of Toronto is the only other party and it consents to the granting of the appeal subject to certain conditions.

BACKGROUND

The matter was first dealt with by way of a Motion seeking the granting of the appeals without a hearing. That Motion was denied for reasons set out in a decision

dated August 3, 2019. A Hearing was therefore held on August 12, 2019 at which additional oral and written evidence was heard.

MATTERS IN ISSUE

As a result of the additional evidence there are 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 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

The undisputed evidence provided by Mr. Corbett, a qualified planner, was that the variances conformed to relevant provincial policies and plans and met the four tests of the Planning Act. In addition, he gave evidence that no new notice was required for the variances which had been revised. This was set out in his affidavit, his witness statement and oral evidence.

ANALYSIS, FINDINGS, REASONS

The evidence set out in Mr. Corbett's witness statement and affidavit on file with TLAB explain in detail the reasons for Mr. Corbett's conclusions and are persuasive. The City did not disagree with or object to any of his evidence but merely requested certain conditions which the applicant agreed to. The revised variances set out in Appendix!, therefore should be approved subject to the conditions which the City requests and to which the appellants consent, as set out on Appendix 2

DECISION AND ORDER

The appeals are allowed, and the variances set out in Appendix 1 are approved subject to the conditions set out in Appendix 2.

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Panel Chair, Toronto Local Appeal

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APPENDIX 1

48 Gwendolen Crescent

City Wide Zoning By-law No. 569-2013

- 1. If the Toronto and Region Conservation Authority determines that a shoreline hazard limit or a stable top-of-bank crosses a lot, a building or structure on that lot must be set back a minimum of 10 metres from that shoreline hazard limit or stable top-of-bank. The proposed building is set back within 10 metres from that shoreline hazard limit or stable top-of-bank. [5.10.40.70.(6) Setback from the Shoreline Hazard Limit or Stable Top-of-Bank].
- 2. On lands under the jurisdiction of the Toronto and Region Conservation Authority, a building or structure on a lot must be no closer than 10 metres from a shoreline hazard limit or a stable top-of-bank not on that lot. The proposed building or structure is within 10 metres from a shoreline hazard limit or a stable top-of-bank not on that lot. [5.10.40.80.(1) Separation Distance from the Shoreline Hazard Limit or Stable Top-of-Bank].

North York Zoning By-law No. 7625

3. The maximum permitted building height is 8.8 m. The proposed building height is 9.1 m. [14-A(8) – Maximum Building Height].

50 Gwendolen Crescent

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- On lands under the jurisdiction of the Toronto and Region Conservation Authority, a building or structure on a lot must be no closer than 10 metres from a shoreline hazard

Decision of Toronto Local Appeal Body Panel Member: S. MAKUCH TLAB Case File Number: 19 119910 S45 18 TLAB, 19 119912 S45 18 TLAB

limit or a stable top-of-bank not on that lot. The proposed building or structure is within 10 metres from a shoreline hazard limit or a stable top-of-bank not on that lot. [5.10.40.80.(1) Separation Distance from the Shoreline Hazard Limit or Stable Top-of-Bank].

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3. The maximum permitted building height is 8.8 m. The proposed building height is 9.1 m. [14-A(8) – Maximum Building Height].

APPENDIX 2

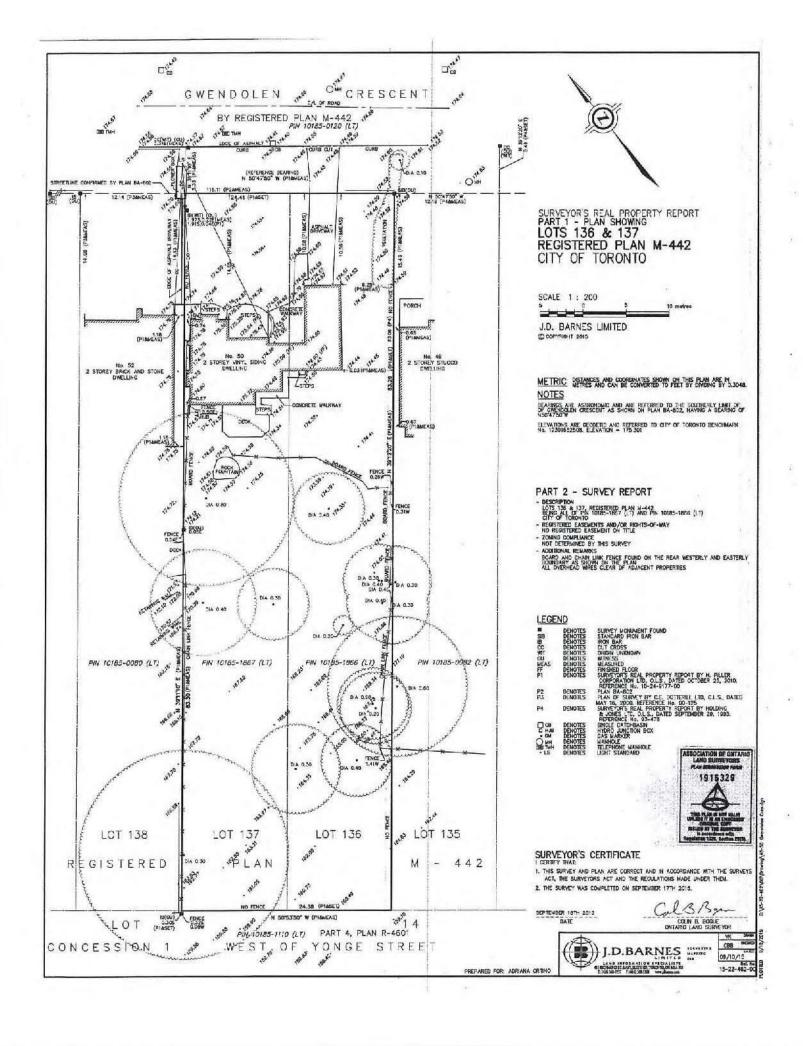
Conditions of Approval – Applicable to 48 and 50 Gwendolen Crescent

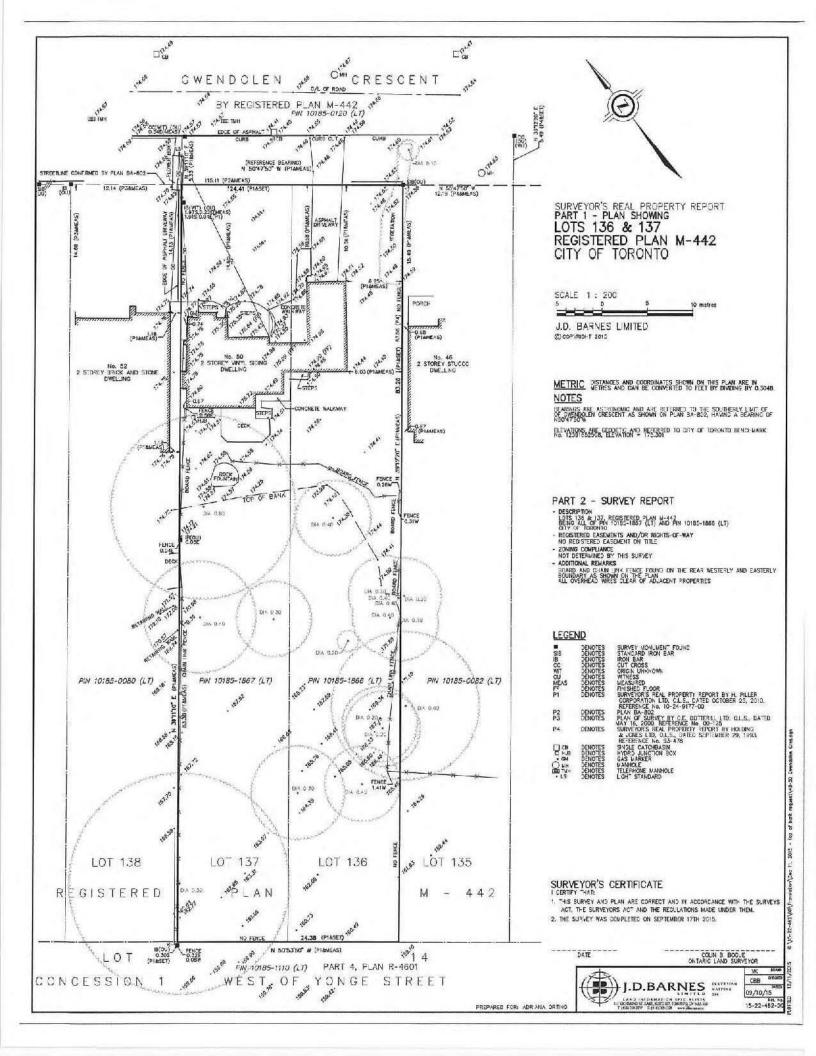
- 1. The proposed dwellings shall be constructed in substantial conformity with:
- a) The sitting and grading plan prepare by Cassidy & Co., dated December 2017;
- b) The floor plans prepared by Cassidy & Co., dated March 21, 2018; and
- c) The elevation drawings prepared by Cassidy & Co., dated April 16, 2019; all found in Appendix 3.
- 2. Prior to the issuance of a building permit, the Owner shall apply for and obtain from Urban Forestry, Ravine and Natural Features Protection a clearance or a permit to injure or remove any privately owned trees located within a ravine protected area and a permit to place or dump fill or refuse or alteration of grade on any land within a ravine protected area, in accordance with the City of Toronto Municipal Code Chapter 658, Ravine and Natural Feature Protection, and satisfy all conditions of such clearances and permits to the satisfaction of the General Manager of Parks, Forestry & Recreation, including the requirement to protect trees on the subject property or adjacent properties not approved for removal or injury, and the requirement to plant native trees as compensation for any ravine trees removed or injured and for loss of protected area to permanent hard surfaces features, all to the satisfaction of the General Manager of Parks, Forestry & Recreation.
- 3. The owner shall comply with Chapter 813 of the Municipal Code. Where there are no existing street trees, the owner shall submit a payment to the City in lieu of planting one street tree on the City road allowance abutting each of the lots involved in the application to the satisfaction of the General Manager, Parks, Forestry and Recreation, or elsewhere in the community if there is no space.
- 4. Prior to the issuance of a building permit, the Owner shall apply for and obtain a permit from the Toronto and Region Conservation Authority.

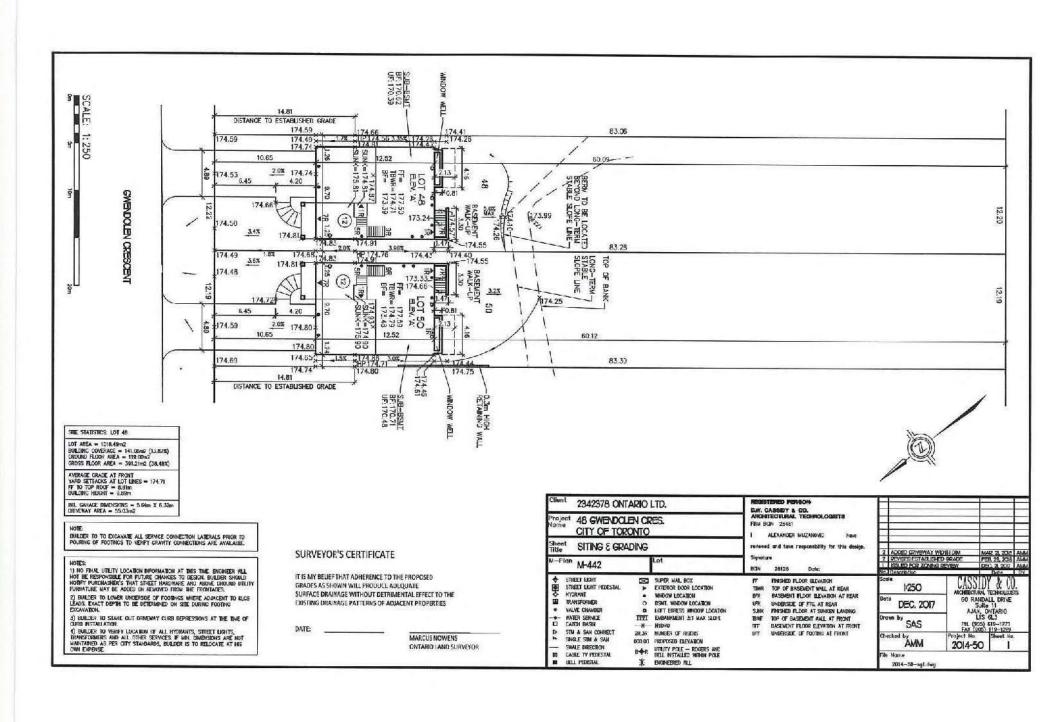
APPENDIX 3

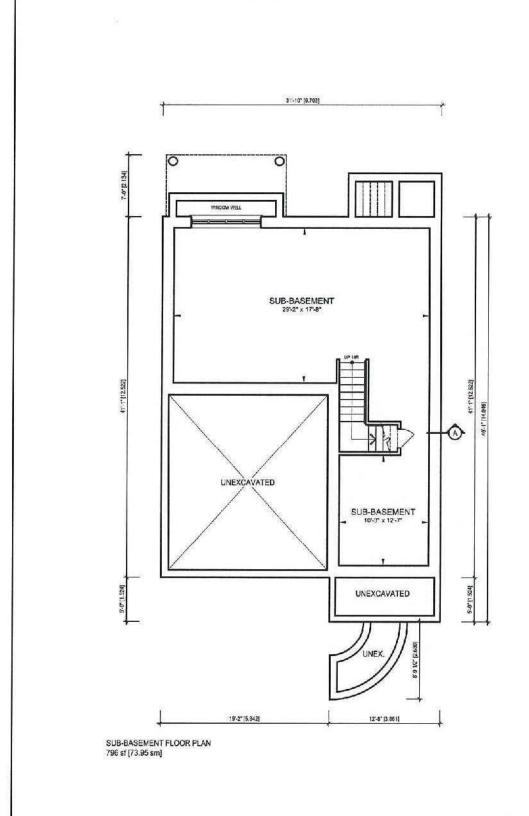
ADD ALL PLANS FOUND IN EX I OF AFFIDAVIT OF J. CORBETT FILED JUNE 28,

2019









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UNT #:

48 GWENDOLEN

TOTAL AREA: 4211 sf [391.21 sm]

PROJECT #:

2014-50

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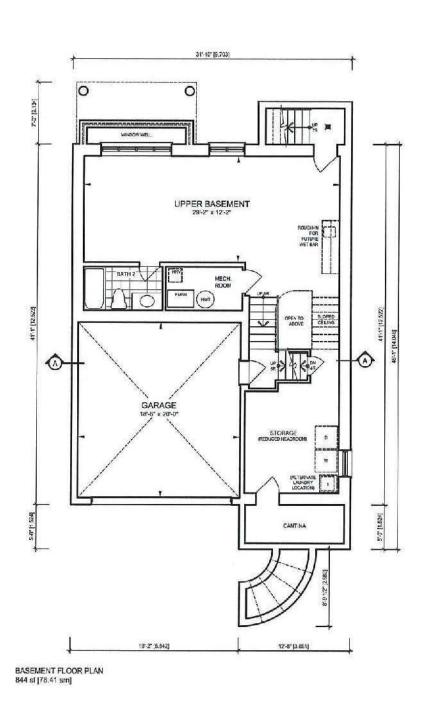
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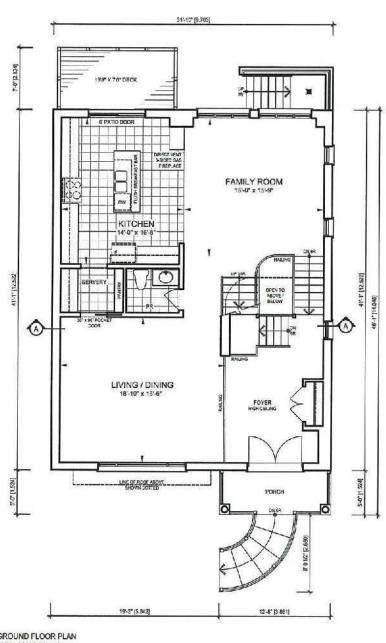
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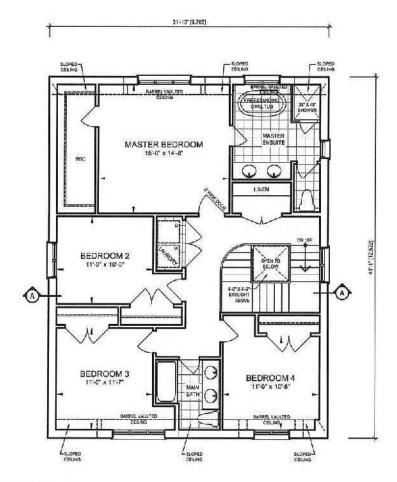
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GROUND FLOOR PLAN 1281 sf [119:00 sm]

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48 G	WENDOLEN	E EVETEW:
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2014-50	MARKETING NAME:	CACCIDVE CA
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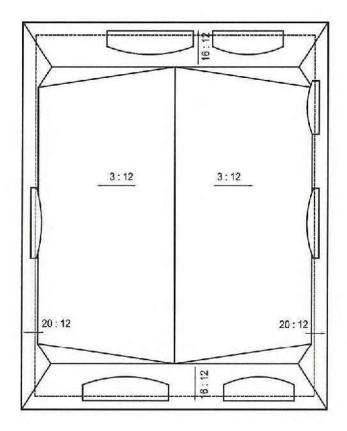




SECOND FLOOR PLAN 1290 sf [119.84 sm]

2.	342378 ONTARIO I	LTD.
48 G	WENDOLEN	ELEVATION:
10TALAREA 4211	sf [391.21 sm]	March 21, 2018
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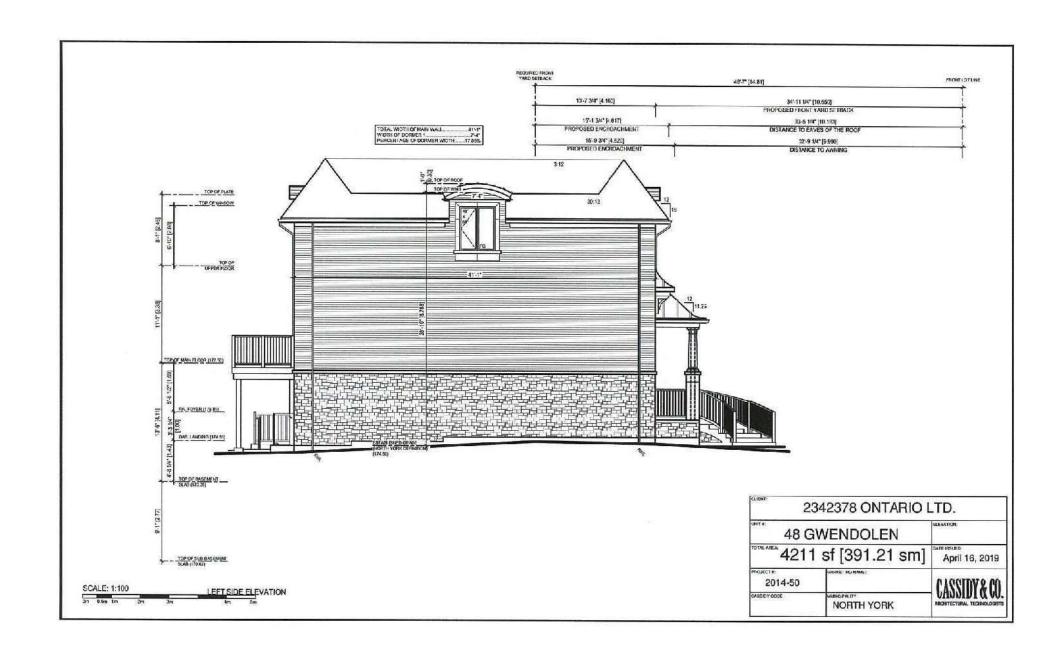


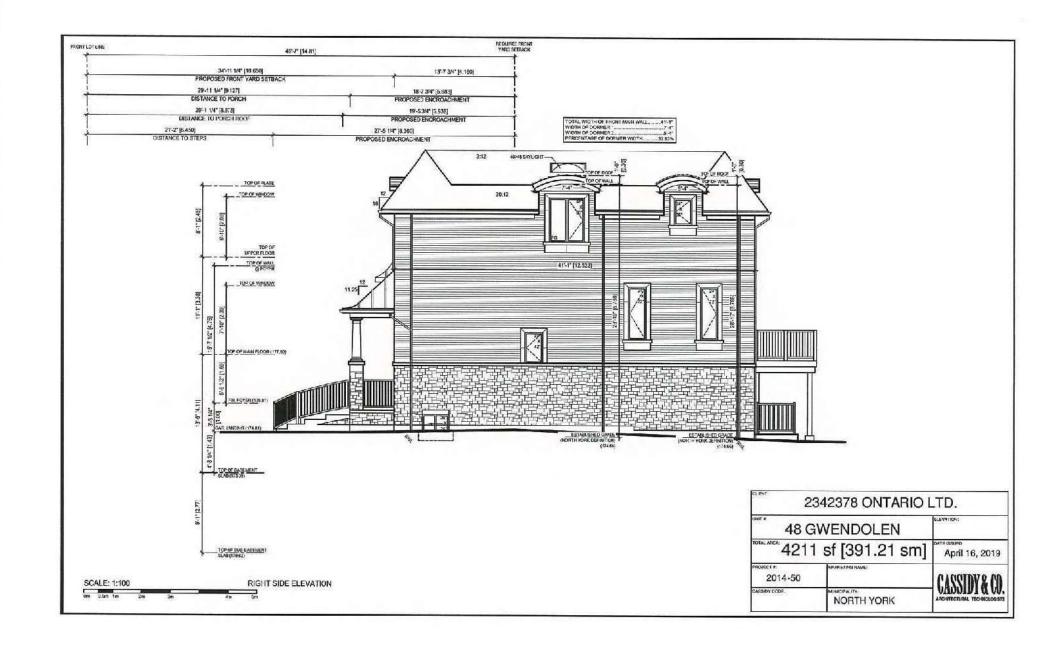
ROOF PLAN

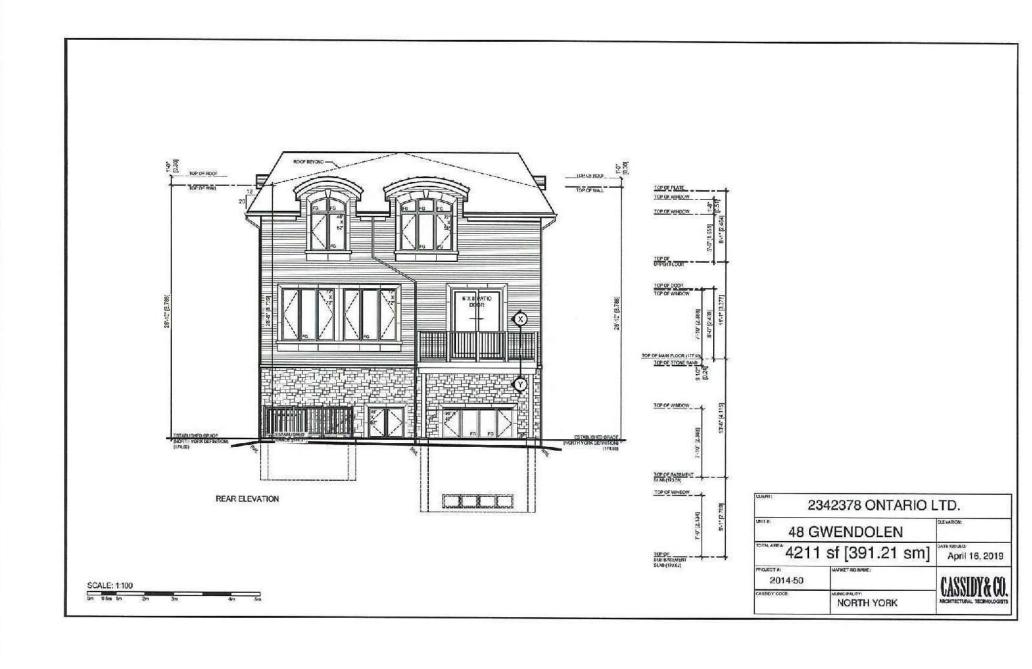
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48 G	WENDOLEN	ELEVATION:
101ALANEA: 421	1 sf [391.21 sm]	DATE 65-60: March 21, 2018
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CASSIDY CODE	NORTH YORK	ARCHITECTURAL TECHNOLOGISTS

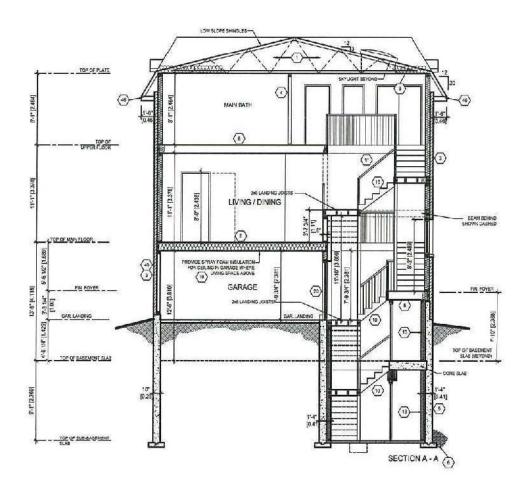






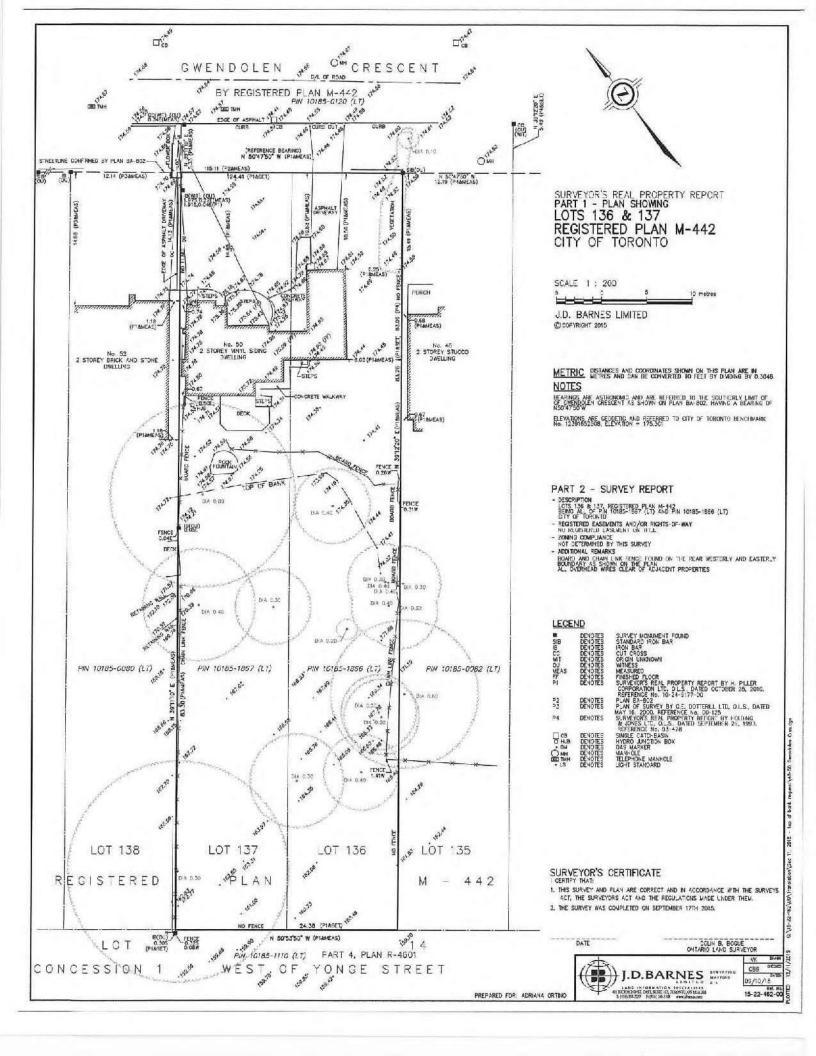


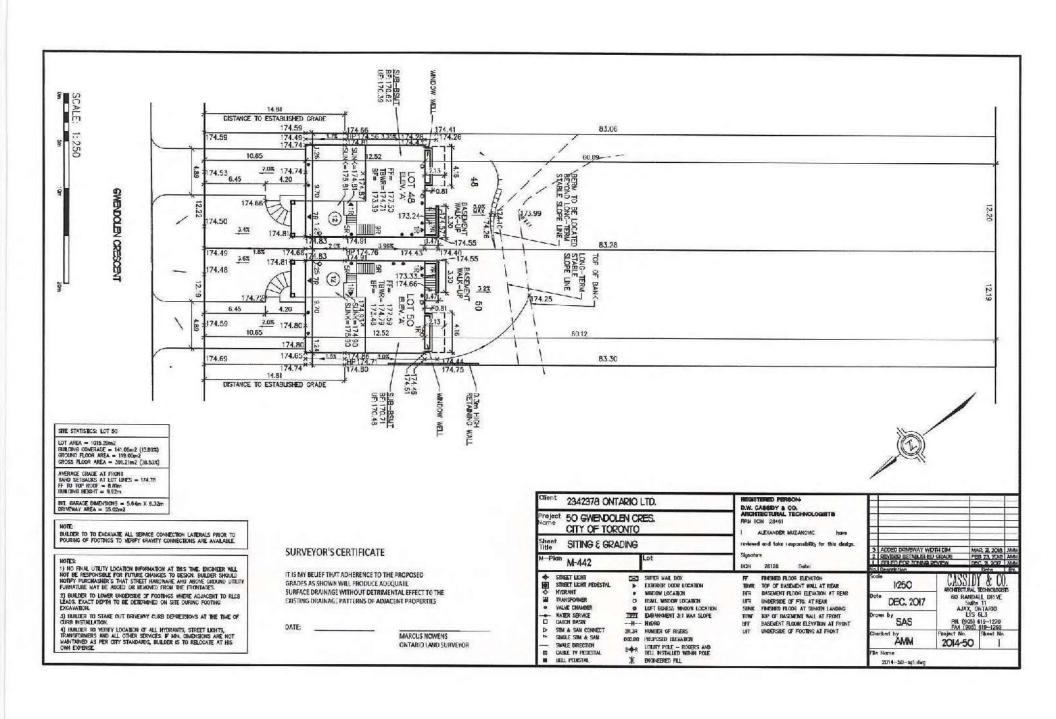


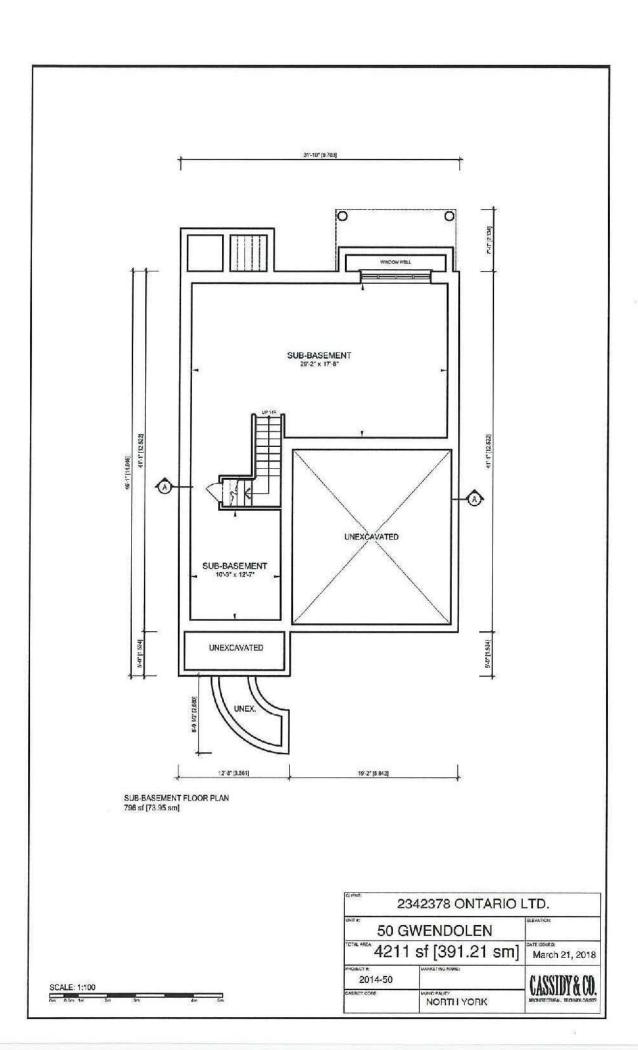


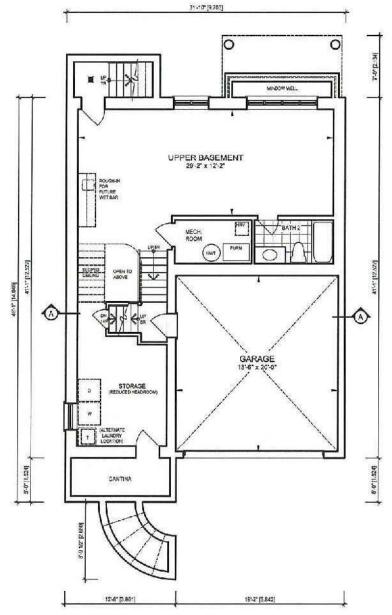
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101ALAFEA: 421	1 sf [391.21 sm]	April 16, 2019
48 G	WENDOLEN	ELEVATION:
2	342378 ONTARIO I	LTD.







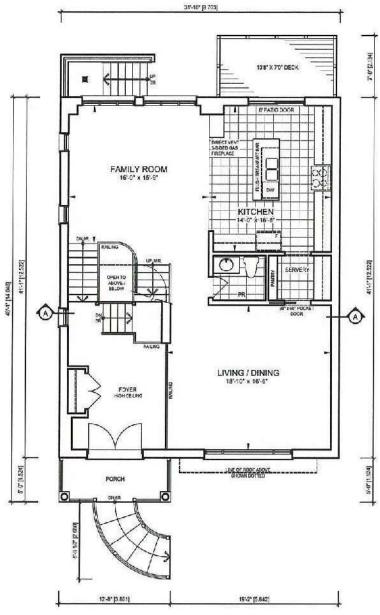




BASEMENT FLOOR PLAN 844 sf [78.41 sm]

23	342378 ONTARIO I	LTD.
50 G	WENDOLEN	ELEVATION:
4211	sf [381.21 sm]	March 21, 2018
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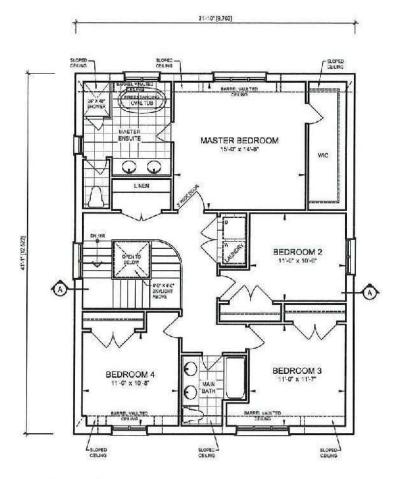




GROUND FLOOR PLAN 1281 sf [119.00 sm]

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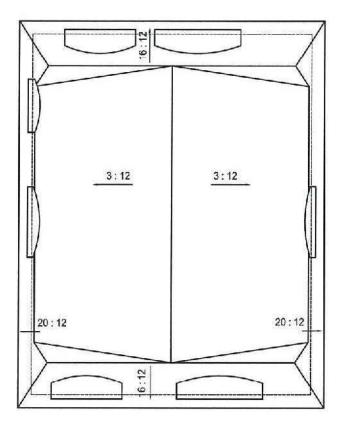




SECOND FLOOR PLAN 1290 sf [119.84 sm]

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10TAL AREA: 4211	sf [391.21 sm]	March 21, 2018
2014-50	MANUGETING NAME:	CASSIDVA CO
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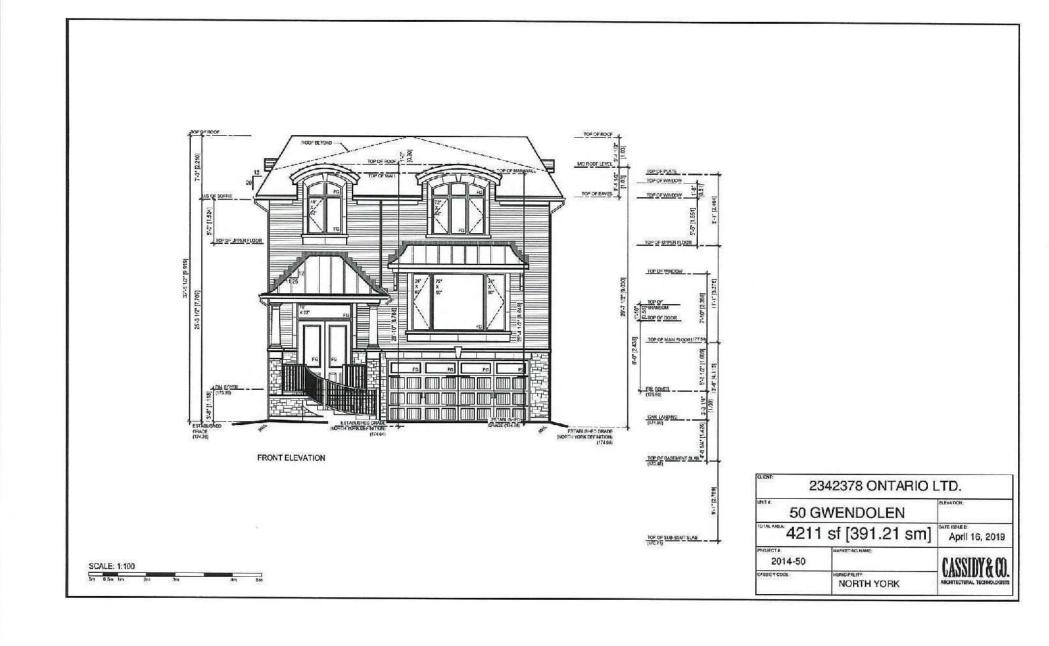


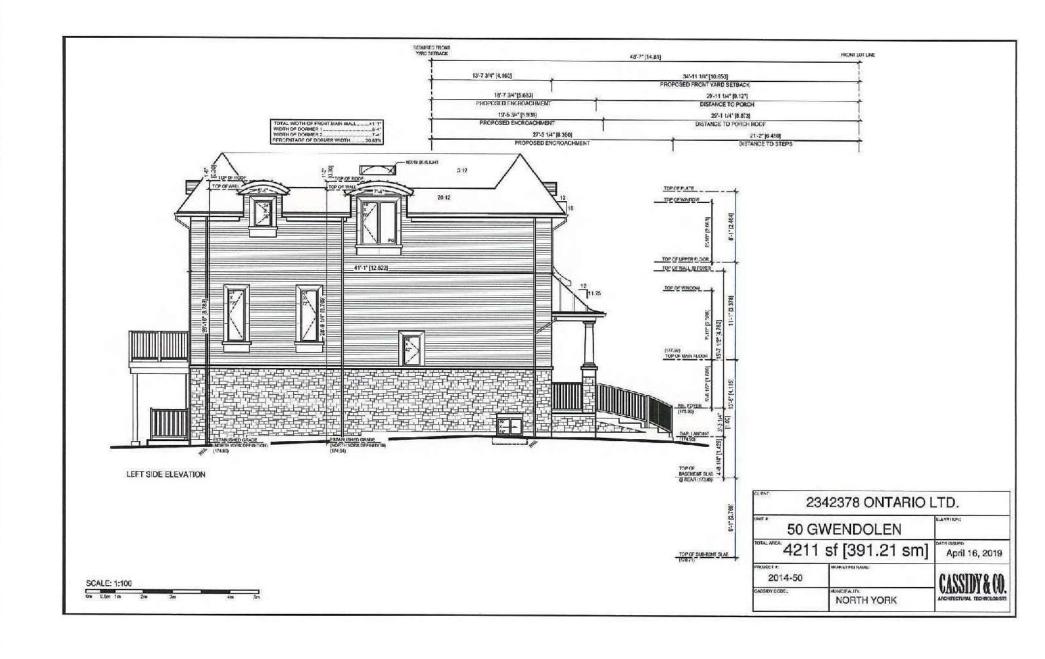


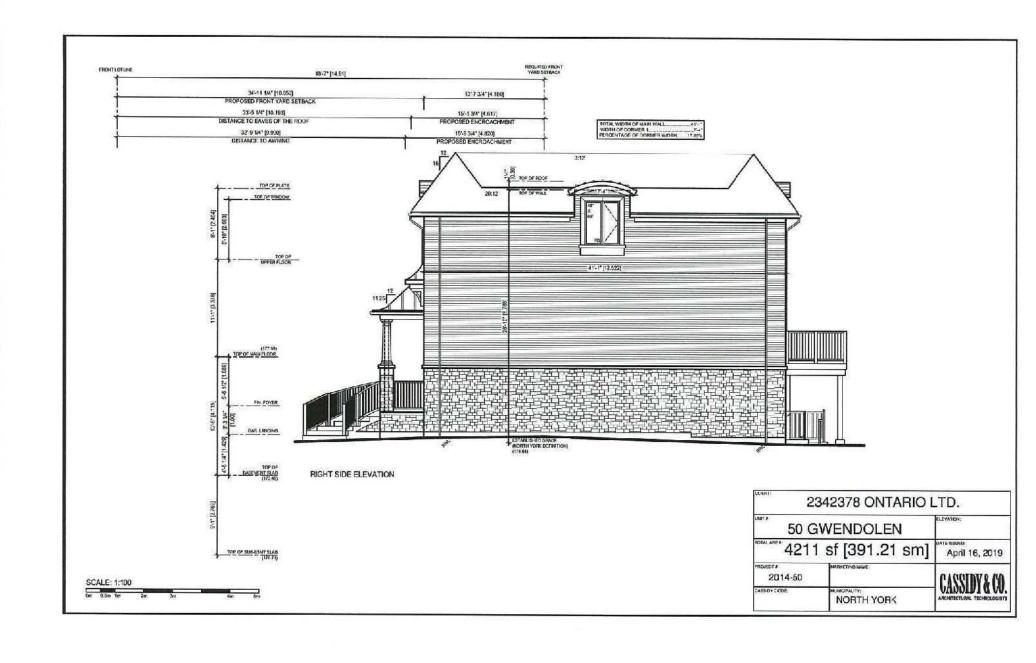
ROOF PLAN

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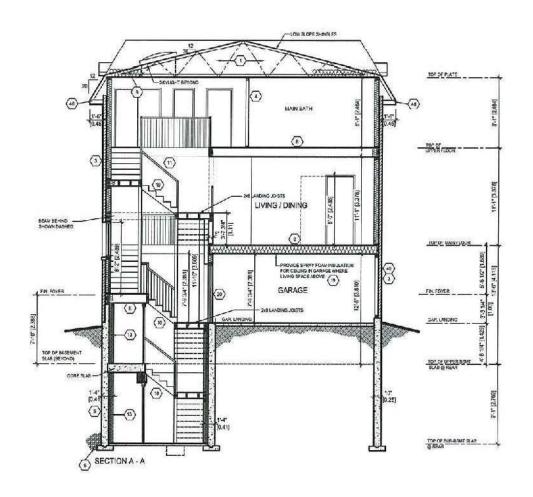












2	342378 ONTARIO I	LTD.
50 G	WENDOLEN	ELEVATIONS
4211	sf [391.21 sm]	April 16, 2019
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