

DECISION AND ORDER

Decision Issue Date Monday, October 21, 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): EMMANUEL PAPATHANASAKIS

Applicant: LEO MASTRANDREA

Property Address/Description: 7 EVERETT CRES

Committee of Adjustment Case File: 18 247227 STE 31 CO (B0097/18TEY)

TLAB Case File Number: 19 143218 S53 19 TLAB

Hearing date: Wednesday, October 02, 2019

DECISION DELIVERED BY G. BURTON

APPEARANCES

NAME	ROLES	APPEARANCES
EMMANUEL PAPATHANASAKIS	Owner/Appellant	AMBER STEWART
LEO MASTRANDREA	Applicant	
CAL BRUNER	Participant	
FRANCO ROMANO	Expert Witness	

INTRODUCTION AND BACKGROUND

This was an appeal by the owner of 7 Everett Crescent to the Toronto Local Appeal Body (TLAB) from the Committee of Adjustment's (COA) refusal of a severance and associated minor variances to construct two new two-storey detached dwellings, with rear yard decks and front integral garages. There was one objector at the TLAB Hearing

as a Participant, the owner of 300 Westlake Avenue. This is within the same block but significantly to the north of the subject property, and on the next street to the east.

7 Everett Crescent is located east of Woodbine Avenue and south of Cosburn Avenue, in the former municipality of East York. Everett Crescent here is curvilinear, the southerly portion where the subject site is located being mostly north-south, and the continuation to the north being east-west. It has a *Neighbourhoods* designation and is zoned RD f6.0; a185; d0.75) under the City-wide Zoning By-law No. 569-2013, as amended, and R1C under Zoning By-law No. 6752 of the former municipality of East York.

MATTERS IN ISSUE

The application has been revised since the COA consideration, and variances have been reduced. At issue now is whether such reductions satisfy the statutory tests for consent and variances, such that approval of the application is possible.

JURISDICTION

On an appeal of a consent application, the TLAB must be satisfied that the relevant provisions on subsection 51(24) of the Act are satisfied. Subject to my editorial deletions of certain of the clauses for this matter (based on my assessment of the evidence provided on each of them) the subsection reads:

"... 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;...

(f) the dimensions and shapes of the proposed lots;.....

(h) conservation of natural resources and flood control;

(i) the adequacy of utilities and municipal services;...

Respecting the variance appeals, the TLAB must ensure that each of the variances sought meets the tests in subsection 45(1) of the Act. This involves a reconsideration of the variances considered by the Committee in the physical and planning context. The subsection requires a conclusion that each of the variances, individually and cumulatively:

- maintains the general intent and purpose of the official plan;
- maintains the general intent and purpose of the zoning by-law;
- is desirable for the appropriate development or use of the land, building or structure; and
- is minor.

These are usually expressed as the “four tests”, and all must be satisfied for each variance.

In addition, TLAB must have regard to matters of provincial interest as set out in section 2 of the Act, and the variances must be consistent with provincial policy statements and conform with provincial plans (s. 3 of the Act). A decision of the TLAB must therefore be consistent with the 2014 Provincial Policy Statement (‘PPS’) and conform to (or not conflict with) any provincial plan such as the Growth Plan for the Greater Golden Horseshoe (‘Growth Plan’) for the subject area.

Under s. 2.1(1) of the Act, TLAB is also to have regard for the earlier Committee decision and the materials that were before that body.

EVIDENCE

The owner’s professional planning evidence was provided by Mr. Franco Romano, qualified as an expert for this purpose. He chose as his Study Area (SA) the interior of the neighbourhood from Gledhill Avenue to Chisholm Avenue, and Westbrook Avenue to Westlake Crescent/Cosburn Avenue. (Expert Witness Statement [EWS], Exhibit 2, Neighbourhood Context Map, following the Decision Table). This includes lands having similar connectivity to the road network. It contains a compact to modest lot fabric, with mainly low rise residential built form. The subject parcel is directly opposite Everett Park, with low rise dwellings on the same east side close by, and then on both sides further to the north. Mr. Romano testified that the physical context is well served by community infrastructure and amenities, including transit.

The zoning is mostly the same throughout this area. He acknowledged that his SA is a broader area than would be usually associated with how one experiences the varied physical context during an evening stroll in a nearby neighbourhood. However, the purpose of establishing an SA is to assist in reviewing the character attributes of the neighbourhood, as required by the Official Plan (OP).

He provided visuals that illustrate the variety of character attributes nearby. Within this physical context, one sees properties with similar or different characteristics abutting, adjacent or distant from one another. This includes height, mass, scale and lot size.

There has been regeneration, gradual and varied in nature, yet usually resulting in dwellings occupying more space than previous development. Regeneration includes gentle forms of development such as land severance. Development is distributed throughout the neighbourhood, with some streets seeing different development possibly new to the street. However, this form of regeneration has maintained a stable and attractive neighbourhood environment. Any single street's physical character is not uniform and continues to evolve. The residential amenity and stability of the neighbourhood is nonetheless being maintained.

One property's form of regeneration has not necessarily been replicated on other properties. It does not therefore set a precedent. This may be seen in the photos in his EWS.

Mr. Romano outlined the statistics for the proposal as follows. The two lots would be quite similar, as would the dwellings. The variances required are underlined:

- Detached dwelling land use (by-law compliant).
- . Lot frontage of 6.12 m, under the By-law requirement
- Front yard setback of 3.91 m to 5.69 m (by-law compliant is minimum 3.55 m).
- Rear yard setback of 9.3 m to 10.55 m (by-law compliant is minimum 7.5 m).
- . Side yard setbacks of [outside] 0.91 m (by-law compliant minimum 0.9 m) and inside 0.61 m (minor variance).
- Building length of 13.91 m (by-law compliant 17 m).
- Building depth of 14.27 m to 16.05 m (by-law compliant maximum 19 m).
- Lot coverage 35.38% and 37.22% (by-law compliant maximum 35%)
- . Lot areas of 181.7 sq. m and 172.7 sq. m (By-law compliant is 185 sq. m)
- Floor space index of 0.75 and 0.78 (by-law compliant maximum 0.75)
- Building height of 2 storeys (by-law compliant)
- Building height of 8.3 m (East York by-law compliant - 8.5 m required; Toronto by-law compliant is maximum 7.2 m for flat or shallow roof).
- First floor height of 1.19 m (by-law compliant is maximum 1.2 m)
- . Eaves projection maximum 0.26 m (by-law compliant is maximum 0.9 m).
- Eaves side yard of 0.35 m and 0.65 m (by-law compliant is minimum 0.3 m).
- On-site parking with integral garage (by-law compliant is one parking space behind the main front wall).
- . Reduction of minimum required width of a parking space that is obstructed on two sides from the 3.2m. required under both By-laws, to 2.97 m.
- Single, private driveway (by-law compliant).
- Front yard landscaping and soft landscaping (by-law compliant)
- Rear yard landscaping (by-law compliant).

It may be seen that there are very few variances now required. Only overall height, lot coverage, FSI, interior side yard setbacks and a slight parking space width reduction remain. Mr. Romano stressed that these variances are not large. The City Planning staff raised no objections to the proposal even prior to the COA hearing, when the requested variances were greater. Engineering staff did not object but imposed the usual conditions, and addressed a new retaining wall. (The condition for a wall agreement has now been satisfied).

The neighbourhood has a variety of lot configurations, with dwellings occupying much of the lots. There has been lot division here as well (see Ex. 2, Decision Summary Table, p. 24, although little direct precedent for this form of redevelopment. It is nonetheless consistent with the variety of choices in the neighbourhood. One form of redevelopment does not replicate the next. There has been a recent severance of 58 Everett to the north, from one lot into four (not illustrated as yet in the City's development statistics in the Summary Table). This redevelopment by lot severance is now part of the physical character of the neighbourhood.

Mr. Romano stated that infill and intensification can indeed occur by severance. The OP does not provide any severance/consent-specific criteria or policies (unlike most other municipalities, including some that preceded amalgamated Toronto). This results in the need to rely upon the Planning Act criteria, and the development permissions and criteria found within each land use designation, as for *Neighbourhoods* here.

In considering some of the factors in Policy 4.1.5, such as b), size of lots, varying lot configurations are present here, caused mainly by the topography. c) Heights of residential buildings vary from 1 to 3 storeys. The proposed 2 storey building height conforms, and complies with the East York By-law's maximum height. Massing of nearby residential buildings is also varied, within and beyond the zoning limits, and oriented towards the front and/or central portion of the lot. The proposed massing conforms and is within the parameters in the applicable planning instruments. The slightly increased FSI of 0.78 sq. m for Part 2, the southerly lot (versus the limit of 0.75), would be negligible, numerically and qualitatively. There is no exceedance for Part 1. The scale of structures here is low-rise, and the proposed conforms. d) The prevailing building type is a mixture, including detached residential. The proposed conforms with the zoning parameters. e) addresses setback for streets, and each dwelling would continue the curving front wall alignment along Everett Crescent.

Clause f), the prevailing patterns of setbacks to the sides and rear, as well as landscaped open space, are easily met by the proposal. The prevailing patterns of side yard setbacks are such that they may be visible from the streetscape, or not visible at all. This is in keeping with the varied lot fabric, and some of the attached dwelling types. Thus side yard setbacks are tight to modest. The proposal maintains modest (complying) and modestly-tight sized side yards which is appropriate for this area. There is adequate landscape open space within the front, rear and side yards.

The lot areas would not comply, but there is a variety of areas nearby. The By-law requirement of 185 sq. m is mostly met; only 7.9 % in the larger area are smaller lots, but 22.7% of areas on Everett are smaller than the requirement. Smaller areas and frontages are distributed throughout the neighbourhood. In Mr. Romano's opinion, the reduction in requested areas (181.7 sq. m and 172.7 sq. m) would not be noticeable from the street. These differences are required because of the curvature of the street line, but the lots are virtually identical in size.

He pointed to the photos of neighbourhood properties in his EWS. On Everett itself, Nos. 26 and 28 illustrate an almost flat roof style, and 44 and 46, similar roofs and below grade integral garages. There are two storeys, along with semis, in the area, and

compact side yard setbacks. As mentioned, the corner lot on Everett to the north, no. 54, has just been subdivided into four lots. The rolling topography has resulted in series of steps nearby for access from the street (Photos 13 to 16). No. 5 next door is a recent construction on a triangular lot, close to the corner. Mr. Romano concluded that the neighbourhood is generally stable, low rise, with mainly detached homes and some semi-detached.

Respecting the FSI variance, Mr. Romano pointed to many in the Decision Summary Table that have been granted a higher FSI. The neighbourhood varies from 0.06 to 1.4 times the lot area, with differing deployment of floor areas creating the differences.

Recent redevelopments such as No. 30 Westlake Ave. and No. 38 and 40 Westlake Crescent, appear to have flat roofs like the proposed. The variance to the height is only from the new By-law, with the limit therein for flat roofs being 7.2 m, while the proposed is 8.3 m. This height is still under the overall height limit of 8.5 m in the East York By-law. He concludes that it is within the existing heights as seen elsewhere here. (See photos 28 to 32 for the newer builds, some not available in the City 10-year statistics, as occasionally occurs.) The small increase in height, under only one By-law, merely accommodates the parapet.

The decreased parking space width from 3.2 m to 2.79 m relates only to the garage door, and widens out to over 4 m. Transportation had no difficulty with this variance.

Other severances here may be seen in Photos 30 and 32, 38 – 40 Westlake Cres. and 24 and 24A Hamstead Avenue. Thus there is other precedent in the SA.

Comments to the COA from City departments dated from before the reductions to the project. Even then, none had any adverse reactions. The Engineering Department addressed the retaining wall replacement needed to the north, next to No. 9. There has now been an agreement, as it required, with that neighbour. It will be rebuilt along the property line on No. 9, at the expense of the owner of No. 7, the applicant/appellant. This condition imposed by Engineering has now been satisfied.

Urban Forestry had no objections, and imposed only their standard condition for permits for the private trees on the present lot. Only one tree at the front will have to be removed, an “as-of-right” removal caused by any new construction. Another at the rear will require a permit to injure because of the new retaining wall.

On the subject of the side yard setbacks required for the interior, the requested reductions will still permit access to the rear, Mr. Romano testified. No exterior side yard setback variances are needed.

In summary, he testified, the position of the structures and the lot coverages were acceptable, especially where many features of the proposed structures meet the By-law requirements. Therefore in his opinion the lots and dwellings as designed respect and reinforce the existing physical character of the neighbourhood, as required by the OP. This includes how it is evolving, and is anticipated to evolve as well. It satisfies the planned as well as the existing context.

On the subject of provincial policies, Mr. Romano addressed the Settlement Area-related policies of the PPS, finding the proposal to be consistent with them. This is true particularly in achieving an appropriate mix and range of housing, optimizing land use and making better, more efficient use of existing infrastructure. Section 1.1.3.3. in particular, is met by the opportunity here for intensification and redevelopment within the built-up area, and 1.1.2.4 by an appropriate range of housing. This modest development would add to this range. The Growth Plan is similarly met by this minor intensification within a built-up area, providing the range and mix of housing options for lifelong support. It appropriately implements intensification policies that achieve the objective of complete communities, and optimizes land use and infrastructure, particularly where lands are well served by public transit. He finds consistency with the PPS, and conformity with the Growth Plan.

Mr. Romano then testified in detail as to the minor variance test of meeting the general intent and purpose of the OP. He cited many policies in Chapters 2 through 4 of the Plan, in assessing whether this proposal satisfies them. Because the Plan refers to *Neighbourhoods* as stable but not static, he would identify this low rise neighbourhood as one evolving in a compact, principled, sensitive and gradual way, as required. He disagreed with Mr. Bruner's conclusion that the proposal would destabilize the neighbourhood and form a precedent for future reductions in violation of By-law standards. He finds the attributes, the lot size, the site design and built form not to be new to the neighbourhood. Rather, the proposal would continue what is now existing by way of gradual change, and is sensitive to the existing character. It reflects and reinforces this existing physical character, and so promotes stability rather than the opposite.

OP Policy 3.1.2.1 respecting built form requires a good fit with the existing and the planned context. Here, the good front wall alignment, entrances facing the street, retention of mature trees, and driveways allowing retention of landscaping, all contribute positively to a good "fit" as the OP requires. The massing and façade also fit the context, with no adverse effect on light or privacy. In his opinion this represents acceptable infill and intensification, as required by Policy 3.2.1. Policy 3.2.1.2 sets out that the existing stock of housing will be maintained, improved and replenished. New housing supply will be encouraged through intensification and infill that is consistent with the Plan. (Mr. Romano included study of the OPA 320 amendment, which introduced in the first sentence the term 'improved', and the entire second sentence).

Chapter 4 of the OP is more than satisfied by this proposal, in his opinion. Stability in neighbourhoods can be achieved where development criteria are generally respected. Physical change should be gradual, respecting and reinforcing the general physical character. Even the new OPA 320 (not yet in force at the time of this application) does not require replication of existing structures.

He then addressed each of the clauses in Policy 4.1.5 which set out the criteria for meeting the existing physical character in the neighbourhood designation. In his opinion they are met, as the proposal is not in excess of any of them. He was asked about OPA 320's introduction of "prevailing" before virtually every criterion. In his view

“prevailing” does not mean a numeric majority, that is, merely a consideration of size. It requires a balanced evaluation of the totality of the physical characteristics of the neighbourhood, not just a single unit measurement. It does not require mere replication. One cannot merely say, for example, that most dwellings here are one storey, so one cannot construct two storeys. The evaluation of “prevailing” must therefore be both qualitative and quantitative. The physical character of the geographic neighbourhood includes both the entire geographic neighbourhood AND the immediate area. Being “materially consistent” with the neighbourhood and/or block as the OP now requires is a lesser test than “consistent”. Here the proposal meets this test, given the eclectic nature of this neighbourhood, and even the block.

Policy 4.1.8 of the OP, referring to zoning by-laws, provides this control mechanism to ensure neighbourhood compatibility. If a proposal meets the performance standards in the zoning by-law, it is automatically compatible with the physical character of the neighbourhood. This is true even if it is not yet present in the neighbourhood. It is part of the planned context. Here there are a very few minor adjustments from the By-law needed. Even so, in totality it is a compatible site development, within the physical character of the neighbourhood. It thus meets the OP requirements.

Mr. Romano found the remaining tests in subsection 45(1) of desirability and minor nature to be satisfied as well. With no adverse impacts, and an order of magnitude as seen elsewhere, the tests are met. He then addressed each of the clauses in subsection 51(24), the criteria for approval of a consent to sever. In his opinion, all have been adequately addressed and satisfied in the subject proposal.

His overall conclusion is:

“The proposal contains physical characteristics, including site design and built form features that are compatible to, respect and reinforce the Subject Site’s physical context. The proposal will contribute to the prevailing physical characteristics (having reference to OPA 320) in a manner that appropriately satisfies all Official Plan considerations while implementing Provincial Policies and creating no unacceptable adverse impacts.” (Ex. 2, para. 36).

The Participant Mr. Bruner

Mr. Bruner testified that in his view the variances were far from minor. He had earlier stated in his submissions to the COA that only the variance for minimum width of the parking space, when taken by itself, might be considered to be minor. When taken in aggregate, the proposal would fundamentally change the nature of the neighbourhood, he stated, and how the neighbourhood might evolve in the future.

These variances do not meet the statutory tests, he believed, although he is not an expert in planning matters. He relied on the former figures (since altered and lowered), to state to the COA that the requested increase in lot coverage would remove natural drainage, putting more pressure on adjoining properties and City infrastructure. The size and configuration of the lots would be out of sync with other properties in the neighbourhood. The side yard setback would set a precedent within the neighbourhood for reduced access. This is inconsistent with the neighbourhood, as is the increased building height.

He testified that the consent fails to respect the character of the neighbourhood, as the OP requires, with respect to:

- a) size and configuration of lots;
- b) heights, massing, scale and dwelling type of nearby residential properties; and
- c) prevailing patterns of rear and side yard setbacks and landscaped open space.

He felt that the variances in this application could not even be considered to meet the test of "minor".

ANALYSIS, FINDINGS, REASONS

As may be seen in Mr. Romano's summation of the proposal as revised, there are few remaining variances required for either lot size and built form. I accept that the revisions to the application require no further notice, as permitted by subsection 45(18.1.1) of the Act. The only person who has shown any interest in the appeal is the Participant Mr. Bruner.

It may even be questionable whether Mr. Bruner, essentially the only opponent in this appeal, has the necessary interest to oppose it before TLAB. He is not a Party, and of course he does have the right to make his views known to the TLAB as a Participant. Normally the persons having a legal interest in a matter (and able to be Parties) are relatively close neighbours, with more immediate concerns such as direct impact on their property. I note no other neighbourhood opposition, and indeed, there is a significant lack of adverse comments from the responsible City departments. The City did not seek to be a Party to the appeal. I believe that Mr. Bruner sees his role as protecting the public interest in this appeal.

However, the Appellant was required to devote significant time and effort to meeting his arguments, which I am rejecting. Mr. Romano opined that the proposal substantially complies with the zoning requirements. The severance and minor variances requested are well represented within the site's physical context. This is clear from the Decision Table he included. As well, they respond appropriately to the OP Neighbourhoods criteria.

I find that the proposal as a whole meets the general intent and purpose of the Zoning By-laws. These contain numerical site standards for building type and height, density, lot sizes, lot depths, lot frontages, parking, building setbacks from lot lines, landscaped open space and other performance standards, to ensure that new development will be compatible with the physical character of established neighbourhoods. These define the appropriate "fit" for the lots and dwellings in the area.

The proposed lot areas are modest, and close to respecting the By-law requirement. The low rise/low scale nature of the dwellings almost meet the By-laws. The lot coverage would not be large. The residences would occupy an appropriate percentage of the lots, with good setbacks and amenity space.

Mr. Bruner appeared to be arguing that zoning By-law standards should be met almost exactly, in order for the proposal to be compatible with the neighbourhood. This is in my view counter to the statutory availability of minor variances from the by-laws.

The wording in the explanatory portion of the OP respecting changes to established neighbourhoods is also relevant here. None is to be frozen in time, though change is to be gradual. New structures should fit harmoniously within the neighbourhood, but do not have to be copies of those existing. Respecting the existing physical character does not mean replicating what is there. New developments should have no adverse impact of a planning nature, not merely no impact at all. A new structure should fit the general physical pattern, but there can be more than one physical pattern in a neighbourhood. I agree with Mr. Romano that even under OPA 320 (which is not directly applicable here), there is no requirement for a numerical evaluation of the percentage or majority or average of lots in the area. Even if it did apply, the evaluation of this proposal cannot be reduced to a purely mathematical exercise, as Mr. Romano testified, but must be considered as a whole within the planning context.

Subsection 51(24) does not prioritize criteria such as frontage when considering size under a consent application. Nor does the OP indicate a preference for large lots over small ones. No frontage variance is needed here. This alone would be important in meeting Mr. Bruner's objection to so-called precedent.

I agree with Mr. Romano that in this instance, the proposed lot coverages and areas fit in well with those found in the neighbourhood. There are other flat roofs nearby. The interior side yard setbacks fit within the prevailing neighbourhood patterns. The proposed built form would respect and reinforce the character of the surrounding buildings and streetscape (as set out in policy 2.3.1 of the OP). I also conclude, after close study, that there would be consistency with the PPS, and conformity with the Growth Plan, if this proposal is implemented.

I find that the proposed consent to sever the subject property is appropriate and conforms to the OP, and that the variances meet the four tests and should be approved, subject to the conditions below.

DECISION AND ORDER

The TLAB orders that:

1. The appeal is allowed, and provisional consent is given to sever 7 Everett Crescent into two Parts in accordance with the Site Plan and the Elevations by Lemcad Consultants dated June 11, 2019 for Part 1 and Part 2, attached as **Attachment 3** to this decision, and subject to the conditions for the severance and the variances included as **Attachment 2** to this decision.

Conveyed - Part 2, Draft R-Plan

Address to be assigned

Part 2 has a frontage of 6.31 m and an area of 172.7 m². A new two-storey detached dwelling with a front integral garage and rear yard deck will be constructed.

Retained - Part 1, Draft R-Plan

Address to be assigned

Part 1 has a frontage of 6.11 m and an area of 181.7 m². A new two-storey detached dwelling with a front integral garage and rear yard deck will be constructed.

2. The variances to the Zoning By-laws set out in **Attachment 1** are authorized.

ATTACHMENT 1 – VARIANCES

PART 1 – NORTH LOT

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

The minimum required lot area is 185 sq. m.

The proposed lot area is 181.7 sq. m.

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

The maximum permitted lot coverage is 35% of the lot area (63.6 sq. m).

The proposed lot coverage will be 35.38% of the lot area (64.28 sq. m).

3. Chapter 10.20.40.70.(3)(B), By-law 569-2013

The minimum required side yard setback is 0.9 m.

The new detached dwelling will be located 0.61m from the south side lot line.

4. Chapter 10.20.40.10.(4)(A), By-law 569-2013

The maximum permitted building height is 7.2 m.

The height of the new detached dwelling will be 8.3m.

5. Chapter 200.5.1.10.(2)(A), By-law 569-2013

The minimum required width of a parking space that is obstructed on two sides is 3.2m.

The width of the parking space that is obstructed on two sides will be 2.79m.

6. Section 5.4, By-law 498-2007

The minimum required width of a parking space that is obstructed on two sides is 3.2m.

The width of the parking space that is obstructed on two sides will be 2.79m.

PART 2 – SOUTH LOT

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

The minimum required lot area is 185 sq. m.
The proposed lot area is 172.7 sq. m.

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

The maximum permitted lot coverage is 35% of the lot area (60.37 sq. m).

The proposed lot coverage will be 37.22% of the lot area (64.28 sq. m).

3. Chapter 10.20.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index is 0.75 times the lot area (129.53 sq. m).

The proposed dwelling will have a floor space index equal to 0.78 times the lot area (135.45 sq. m).

4. Chapter 10.20.40.70.(3)(B), By-law 569-2013

The minimum required side yard setback is 0.9 m.

The new detached dwelling will be located 0.61m from the north side lot line.

5. Chapter 10.20.40.10.(4)(A), By-law 569-2013

The maximum permitted building height is 7.2 m.

The height of the new detached dwelling will be 8.3m.

6. Chapter 200.5.1.10.(2)(A), By-law 569-2013

The minimum required width of a parking space that is obstructed on two sides is 3.2m.

The width of the parking space that is obstructed on two sides will be 2.79m.

7. Section 5.4, By-law 498-2007

The minimum required width of a parking space that is obstructed on two sides is 3.2m.

The width of the parking space that is obstructed on two sides will be 2.79m.

ATTACHMENT 2

CONDITIONS OF CONSENT

The owner shall file the following with the Committee of Adjustment office within ONE YEAR of the date of this Decision:

1. Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.

2. Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of Survey and Mapping Services, Engineering Services, Engineering and Construction Services. Contact: John Fligg @ 416-338-5031 or Elizabeth Machynia @ 416-338-5029.

3. Two copies of the registered reference plan of survey integrated to NAD 83 CSRS (3 degree Modified Transverse Mercator projection), delineating by separate Parts the

lands and their respective areas, shall be filed with the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services. Contact: John House, Supervisor of Property Records at 416-392-8338; jhouse@toronto.ca.

4. An electronic copy of the registered reference plan of survey satisfying the requirements of the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services, shall be filed with the Committee of Adjustment.

5. Within ONE YEAR of the date of the giving of this notice of decision, the applicant shall comply with the above-noted consent conditions and prepare for electronic submission to the Deputy Secretary-Treasurer, the Certificate of Official, Form 2 or 4, O.Reg. 197/96, referencing either subsection 50(3) or (5) or subsection 53(42) of the Planning Act, as it pertains to the conveyed land(s) and/or consent transaction(s).

CONDITIONS OF MINOR VARIANCES:

1. Where there are no existing street trees, the owner shall provide payment in lieu of planting one street tree on the City road allowance abutting each of the sites involved in the application. The current cost of planting a tree is \$583.00, subject to changes.

2. The owner shall submit an application for permit to injure or remove privately owned tree(s) to Urban Forestry, as per City of Toronto Municipal Code Chapter 813, Article III.

3. The owner shall submit the following requirements to the satisfaction of Engineering & Construction Services:

a) A revised site plan which:

- i. Illustrates that both of the proposed driveways will be constructed with a 2%-4% positive slope, measured from the roadway to the garages;
- ii. Shows elevations at the top and bottom of both the retaining wall to remain and the proposed retaining wall; and,
- iii. Shows proposed spot elevations and slopes on the premises and existing spot elevations adjacent to the site, particularly the existing retaining wall and around the property limits.

b) The removal or modification of the existing retaining wall shall be addressed to the satisfaction of Engineering & Construction Services.

3. The new detached dwellings shall be constructed substantially in accordance with the Site Plan and Elevations prepared by Lemcad Consultants on June 11, 2019, the Proposed Front (West) Elevations for both of which are numbered A6A (Part 1, new 7B Everett, the north lot; and Part 2, new 7A Everett, the south lot), attached as **Attachment 3**. Any other variances that may appear on these plans that are not listed in this decision are NOT authorized.

ATTACHMENT 3 – PLANS

X 

G. Burton

Panel Chair, Toronto Local Appeal Body



**7B EVERETT CRESCENT , EAST YORK
PROPOSED NEW 2 STORY DWELLING**

LIST OF DRAWINGS

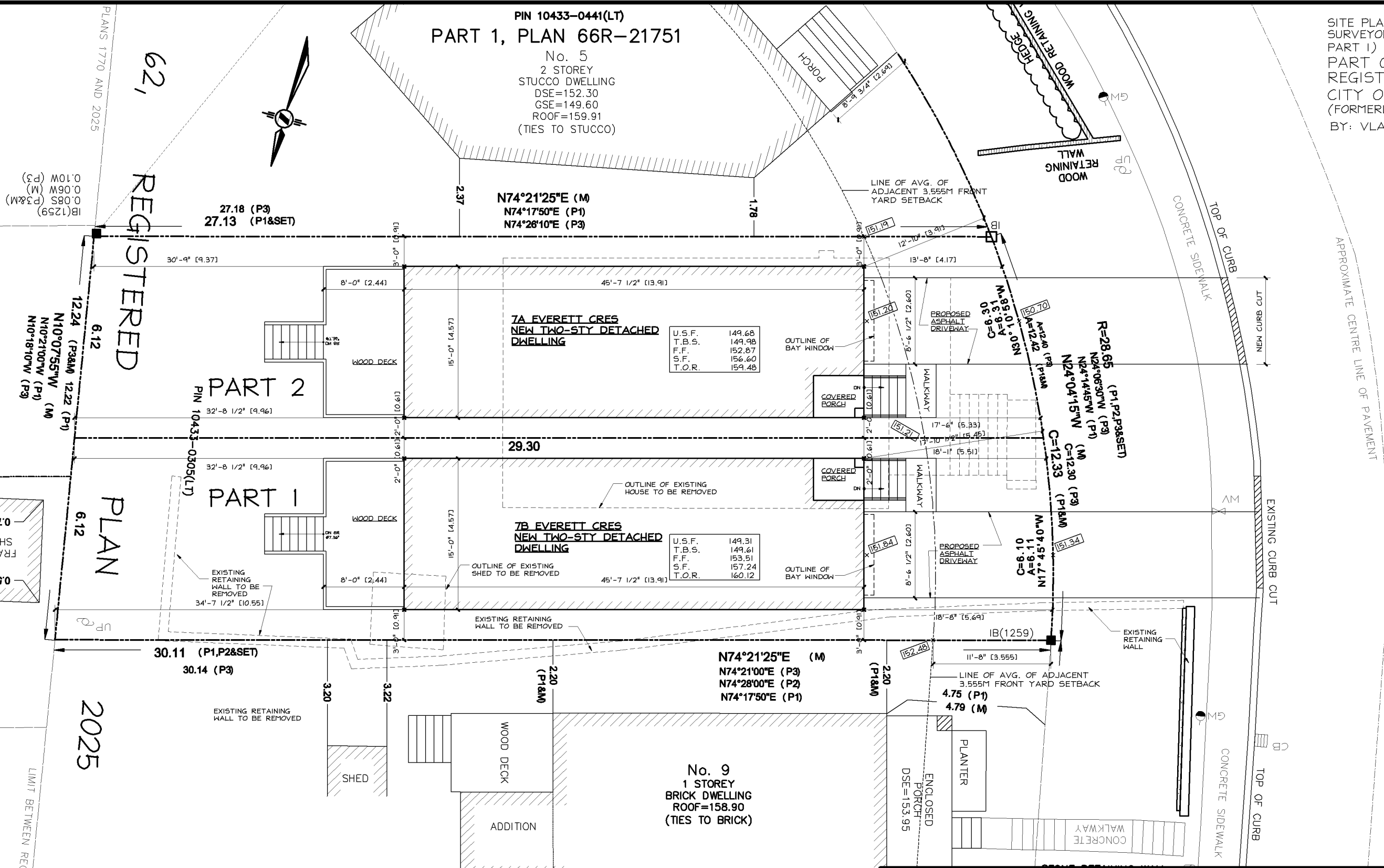
RE-ISSUED FOR ZONING CERTIFICATE JUNE 11, 2019

- A1 SITE PLAN
- A1a SITE STATISTICS
- A1b FRONT YARD LANDSCAPE PLAN
- A2 PROPOSED BASEMENT PLAN
- A3 PROPOSED GROUND FLOOR PLAN
- A4 PROPOSED SECOND FLOOR PLAN
- A5 PROPOSED ROOF PLAN

- A6A PROPOSED FRONT (WEST)
- A6B REAR (EAST) ELEVATION
- A7 PROPOSED SIDE (SOUTH) ELEVATION
- A8 PROPOSED SIDE (NORTH) ELEVATION

SITE PLAN INFORMATION TAKEN FROM:
SURVEYOR'S REAL PROPERTY REPORT
PART 1) PLAN AND TOPOGRAPHIC DETAIL OF
PART OF LOT 62
REGISTERED PLAN 2025
CITY OF TORONTO
(FORMERLY BOROUGH OF EAST YORK)
BY: VLADIMIR DOSEN SURVEYING, O.L.S.

(KNOWN AS) EVERETT CRESCENT
(FORMERLY EVERETT STREET BY REGISTERED PLAN2025)
PIN 10433-0428(LT)

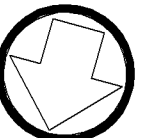


LEMCAD CONSULTANTS

817 COSBURN AVENUE, Toronto, Ontario M4C 2V9
PHONE: (416) 405-8164 FAX: (416) 405-9601

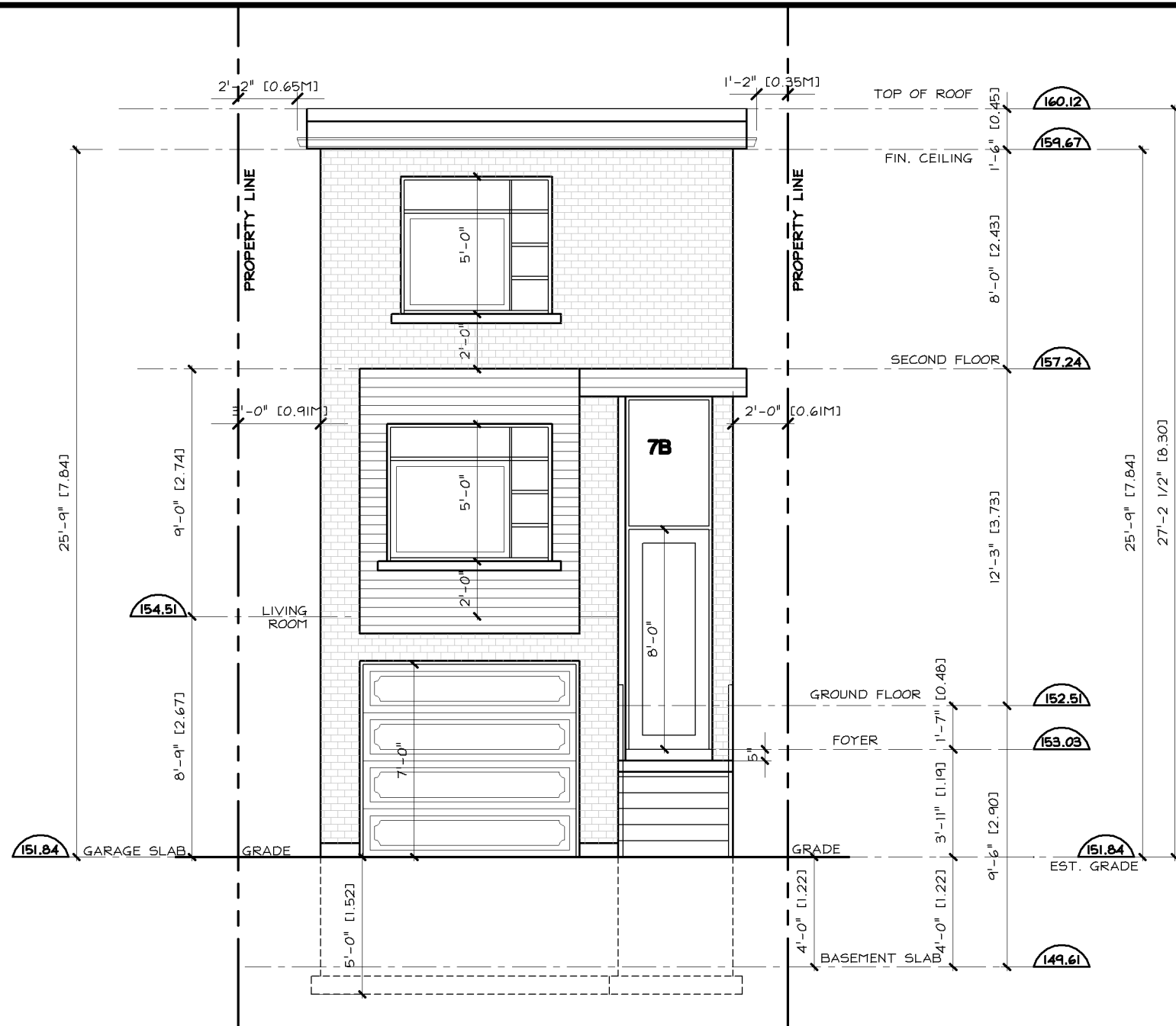
A1

PROJECT: PROPOSED 2 STY DETACHED DWELLINGY			
LOCATION: 7B EVERETT CRESCENT, EAST YORK			
DWG. BY: LM	CK'D BY: LM	APP. BY:	DATE: JUNE 11, 2019
JOB NO.: 180612	DWG. NO.: A1 of 8	CADD-NAME:	



ORIENTATION

1 PROPOSED SITE PLAN
A1 SCALE= 1:125



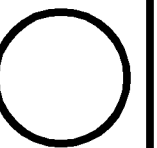
PROPOSED
FRONT (WEST) ELEVATION
 1
 A6A SCALE: 3/16"=1'-0"

LEMCAD CONSULTANTS

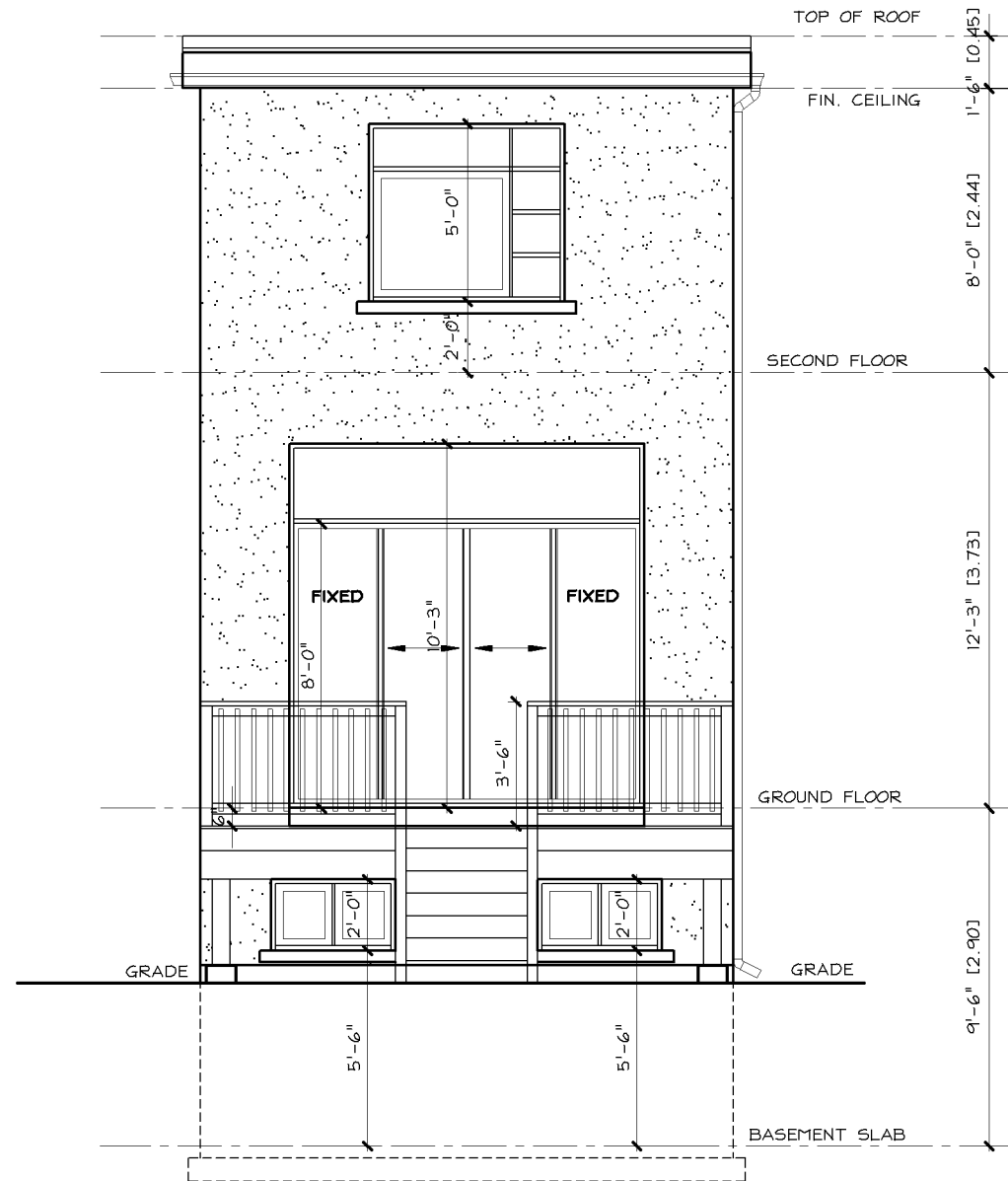
817 COSBURN AVENUE, Toronto, Ontario M4C 2V9
 PHONE: (416) 405-8164 FAX: (416) 405-9601

A6A

PROJECT: PROPOSED 2 STY DETACHED DWELLING			
LOCATION: 7B EVERETT CRESCENT, EAST YORK			
DWG. BY: LM	CK'D BY: LM	APP. BY:	DATE: JUNE 11, 2019
JOB NO.: 180612	DWG. NO.: A6A OF 8	CADD-NAME:	



ORIENTATION



**PROPOSED
REAR (EAST) ELEVATION**

1
A6B

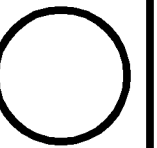
SCALE: 3/16"=1'-0"

LEMCAD CONSULTANTS

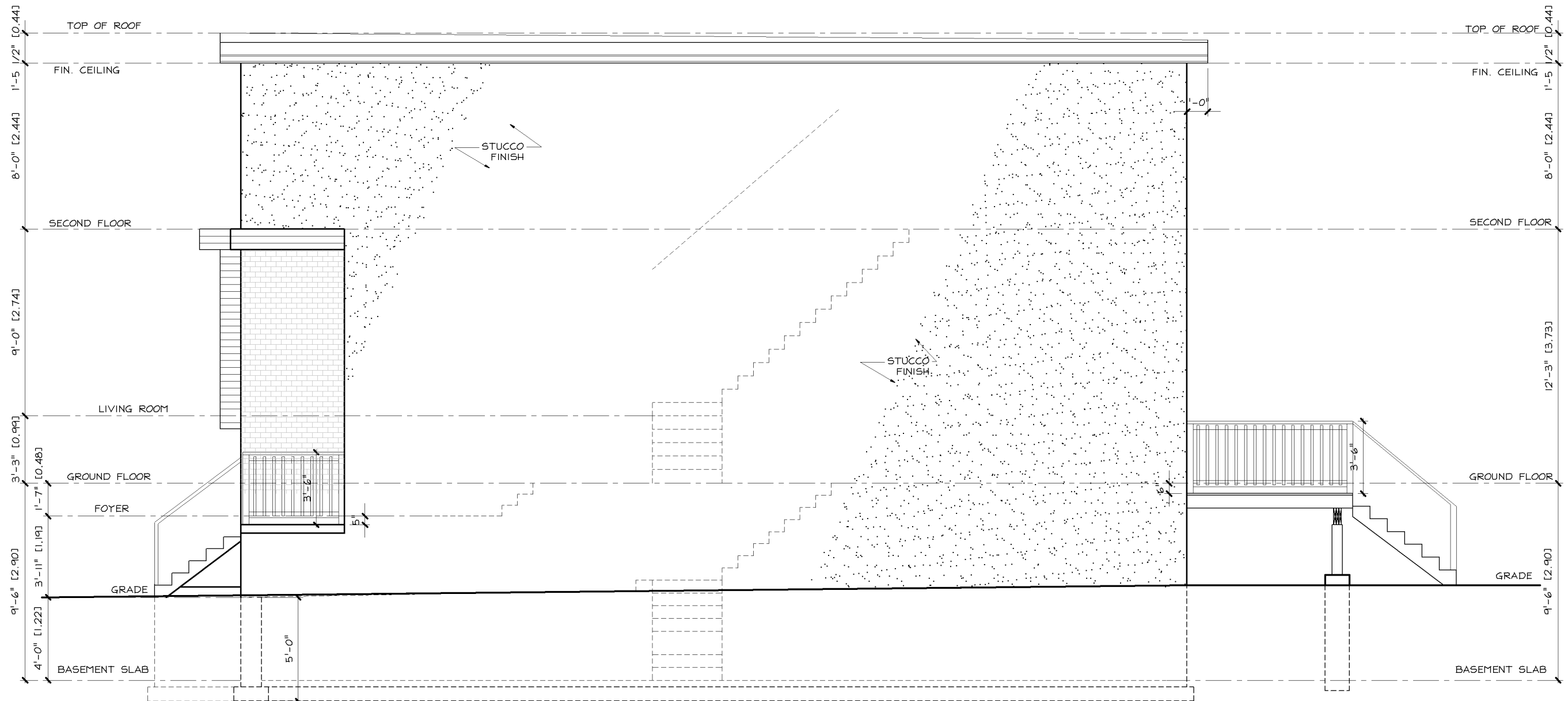
817 COSBURN AVENUE, Toronto, Ontario M4C 2V9
PHONE: (416) 405-8164 FAX: (416) 405-9601

A6B

PROJECT: PROPOSED 2 STY DETACHED DWELLING			
LOCATION: 7B EVERETT CRESCENT, EAST YORK			
DWG. BY: LM	CK'D BY: LM	APP. BY:	DATE: JUNE 11, 2019
JOB NO.: 180612	DWG. NO.: A6B OF 8	CADD-NAME:	



ORIENTATION



PROPOSED
1 SIDE (SOUTH) ELEVATION
A7 SCALE: 3/16"=1'-0"

LEMCAD CONSULTANTS

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A7

PROJECT: PROPOSED 2 STY DETACHED DWELLING

LOCATION: 7B EVERETT CRESCENT, EAST YORK

DWG. BY: LM

CK'D BY: LM

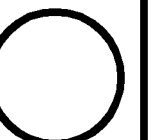
APP. BY:

DATE: JUNE 11, 2019

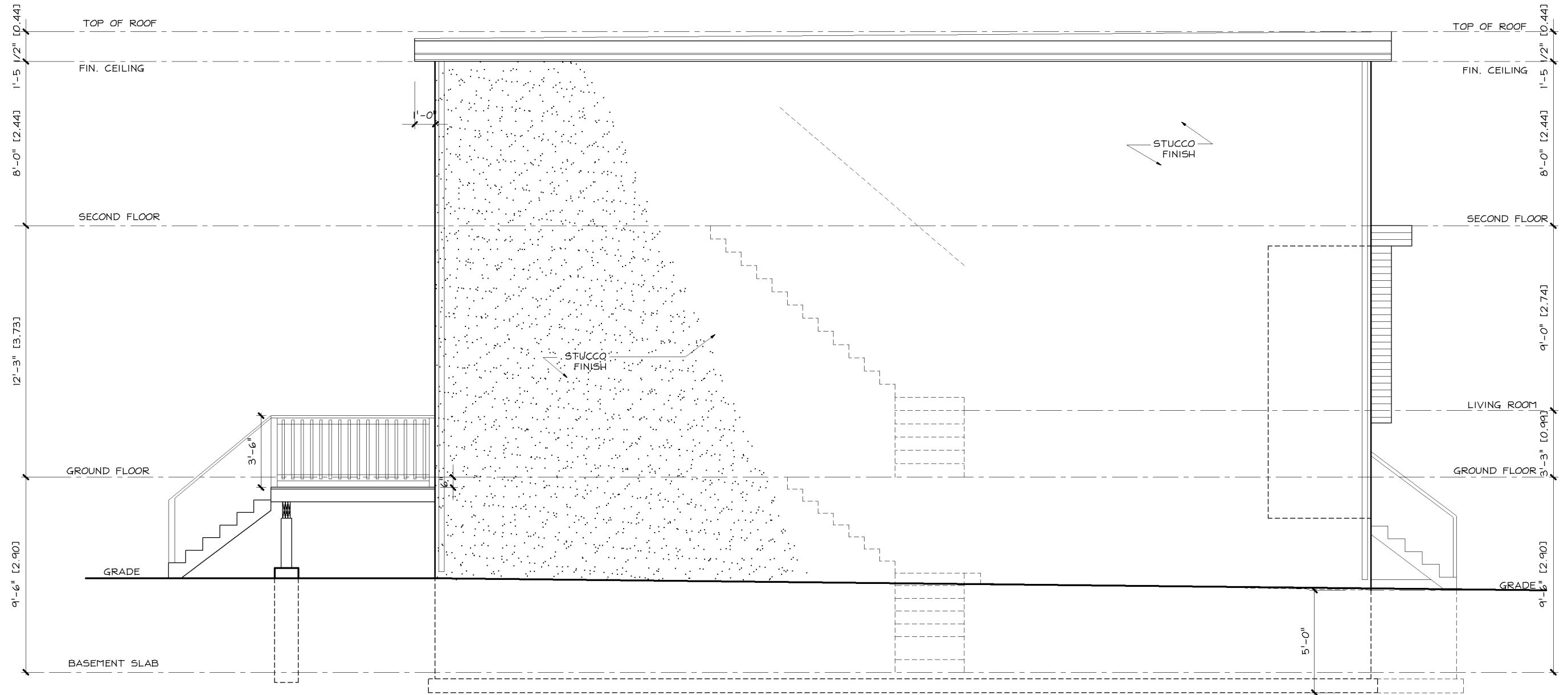
JOB NO.: 180612

DWG. NO.: A7 OF 8

CADD-NAME:



ORIENTATION



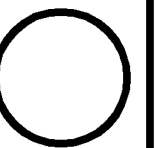
PROPOSED
1 **SIDE (NORTH) ELEVATION**
A8 SCALE: 3/16"=1'-0"

LEMCAD CONSULTANTS

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A8

PROJECT: PROPOSED 2 STY DETACHED DWELLING			
LOCATION: 7B EVERETT CRESCENT, EAST YORK			
DWG. BY: LM	CK'D BY: LM	APP. BY:	DATE: JUNE 11, 2019
JOB NO.: 180612	DWG. NO.: A8 OF 8	CADD-NAME:	



ORIENTATION



7A EVERETT CRESCENT , EAST YORK PROPOSED NEW 2 STORY DWELLING

LIST OF DRAWINGS

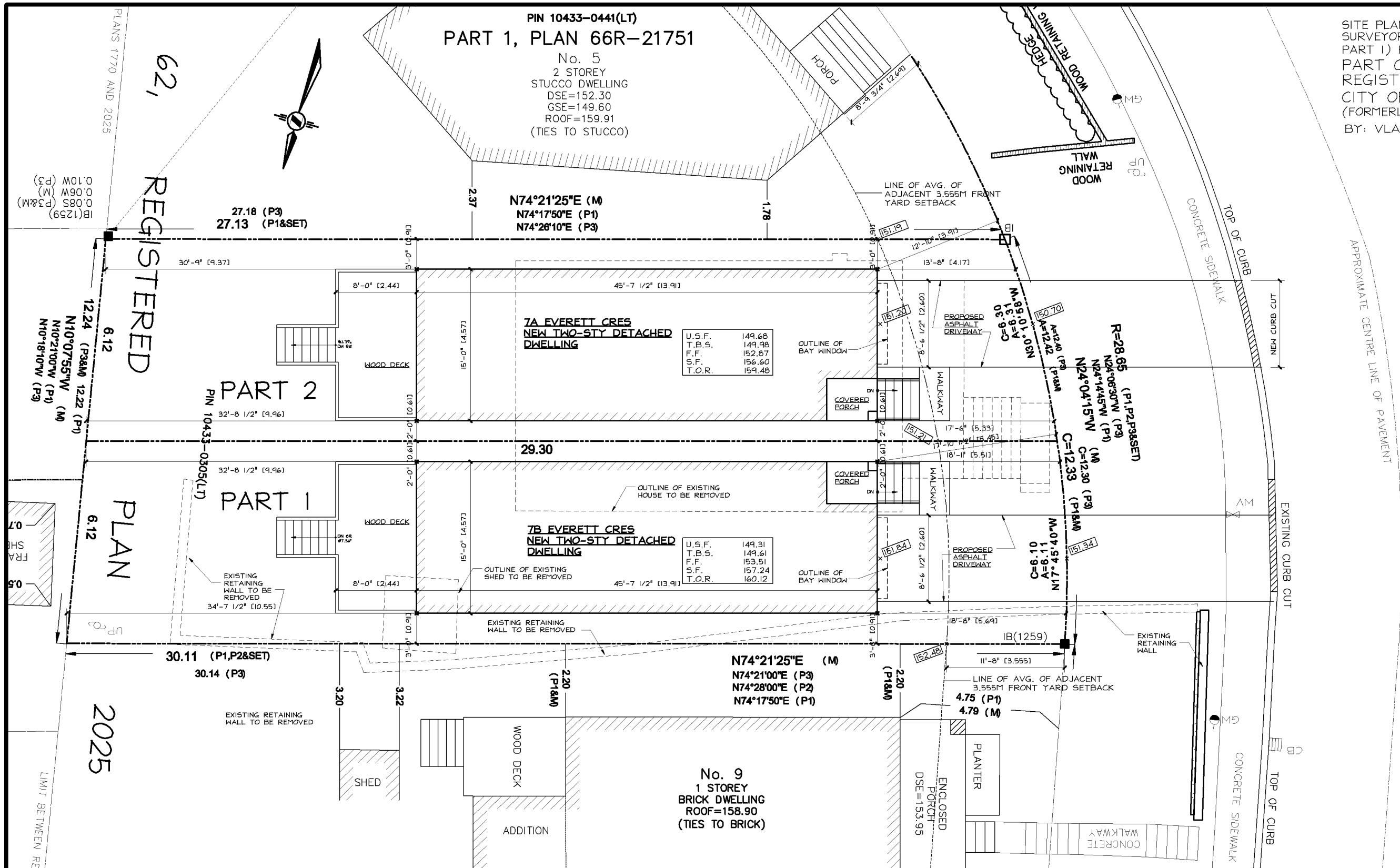
RE-ISSUED FOR ZONING CERTIFICATE JUNE 11, 2019

- A1 SITE PLAN
- A1a SITE STATISTICS
- A1b FRONT YARD LANDSCAPE PLAN
- A2 PROPOSED BASEMENT PLAN
- A3 PROPOSED GROUND FLOOR PLAN
- A4 PROPOSED SECOND FLOOR PLAN
- A5 PROPOSED ROOF PLAN

- A6A PROPOSED FRONT (WEST)
- A6B REAR (EAST) ELEVATION
- A7 PROPOSED SIDE (SOUTH) ELEVATION
- A8 PROPOSED SIDE (NORTH) ELEVATION

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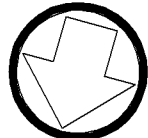
1 PROPOSED SITE PLAN
A1 SCALE= 3/32"=1'-0"

LEMCAD CONSULTANTS

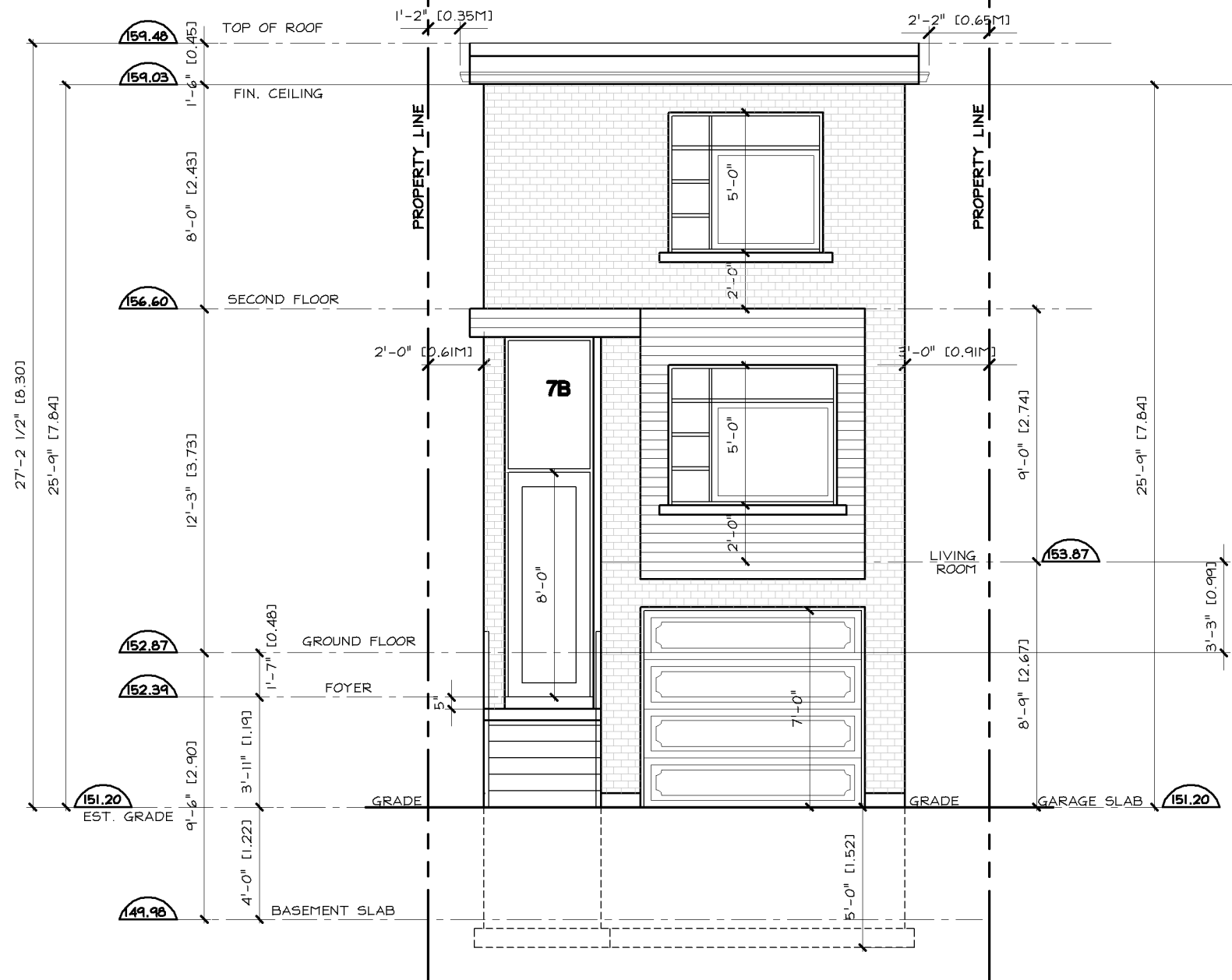
817 COSBURN AVENUE, Toronto, Ontario M4C 2V9
PHONE: (416) 405-8164 FAX: (416) 405-9601

A1

PROJECT: PROPOSED 2 STY DETACHED DWELLING			
LOCATION: 7A EVERETT CRESCENT, EAST YORK			
DWG. BY: LM	CK'D BY: LM	APP. BY:	DATE: JUNE 11, 2019
JOB NO.: 180612	DWG. NO.: A1 OF 8	CADD-NAME:	



ORIENTATION



**PROPOSED
FRONT (WEST) ELEVATION**
1
A6A SCALE: 3/16"=1'-0"

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A6A

PROJECT: PROPOSED 2 STY DETACHED DWELLING

LOCATION: 7A EVERETT CRESCENT, EAST YORK

DWG. BY: LM

CK'D BY: LM

APP. BY:

DATE: JUNE 11, 2019

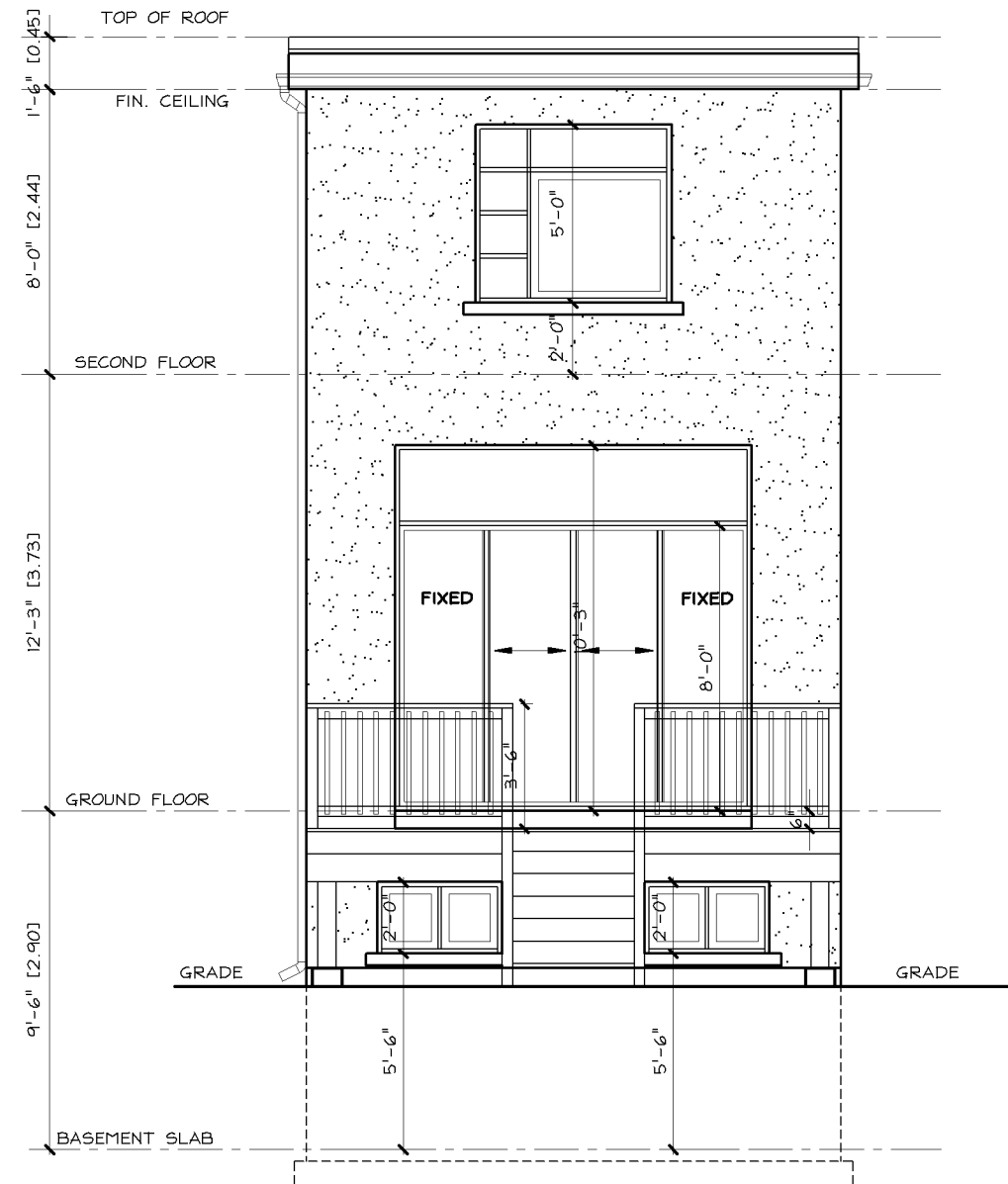
JOB NO.: 180612

DWG. NO.: A6A OF 8

CADD-NAME:



ORIENTATION



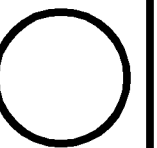
**PROPOSED
REAR (EAST) ELEVATION**
SCALE: 3/16"=1'-0"

LEMCAD CONSULTANTS

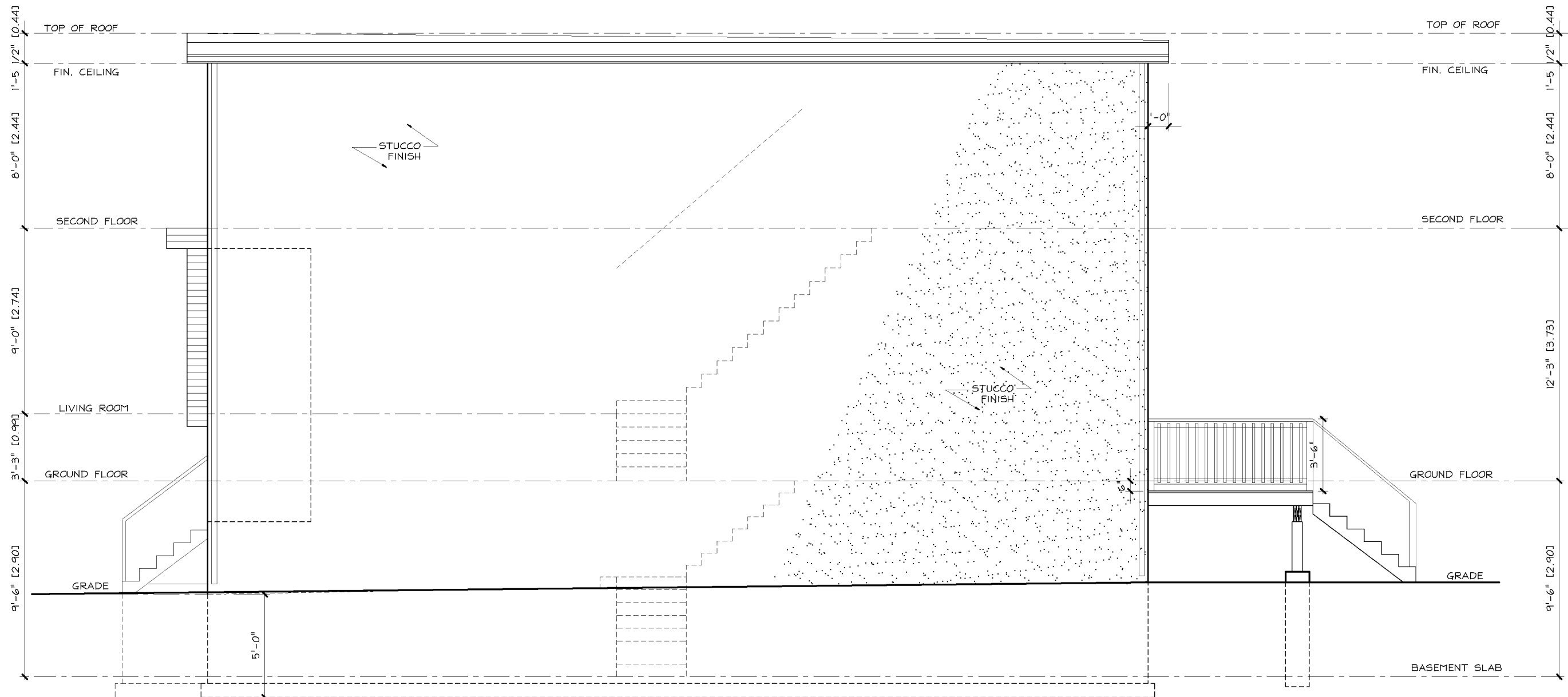
817 COSBURN AVENUE, Toronto, Ontario M4C 2V9
PHONE: (416) 405-8164 FAX: (416) 405-9601

A6B

PROJECT: PROPOSED 2 STY DETACHED DWELLING			
LOCATION: 7A EVERETT CRESCENT, EAST YORK			
DWG. BY: LM	CK'D BY: LM	APP. BY:	DATE: JUNE 11, 2019
JOB NO.: 180612	DWG. NO.: A6B OF 8	CADD-NAME:	



ORIENTATION



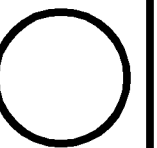
PROPOSED
1
A7 **SIDE (SOUTH) ELEVATION**
 SCALE: 3/16"=1'-0"

LEMCAD CONSULTANTS

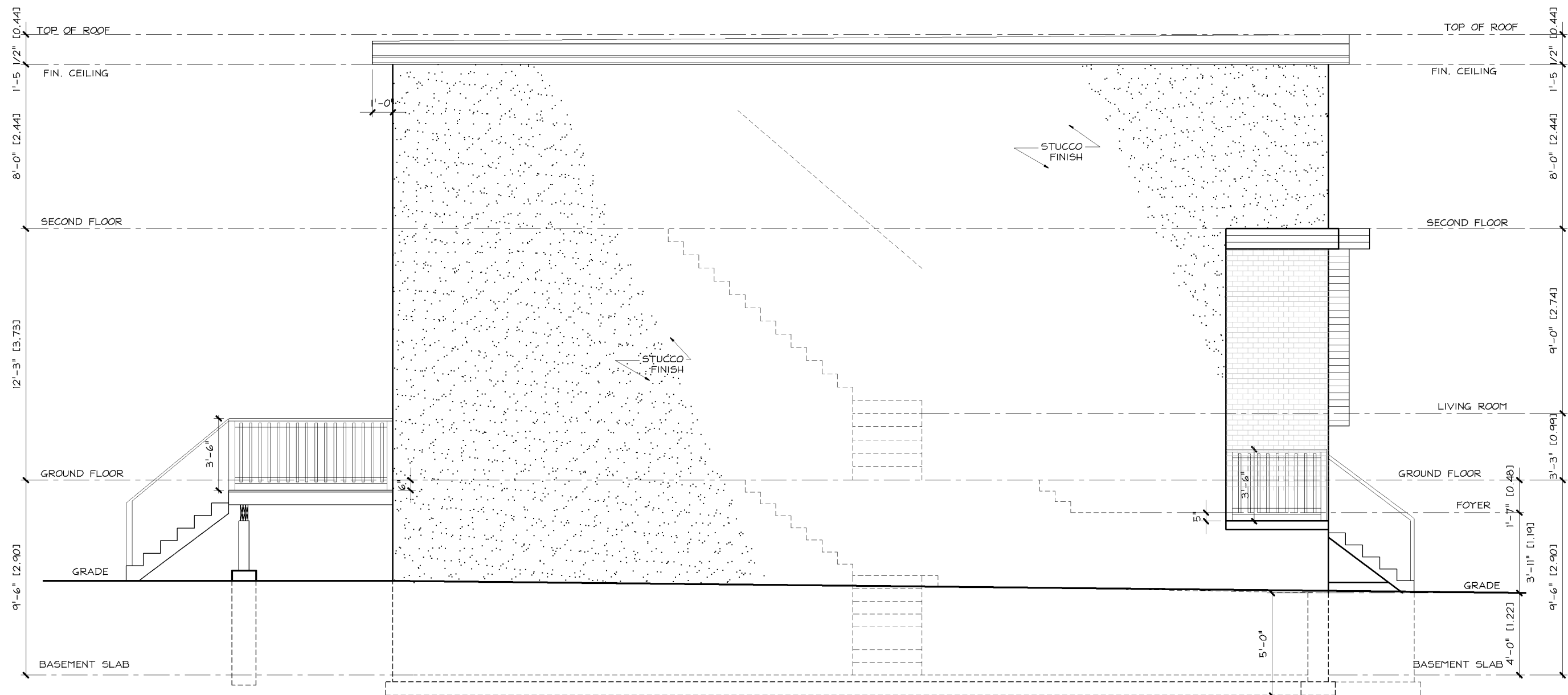
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 PHONE: (416) 405-8164 FAX: (416) 405-9601

A7

PROJECT: PROPOSED 2 STY DETACHED DWELLING			
LOCATION: 7A EVERETT CRESCENT, EAST YORK			
DWG. BY: LM	CK'D BY: LM	APP. BY:	DATE: JUNE 11, 2019
JOB NO.: 180612	DWG. NO.: A7 OF 8	CADD-NAME:	



ORIENTATION



PROPOSED
1
A8 **SIDE (NORTH) ELEVATION**
 SCALE: 3/16"=1'-0"

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A8

PROJECT: PROPOSED 2 STY DETACHED DWELLING

LOCATION: 7A EVERETT CRESCENT, EAST YORK

DWG. BY: LM

CK'D BY: LM

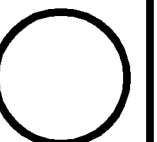
APP. BY:

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JOB NO.: 180612

DWG. NO.: A8 OF 8

CADD-NAME:



ORIENTATION