

DECISION AND ORDER

Decision Issue Date Tuesday, December 24, 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): ANNE VOS

Applicant: ROMAN TSAP

Property Address/Description: 48 KENILWORTH AVE

Committee of Adjustment Case File: 17 201819 STE 32 MV

TLAB Case File Number: 17 274054 S45 32 TLAB

Telephone Conference date: Wednesday, December 18, 2019

DECISION DELIVERED BY D. LOMBARDI

APPEARANCES

Name	Role	Representative
Anne Vos	Owner	Amber Stewart
Roman Tsap	Applicant	KFA Architects & Planners
Kregg Fordyce		KFA Architects & Planners
Diego Cannari		KFA Architects & Planners
Tejas Bhatt	Planner	KFA Architects & Planners

Memorandum of Telephone Conference Call

This matter was convened by way of teleconference to deal with a request from the Applicant to amend the Toronto Local Appeal Body (TLAB) decision (Decision), dated May 2, 2018, for 48 Kenilworth Avenue (subject property).

In that Decision the TLAB allowed an appeal of the Committee of Adjustment (COA) decision authorizing a total of 12 variances from both the new, harmonized Zoning By-law 569-2013 (new By-law) and the former City of Toronto Zoning By-law 438-86

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(former By-law) to permit construction of a two semi-detached dwelling and detached garage on the subject property.

Present on the teleconference were the Applicant, the owner (Anne Vos), the owner's solicitor, Amber Stewart, and 4 members of the design team of KFA Architects and Planners, above recited, the architects for the proposed development.

There were no other Parties or Participants present.

The original TLAB Decision authorized variances to permit construction of a semi-detached dwellings and detached garage. The approved architectural design of the original structure, or '*Maison Glacé*' as it has been referred to, was rather unique in that the exterior building envelope would appear as one contiguous structure, whereas the building envelope itself would actually incorporate two distinct but attached dwelling units, one facing east and the other facing west.

Ms. Stewart advised that since the issuance of that Decision, the owner has encountered difficulties in securing financing for the project and therefore been required to reconsider the merits of constructing semi-detached dwelling units. As a result, the proposal has been redesigned somewhat and the development is now being contemplated as one single-detached residential dwelling.

The site plan and architectural drawings were subsequently revised to reflect this new reality and permit drawings were submitted to the City Building Department for approval and issuance of a building permit. Upon reviewing the plans, the Zoning Examiner refused to issue a permit in this regard without first receiving confirmation from the TLAB that the revised design and associated variances are within the realm of the previous TLAB approval.

Consequently, the Applicant contacted the TLAB by email on October 17, 2019 and requested to speak with the case manager to discuss the proposed revisions to the design of the dwelling. On a request for clarification by Tribunal staff, the Applicant advised that no additional variances other than those approved by the Tribunal previously were being sought. Rather, the planned modifications related principally to the construction of the single-detached residential dwelling as opposed to semi-detached structures.

Tribunal staff, in an email on October 18, 2019, advised that if the Building Department rejected the application, the Applicant was to submit the revised drawings to the TLAB and serve copies on any Parties or Participants to the previous Hearing. Concurrently, the original Panel Member would be apprised of the matter and direction sought.

This has now occurred; the request was served as required and no responses have been received regarding the proposed revisions.

As a result, and as the original Panel Member, I have reviewed the proposed changes and the filed materials in support. This resulted in the requirement to speak with the proponents to obtain additional clarification with respect to the proposal and the new/revised drawings.

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Consequently, I directed that TLAB staff canvas the Parties for an expedited date for a Teleconference call; the call was set for December 18, 2019.

During the call, I was able to better understand the revised proposal and was advised by the architect that no new or additional variances are required. In fact, the massing and scale of the dwelling have been reduced somewhat given the revised building typology along with associated variances for Floor Space Index, Gross Floor Area, and building depth. Correspondingly, the revisions also result in a significant increase in the percentage of rear yard soft landscaping.

Ms. Stewart suggested, and I agreed, that a new Zoning Examiner's Review Notice be obtained by the Applicant confirming that the approved variances still hold. I directed that this be submitted to the TLAB within a three month time frame from the date of this call.

Additionally, I requested that the architect file a brief outline, in point-form and no longer than 2 pages, summarizing the major changes to the proposal.

Upon receipt of these two documents and a further review of the revised plans (identified as Revision #3, dated November 5, 2019), I would reconsider the request to issue an amended decision. If satisfied that the modifications maintain the integrity of the previous Decision, I would at that time, then, issue an amended decision authorizing the variances and approving the revised plans.

DECISION AND ORDER

The Applicant will submit the following documents to the TLAB **by no later than March 18, 2020**:

1. A new Zoning Examiner's Review Notice addressing the revised proposal before the Tribunal; and
2. A brief summary of the proposed revisions to the revised proposal from the previously approved TLAB Decision dated May 2, 2018.

If difficulties occur the TLAB may be spoken to.

X 

Dino Lombardi
Panel Chair, Toronto Local Appeal Body