

DECISION AND ORDER

Decision Issue Date Friday, July 31, 2020

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

Appellant(s): FRANTON HOMES INC

Applicant: RN DESIGN LTD

Property Address/Description: 52 HOLMESDALE RD

Committee of Adjustment Case File: 19 180033 STE 09 CO, 19 180035 STE 09 MV, 19 180036 STE 09 MV

TLAB Case File Number: 19 253734 S53 09 TLAB, 19 253740 S45 09 TLAB, 19 253742 S45 09 TLAB

Hearing date: Tuesday, June 23, 2020

DECISION DELIVERED BY S. GOPIKRISHNA

APPEARANCES

Name	Role	Representative
RN Design Ltd.	Applicant	
Franton Homes Inc.	Owner/Appellant	Amber Stewart
Durval Ribeiro	Participant	

INTRODUCTION AND BACKGROUND

Mohammad Alam is the owner of 52 Holmesdale Road, located in Ward No 9 (Davenport), in the City of Toronto (Toronto). He applied to the Committee of Adjustment (COA) to obtain consent to sever the property at 52 Holmesdale into two undersized residential lots, and approval of minor variances to construct a new three-storey, semi-detached dwelling with rear second storey deck, front third storey balcony, and a front integral garage, on each of the new lots. On November 12, 2019, the COA

Decision of Toronto Local Appeal Body Panel Member: S. GOPIKRISHNA
TLAB Case File Number: 19 253734 S53 09 TLAB, 19 253740 S45 09 TLAB, 19 253742 S45 09 TLAB

heard the applications, and refused them in their entirety. On November 26, 2019, Mr. Alam appealed the decision of the COA to the Toronto Local Appeal Body (TLAB); the TLAB set Hearing dates of March 25, 2020, and March 27, 2020, to hear the Appeal..

Mr. Durval Ribiero, resident of 50 Holmesdale Road, elected to be a Party, but then changed his status to Participant in the Hearing.

Mr. Alam retained Ms. Amber Stewart, a lawyer, and Mr. Franco Romano, a planner, to represent Mr. Alam. The Appellant brought forward a Motion to adjourn the Hearing, which was originally scheduled to be heard on March 27, 2020, and March 29, 2020, due to the unavailability of the Counsel, and the Planner on those dates. I released a Decision on March 23, 2020, approving the Motion. The Hearing was subsequently identified as a candidate for a virtual Hearing, and was rescheduled to 23 June, 2020.

During the provincially declared Emergency Order in respect of COVID-19, the TLAB suspended in-person Hearings till August 14, 2020. Until that time, matters requested to be heard on consent, matters involving settlement, uncontested matters, and matters where the Parties concur and/or the TLAB deems appropriate, can be heard “virtually”, using the WEBEX format for audio and visual recording.

This matter was convened via WEBEX.

MATTERS IN ISSUE

THE CONSENT REQUESTED:

To obtain consent to sever the property into two undersized residential lots.

Retained - Part 1, Draft R-Plan

Address to be assigned

The lot has a frontage of 5.335 m and an area of 203.03 m².

The existing one-storey detached dwelling and rear detached garage will be demolished. A new three-storey semi-detached dwelling with rear second storey deck, front third storey balcony, and front integral garage will be constructed

Conveyed - Part 2, Draft R-Plan

Address to be assigned

The lot has a frontage of 5.335 m and an area of 203.03 m².

The existing one-storey detached dwelling and rear detached garage will be demolished. A new three-storey semi-detached dwelling with rear second storey deck, front third storey balcony, and front integral garage will be constructed

The requested variances for each of the lots created through the Severance, are recited in Schedule A, appended as an attachment to this Decision..

JURISDICTION

Provincial Policy – S. 3

Decision of Toronto Local Appeal Body Panel Member: S. GOPIKRISHNA
TLAB Case File Number: 19 253734 S53 09 TLAB, 19 253740 S45 09 TLAB, 19 253742
S45 09 TLAB

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 of the Greater Golden Horseshoe for the subject area ('Growth Plan').

Consent – S. 53

TLAB must be satisfied that a plan of subdivision is not necessary for the orderly development of the municipality pursuant to s. 53(1) of the Act and that the application for consent to sever meets the criteria set out in s. 51(24) of the Act. These criteria require that " 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
 - (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

Minor Variance – S. 45(1)

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

At the Hearing held on June 23, 2020, the Appellant was represented by Ms. Amber Stewart, a lawyer, and Mr. Franco Romano, a land use planner. I was advised that Mr. Ribeiro, , the neighbour who had elected to be a Participant, could not attend the Hearing, because “he was outside the country”.

Mr. Romano was sworn in, and was recognized as an Expert in the area of land use planning.

In addition to the Witness Statement, and a Document Book, which had been submitted as part of disclosure, before the due date, the Appellant introduced a new Exhibit at the Hearing. That Exhibit included information about the updated Provincial Policy Statement (2020), a comparison of the new PPS) with the former PPS(i.e. PPS (2014)), and a report from the Canadian Urban Institute, titled “COVID SINGPOST – 100 DAYS” While the Appellants spoke this document, I have not recited their analysis of this document, and have not used the same for decision purposes, for reasons discussed in the Analysis, Findings, Reasons Section, in this Decision.

Mr. Romano said that the geographic neighbourhood, chosen by him for analysis purposes, is located within the interior of the neighbourhood, and bounded by Eglinton Avenue West on the north, Rogers Road on the south, and from Prospect Cemetery on the west, to Dufferin Street on the east. He said that the neighbourhood was delineated on the basis of similar connectivity to the road network, attributes with comparable lot fabric, and low rise residential on lands, within an area, designated by the City as “Neighbourhoods”. Mr. Romano said that in this case, the road network, consists of both a grid like structure, as well as curvilinear streets, reflecting the rolling topography of the neighbourhood. The zoning throughout the neighbourhood is “Multiple

Residential, permitting a diversity of building types from detached residential to apartment buildings”.

Mr. Romano said that the intention of the proposal is to sever the Subject Site into two lots, and construct a single, new semi-detached residential building on each of the severed lots. He described the lot dimensions of the proposed lots as follows :

- Lot frontage of 5.335m, whereas minimum 6.0m is required.
- Lot depth of 38.05m.
- Lot area of 203.03m², whereas the minimum required lot area is 180m².

Mr. Romano spoke to how the proposal confirmed to the Official Plan.

He defined the immediate context as consisting of the immediate block on Holmesdale Ave., and said that the physical characteristics of this context, illustrate a generous diversity of character attributes, resulting in an eclectic community, with no single prevailing physical character. Rather, the physical characteristics reflect an intermingling of lot sizes, and built forms, resulting in an overall physical form, which is “not homogeneous”. He asserted that there is significant variation in the patterns of the lot sizes, and built form patterns, in the neighbourhood, as well as on Holmesdale Road itself.

Mr. Romano said that some lots in the neighbourhood have been severed, and many houses have been rebuilt, such that the neighbourhood’s physical character continues to evolve, in a gradual, sensitive manner, in conformity with the Official Plan (OP). With respect to the OP’s reference to immediate context, he said that the OP does not intend to achieve replication of development that exists within a confined block. Given the constant evolution in the community through severances, and the types of built forms that co-exist, Mr. Romano concluded that the proposal was consistent with OP Policy 2.3 (Stable but not Static), and Policy 3.1.2(Built Form Policies).

Mr. Romano then explained how the proposal corresponded to Section 4.1.5 of the OP.

He said that the 4.1.5(a) was satisfied, because the existing road network, and the block pattern were not impacted in any way,. Speaking to Section 4.1.5(b) i.e prevailing size and configuration of lot sizes, Mr. Romano reiterated that lot sizes in the immediate vicinity of the Site are not uniform, and vary in frontage from 2.29 m to more than 40 m in frontage. He said that 76.9% of the lots within the geographic neighbourhood, and 69.7% of lots within the immediate context have a lot frontage equal to , or smaller than the recommended frontage of 7.62m, and that 17.4% are smaller than 6.0m.

Mr. Romano next spoke to 4.1.5 (c) - prevailing heights, massing, scale, density, and dwelling type of residential properties, and said that the heights of residential buildings in the immediate context, are low rise, “in one- to- three storey formats”. He said that the rolling topography also creates variations in these characteristics with buildings “etched into the landscape, rising and falling with the topography”. Mr. Romano

Decision of Toronto Local Appeal Body Panel Member: S. GOPIKRISHNA
TLAB Case File Number: 19 253734 S53 09 TLAB, 19 253740 S45 09 TLAB, 19 253742 S45 09 TLAB

asserted that the massing of the residential buildings are such that they are oriented towards the front and/or central portion of the lot, and concluded that the proposed low rise scale, and massing of buildings within the neighbourhood conform, to the the applicable planning instruments, including zoning by-laws..

Speaking next to the density of residential buildings, Mr. Romano said that within the geographic neighbourhood, there is significant variance in the Floor Space Index, which ranges from 0.13 to 2.45 X area of the lot (FSI), and that the variances on Holmesdale Road. vary from 0.13 to 1.58 Mr. Romano then illustrated how the proposed dwellings' height, density, and massing, are represented in the houses present in the area. Based on this evidence, Mr. Romano concluded that the proposal was consistent with Section 4.1.5(c).

He said that the proposal is consistent with 4.1.5(d) because the prevailing building type conforms to what already exists on Holmesdale Road, due to the presence of other semi-detached buildings. The proposal is consistent with Sections 4.1.5(e) and (f), because the proposed driveway, and parkway are at grade, and the residential building will "be consistent with the neighbouring houses", thereby providing appropriate front wall alignment along Holmesdale Road. The proposal is consistent with 4.1.5(g) because it has an appropriately sized open amenity rear yard, and compact side yards, which fit in with the prevailing patterns of rear and side yard setbacks of existing properties. Lastly, he said that 4.1.5(h) and (i) don't apply to the proposal, because the property has no special landscape, built form features, or heritage buildings, or landscapes.

Based on this evidence, Mr. Romano stated that the proposal is consistent with Section 4.1.5 of the OP, before concluding, on the basis of the evidence offered, that the proposal fulfilled the intention, and purpose of the OP.

Mr. Romano next discussed how the proposal was consistent with the test of being consistent with the purpose of the Zoning By-Laws.

He said that the proposal achieves a semi-detached residential building, which is a permitted building type, in a manner that is appropriately sited, designed and sized to respect, reinforce, and be compatible with the Subject Site's physical context. He then spoke specifically to the variances, and said that the proposed front yard landscaped open space variance of 0.8 sq.m. balances hard, and soft surfaces within the front yard in order to facilitate water drainage, before speaking to the condition to install permeable pavers for the proposed driveway. He next spoke to the driveway width, and said that it met the intent of the By-Law to accommodate suitable vehicular access.

Speaking to the lot frontage, Mr. Romano said that while it is less than the Zoning standard, the lot frontage nevertheless meets the performance standard of achieving an "appropriately compact, modestly sized lot within the Subject Site's physical context". The proposed dwelling has a low rise wall height treatment, which is within the 11m and 3 storey height permission for this neighbourhood. He emphasized that the design meets the performance standard of limiting the height of main walls.

Decision of Toronto Local Appeal Body Panel Member: S. GOPIKRISHNA
TLAB Case File Number: 19 253734 S53 09 TLAB, 19 253740 S45 09 TLAB, 19 253742 S45 09 TLAB

He said that the proposed dwelling length variance meets the requisite performance standard by ensuring that the dwelling is appropriate for the lot, and is positioned to be “at the front of the lot, and not too deep into the rear yard”.

Mr. Romano next spoke to the Floor Space Index (FSI), and illustrated how it lay within a range of densities approved by the COA in the immediate context by a chart. Lastly, Mr. Romano said that the proposed side yard setbacks, proposed for each dwelling, meet the general intent and purpose to provide for adequate space to facilitate access, maintenance and servicing.

Based on the evidence discussed above, Mr. Romano concluded that the proposal satisfied the test of being consistent with the purpose, and intention of the By-Laws.

Mr. Romano next spoke to the test of minor. He said that the proposal will not cause any unacceptable adverse impacts such as shadowing, privacy or overlook on neighbouring properties, and added that the proposed severance is in keeping with the evolution of this neighbourhood where many lots have been created “since the inception of the plans of subdivision”. Stating that the determination of minor is not to be based on “an abstract mathematical calculation”, Mr. Romano opined that the order of magnitude of the minor variance requests are reasonable, and maintain a compatible detached residential land use that can be suitably accommodated on the Subject Site. Based on this evidence, Mr. Romano concluded that the proposal is consistent with the test of minor.

Mr. Romano next spoke to how the proposal is consistent with the test of desirable for the appropriate development, of the land, building or structure. He said that the proposal will introduce two compatible lot sizes, site design and dwellings with built form features, which exist in the community, and are appropriate for the use, and development of the land. The proposal will contribute to the mix of housing choices in this neighbourhood in a manner, that reflects and reinforces the neighbourhood’s physical character. Based on the evidence, above recited, Mr. Romano concluded that the proposal satisfies the test of appropriate development.

Mr. Romano concluded that the requested variances, and the proposal, satisfy all the four tests under Section 45.1 of the Planning Act.

Mr. Romano next spoke to how the severance of the property is consistent with Section 51(24) of the Planning Act.

He said that in the discussion respecting the variances, it had been demonstrated that the proposal satisfied the Official Plan, and the test respecting the sizes and shape of lots. .

Mr. Romano said that the severance is not premature, because services are readily available to accommodate the residential development, and that the proposal is consistent with the public interest, because it accommodates a “gentle intensification, reflective of changes in the neighbourhood”.

Decision of Toronto Local Appeal Body Panel Member: S. GOPIKRISHNA
TLAB Case File Number: 19 253734 S53 09 TLAB, 19 253740 S45 09 TLAB, 19 253742
S45 09 TLAB

Mr. Romano also said that the lands are physically suitable for the proposed residential development, because they have been used as such in the past, “and that there is nothing new, nor inappropriate being proposed for the Site”. The services that exist in the community, including schools and roads, are adequate to service the property, and the proposed development will utilize modern materials which will optimize land usage, and energy efficiencies.

Based on the above discussion, Mr. Romano concluded that the proposal satisfied Section 51(24) in its entirety, and recommended that the severance be granted, and the variances to build the semi detached houses be approved.

He then recited the conditions to be imposed, and prefaced the recitation by stating that the suggested conditions requested by the Appellant with respect to the severance are the “standard” conditions, which the TLAB imposes on all consent applications. The suggested conditions to be imposed on the approval of the minor variance include

- Substantial construction in accordance with the Submitted Plans, and Elevations,
- The driveways should have a slope within the boulevard of 2-4%, and be constructed of permeable pavers.

The specific conditions are recited in the Decision Section.

ANALYSIS, FINDINGS, REASONS

It is noted that this Appeal involved a single Party, namely the Appellant, and that there were no Parties, or Participants, in opposition to the Appeal, who provided evidence at the Hearing. The evidence of the Expert Witness, is uncontroverted, and will be weighted accordingly, for the purposes of this Decision.

As stated at the beginning of the Evidence Section, the Appellant introduced a new Exhibit at the beginning of the Hearing; I reiterate that this Exhibit included information about the updated PPS(2020), a comparison of the PPS (2020) with the PPS(2014), and a report from the Canadian Urban Institute, titled “COVID SINGPOST – 100 DAYS. In the absence of any other Parties in opposition, and the absence of objections to the admissibility of the document, I admitted the Exhibit.

I believe that the evidence presented by the Appellant, and the Expert Witness Statement, which relied on former PPS(2014), are sufficient for Decision purposes. The Appellant’s decision to introduce the document at the beginning of the Hearing, deprived me of an opportunity to familiarize myself with the material, and ask pertinent questions to determine the value add of this Exhibit. If it was determined that the new information was critical to the proceeding, the Appellants should have submitted the document, as part of their disclosure, in a timely fashion consistent with TLAB’s Rules of Practice and Procedure” (the Rules)..I would encourage all Parties to closely peruse, and adhere to the Rules, and be prudent, and prompt in their disclosure of documents.

Decision of Toronto Local Appeal Body Panel Member: S. GOPIKRISHNA
TLAB Case File Number: 19 253734 S53 09 TLAB, 19 253740 S45 09 TLAB, 19 253742 S45 09 TLAB

I am satisfied that the replacement of an existing house, by two semi-detached houses, is consistent with the Growth Plan (2014), and the PPS (2019). The evidence established that the neighbourhood in which the property is located, is “eclectic” because it has various types of houses, including detached, semi-detached and apartments. I accept the Appellant’s evidence that on Holmesdale, lots of various sizes, and shapes are evident, reinforcing the eclecticism of the community, as stated by the Witness. Holmesdale is also characterized by various types of housing typologies, ranging from two to three floors, with a wide range of frontages, and FSIs.

I accept the contention of the Appellant that the proposal is consistent with what already exists on the street, and therefore maintains the stability of the area. The evidence provided by the Appellant regarding the Official Plan corresponded to the main policies, and demonstrated how the community has continuously evolved through the construction of new houses, as well as severances of lots. I am satisfied that Policy 3.1.2 is satisfied because of the focus on gentle intensification, and that it is consistent with Policy 4.1.5, based on the evidence offered in this regard.

However, I believe that the discussion would have been enriched through a more fulsome discussion of the prevailing type of building in the area, and how the proposal corresponds to that prevailing type. While I don’t disagree with the Appellant’s contention that the neighbourhood is eclectic, the “prevailing type” is defined by the OP to be the “most frequently occurring”; and it should be possible to establish what the most frequently occurring type is, even in an eclectic neighbourhood.

Notwithstanding the Appellant’s lack of discussion regarding the “prevailing type”, I accept their uncontradicted evidence, and conclude that the proposal meets the test of being consistent with the intent, and the purpose of the Official Policy.

The test respecting the Zoning was discussed in detail, and fulsome evidence was presented to demonstrate that individual variances, and the proposal taken as a whole, fulfil the performance standards. I agree that the houses will be constructed, such that there is an adequate side yard that can be accessed for maintenance purposes, and that the proposed back yards, or front yards will not cause any unacceptable adverse impacts on the neighbours. I accept the conclusion that the proposal is consistent with the intent, and purpose of upholding the By-Laws.

I find that the proposal satisfies the test of minor because it does not introduce a hitherto unknown built form, or cause unacceptable impacts on the neighbouring properties. I also find that the proposal satisfies the test of appropriate development, because it introduces compatible lot size, site design and built form features, which will contribute to what already exists in this neighbourhood in a manner that reflects, and reinforces its physical character.

I conclude that the proposal satisfies the four tests under Section 45.1 of the Planning Act.

The Appellant then demonstrated how the proposal is consistent with Section 51(24).

Decision of Toronto Local Appeal Body Panel Member: S. GOPIKRISHNA
TLAB Case File Number: 19 253734 S53 09 TLAB, 19 253740 S45 09 TLAB, 19 253742 S45 09 TLAB

I am in agreement that some components of Section 51(24) do not apply because of the scope, and impact of the development, and the availability of resources, within the vicinity of the project (e.g. availability of roads and schools)..

As my critique of the Appellant's evidence about the OP, in the earlier discussion respecting Section 45.1 demonstrates, the evidence is adequate, even if not fulsome, to satisfy the test respecting the OP. Given the uncontroverted testimony provided on behalf of the Appellant, I accept the Appellant's evidence that the proposal is consistent with the OP. The test of the proposal's shape and size, being consistent with what exists on Holmesdale Avenue presently, is fulfilled given the variations in the lot sizes, and the spectrum of lot frontages, and sizes on the street. I note that the size of the plots is bigger than what is mandated by the zoning, while the frontage is smaller than what is prescribed by the By-Law, and agree with the Appellant, that the lot size is consistent with what exists on the street.

The severance satisfies the test of not being premature, as well as public interest, because it is the latest increment of change on the street, such that it does not result in anything unexpected , or inexperienced on the street, and does not destabilize the community.

Based on this discussion, I conclude that the proposal satisfies Section 51(24) in its entirety.

The Appellant proposed "standard conditions" be imposed on the severance, and I therefore impose conditions listed in Practice Direction 1 of the TLAB. The Appellant suggested that two conditions be imposed on approval of the variances; namely, that the buildings be constructed in substantial compliance with the submitted Plans, and Elevations, dated July 8, 2019, and that the pathway be constructed with permeable pavers. I herewith cite the conditions to be imposed on the severance, as well as the approval of the variances:

CONDITIONS OF CONSENT APPROVAL:

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, Technical Services.
3. Prior to the issuance of a building permit, the applicant shall satisfy all conditions concerning City owned trees, to the satisfaction of the Director, Parks, Forestry & Recreation, Urban Forestry Services.
4. Where no street trees exist, the owner shall provide payment in an amount to cover the cost of planting a street tree abutting each new lot created, to the satisfaction of the General Manager, Parks, Forestry and Recreation. The current cash-in-lieu payment is \$583/tree.

Decision of Toronto Local Appeal Body Panel Member: S. GOPIKRISHNA
TLAB Case File Number: 19 253734 S53 09 TLAB, 19 253740 S45 09 TLAB, 19 253742 S45 09 TLAB

5. Two copies of the registered reference plan of survey integrated with the Ontario Coordinate System and listing the Parts and their respective areas, shall be filed with City Surveyor, Survey & Mapping, and Technical Services.

6. Three copies of the registered reference plan of survey satisfying the requirements of the City Surveyor, shall be filed with the Committee of Adjustment.

7. Within ONE YEAR of the date of the giving of this notice of decision, the applicant shall comply with the above-noted 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 and/or consent transaction.

Conditions of Minor Variance Approval

1. The proposed dwellings shall be constructed substantially in accordance with the following plans, prepared by RN Design Ltd. with revision dates as noted:

a. Part 1: Grading Plan (May 13, 2019), South Elevation (B5) (July 8, 2019), North Elevation (B6) (July 8, 2019), West Side Elevation (B7) (July 8, 2019);

b. Part 2: Grading Plan (May 13, 2019), South Elevation (B5) (July 8, 2019), North Elevation (B6) (July 8, 2019), East Side Elevation (B7) (July 8, 2019);

2. The plans submitted for the building permit application shall show the proposed driveways having a slope within the boulevard as being 2% - 4%.

3. The driveways shall be constructed of permeable pavers.

I am in agreement with the Appellant about the proposed conditions because they are sufficient, and reasonable, and herewith impose them on the approval of the consent to sever the property, and the requested variances.

DECISION AND ORDER

1. The Appeal is allowed, and the decision of the Committee of Adjustment, dated November 6, 2019, is set aside.
2. The Consent to sever the existing lot at 52 Holmesdale Avenue, is approved as follows:

Retained - Part 1, Draft R-Plan
Address to be assigned

The lot has a frontage of 5.335 m and an area of 203.03 m². The existing one-storey detached dwelling and rear detached garage will be demolished. A new three-storey semi-detached dwelling with rear second storey deck, front third storey balcony, and front integral garage will be constructed.

Conveyed - Part 2, Draft R-Plan

Address to be assigned

The lot has a frontage of 5.335 m and an area of 203.03 m². The existing one-storey detached dwelling and rear detached garage will be demolished. A new three-storey semi-detached dwelling with rear second storey deck, front third storey balcony, and front integral garage will be constructed.

3. The list of variances approved are listed in Schedule A, appended to this Decision as an Attachment. No other variances, other than what appear in Schedule A, are approved.

4. The Conditions imposed on the severance, as well as the approval of the variances, are also listed in Schedule A.

So orders the Toronto Local Appeal Body

X



S. Gopikrishna
Panel Chair, Toronto Local Appeal Body

52 Holmesdale Road - Schedule A
Recital of variances and conditions to be imposed on approval

**52 Holmesdale Road – List of Variances
Part 1 (West Lot)**

- 1. Chapter 10.5.40.60.(1)(A)(i) By-law 569-2013**
A platform without main walls, attached to or less than 0.3m from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required front yard setback 2.5m if it is no closer to a side lot line than the required side yard setback.
The altered platform will project 0.9m into the required front yard and 1.0m into the required west side yard.
- 2. Chapter 10.5.40.60.(3)(A)(iii), By-law 569-2013**
Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no closer to a lot line than 0.6m.
The altered front porch stairs will be located 0.5m from the west side lot line.
- 3. Chapter 10.5.50.10.(1)(D), By-law 569-2013**
A minimum of 75% (7.5m²) of the required front yard landscaped open space shall be in the form of soft landscaping.
In this case, 67% (6.7m²) of the required front yard landscaped open space will be in the form of soft landscaping.
- 4. Chapter 10.5.100.1.(1)(B), By-law 569-2013**
The maximum permitted driveway width is 2.6m.
In this case, the driveway width will be 3.05m.
- 5. Chapter 10.80.30.20.(1)(C), By-law 569-2013**
The minimum required lot frontage for a semi-detached house located on two lots is 6.0m.
The lot frontage will be 5.335m.
- 6. Chapter 10.80.40.10.(2)(A)(i), By-law 569-2013**
The maximum permitted height of all front and rear exterior main walls is 7.5m.
The height of the front exterior main walls will be 9.7m.
- 7. Chapter 10.80.40.10.(2)(A)(ii), By-law 569-2013**
The maximum permitted height of all front and rear exterior main walls is 7.5m.
The height of the rear exterior main walls will be 9.4m.
- 8. Chapter 10.80.40.10.(4), By-law 569-2013**
The maximum permitted height of the lowest point of a main pedestrian entrance through a front wall or side main wall may be no higher than 1.2m above established grade.
The altered height of the main pedestrian entrance through the front main wall will be 1.5m above established grade.
- 9. Chapter 10.80.40.20.(1), By-law 569-2013**
The maximum permitted building length for a semi-detached house is 17.0m.
The altered semi-detached house will have a building length of 17.5m.

10. Chapter 10.80.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index of a semi-detached house is 0.8 times the area of the lot (162.4m^2).

The altered semi-detached house will have a floor space index equal to 1.14 times the area of the lot (232.2m^2).

11. Chapter 10.80.40.70.(3)(B), By-law 569-2013

The minimum required side yard setback is 1.5m.

The altered semi-detached house will be located 0.46m from the west side lot line.

Part 2 (East Lot)

1. **Chapter 10.5.40.60.(1)(A) By-law 569-2013**
A platform without main walls, attached to or less than 0.3m from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required front yard setback 2.5m if it is no closer to a side lot line than the required side yard setback.
The altered platform will encroach 0.9m into the required front yard setback and 1.0m into the east side yard setback.
2. **Chapter 10.5.40.60.(3)(A)(iii), By-law 569-2013**
Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no closer to a lot line than 0.6m.
The altered front porch stairs will be located 0.5m from the east side lot line.
3. **Chapter 10.5.50.10.(1)(D), By-law 569-2013**
A minimum of 75% (7.4m²) of the required front yard landscaped open space shall be in the form of soft landscaping.
In this case, 67% (6.6m²) of the required front yard landscaped open space will be in the form of soft landscaping.
4. **Chapter 10.5.100.1.(1), By-law 569-2013**
The maximum permitted driveway width is 2.6 m.
In this case, the driveway width will be 3.05m.
5. **Chapter 10.80.30.20.(1), By-law 569-2013**
The required minimum lot frontage is 6.0m.
The lot frontage will be 5.335m.
6. **Chapter 10.80.40.10.(2)(A), By-law 569-2013**
The maximum permitted height of all front and rear exterior main walls is 7.5m.
The height of the front and rear exterior main walls will be 9.4m.
7. **Chapter 10.80.40.10.(4), By-law 569-2013**
The maximum permitted height of the lowest point of a main pedestrian entrance through a front wall or side main wall may be no higher than 1.2m above established grade.
The altered height of the main pedestrian entrance through the front main wall will be 1.5m above established grade.
8. **Chapter 10.80.40.20.(1), By-law 569-2013**
The maximum permitted building length for a semi-detached house is 17.0m.
The altered semi-detached house will have a building length of 17.2m.
9. **Chapter 10.80.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index of a semi-detached house is 0.8 times the area of the lot (162.4 m²).
The altered semi-detached house will have a floor space index equal to 1.14 times the area of the lot (231.1m²).

10. Chapter 10.80.40.70.(3)(B), By-law 569-2013

The minimum required side yard setback is 1.5m.

The altered semi-detached house will be located 0.46m from the east side lot line.

Conditions of Consent Approval

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, Technical Services.
3. Prior to the issuance of a building permit, the applicant shall satisfy all conditions concerning City owned trees, to the satisfaction of the Director, Parks, Forestry & Recreation, Urban Forestry Services.
4. Where no street trees exist, the owner shall provide payment in an amount to cover the cost of planting a street tree abutting each new lot created, to the satisfaction of the General Manager, Parks, Forestry and Recreation. The current cash-in-lieu payment is \$583/tree.
5. Two copies of the registered reference plan of survey integrated with the Ontario Coordinate System and listing the Parts and their respective areas, shall be filed with City Surveyor, Survey & Mapping, and Technical Services.
6. Three copies of the registered reference plan of survey satisfying the requirements of the City Surveyor, shall be filed with the Committee of Adjustment.
7. Within ONE YEAR of the date of the giving of this notice of decision, the applicant shall comply with the above-noted 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 and/or consent transaction.

Conditions of Minor Variance Approval

1. The proposed dwellings shall be constructed substantially in accordance with the following plans, prepared by RN Design Ltd. with revision dates as noted:
 - a. Part 1: Grading Plan (May 13, 2019), South Elevation (B5) (July 8, 2019), North Elevation (B6) (July 8, 2019), West Side Elevation (B7) (July 8, 2019);
 - b. Part 2: Grading Plan (May 13, 2019), South Elevation (B5) (July 8, 2019), North Elevation (B6) (July 8, 2019), East Side Elevation (B7) (July 8, 2019);
2. The plans submitted for the building permit application shall show the proposed driveways having a slope within the boulevard as being 2% - 4%.
3. The driveways shall be constructed of permeable pavers.





















52 Holmesdale Road - Schedule B - Plans and Elevations

NOTE: BUILDER TO VERIFY LOCATION OF ALL HYDRANTS, STREET LIGHTS, TRANSFORMERS AND OTHER SERVICES. IF MIN. DIMENSIONS ARE NOT MAINTAINED BUILDER IS TO RELOCATE AT HIS OWN EXPENSE.

BUILDING STATISTICS

REG. PLAN No.	PLAN 1442
ZONE	
LOT NUMBER	PART 1
LOT AREA(m) ²	
BLDG AREA(m) ²	
LOT COVERAGE(%)	
No. OF STOREYS	
MEAN HEIGHT(m)	
PEAK HEIGHT(m)	
DECK LINE(m)	

LEGEND

FFE	FINISHED FLOOR ELEVATION		SUMP PUMP
TFW	TOP OF FOUNDATION WALL		BELL PEDESTAL
TBS	TOP OF BASEMENT SLAB		CABLE PEDESTAL
USF	UNDER SIDE FOOTING		CATCH BASIN
USFR	UNDER SIDE FOOTING @ REAR		DBL. CATCH BASIN
USFG	UNDER SIDE FOOTING @ GARAGE		ENGINEERED FILL
TEF	TOP OF ENGINEERED FILL		HYDRO CONNECTION
R	NUMBER OF RISERS TO GRADE		FIRE HYDRANT
WOD	WALKOUT DECK		STREET LIGHT
LOB	LOOKOUT BASEMENT		MAIL BOX
WOB	WALK OUT BASEMENT		TRANSFORMER
REV	REVERSE PLAN		SEWER CONNECTIONS 2 LOT
STD	STANDARD PLAN		SEWER CONNECTIONS 1 LOT
△	DOOR		WATER CONNECTION
○	WINDOW		WATER VALVE CHAMBER
AC	AIR CONDITIONING		HYDRANT AND VALVE
→	DOWN SPOUT TO SPLASH PAD		HYDRO METER
→	DOWNSPOUT CONNECTED TO STM		GAS METER
→	SWALE DIRECTION		MANHOLE - STORM
→	SWALE DIRECTION		MANHOLE - SANITARY
—XX—	CHAINLINK FENCE		
—XXX—	PRIVACY FENCE		
—	SOUND BARRIER		
—	FOOTING TO BE EXTENDED TO 1.22 (MIN) BELOW GRADE		
—REVCHK—	REVERSE FOUNDATION CHECK		

NOTE: USF IS BASED ON 150mm (6") FOOTING DEPTH. CONTRACTOR TO CONFIRM WITH WORKING DRAWINGS FOR SPECIFIC SIZES THAT MAY SUPERSEDE THIS SIZE.

ISSUED OR REVISION COMMENTS

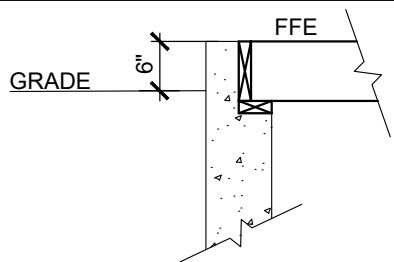
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SITE STATISTICS				
52 Holmesdale Road				
PART OF LOT 300				
REGISTERED PLAN -1442, CITY OF TORONTO				
ZONING DESIGNATION				
YORK ZONING BY-LAW No.1-83 & 3623-97- R2				
CITY OF TORONTO BY-LAW No. 569-2013 - RM(f12.0;u2;d0.8)(x252)				
		REQUIRED	PROPOSED	
		PART 1	PART 1	
LOT AREA	m ²		203.03	
LOT FRONTAGE	m	6	5.335	Variance Required
LOT COVERAGE	%		46.3	
BUILDING HEIGHT	m		10.41	
ALL SIDE EXTERIOR MAIN WALLS	m	7.5	9.7	Variance Required
NUMBER OF STOREYS		3	3	
HEIGHT OF 1st FLOOR	m	1.2	1.5	Variance Required
BUILDING LENGTH	m	17	17.5	Variance Required
FLOOR AREA (FSI)		0.8	1.14	Variance Required
PLATFORM ENCROACHMENT ON SIDE YARD	m	0	1.045	Variance Required
PLATFORMS AT 2nd FLOOR	m ²		3.9	
DRIVEWAY WIDTH		2.6	3.05	Variance Required
SETBACKS				
FRONT YARD	m		5.6	
REAR YARD	m		15.0	
SIDE YARDS	m	1.5	0.455/0.0	Variance Required
AREA CALCULATIONS - MAIN BUILDING				
BUILDING AREA W/O PORCH & DECK	m ²		85.96	
BUILDING AREA W/ PORCH & DECK	m ²		93.97	
BASEMENT (excluded in GFA)	m ²		35.7	
GROUND	m ²		64.74	
SECOND	m ²		84.4	
THIRD	m ²		83.1	
TOTAL GFA	m ²		232.2	
FRONT YARD LANDSCAPING				
FRONT YARD	m ²		32.44	
DRIVEWAY	m ²		18.4	
LANDSCAPED AREA	m ²		8.44	
SOFT LANDSCAPING	m ²		6.72	
%OF SOFT LANDSCAPE AREA	%	75%	67.0%	Variance Required
REAR YARD LANDSCAPING				
REAR YARD LANDSCAPE	m ²		80.25	
SOFT LANDSCAPING	m ²		79.60	
% OF SOFT LANDSCAPE AREA	%	25%	99.2%	
PARKING SPACE				
PARKING SPACE (GARAGE WIDTH)	m	3.2	3.2	

 = SOFT LANDSCAPING

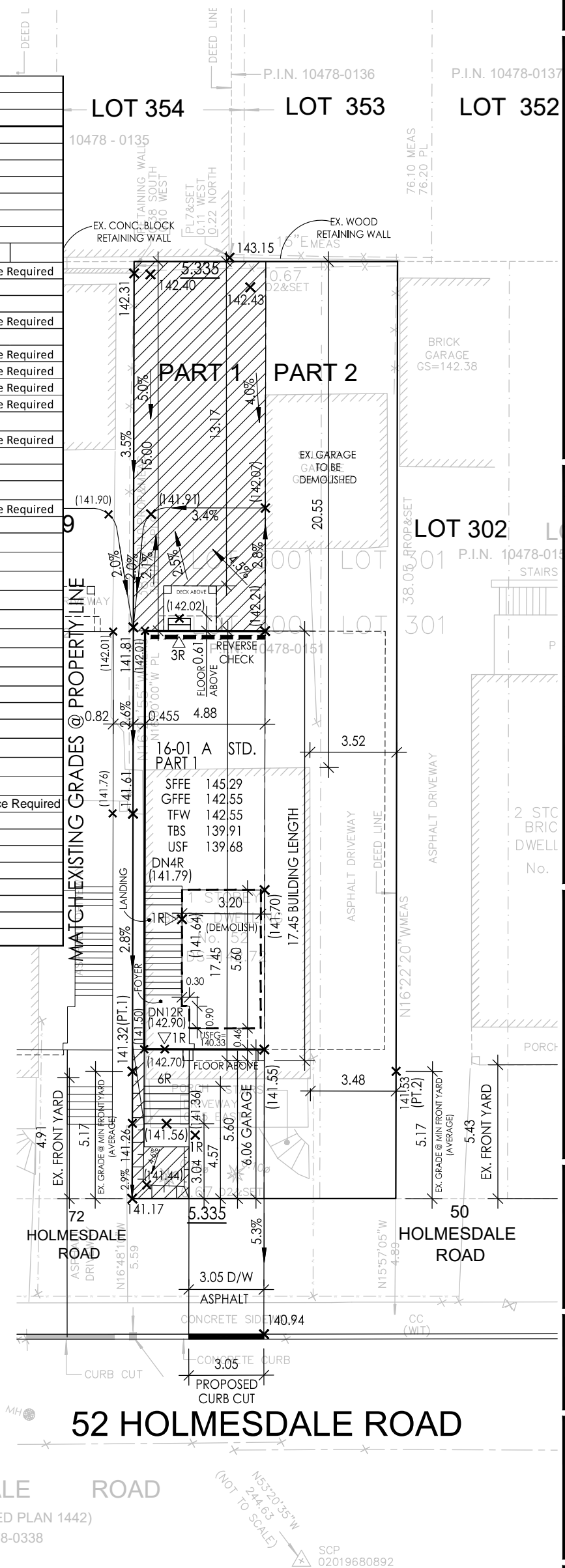
ESTABLISHED GRADE CALCULATION				
	POINT 1	POINT 2	TOTAL	AVERAGE
PART 1	141.32	141.53	282.85	141.42

REVERSE CHECK DETAIL



NOTES:

- i. The applicant is required to restore any redundant section of the existing driveway that is being closed with sod and a poured raised concrete curb within the municipal boulevard according to City of Toronto Design Standard
- ii. The proposed new driveways shall be constructed to the applicable City of Toronto Design Standards at no cost to the municipality
- iii. The applicant shall also submit a Municipal Road Damage Deposit (MRDD) prior to obtaining a Building Permit.
- iv. The applicant shall obtain the necessary authorizations and permits from the City's Right-of-Way Management Section of the Transportation Services before excavating within or encroaching into the municipal road allowance.



Imagine • Inspire • Create **RN DESIGN LTD.**

 8395 JANE STREET, SUITE 203
VAUGHAN, ONTARIO. L4K 5Y2
T:905-738-3177 | F: 905-738-5449

I, MARTHA SANDOVAL DECLARE THAT I HAVE REVIEWED AND TAKEN DESIGN RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF **RN DESIGN LTD** UNDER DIVISION C, PART-3 SUBSECTION-3.2.4 OF THE BUILDING CODE. I AM QUALIFIED AND THE FIRM IS REGISTERED IN THE APPROPRIATE CLASSES / CATEGORIES.

QUALIFIED DESIGNER BCIN:	103017
FIRM BCIN:	26995
DATE:	MAY 13/2019

SIGNATURE: _____

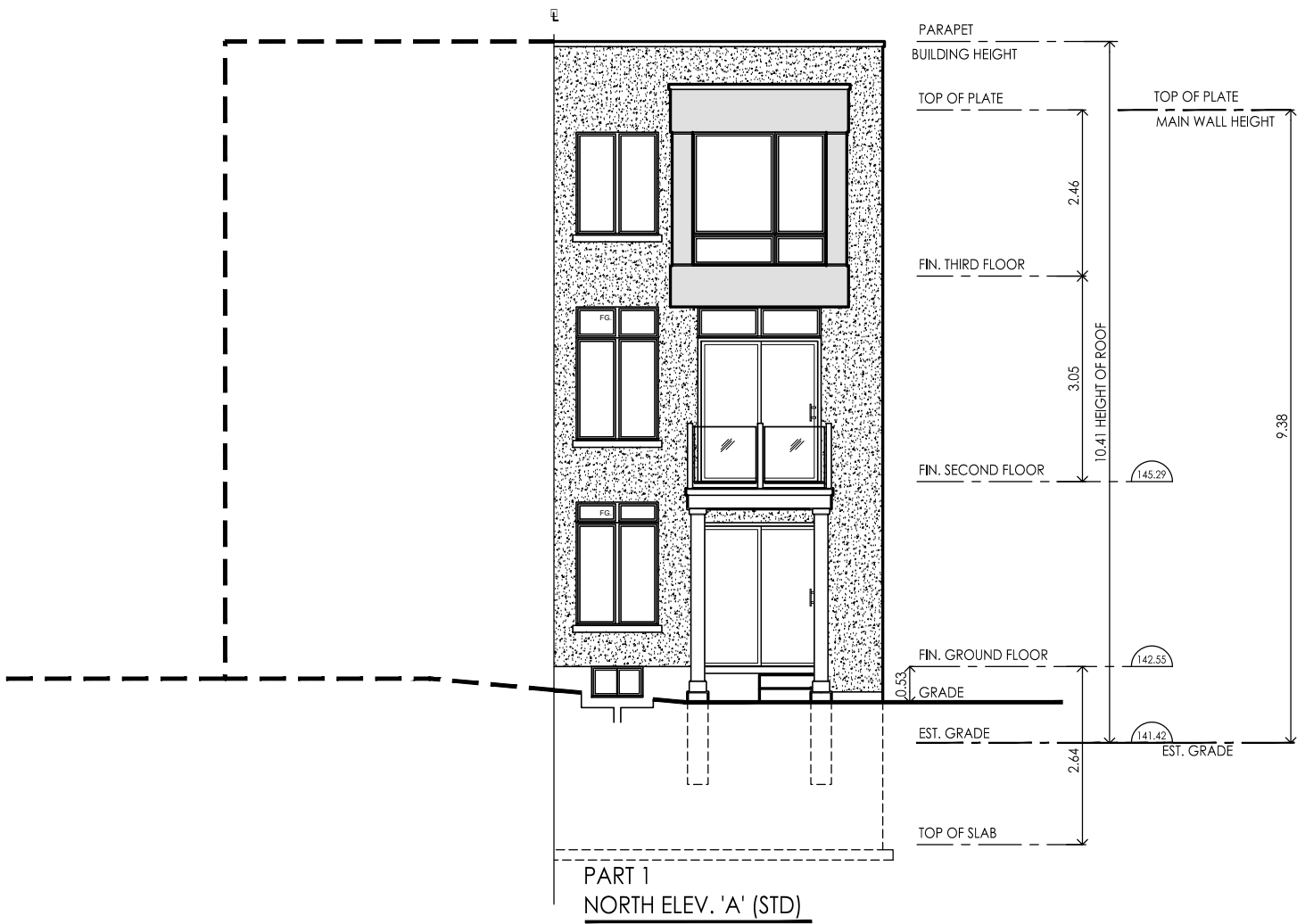
CLIENT	FRANTON HOMES
PROJECT/LOCATION	SEMI-DETACHED HOME 52 HOLMESDALE RD, TORONTO, ON.
DRAWING	GRADING PLAN

DRAWN BY JC	SCALE 1:200
PROJECT No. 19015	LOT NUMBER PART 1



PART 1
SOUTH ELEV. 'A' (STD)

revisions		initials	date
1	1. ZONING REVIEW (ZONING CERTIFICATE APPLICATION) MJS		07-MAY-2017
2	2. ZONING REVIEW (ZONING CERTIFICATE APPLICATION) MJS		08-JUL-2017



2921 SF

(includes 0 sf otb and
384 sf finished bsmt.)

client

Franton Homes

project

Semi-detached
PART 1

model

16-01

project #

19015

scale

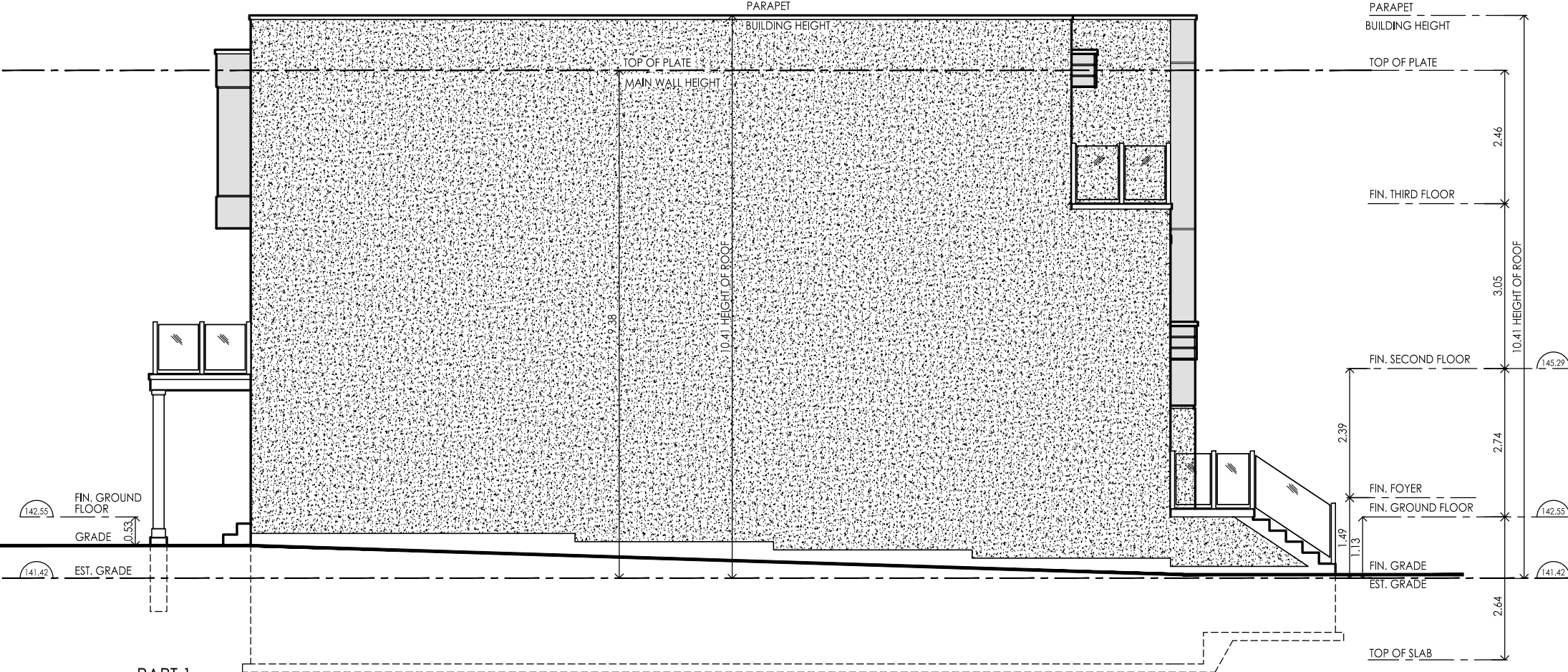
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revisions initials date

1	ZONING REVIEW (ZONING CERTIFICATE) APPLICATION	MJS	01-MAY-2018
2	ZONING REVIEW (ZONING CERTIFICATE) APPLICATION	MJS	08-JUL-2019

B6 (PART 1)



PART 1
WEST SIDE ELEV. 'A' (STD)

2921 SF
(includes 0 sf otb and
384 sf finished bsmt.)

client
Franton Homes

project
**Semi-detached
PART 1**

model
16-01

project #
19015


scale
(1:100)

page

revisions	initials	date
1 ZONING REVIEW (ZONING CERTIFICATE) APPLICATION	MJS	01-MAY-2019
2 ZONING REVIEW (ZONING CERTIFICATE) APPLICATION	MJS	08-JUL-2019

\\Fs-C:_RN\Boracosa\Temp\Ker\Jolin_0946\19015-16-01-Hill-dwg Plotset.dwg Plotset: JUL22 2019 By jpolan

BUILDING STATISTICS	
REG. PLAN No.	PLAN 1442
ZONE	
LOT NUMBER	PART 2
LOT AREA(m) ²	
BLDG AREA(m) ²	
LOT COVERAGE(%)	
No. OF STOREYS	
MEAN HEIGHT(m)	
PEAK HEIGHT(m)	
DECK LINE(m)	

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8395 JANE STREET, SUITE 203
VAUGHAN, ONTARIO. L4K 5Y2
T:905-738-3177 | F: 905-738-5449

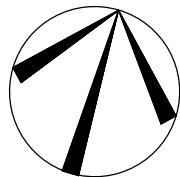
I, MARTHA SANDOVAL DECLARE THAT I HAVE REVIEWED AND TAKEN DESIGN RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF **RN DESIGN LTD.** UNDER DIVISION C.PART-3 SUBSECTION-3.2.4 OF THE BUILDING CODE. I AM QUALIFIED AND THE FIRM IS REGISTERED IN THE APPROPRIATE CLASSES / CATEGORIES.

QUALIFIED DESIGNER BCIN:	103017
FIRM BCIN:	26995
DATE:	MAY 13/2019

SIGNATURE: _____

CUSTOMER	FRANTON HOMES
PROJECT/LOCATION	SEMI-DETACHED HOME 52 HOLMESDALE RD, TORONTO, ON.
DRAWING	GRADING PLAN

DRAWN BY JC	SCALE 1:200
PROJECT No. 19015	LOT NUMBER PART 2

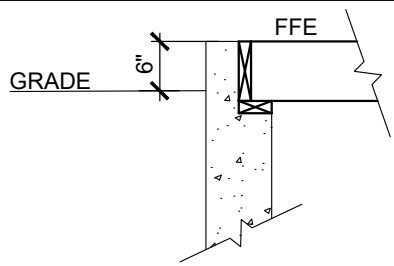


SITE STATISTICS				
52 Holmesdale Road				
PART OF LOT 300				
REGISTERED PLAN -1442, CITY OF TORONTO				
ZONING DESIGNATION				
YORK ZONING BY-LAW No.1-83 & 3623-97- R2				
CITY OF TORONTO BY-LAW No. 569-2013 - RM(f12.0;u2;d0.8)(x252)				
		REQUIRED	PROPOSED	
		PART 2	PART 2	
LOT AREA	m ²		203.03	
LOT FRONTAGE	m	6	5.335	Variance Required
LOT COVERAGE	%		45.9	
BUILDING HEIGHT	m		10.41	
ALL SIDE EXTERIOR MAIN WALLS	m	7.5	9.4	Variance Required
NUMBER OF STOREYS		3	3	
HEIGHT OF 1st FLOOR	m	1.2	1.5	Variance Required
BUILDING LENGTH	m	17	17.22	Variance Required
FLOOR AREA (FSI)		0.8	1.14	Variance Required
PLATFORM ENCROACHMENT ON SIDE YARD	m	0	1.045	Variance Required
PLATFORMS AT 2nd FLOOR	m ²		3.9	
DRIVEWAY WIDTH	m	2.6	3.05	Variance Required
SETBACKS				
FRONT YARD	m		5.82	
REAR YARD	m		15.01	
SIDE YARDS	m	1.5	0.455/0.0	Variance Required
AREA CALCULATIONS - MAIN BUILDING				
BUILDING AREA W/O PORCH & DECK	m ²		85.19	
BUILDING AREA W/ PORCH & DECK	m ²		93.27	
BASEMENT (excluded in GFA)	m ²		35.7	
GROUND	m ²		64.74	
SECOND	m ²		83.6	
THIRD	m ²		82.3	
TOTAL GFA	m ²		231	
FRONT YARD LANDSCAPING				
FRONT YARD	m ²		32.29	
DRIVEWAY	m ²		18.4	
LANDSCAPED AREA	m ²		8.35	
SOFT LANDSCAPING	m ²		6.59	
%OF SOFT LANDSCAPE AREA	%	75%	67.0%	Variance Required
REAR YARD LANDSCAPING				
REAR YARD LANDSCAPE	m ²		80.31	
SOFT LANDSCAPING	m ²		80.13	
% OF SOFT LANDSCAPE AREA	%	25%	99.8%	
PARKING SPACE				
PARKING SPACE (GARAGE WIDTH)	m	3.2	3.2	

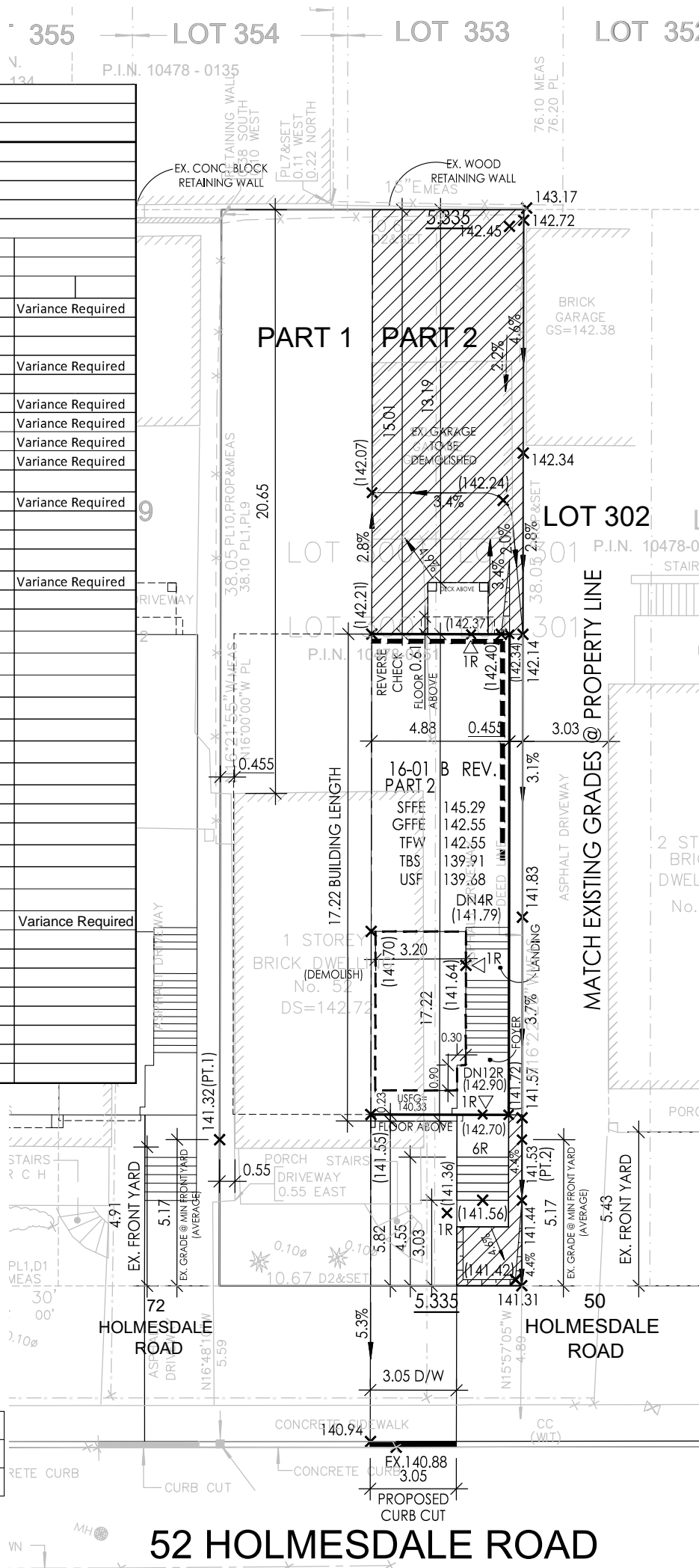
 = SOFT LANDSCAPING

ESTABLISHED GRADE CALCULATION				
	POINT 1	POINT 2	TOTAL	AVERAGE
PART 1	141.32	141.53	282.85	141.42

REVERSE CHECK DETAIL



iv. The applicant shall obtain the necessary authorizations and permits from the City's Right-of-Way Management Section of the Transportation Services before excavating within or encroaching into the municipal road allowance.



52 HOLMESDALE ROAD

SDALE ROAD

REGISTERED PLAN 1442)
N. 10478-0338

N53°20'35"W
244.63
(NOT TO SCALE)

SCP
02019680892

2921 SF

(includes 0 sf orb and 384 sf finished bsmt.)

client

Franton Homes

project

Semi-detached
PART 2

model

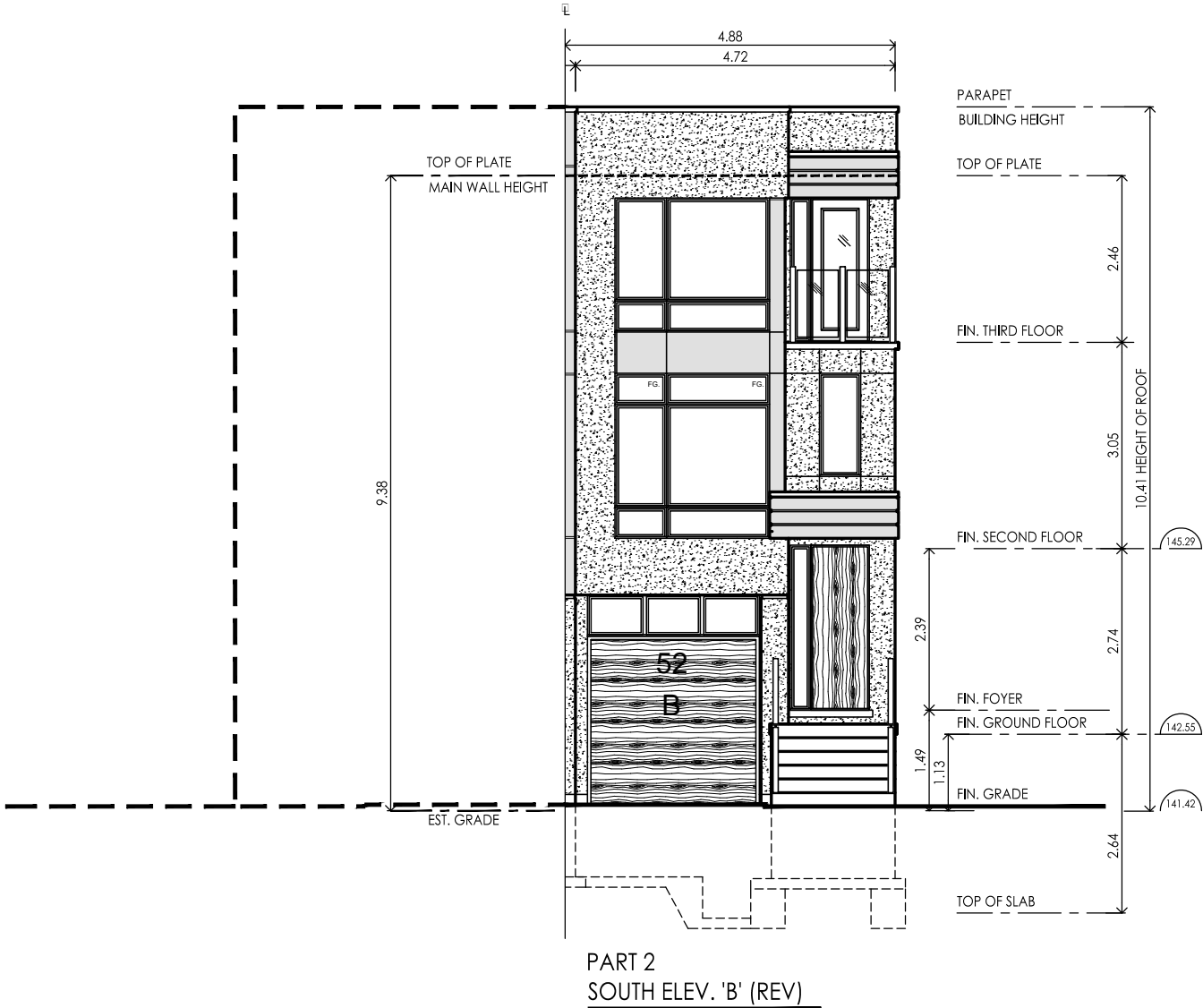
16-01

project #
19015

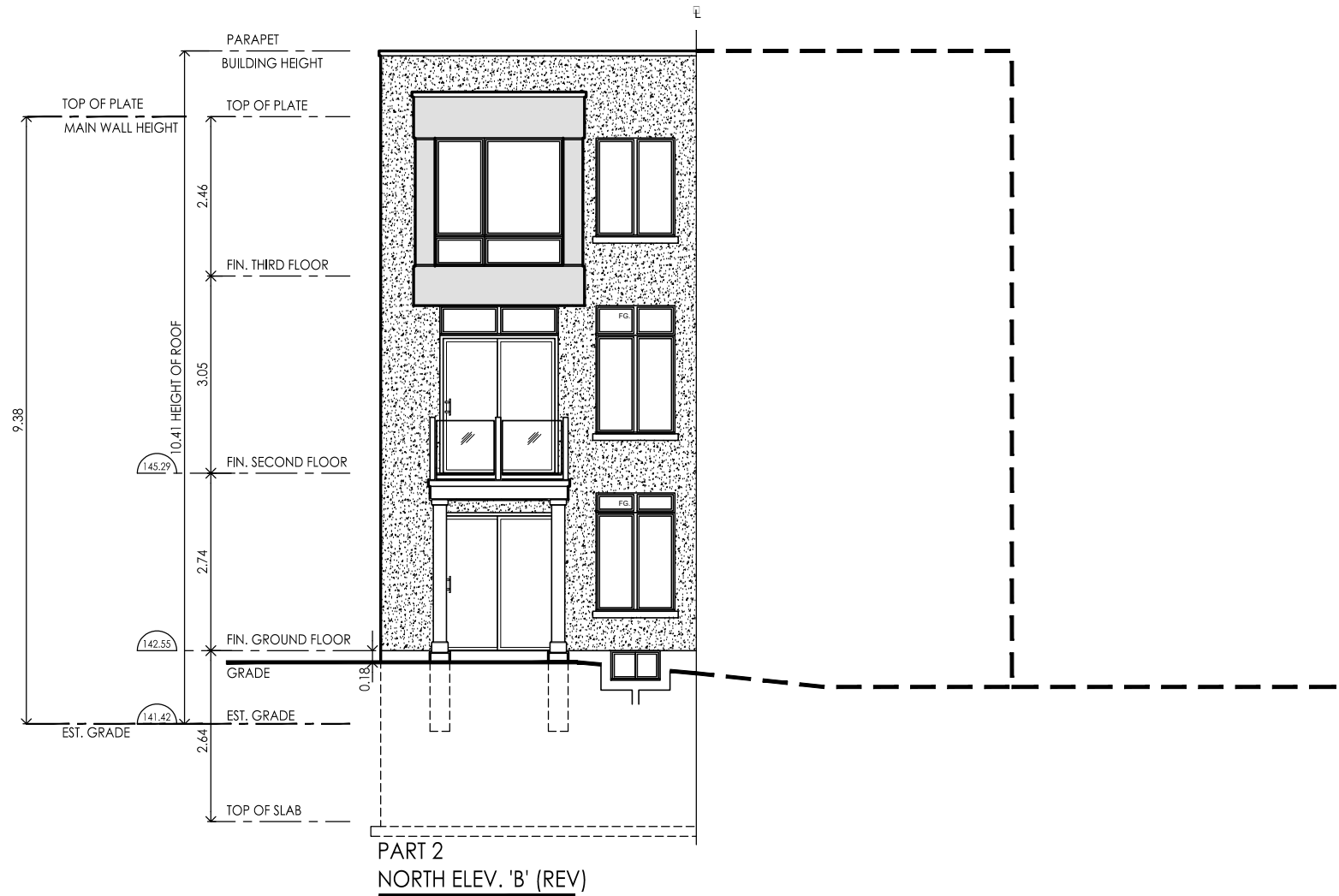
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B5 (PART 2)



revisions		initials	date
1	1 ZONING REVIEW (ZONING CERTIFICATE APPLICATION M.A.S. 07-MAY-2017)		
2	2 ZONING REVIEW (ZONING CERTIFICATE APPLICATION M.A.S. 08-JUL-2017)		



2921 SF
(includes 0 sf otb and 384 sf finished bsmt.)

client

Franton Homes

project

Semi-detached
PART 2

model

16-01

project #

19015

scale

(1:100)

page

revisions	initials	date
1 ZONING REVIEW (ZONING CERTIFICATE) APPLICATION	MJS	01-MAY-2019
2 ZONING REVIEW (ZONING CERTIFICATE) APPLICATION	MJS	08-JUL-2019



B7 (PART 2)