

DECISION AND ORDER

Decision Issue Date Tuesday, April 13, 2021

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): Michael Schirmer

Applicant(s): Goldman Architect

Property Address/Description: 493 Sackville St

Committee of Adjustment File

Number(s): 19 262495 STE 13 MV (S1317/19TEY)

TLAB Case File Number(s): 20 175912 S45 13 TLAB

Hearing date: Thursday, March 18, 2021

Deadline Date for Closing Submissions/Undertakings: Tuesday, March 30, 2021

DECISION DELIVERED BY D. Lombardi

REGISTERED PARTIES AND PARTICIPANTS

Applicant	Goldman Architect
Owner	Marina Shvindlerman
Appellant	Michael Schirmer
Appellant's Legal Rep.	Alan Heisey
Party	Gareth E Newlands
Party's Legal Rep.	Aaron Platt
Participant	Christopher Caulford
Participant	Paul WT Kingston
Participant	Gina Marasco
Expert Witness	John Paul Morgan
Expert Witness	Jeff Krause
Expert Witness	Christian Chan
Expert Witness	Sean Galbraith
Expert Witness	Christopher Borgal
Expert Witness	Morgan Solar Inc

INTRODUCTION AND BACKGROUND

This is an appeal by Michael Schirmer (Appellant) of the Toronto and East York Panel of the City of Toronto (City) Committee of Adjustment (COA) approval, with conditions, of variances to permit the alteration of a two-storey townhouse at 493 Sackville Street (subject property) by constructing a rear, two-storey addition, a new third-storey addition, interior alterations, and a rear detached garage.

The subject property is located in the Cabbagetown neighbourhood of the City on the east side of Sackville Street, a north/south street that terminates at St. James Cemetery and "T" intersects with Alpha Avenue, which is also a dead-end street. It is surrounded by residential uses, mostly townhouse in form.

It is designated *Neighbourhoods* in the in-force City Official Plan (OP) and zoned 'Residential' R (d1.0, x851) by By-law 569-2013. It is also located within the Cabbagetown North Heritage Conservation District Plan (CNHCD) although the townhouse block within which the subject dwelling is situated is not individually designated under the *Ontario Heritage Act*.

The subject property is a regularly shaped, rectangular lot with an existing area of 153.12 m², with a 4.25 m lot frontage on Sackville Street and 4.27 m of frontage on the rear public lane. It is currently occupied by a 2-storey townhouse dwelling unit.

The Toronto Local Appeal Body (TLAB) scheduled the matter to be heard 'virtually' on March 18, 2021.

On March 17, 2021, the day before the Hearing, the TLAB received an urgent email from Aaron Platt, counsel for the Owner (Marina Shvindlerman), indicating that a settlement of the matter had been reached with the Appellant.

In that email, Mr. Platt noted that his clients and the Appellant were able to reach a complete settlement of the Appellant's issues after extensive and earnest negotiations and terms had been memorialized in Minutes of Settlement (MOS) which he attached to the email and served on all Parties.

Furthermore, he advised that the Parties intended to jointly submit a copy of the MOS as an exhibit at the Hearing but that he was pre-filing the document with the TLAB as required by its Rules of Practice and Procedure (Rules).

Finally, Mr. Platt noted in his email that as a result of the settlement, the Parties had agreed that the Applicant's expert land use planner would be the only witness called to give evidence at the Hearing. He noted that the MOS contained schedules providing for minor reductions in the relief requested with respect to the variances approved by the COA, as well as a list of conditions of approval that the Parties will be jointly requesting be imposed if the TLAB approves the Application.

The scheduled Hearing was convened on March 18, 2021 and in attendance were Mr. Platt, representing the Applicant, and Sean Galbraith, the Applicant's expert planning witness. The Appellant, Michael Schirmer, was represented by his legal counsel, Alan Heisey, as well as Christian Chan (C2 Planning), a land use planner.

Also, in attendance, were Christopher Caulford, Gina Marasco, and Paul Kingston, neighbours who elected Participant status in the matter.

At the outset, I advised that pursuant to Council's direction, I had attended the site, familiarized myself with the surrounding area, and had reviewed the pre-filed materials but that the evidence to be heard was of importance.

On prompting, Mr. Platt informed me of two housekeeping matters that he wished to highlight; the first was a typographical error in the citation of Variance 4 in the List of Revised Variances included in the MOS (Exhibit 1 – Schedule "A-1"). He explained that the sub-clause in the Zoning By-law 569-2013 Chapter referenced was technically incorrect and would be revised accordingly for accuracy in the final list of variances.

The second matter related to the issue of the fenestration proposed by the Applicant in his elevation drawings and modified, related wording contained in the MOS. Mr. Platt explained that the Applicant wanted some design flexibility in adding or

eliminating a window and therefore incorporated an exclusion clause in the MOS to that affect allowing the Owner options based on interior design decisions. Mr. Platt confirmed that this had been discussed with the Appellant and his solicitor and that there was no objection to revised Conditions of Approval to reflect this exclusionary wording modification.

In a very brief opening statement, Mr. Platt highlighted that the TLAB has before it a settlement agreement and a Revised List of Variances as follows:

1. Chapter 10.10.40.30.(1)(B), By-law 569-2013

The maximum permitted building depth for a townhouse is 14.0 m.
The altered building depth will be 15.77 m.

2. Chapter 10.10.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index is 1.0 times the area of the lot (153.04 m²).
The floor space index will be a maximum of 1.10 times the area of the lot (167.92 m²).

3. Chapter 10.5.50.10.(1)(D), By-law 569-2013

A minimum of 75% of the required front yard landscaping must be soft landscaping (3.44m²).
The front yard soft landscaping area will be 12% (0.56 m²).

4. Chapter 10.10.40.80.(1)(B), By-law 569-2013

The minimum required distance between main walls for a townhouse is 5.5 m where there are openings to dwelling units in one main wall.
In this case, the distance between main walls where there are openings will be 1.55 m.

He highlighted that the revised variances, above recited, reflect minor modifications to Variances 2, 3 and 4 previously sought and approved by the COA and that those modifications have resulted in a cumulative reduction in the magnitude of the variances requested as follows:

- Variance 2 – the Floor Space Index (FSI) has been reduced from 1.18 times the area of the lot to **1.10** x (or 167.92 m²).
- Variance 3 – the existing front yard soft landscaping area, currently non-existent, has been increased to **12%** (0.56 m²); and
- Variance 4 – the minimum distance between main walls for the townhouse where there are openings has increased from 0.78 m to **1.55 m**.

He asserted that the revised variances have contributed to an improved proposal that is now part of a settlement agreement with the Appellant and that the revisions represent modifications that he considers minor in nature. As such, he represented the changes as minor and falling within the intent of section 45(18.1.1) of the *Planning Act*, permitting application revisions without further Notice.

Mr. Platt concluded his remarks by expressing his gratitude to Mr. Heisey and the Appellant for working ardently to arrive at a settlement of all the issues and for their cooperation in supporting a settlement that is acceptable to all Parties.

In succinct opening remarks, Mr. Heisey also thanked the Applicant/Owner on his client's behalf for their diligence in reaching a compromise on the outstanding issues in this matter. He noted that the key issue in negotiations with the Owner was the restoration and maintenance of the 'notch' or common space between the two units which he explained in Victorian-era houses was designed to allow for the penetration of natural light into rooms internal to the home which otherwise had no source of natural light.

He maintained that this issue was of material importance to the Appellant, and he expressed Mr. Schirmer's gratefulness that the Applicant was willing and able to compromise in achieving a more sensitive design solution which maintains this 'notch' as reflected in the MOS and revised plans.

Mr. Heisey confirmed that the Appellant was prepared to support the settlement and the Application. He agreed with Mr. Platt that the revisions to the list of variances requested represented reductions to those previously sought at the COA and were minor in nature, and he concurred that no further Notice is required.

I queried the Participants in attendance whether they were aware of the terms of the settlement and whether they had had an opportunity to review the document given that the MOS was finalized late in the day before the Hearing. Christopher Caulford, a Participant, stated that he had been made aware of the MOS but asked whether Participants were required to continue to attend the Hearing given that the Parties had now reached a settlement.

In response, I addressed Mr. Caulford as well as the other Participants, Ms. Gina Marasco and Mr. Kingston, advising that irrespective of the MOS the TLAB is still mandated to hear *viva voce* evidence in the matter and must be satisfied that the legislative and policy tests have been met, specifically the four statutory tests in s. 45(1) of the *Planning Act*. I also advised that although the sitting was being converted into an expedited Settlement Hearing as per the TLAB's Rules, as Participants with elected status, they would be provided with an opportunity to make statements at the appropriate time if they so wished.

All three Participants advised that they had been served with the MOS but had not really had time to review the document in any detail. They confirmed their interest in continuing to participate in the Hearing and expressed their desire to provide statements. However, both Mr. Caulford and Mr. Kingston informed the Member that

they had other scheduled appointments that were expected to impact their continued attendance at the Hearing. Mr. Caulford advised that he would be unavailable after 12:00 pm but could re-join the Hearing later in the afternoon if required, while Mr. Kingston indicated that he would be unavailable after 10:30 am but rejoin the Hearing after 12:00 pm if required.

Given this information, and on consent of the Parties, I agreed to vary the order of witnesses to be called to allow the Participants to provide their statements first following which the Applicant's and Appellant's solicitors would have the opportunity for cross-examination.

MATTERS IN ISSUE

The appeal put in issue the four variances and conditions imposed by the COA.

Although the Parties have come forward with Minutes of Settlement, it is the TLAB's mandate as outlined in the *Planning Act* to hear the evidence and be satisfied that the policy and legislative tests have been met.

JURISDICTION

Provincial Policy – S. 3

A decision of the Toronto Local Appeal Body (TLAB) must be consistent with the 2014 Provincial Policy Statement (PPS) and conform to the Growth Plan for the Greater Golden Horseshoe for the subject area (Growth Plan).

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

Mr. Kingston was the first Participant to provide a statement as he had the most time sensitive situation; he was affirmed and apologized for the inconvenience caused

by his scheduling conflict but also expressed his appreciation for the opportunity to speak out of order.

He reiterated that he had not had an opportunity to review the MOS in any detail but was happy that the matter had been settled. He noted his two main issues with the Application and briefly spoke to each. Firstly, he viewed the proposed renovations of the subject property and the variances required as being “out of character for the neighbourhood” and, secondly, he was concerned with the perceived visual impact of the proposed renovations on the neighbour at 495 Sackville Street.

Mr. Kingston opined that he was not unsympathetic to the Owner’s desire to renovate and expand the size of their home to accommodate a growing family. However, he also did not want to support development that he suggested would be disproportionately “out of neighbourhood character” and renovations that he viewed as infringing on the neighbour to the west.

He addressed the size and scale of the proposed 3rd floor addition as evidenced in the initial proposal, in that the plans incorporated a westward expansion of that floor impacting the neighbouring home at 495 Sackville and noted his concern that the northern reach of the 3rd floor would be visible from street level.

Additionally, he expressed concern that the ‘notch’ or common space between the rear of both the subject dwelling and the attached dwelling to the west would be significantly impacted by the proposed renovations. He opined that the plans prior to the settlement and the proposed additions would have resulted in the “filling in” of the ‘notch’ thereby eliminating a substantial proportion of natural light entering the home at 495 Sackville.

However, he concluded by stating that he was pleased a settlement had been reached between the Parties which specifically addressed the ‘notch’ or common areas concerns. While he had other minor issues of concern, including the lack of soft landscaping proposed in the small front yard of the subject property and a concern regarding the proposed detached garage, he was generally satisfied with the proposed settlement and the corresponding revised plans.

On cross-examination, Mr. Platt responded to Mr. Kingston’s comments regarding the proposed lack of front yard landscaping and noted that the existing condition reflects a legal non-conforming front yard consisting mostly of concrete. He submitted that the variance for front yard soft landscaping proposed by the Applicant will in fact improve that existing condition through the incorporation of soft landscaping but suggested that Mr. Galbraith could speak more directly to this issue in his testimony.

Mr. Platt also confirmed that although a new detached garage is shown on the plans at the rear property, that structure is not part of the subject Application and will require a separate approval, nevertheless. Again, he deferred further explanation to Mr. Galbraith.

Christopher Caulford, a neighbour residing on Alpha Avenue at the western end of that street, spoke next. After being affirmed, he also thanked the TLAB and the Parties for adjusting the Hearing format to accommodate Participants in attendance with time constraints.

He noted his general opposition to the Application and his concerns relate to heritage preservation in a broader sense and the aesthetic importance of maintaining the integrity of the existing architectural heritage streetscape in what he termed a “significant heritage neighbourhood” and stated that his concerns have not been alleviated by the MOS.

He continues to oppose the proposed 3rd storey addition and opined that the architecture of dwellings within a Heritage Conservation District, such as the subject property, should not be altered but rather protected as much as possible. He concurred with Mr. Kingston that the proposed renovations are visually impactful and not in keeping with the character of the area although he also is not opposed to renovations to accommodate an expanding family.

He submitted that Alpha Avenue creates a ‘T-junction’ (his term) with Sackville Street and the proposed renovations will negatively impact the architectural “look” of that prominent intersection. In referencing supporting documentation (CA Supporting material dated July 13, 2020) submitted by Mr. Galbraith in support of the Application, he questioned the wording on page 5 regarding the existing tree in the front yard of the subject property. He disagreed with Mr. Galbraith’s conclusion that the tree’s foliage would in fact visually minimize the massing of the proposed 3rd floor addition and mitigate views from the street.

In concluding his testimony, Mr. Caulford asserted that granting the requested variances and approving the Application could set a precedent in the area which could lead to other similar renovations being approved.

Mr. Platt attempted to address Mr. Caulford’s comment regarding the front yard tree by asking Mr. Galbraith to briefly review the Site Plan drawings and specifically Drawing A1 as well as relevant photographs in Mr. Galbraith’s visual photo book (which were entered into evidence as Exhibit’s 1 and 2, respectively, during Mr. Galbraith’s testimony). Mr. Galbraith advised that the existing tree in question is currently located within the City boulevard and it is to be retained by the Owners as part of the proposed renovations; however, a permit to injure from Urban Forestry may be required to accommodate construction.

Mr. Caulford acknowledged that keeping the tree was important, that the Owner’s commitment to retain it would be a positive outcome for the neighbourhood, and he hoped that the neighbours were pleased with the settlement and that the Parties could move forward in harmony.

Ms. Gina Marasco was affirmed and gave her statement. She thanked the Tribunal for the opportunity to speak to the proposal noting that she was not heard at the COA. Ms. Marasco asserted that she was not supportive of the initial proposal but is

now pleased to see the modifications now agreed to and memorialized in the revised plans and the MOS, especially related to the 'notch' or common between the dwellings.

Her concerns with the Application relate generally to altering the historical and architectural character of the area and to the possibility of the Applicant introducing laneway housing at the rear of the subject property where the proposed detached garage is to be sited.

In cross-examination, Mr. Platt assured Ms. Marasco that the Owner was not contemplating a laneway home and, further, that any such proposal would require a separate public process and additional approvals.

Professional opinion evidence in this matter was provided by Mr. Sean Galbraith, a land use planner identified and affirmed to give expert evidence on the matters in issue.

He spoke in support of the variances, conditions, and plans (**Attachment C**) as proposed and revised through the filed MOS.

Mr. Galbraith's *viva-voce* evidence is fully canvassed and contained in the various documents he filed with the Tribunal and entered as exhibits: Revised Site Plan drawings (Exhibit 1); his visual photo book (Exhibit 2); a Document Disclosure Book (Exhibit 3); and his Expert Witness Statement (Exhibit 4). They consisted of numerous pages of text and multiple attachments of relevance, including area character descriptions, the Revised Plans, commentaries from City staff, the revised variances and conditions, and related policy and statutory considerations.

His was the only professional opinion evidence in the proceeding and was uncontested other than being asked a few clarifications from the Participants. His testimony was thorough but abbreviated somewhat given the circumstances.

As a result, it is only briefly summarized here; namely, Mr. Galbraith provided an overview of his Expert Witness Statement (Exhibit 4) and made the following salient points:

- a) The neighbourhood consists of a wide range of two (2) and three (3) storey, detached houses, semi-detached houses, triplexes, townhouses, and walkup-style apartments, typical of older Toronto neighbourhoods with renovations of various magnitude undertaken throughout the past several decades.
- b) The subject property is located within the area subject to the Cabbagetown North Heritage Conservation District (CNHCD) Plan. The property is neither individually designated nor identified as a contributing building that affords the property any additional or special protection.
- c) The proposal is to renovate the existing townhouse unit with a limited three-storey side and rear addition that would partially 'fill in' a lightwell on the subject property between the existing townhouse and the townhouse unit to the north.
- d) The plans also include a partial 3rd floor that would occupy roughly the rear ¾ of the area of the roof. The design of the 3rd floor was the subject of specific

discussions with Community Planning and Heritage Preservation Services (HPS) staff, and the addition will not be visible from either the east or west side of Sackville Street.

- e) The proposed renovation evolved as it proceeded through the pre-application and COA processes. The original design featured a larger building depth and a taller, but still compliant, 3rd-storey; however, following further discussions and consultation with both adjacent neighbours, the proposal was revised and approved by the COA.
- f) Extensive discussions occurred with HPS which covered almost 2 years and resulted in the reduction in size of the 3rd-floor and HPS “signing off” on the proposal. He opined Provincial Policy, *Planning Act*, section 2 objectives were met with consistency by the Application, Growth Plan conformity was implemented by consistent house form character reinvestment, as was conformity to the City’s OP heritage policies. Following this, the Applicant further reduced the height of the 3rd-floor to reduced perceived shadow impacts on 495 Sackville Street.
- g) The Revised Plans (Exhibit 1 – dated March 13, 2021), revised List of Variances (**Attachment A** hereto), reflect the discussions and agreement memorialized in the MOS, and the Conditions of Approval (**Attachment B** hereto) to be imposed are appropriate.
- h) In describing the *Neighbourhoods* designation and area in OP terms, he was of the view that the proposed renovation of the subject dwelling was modest in size (adding only 66 m² of Gross Floor Area), consistent with the area design examples and of a mass, scale, height, and lot deployment that is entirely consistent with the streetscape as well as the immediate and larger surrounding area.
- i) In reviewing the Built Form, Housing, and Development Criteria policies of the OP, he noted that the massing of the addition is located below an angular plain extending from the west of Sackville Street, such that it will not be seen from that side of the street and not alter or disturb the prominent, existing second-storey roofline of the townhouse row. He described conscientious compliance and the preservation of lot amenities in a manner that respected and reinforced the existing physical character of the neighbourhood.
- j) He concluded that the proposed renovations to the subject property with the rear 2nd-storey and new 3rd-storey additions to be desirable and minor without any undue adverse impacts or order of magnitude excesses evident.
- k) He asserted that the changes depicted in **Attachments A** and B from the approval of the COA are minor and, in his opinion, no additional Notice is warranted.

In closing statements, Mr. Platt maintained that Mr. Galbraith’s evidence was cogent and persuasive, and he submitted that the subject property is appropriate for rehabilitation and reinvestment. He asserted that the Appellant’s interest in the appeal has now been settled as evidenced by the terms outlined in the filed MOS.

Both he and Mr. Heisey encouraged the Tribunal to apply Rule 19 and its support for Settlements reached to grant the variances requested, noting service upon the

Participants in attendance at the Hearing and the improvements now incorporated in the revised proposal before the Tribunal.

ANALYSIS, FINDINGS, REASONS

The TLAB encourages settlement discussions and the resolution of some or all the outstanding issues in an appeal. In this case, the Parties diligently responded to their respective interests and reached a timely accord that has met, on the evidence, the policy and statutory tests and application of good community planning principles.

Not only was this compliance evidenced by the obvious thorough preparation by counsel and Mr. Galbraith, but it was done so in a 'virtual environment' in an atmosphere of co-operation and responsiveness.

This is appreciated. The TLAB is pleased to offer as timely a resolution as circumstances permit.

I agree with Mr. Platt that the amended variances requested for a reduced FSI, the increase in proposed soft front yard landscaping, and the increase in the main wall separation between dwellings units where there are openings are minor and do not require further Notice as might otherwise be relevant under section 45(18.1.1) of the *Planning Act*.

I accept the uncontested and supporting evidence of Mr. Galbraith including the Revised Plans (Attachment B) and the revised List of Variances and Conditions of Approval (Attachment A). This evidence, found in Mr. Galbraith's visual photo book, Document Disclosure Book, and Expert Witness Statement entered as Exhibit's 2, 3 and 4 respectively, and as heard *viva-voce*, was compelling and I adopt the opinions and for the reasons expressed.

I find the proposed FSI increment to be acceptable under policy and regulatory assessment criteria. I find nothing inherently exceptional in the arithmetic number calculated. The definition of minor or prevailing, I accept, is not solely a mathematical construct. I find the impact of the additional Gross Floor Area to not be undue or adverse.

As to the issue of precedent suggested by Mr. Caulford, while justifiably raised, in the circumstances of this application, its detailed consideration and the proposed conditions, I find that his argument does not prevail nor does his assertion that approval of this Application would result in a material precedent. In the case history of this particular building form, the distinctions described and the conditions available to be imposed are intended and do take it out of the realm or apprehension as having any precedent value.

In view of the above, and in consideration of the agreed to terms of settlement as contained in the MOS and the joint request from the Parties that the Tribunal approve the revised list of variances and impose the conditions of approval attached herein, I

find, individually and cumulatively that the concerns expressed do not override the professional advice that the revised variances sought constitute compliance with all relevant tests governing good community planning.

DECISION AND ORDER

The appeal is dismissed; the decision of the Committee of Adjustment is confirmed, in part, but in accordance with the Revised Plans depicted in **Attachment C** hereto.

The revised variances sought and set out in **Attachment A** hereto are approved subject to the Conditions set out in **Attachment B**.

If difficulties arise in the implementation of this decision, the TLAB may be spoken to.

ATTACHMENT A

Revised List of Variances

1. Chapter 10.10.40.30.(1)(B), By-law 569-2013

The maximum permitted building depth for a townhouse is 14.0 m.
The altered building depth will be 15.77 m.

2. Chapter 10.10.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index is 1.0 times the area of the lot (153.04 m²).
The floor space index will be a maximum of 1.10 times the area of the lot (167.92 m²).

3. Chapter 10.5.50.10.(1)(D), By-law 569-2013

A minimum of 75% of the required front yard landscaping must be soft landscaping (3.44m²).

The front yard soft landscaping area will be 12% (0.56 m²).

4. Chapter 10.10.40.80.(1)(B), By-law 569-2013

The minimum required distance between main walls for a townhouse is 5.5 m where there are openings to dwelling units in one main wall.

In this case, the distance between main walls where there are openings will be 1.55 m.

ATTACHMENT B

Conditions of Approval

1. The development shall be constructed in substantial accordance with the approved, attached Site Plan and elevation drawings A1 (Site Plan) dated March 13, 2021, and A6 (South Elevation), A7 (North Elevation), A8 (West Elevation), and A9 (East Elevation) dated March 3, 2021, prepared by Barry Goldman Architects, provided that:
 - a. this paragraph shall not apply to the garage/carport that may be constructed at the Subject Property.
 - b. notwithstanding any windows illustrated on the attached, Approved Plans, this paragraph shall not restrict a reduction in the number or size of any or all windows on the north façade.
 - c. any variances or relief that may appear on these plans but are not listed in the written Final Decision and Order are **NOT** authorized.
 - d. Any future alteration of the building and/or these conditions that would continue to require any of the relief provided by the authorized variances, whether or not the proposed revisions comply with the zoning then in place, shall require a new application for relief from the then applicable zoning by-law.

2. Platforms

There shall be no platforms, sundecks, porches, decks, or balconies at or on the second or third storey of the Project other than those illustrated on the Approved Plans.

3. Materials for the North Wall of the Third Storey

The exterior cladding of the north wall of the new, third storey of the Project will be finished in light coloured material subject to the requirements of City of Toronto Heritage Preservation Services ("Heritage Preservation Services").

4. Lighting and Security

- a) Any interior and exterior lighting located on the 493 Sackville Street (the "Subject Property") shall be positioned so that they are not directed to and do not cast directed light into the dwelling on the 495 Sackville Street.
- b) Any security cameras located on the Subject Property shall be positioned so that they are not directed to and cannot view into 495 Sackville Street.
- c) Items 4a) and 4b) above shall apply, *mutatis mutandis*, to the interior and exterior lighting and security cameras, as applicable, at 495 Sackville Street.

5. Notwithstanding Condition 1, above, the dimensions of the third floor shall not exceed the specific heights as illustrated and labeled on the approved Plans and specifically:
 - a) The top of the roof at the western leading edge of the third storey shall not exceed 6' 9" above existing roofline of the subject property.
 - b) The peak of the roof of the 3rd storey shall not exceed 8' 8" above the existing roofline of the subject property.
 - c) No dormers or any additions to be constructed on top of the third floor save and except for the skylights and venting stacks already illustrated on the attached Plans.
6. No additional gross floor area may be added to the house component of the project beyond that depicted on the Approved Plans and, in particular, no new massing or gross floor area shall be constructed whatsoever in the existing setback area from grade to roof line between 495 Sackville Street and the Subject Property including, without limitation, any further additions to the proposed third floor beyond what is illustrated on the Approved Plans. 8
7. Notwithstanding the provisions of Zoning By-laws 438-86 and 569-2013, unless flat on the roof or illustrated on the attached Plans, the Project shall have no equipment including, but not limited to utility equipment, air conditioning units, satellite dishes, antennae, poles, wind energy devices, solar energy devices, chimney breasts or wall mounted equipment on the roof of the proposed third floor except as illustrated on the Approved Plans; provided the Chief Building Official shall have ultimate discretion over the location of any vents that may be required to satisfy the requirements of the Building Code.
8. Subject to the requirements and approval of Heritage Preservation Services, any heating/ventilation/air-conditioning unit(s) to be installed at the Subject Property shall be located where illustrated on the attached Plans, at the location of the existing air conditioner unit or on the second-floor roof west of the new 3rd storey. For greater clarity, no air conditioner, fan unit, or HVAC unit shall be installed on the exterior of the east wall of the building, including window air conditioner units.
9. Prior to the issuance of a building permit, the applicant/owner shall submit a complete application for permit to injure or remove a City owned tree(s) under Municipal Code Chapter 813, Trees Article II, Trees on City Streets, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District.
10. Prior to the issuance of a building permit, the applicant/owner shall submit a complete application for permit to injure or remove privately owned tree(s) under Municipal Code Chapter 813, Trees Article III, Private Tree Protection, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District.

11. Prior to the issuance of a building permit, building permit drawings, including plans, elevations and details shall be submitted to the satisfaction of the Senior Manager, Urban Design/Heritage, City Planning Division, and a heritage permit shall be obtained under the provision of Section 42 of the Ontario Heritage Act.

ATTACHMENT C

Site Plan and Elevation Drawings

2021-04-13

X 

Signed by: dlombar

LOT AREA:	1648.19 SF	(153.12 m ²)	
BASEMENT:	655.14 SF	(60.86 M2)	
GROUND FLOOR:	655.14 SF	(60.86 M2)	
SECOND FLOOR:	655.14 SF	(60.86 M2)	
THIRD FLOOR:	470.34 SF	(43.69 M2)	
NEW GFA (W/ BASEMENT):	2435.76 SF	(226.28 m ²)	OR 1.48 TIMES LOT AREA
NEW GFA (W/O BASEMENT):	1780.62 SF	(165.42 M2)	OR 1.08 TIMES LOT AREA
NEW COVERAGE:	1012.96 SF	(94.10 M2)	OR 61.45%

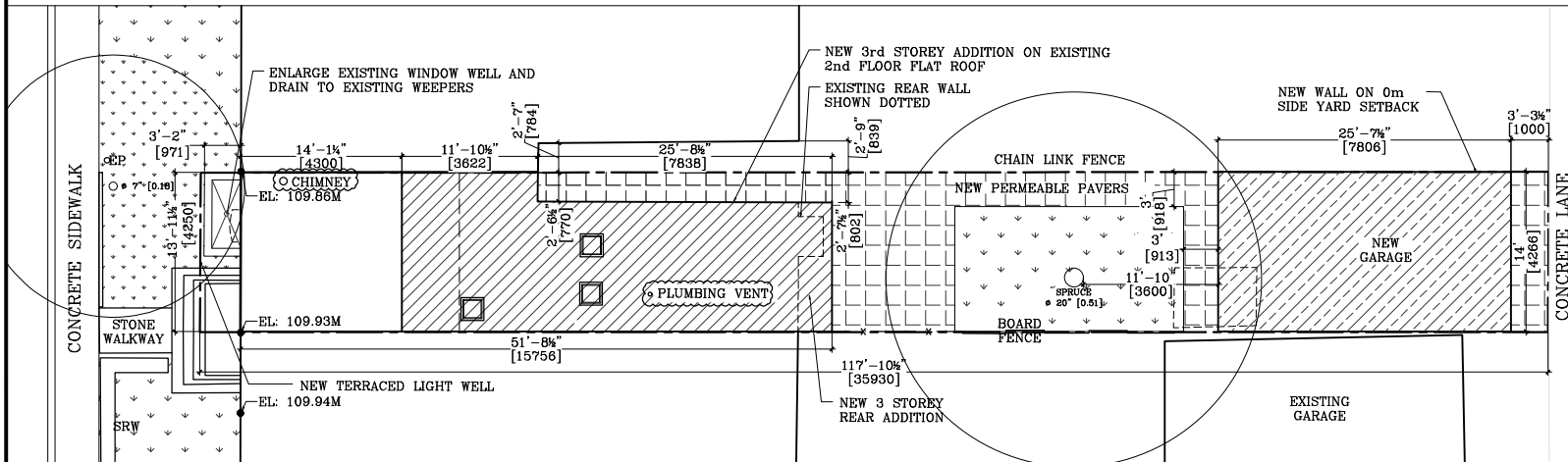
PROPOSED REAR LANDSCAPE AREA: 875.60 SF (153.12 m ²)			
PROPOSED REAR HARDSCAPE PERCENTAGE:	656.58 Ft ²	(60.99 m ²)	75.0%
PROPOSED REAR SOFTSCAPE PERCENTAGE:	219.02 Ft ²	(20.34 m ²)	25.0%

PROPOSED FRONT LANDSCAPE AREA:	49.0 SF	(4.55 m ²)	
PROP. FRONT HARDSCAPE PERCENTAGE:	43.35 Ft ²	(4.02 m ²)	87.7%
EX. FRONT HARDSCAPE PERCENTAGE:	47.13 Ft ²	(4.37 m ²)	95.2%
PROP. FRONT SOFTSCAPE PERCENTAGE:	6.05 Ft ²	(0.56 m ²)	12.3%
EX. FRONT SOFTSCAPE PERCENTAGE:	2.37 Ft ²	(0.22 m ²)	4.8%

DATED: MAY 23 2017

LOT AREA: 1648.19 Ft² (153.12 m²)
EXISTING GFA (W/ BASEMENT): 1892.04 Ft² (175.78 m²) OR 1.15 TIMES LOT AREA
EXISTING GFA (W/O BASEMENT): 1260.28 Ft² (117.08 m²) OR 0.77 TIMES LOT AREA
EXISTING COVERAGE: 631.766 Ft² (58.69 m²) OR 38.33%
EXISTING HARDSCAPE PERCENTAGE: 1133.66 Ft² (105.32 m²) 69%
EXISTING SOFTSCAPE PERCENTAGE: 514.56 Ft² (47.80 m²) 31%

LOCATIONS OF ALL EXHAUST VENTS, PLUMBING VENTS, AND CHIMNEYS ARE APPROXIMATE AND TO BE CONFIRMED BY MECHANICAL/PLUMBING DESIGNER PRIOR TO CONSTRUCTION



-  — SOFT LANDSCAPING
-  — NEW GARAGE
-  — THIRD STOREY ADDITION
-  — PERMEABLE PAVING
-  — EXISTING TO DEMOLISH
-  — PROPERTY EXTENT

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5. Contractor is responsible for all required Mechanical and Electrical approvals and permits. Mechanical Contractor to confirm vent and rad locations, and heating / cooling coverage for the proposed work, unless otherwise noted.
6. These drawings must not be duplicated in any form, or used for any other project, without the written consent of the Architect.

14.	03/13/2021	DESIGN DEVELOPMENT
12.	01/20/2021	ISSUED FOR TLAB
11.	06/16/2020	RE-ISSUED FOR ZONING/C of A
10.	02/04/2020	RE-ISSUED FOR CofA
9.	12/16/2019	RE-ISSUED FOR CofA
NO.	DATE	DESCRIPTION

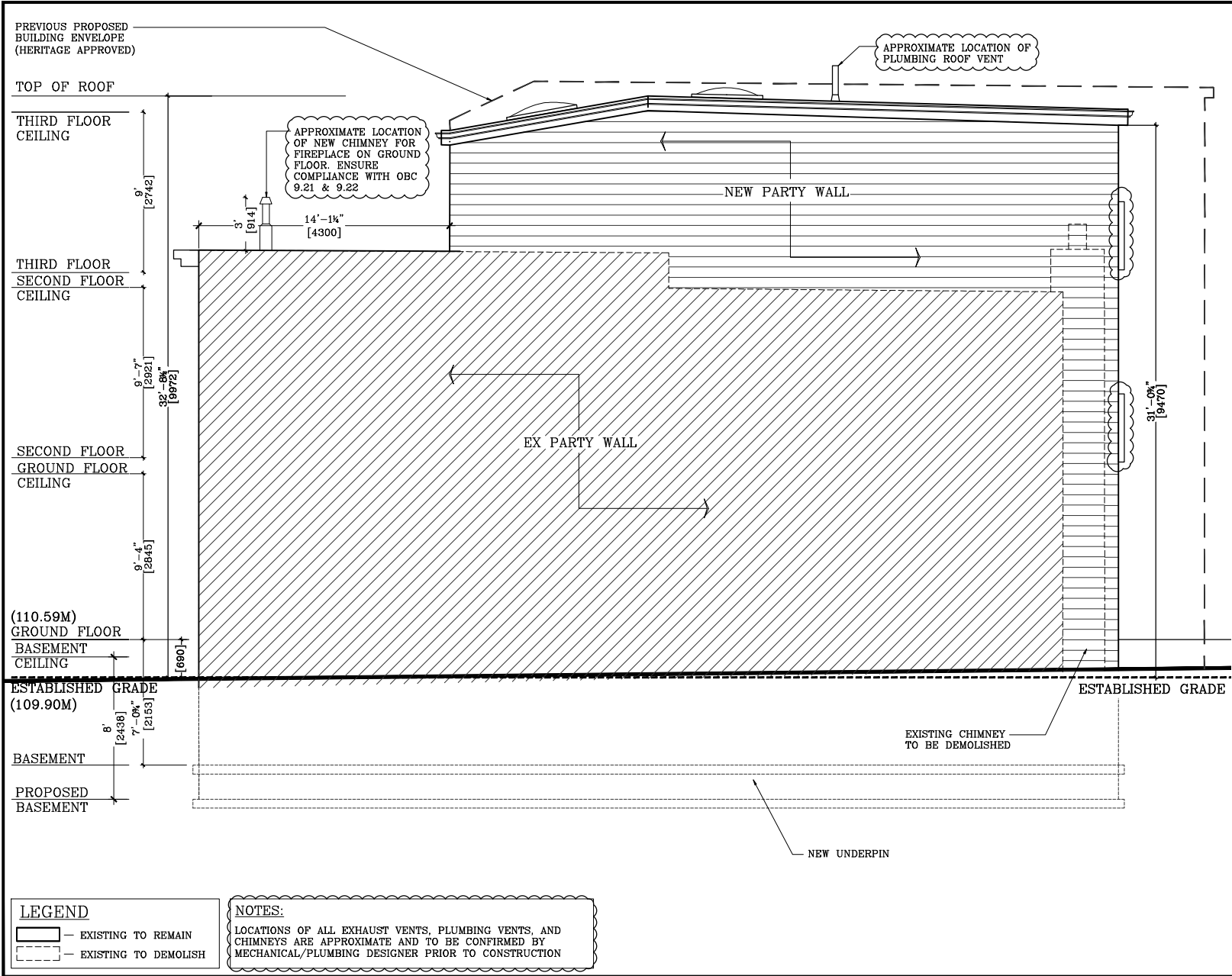
321 CARLAW AVE,
UNIT 203
Toronto Ont.
M4X 1T9
Tel 647-346-9105
E: barry@goldmanarchitect.com



SITE PLAN

DATE: March 13th, 2021	DRAWING NO.:
SCALE: $3/32" = 1'$	A1
DRAWN BY: M.S / C.N.	
CHECKED BY: B.G.	





- GENERAL NOTES:
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14.	03/03/2021	DESIGN DEVELOPMENT
12.	01/20/2021	ISSUED FOR TLAB
10.	02/04/2020	RE-ISSUED FOR CofA
9.	12/16/2019	RE-ISSUED FOR CofA
8.	11/13/2019	RE-ISSUED FOR ZONING
NO.	DATE	DESCRIPTION

Plans prepared by:
BARRY GOLDMAN ARCHITECT

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M4X 1T9
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E: barry@goldmanarchitect.com



RENOVATIONS TO
493 SACKVILLE
TORONTO, ONTARIO

SOUTH ELEVATION

DATE: March 3rd, 2021

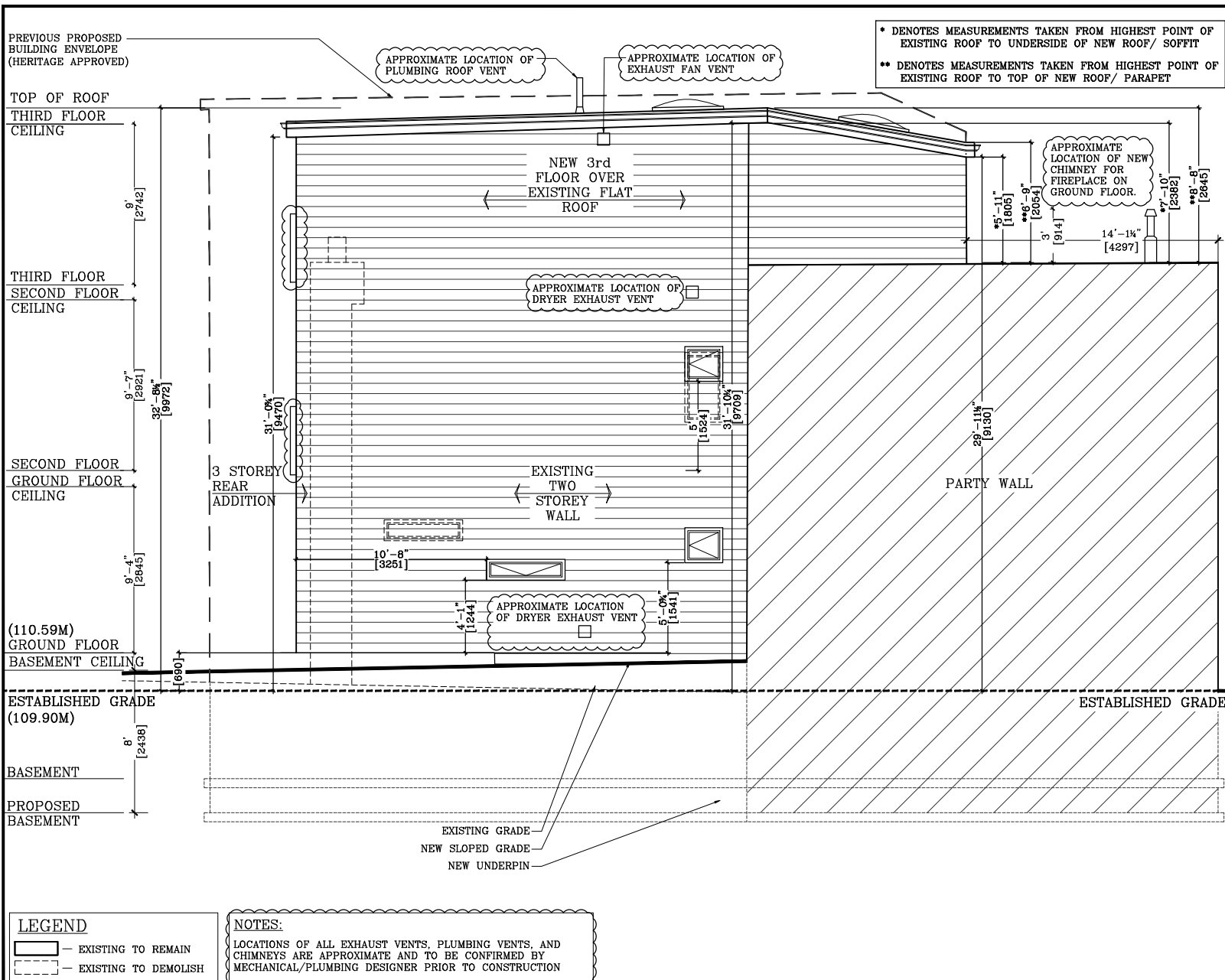
DRAWING NO.:

SCALE: 3/16" = 1'

DRAWN BY: M.S / C.N.

CHECKED BY: B.G.

A6



GENERAL NOTES:

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14.	03/03/2021	DESIGN DEVELOPMENT
13.	02/18/2021	DESIGN DEVELOPMENT
12.	01/20/2021	ISSUED FOR TLAB
10.	02/04/2020	RE-ISSUED FOR CoFA
9.	12/16/2019	RE-ISSUED FOR CoFA
NO.	DATE	DESCRIPTION

Plans prepared by:
BARRY GOLDMAN ARCHITECT

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E: barry@goldmanarchitect.com



RENOVATIONS TO
493 SACKVILLE
TORONTO, ONTARIO

NORTH ELEVATION

DATE: March 3rd, 2021

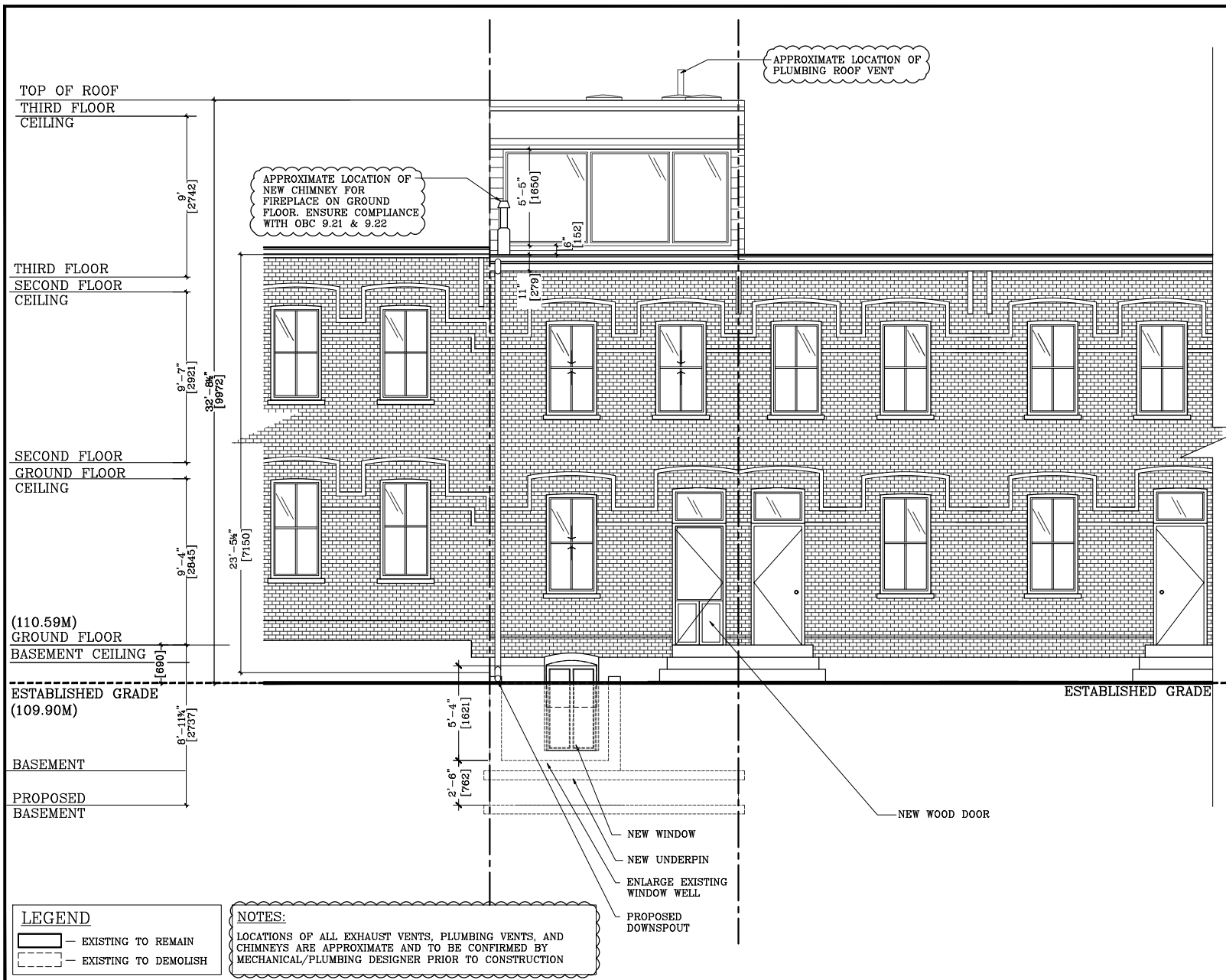
DRAWING NO.:

SCALE: 3/16" = 1'

DRAWN BY: M.S / C.N.

CHECKED BY: B.G.

A7



GENERAL NOTES:

1. Do not scale drawings.
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14.	03/03/2021	DESIGN DEVELOPMENT
13.	02/18/2021	DESIGN DEVELOPMENT
12.	01/20/2021	ISSUED FOR TLAB
11.	08/13/2020	ISSUED FOR HERITAGE
10.	02/04/2020	RE-ISSUED FOR CofA
NO.	DATE	DESCRIPTION

Plans prepared by:
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RENOVATIONS TO
493 SACKVILLE
TORONTO, ONTARIO

WEST ELEVATION

DATE: March 3rd, 2021

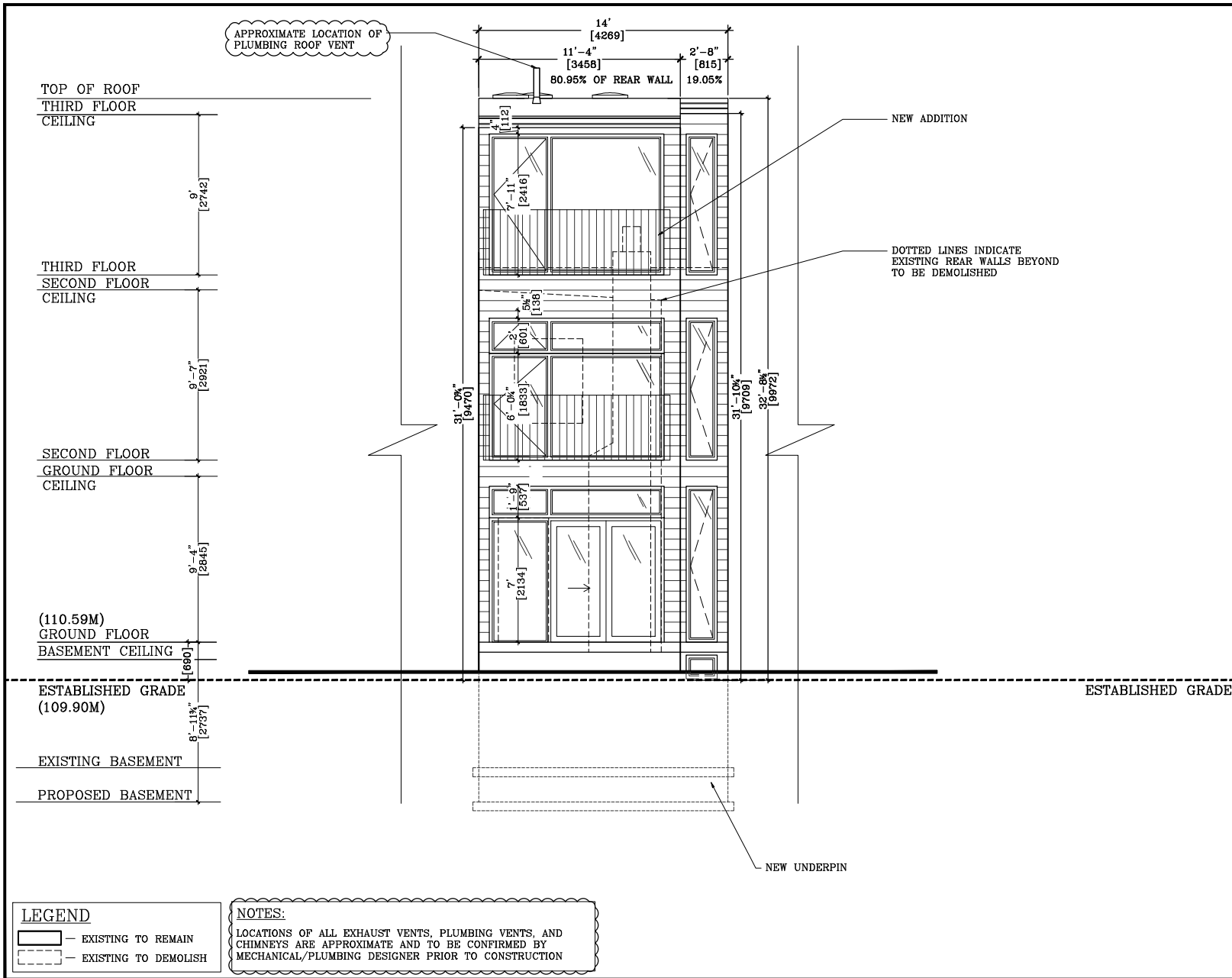
SCALE: 3/16" = 1'

DRAWN BY: M.S / C.N.

CHECKED BY: B.G.

DRAWING NO.:

A8



GENERAL NOTES:

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14.	03/03/2021	DESIGN DEVELOPMENT
13.	02/18/2021	DESIGN DEVELOPMENT
12.	01/20/2021	ISSUED FOR TLAB
10.	02/04/2020	RE-ISSUED FOR CofA
9.	12/16/2019	RE-ISSUED FOR CofA
NO.	DATE	DESCRIPTION

Plans prepared by:
BARRY GOLDMAN ARCHITECT

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RENOVATIONS TO
493 SACKVILLE
TORONTO, ONTARIO

EAST ELEVATION

DATE: March 3rd, 2021
SCALE: 3/16" = 1'
DRAWN BY: M.S. / C.N.
CHECKED BY: B.G.

DRAWING NO.:

A9