

DECISION AND ORDER

Decision Issue Date Thursday, April 22, 2021

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

Appellant(s): JOSEPH REITANO

Applicant(s): JOSEPH REITANO

Property Address/Description: 84 FLORENCE AVE

Committee of Adjustment File

Number(s):

19 188074 NNY 18 CO, 19 188079 NNY 18 MV, 19 188080 NNY 18 MV

TLAB Case File Number(s):

20 118032 S45 18 TLAB, 20 118033 S53 18 TLAB, 20 118034 S45 18 TLAB

Hearing date: Wednesday, January 20, 2021

Date undertaking completed by party: February 23, 2021

DECISION DELIVERED BY S. Talukder

APPEARANCES

NAME	ROLE	REPRESENTATIVE
JOSEPH REITANO	APPELLANT	AMBER STEWART
FRANCO ROMANO	WITNESS	

INTRODUCTION

1. The Applicant, Joseph Reitano, appeals the decisions of the Committee of Adjustments (COA) with respect to his proposal to sever his property at 84 Florence Avenue (Subject Property) and to build a detached house on each of the severed lots.
2. The Hearing was unopposed.

MATTERS IN ISSUE

3. The issues on appeal are:
 - a) whether the Applicant is permitted to sever the Subject Property into two undersized lots with lot frontages of 7.62 m and lot areas of 301.8 m²; and
 - b) whether the Applicant is permitted to build a detached dwelling on each of these lots, which require the variances set out in Schedule A.
4. The Applicant proposed several conditions for approval of the variances based on recommendations made by various City departments, including Engineering and Construction Services and Urban Forestry. These conditions are set out in Schedule B. Condition 1 for the variances includes the requirement that the construction of the two dwellings be done in accordance with the site plans and elevations which are provided in Schedule C.
5. The Applicant's proposal must be consistent with and conform to higher level provincial policies. I am satisfied that the proposal is consistent with the 2020 Provincial Policy Statement (PPS) and conforms to the Growth Plan, as both of these provincial policy instruments encourage growth and intensification.
6. I am further satisfied that a plan of subdivision is not necessary with respect to the severance of the Subject Property.

JURISDICTION

Provincial Policy – S. 3

7. A decision of the TLAB must be consistent with the PPS and conform to the Growth Plan for the Greater Golden Horseshoe for the subject area (Growth Plan).

Consent – S. 53

8. The 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 *Planning Act* (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).

Variance – S. 45(1)

9. 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 AND ANALYSIS

10. Franco Romano, a registered land use planner, was the sole witness who testified on behalf of the Applicant. He was qualified as an expert witness in land use planning. I have accepted his uncontradicted evidence.¹ Below is a summary of his evidence that I have adopted to approve the applications to sever the Subject Property and approve the requested variances.

The Neighbourhood

11. The Subject Property is in the Willowdale community and is located southwest of Yonge Street and south of Sheppard Avenue West. Mr. Romano's neighbourhood study area is bounded by Sheppard Avenue West (north, excluding the properties fronting the avenue), Yonge Street (east, excluding the properties fronting the avenue), Easton Road (west) and Franklin Avenue (south). This area is designated as a *Neighbourhoods* in the OP, Residential Detached RD under zoning By-law No. 569-2013 and R4 pursuant to the former North York zoning By-law No. 7625.

12. Mr. Romano testified that his study area, which I refer to as the neighbourhood, comprises various zoning categories, as the boundaries for these categories are interspersed with one another resulting in a "patchwork" of zoning categories. He noted that it is improper to demarcate the neighbourhood based on zoning only. As an example, the Subject Property is subject to R4 zoning with minimum lot frontage of 15 m and lot area of 550 m². However, across the street, the properties are subject to R6 zoning that allows for a lot frontage of 12 m and a lot area of 271 m². The side yard setback standard for these two zoning categories is different – the R4 zone for the Subject Property requires a minimum side yard setback of 1.8 m while across the street the R6 zoning minimum side yard setback zoning standard is 1.2 m.

13. The neighbourhood, especially the eastern portion, is undergoing significant changes in development, resulting in an evolving lot fabric. For example, the adjacent

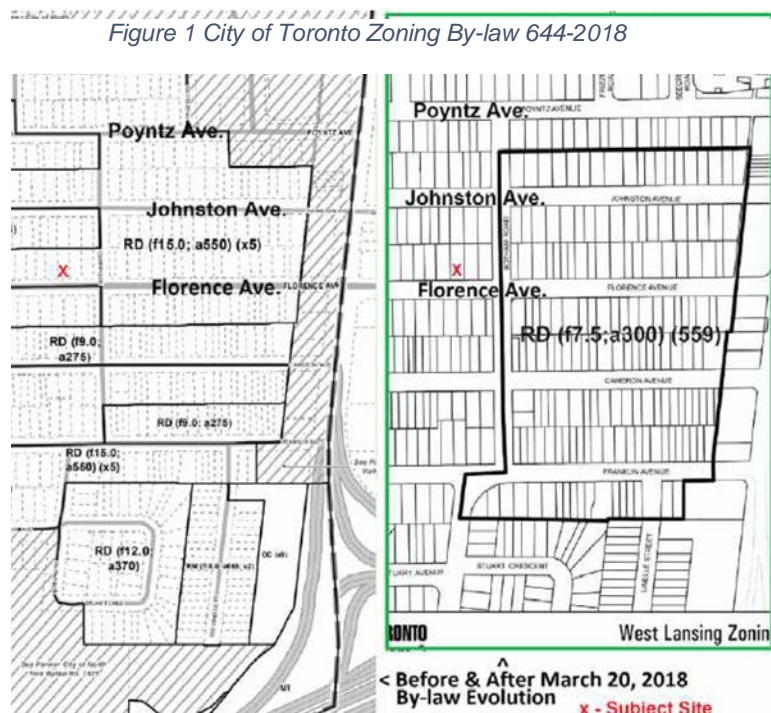
¹ Mr. Romano's evidence provided a detailed analysis, which included photographs of the neighbourhood, CoA decision table, and neighbourhood context map.

lot, 88 Florence Avenue, was approved for a severance in or around November 2019. During my site visit a few days before the Hearing, I observed that construction on this lot had not started at the time of the Hearing. Mr. Romano confirmed that there are consent and variance applications approved in this neighbourhood where construction has not yet started. As such, this neighbourhood is rapidly evolving but remains stable. In addition, the Subject Property and its immediate surrounding geographic area are in a desirable location, as it is within walking distance of the Sheppard Subway station, close to the exit for Highway 401 and within the major growth area as defined by the PPS. Both Yonge Street and Sheppard Avenue have bus routes.

14. Mr. Romano discussed the City's West Lansing Zoning Study which resulted in the re-zoning of a portion of the neighbourhood in close proximity to the Subject Property and that permitted the development of narrower lots with lot frontages of 7.5 m and lot areas of 300 m². This area is immediately east of the Subject Property and is now under By-law 644-2018. Mr. Romano testified that this re-zoning was done to address and accommodate the narrow lots existing in this specific area of the neighbourhood that resulted from developmental pressures. I have reproduced below a figure from Mr. Romano's expert witness statement that illustrates the change in zoning of part of the neighbourhood (as Figure 1).

15. The purpose of including this figure is not to emphasize this part of the neighbourhood but to highlight the following evidence offered by Mr. Romano in his testimony: the Subject Property's immediate adjacent context has different zoning permissions with respect to lot frontage, lot areas and side yard setbacks. A large portion of the adjacent blocks include zoning categories that permit lot frontages of 7.5 m and lot areas of 300 m². As mentioned previously, properties immediately across the Subject Property are permitted lot frontage of 12 m and lot area of 271 m², and different side yard setbacks. I accept Mr. Romano's opinion that the eastern portion of the neighbourhood and immediate geographic context of the Subject Property are not homogenous with respect to these lot characteristics, such that small and large lots are interspersed with one another.

16. Mr. Romano testified that the prevailing building type in the neighbourhood is detached houses, though there are examples of other building types, such as semi-detached.



17. Mr. Romano noted that although various lot frontage sizes are permitted, houses on the lots, irrespective of the lot frontage, tended to have narrow to modest side yard setbacks. Many lots required variance permission for side yard setbacks at the CoA, even in sections of the neighbourhood where the zoning permitted narrower setbacks. He further noted that wider lots usually accommodated wider buildings with parking occupying much of the lot. As such, he asserted that wider lots did not necessarily result in more landscaping or larger side yard setbacks.

The Proposal

18. The Applicant proposes to sever the Subject Property into two equal sized lots, each with a lot frontage of 7.62 m, lot area of 301.8 m² and lot coverage of 32%. The current building on this property will be demolished and a two-storey, detached dwelling with an integral garage will be constructed on each of these lots.

19. The dwellings will not be identical, as each will have different building elevations. The dwelling on the east lot (Part 1) will have a more “modern” structure with a flat roof and the dwelling on the west lot (Part 2) will have a more “traditional” structure with a sloped roof.

20. The variances requested can be grouped as follows: (1) lot frontage and area; (2) lot coverage; (3) building height, including side exterior main wall heights and first floor height (for Part 1); (4) side yard setbacks, including for porch and deck side yard setbacks and, (5) building length for Part 2.

Consent to Sever

21. Mr. Romano testified on the criteria to consider for an application to sever, as set out in s. 51(24) of the *Act*. Among these, I find that whether this application conforms to the OP to be the most relevant. Specifically, whether the lots with the requested lot frontages and lot area conform to OP Policy 4.1.5 (b).

22. Policy 4.1.5 seeks to ensure that specific physical characteristics of a proposed development respects and reinforces the existing neighbourhood.

23. The proposed severed lots will each have a lot frontage of 7.62 m. The neighbourhood and the immediate context within which the Subject Property is situated have a varied range of lot frontages. Lot frontages within the immediate context of the Subject Property range between 7.62 m to 16.0 m, with about half of these having a smaller frontage than the zoning minimum of 15 m. A smaller portion of these lots (9.3% of the total) have lot frontages of 7.62 m or smaller. However, Mr. Romano opines that the analysis of OP policies requires more than just a review of numerical values – a contextual and qualitative analysis is also needed. I am satisfied that narrower lots similar to the proposal are in substantial numbers in the neighbourhood, which consists of various sized lots, and specifically, have a significant presence in the immediate context and adjacent blocks to the block of the Subject Property (which are under under By-law 644-2018 which permits minimum lot frontages of 7.5 m).

24. The neighbourhood also has varied lot area sizes. The proposed lot area of 301.8 m² for each severed lot will complement the diversity of lot areas found in the immediate context, where the range is between 297.56 m² to 627.53 m².

25. Based on the foregoing, I find that the requested lot frontage and lot size for each of the proposed lots will respect and reinforce the surrounding geographic neighbourhood. I am also satisfied that these dimensions and the rectangular shape of the proposed lots satisfactorily address the criteria set out in section 51(24)(f) of the *Act*. Therefore, I find that the consent criteria are met by this proposal.

26. I now turn to the four tests for the variances required for the construction of the detached dwellings.

OP

27. While Mr. Romano had testified on how the proposal satisfied various OP policies, I address the policies which I consider most relevant in this Decision, which are policies 3.1.2.1(d) and 4.1.5.

28. I have already discussed Policy 4.1.5(b) in detail. Mr. Romano testified on the other relevant subsections, as follows:

Prevailing heights, massing, scale, density and dwelling type of nearby residential properties

29. Part 1 will have a flat roof height? of 9.0 m measured from grade? pursuant to the City's harmonized Zoning By-law 569-2013 (new By-law) and 9.98 m measured pursuant to the former North York Zoning By-law 7625 (former By-law). The new Zoning By-law permits a maximum roof height of 7.2 m whereas the former By-law permits a maximum of 8.0 m. For the Part 2 lands, the proposed dwelling will have a sloping roof height of 9.87 m under the former Zoning By-law whereas a maximum 8.8 m is permitted to the midpoint of the roof. The proposal does not require a height variance from the new Zoning By-law. Part 1 also requires a first floor height variance.

30. Part 2 also requires a variance to accommodate a building length of 17.29 m, which can contribute to the massing of the building.

31. Mr. Romano testified that the proposed dwellings are two storey detached houses that fit into the neighbourhood, and area which he described as consisting of one to three storey dwellings, with the majority typically being two storeys in height. In addition, he asserted that the scale and massing of the houses in this neighbourhood can be characterized as being modest to large with the dwelling being orientated towards the front and the central portion of the lot.

32. He opined that the proposed lots are similar in scale and massing of dwellings evident in the neighbourhood and, therefore, the Applications respect and reinforces the existing physical character of the neighbourhood.

Prevailing building type

33. The two proposed houses will be detached and conform to the prevailing detached dwellings in the neighbourhood.

Prevailing setbacks of the buildings from the street or streets

34. Part 1 requires a front yard setback variance, which is at 7.26 m whereas a minimum setback of 7.96 m is required under the City-wide zoning by-law. I find that the proposed setback will provide appropriate front wall alignment with the adjacent buildings, with the proposed buildings on 86 Florence Avenue having front yard setbacks of 6.66 m and 6.78 m and 82 Florence Avenue having a setback of approximately 8.42 m.

Prevailing patterns of rear and side yard setbacks and landscaped open space

35. Both of the proposed dwellings along with their porches require a side yard setback variance of 0.61 for the side yard setback internal to and between the dwellings. The buildings, and their rear decks, also require a setback of 1.22 m for the outside side yards adjacent to the neighbouring properties.

36. Mr. Romano testified that the prevailing side yard setbacks in the area can be characterized as tight to modest sized with at least 71% being smaller than 1.0 m. The lots, despite being of varied sizes, have narrow side yard setbacks. He submitted that large lots do not necessarily have larger side yard setbacks in this neighbourhood.

37. I find that 0.61 m and 1.22 m side yard setbacks are suitable setbacks for the proposed dwellings and that these dwellings will respect and reinforce the existing character of this neighbourhood.

38. I now turn to policy 3.1.2.1(d), which directs that new development shall preserve the existing mature trees whenever possible and incorporate them into landscaping designs. Mr. Romano testified that the trees in the back yard will be retained, except the tree next to the existing building which will be removed when the dwelling is demolished. He also testified that the City-owned tree within the front yard of the Subject Property will be protected by having the driveways away from the tree and by having a common soft landscaping at the front.

39. I find that the proposal satisfies the general intent and purpose of the OP based on Mr. Romano's testimony that the city tree will not require removal as a result of the alignment of the proposed driveways away from the tree.

Zoning

40. The Subject Property is zoned as RD pursuant to the harmonized zoning by-law 569-2013 and R4 pursuant to the former North York zoning by-law 7625. These zones permit low scale detached dwellings.

41. Mr. Romano testified that the proposal satisfies that general intent and purpose of the zoning by-laws, which is to achieve an orderly and compatible form of low rise residential. I agree with Mr. Romano's testimony, which is summarized below:

- a. the proposed lot area and frontage achieves a modest lot size that will fit well in a neighbourhood consisting of a variety of different lot sizes, including lots that are smaller than the zoning requirement.
- b. The proposed lot coverage will allow for amenities and servicing and does not result in over-development.
- c. The side yard setbacks (including those for porch and deck) allow for adequate separation between the properties, access, maintenance and servicing.
- d. The proposed main side wall height for Part 2 is for a single side window in the second storey level. Condition #1 restricts the construction of the building so that it is in accordance with the site plans provided and therefore will also restrict the height variance to this window.
- e. Building height under the North York Zoning By-law 7625 is measured from the crown of the road, which is 1.38 m below the established grade. As such, the perceived height of the two dwellings will be about 1.38 m lower than the requirement imposed by the zoning by-law.
- f. The first floor height variance for Part 1 is measured from the crown of the road, which is lower than the established grade. Despite the requirement of this variance, the entrance of the dwelling will be close to the established grade and the first floor will not look elevated at grade.
- g. The proposed building depth of the dwelling on Part 2, taken in context with that no rear yard setback is required, will accommodate a modest building and will fit with the variance length of dwellings along Florence Avenue.
- h. As previously discussed, the front yard setback for this dwelling allows for an appropriate front wall alignment with the neighbouring houses.

42. Based on the foregoing, I am satisfied that the variances individually and cumulatively meet the general intent and purpose of the zoning by-laws.

Desirability and Minor

43. Mr. Romano testified that the proposed dwellings on the smaller lots will not create any unacceptable adverse impacts. Mr. Romano's evidence is uncontradicted. Further, I note that these houses will be close to a major subway station (Sheppard-Yonge Station) and will have access to bus routes on the major streets. These proposed dwellings will be constructed while retaining all but one private tree located in the backyard and the Owner has confirmed the City-owned tree on Florence Avenue will be retained.

44. I am satisfied that the two proposed dwellings are desirable for the appropriate development of the Subject Property in the neighbourhood and the variances requested are minor in nature.


45. I find that the applications for the severance and the associated variances should be approved, provided that the City owned tree at the front of the Subject Property shall not be removed. They are subject to the standard conditions of approval for the consent and the variances requested by the Applicant.

DECISION AND ORDER

46. The Appeal is allowed, and the Committee of Adjustment decisions are set aside.

47. The consent to sever the Subject Property is approved, subject to conditions set out in Schedule B.

48. The variances are granted provided that the City owned tree in front of the Subject Property on Florence Avenue shall not be removed. These variances are subject to conditions set out in Schedule B.

X 

Shaheynoor Talukder
Panel Chair, Toronto Local Appeal Body
Signed by: Shaheynoor Talukder

Schedule A

List of Variances

Part 1 (East Lot)

1. **Chapter 900.3.10.(5), By-law No. 569-2013**
The minimum required side yard setback is 1.80 m. The proposed west side yard setback is 0.61 m.
2. **Chapter 900.3.10.(5), By-law No. 569-2013**
The minimum required side yard setback is 1.80 m. The proposed east side yard setback is 1.22 m.
3. **Chapter 10.5.40.50.(2), By-law No. 569-2013**
A platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3 m of a building, must comply with the required minimum building setbacks for the zone; 1.8 m. The proposed east side yard setback to the rear deck is 1.22 m.
4. **Chapter 10.20.30.10.(1), By-law No. 569-2013**
The minimum required lot area is 550 m². The proposed lot area is 301.8 m².
5. **Chapter 10.20.30.10.(1), By-law No. 569-2013**
The minimum required lot frontage is 15 m. The proposed lot frontage is 7.62 m.
6. **Chapter 10.20.30.40.(1), By-law No. 569-2013**
The maximum permitted lot coverage is 30.00% of the lot area.
The proposed lot coverage is 32.00% of the lot area.
7. **Chapter 10.20.40.10.(1), By-law No. 569-2013**
The maximum permitted building height is 7.2 m. The proposed building height is 9.0 m.
8. **Chapter 10.5.40.60.(1), By-law No. 569-2013**
A platform without main walls, attached to or less than 0.3 m 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 2.5 m if it is no closer to a side lot line than the required side yard setback; 1.8 m. The proposed west side yard setback to the front porch is 0.91 m.
9. **Chapter 10.20.40.70.(1)(B), By-law No. 569-2013**
The minimum required front yard setback is 7.96 m. The proposed front yard setback is 7.26 m.

10. Section 13.2.6, By-law No. 7625

The maximum permitted building height is 8.0 m. The proposed building height is 9.98 m.

11. Section 6(30), By-law No. 7625

The maximum permitted finished first floor height is 1.50 m.
The proposed finished first floor height is 2.1 m.

Part 2 (West Lot)

1. Chapter 10.5.40.50.(2), By-law No. 569-2013

A platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3 m of a building, must comply with the required minimum building setbacks for the zone; 1.8 m. The proposed west side yard setback to the rear deck is 1.22 m.

2. Chapter 10.5.40.60.(1), By-law No. 569-2013

A platform without main walls, attached to or less than 0.3 m 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 2.5 m if it is no closer to a side lot line than the required side yard setback; 1.8 m. The proposed east side yard setback to the front porch is 0.61 m.

3. Chapter 10.20.40.10.(2), By-law No. 569-2013

The maximum permitted height of all side exterior main walls facing a side lot line is 7.50 m.
The proposed height of the side exterior main walls facing a side lot line is 8.8 m.

4. Chapter 10.20.40.20.(1), By-law No. 569-2013

The maximum permitted building length is 17.00 m.
The proposed building length is 17.29 m.

5. Chapter 10.20.30.10.(1), By-law No. 569-2013

The minimum required lot area is 550 m². The proposed lot area is 301.8 m².

6. Chapter 10.20.30.10.(1), By-law No. 569-2013

The minimum required lot frontage is 15 m. The proposed lot frontage is 7.62 m.

7. Chapter 10.20.30.40.(1), By-law No. 569-2013

The maximum permitted lot coverage is 30.00% of the lot area.
The proposed lot coverage is 32.00% of the lot area.

8. Chapter 900.3.10.(5), By-law No. 569-2013

The minimum required side yard setback is 1.80 m. The proposed east side yard setback is 0.61 m.

9. Chapter 900.3.10.(5), By-law No. 569-2013

The minimum required side yard setback is 1.80 m. The proposed west side yard setback is 1.22 m.

10. Section 13.2.6, By-law No. 7625

The maximum permitted building height is 8.0 m. The proposed building height is 9.87 m.

Schedule B

Conditions for Consent and Variance Approval

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. 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.
4. Three copies of the registered reference plan of survey satisfying the requirements of the City Surveyor, shall be filed with the Committee of Adjustment.
5. Within ONE YEAR of the date of the giving of this notice of decision, the applicant shall comply with the above-noted 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 Variance Approval

1. The proposed dwellings shall be built substantially in accordance with the following plans, prepared by VEA Studio, all dated September 19, 2019 (as set out in Schedule C):
 - a. Part 1: Site Plan (A0), Front Elevation (A7), Rear (North Elevation) (A8), West Elevation (A9), East Elevation (A10)
 - b. Part 2: Site Plan (A1), Front Elevation (A7), Rear (North Elevation) (A8), West Elevation (A9), East Elevation (A10).
2. The Owner shall submit a complete application for a permit to injure or remove a City owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article II Trees on City Streets.

3. The Owner shall submit a complete application for a permit to injure or remove a privately owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article III Private Tree Protection.
4. Where there is no existing street tree, the owner shall provide payment in lieu of planting of one street tree on the City road allowance abutting each of the sites involved in the application. The current cash in-lieu payment is \$583/tree.
5. The Owner shall submit revised site plan(s) with the following revisions and notations to the satisfaction of the Engineering and Construction Services and Transportation Services, at no cost to the City;
 - 1.1 Add the following notations to the Site Plan:
 - (a) *“All portions of existing access driveways that are no longer required must be closed and restored with soft landscaping and full concrete curbs, to the satisfaction of Transportation Services.”*
 - (b) *“The proposed new driveways shall be constructed to the applicable City of Toronto Design Standards at no cost to the municipality”.*
 - (c) *“The applicant shall also submit a Municipal Road Damage Deposit (MRDD) prior to obtaining a Building Permit.” The applicant is advised to contact Right-of-Way Management Section at (416)395-7112 regarding municipal road damage deposit requirements.”*
 - (d) *“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.”*
6. The Owner shall revise the site plan to illustrate a positive slope of a minimum 2% to a maximum 4% that will be maintained on each of the proposed driveways, as measured between the proposed garage door entrances to the curb line of Florence Avenue.