

DECISION AND ORDER

Decision Issue Date Friday, April 30, 2021

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): RAUL CRISTIAN ALEXA

Applicant(s): CANTAM GROUP LTD

Property Address/Description: 140 WESTBOURNE AVE

Committee of Adjustment File

Number(s): 20 159690 ESC 20 CO (B0024/20SC), 20 159710 ESC 20 MV (A0143/20SC), 20 159740 ESC 20 MV (A0144/20SC).

TLAB Case File Number(s): 20 205949 S53 20 TLAB, 20 205953 S45 20 TLAB, 20 205954 S45 20 TLAB

Hearing date: April 12, 2021

Deadline Date for Closing Submissions/Undertakings:

DECISION DELIVERED BY S. GOPIKRISHNA

REGISTERED PARTIES AND PARTICIPANTS

Applicant	CANTAM GROUP LTD
Owner	SOFIA ALEXA
Appellant	RAUL CRISTIAN ALEXA
Appellant's Legal Rep.	SARAH HAHN
Expert Witness	JOHN BENCZKOWSKI (SOL ARCH)

INTRODUCTION AND BACKGROUND

Raul Cristian Alexa and Sofia Alexa are the owners of 140 Westbourne Ave., located in Ward 20 (Scarborough Southwest). In order to sever the existing property,

and build a detached house on each of the severed lots, they applied to the Committee of Adjustment (COA). The COA heard the application on August 6, 2020 and refused it in its entirety.

The Applicants appealed the Decision to the TLAB on October 6, 2020. The TLAB set a Hearing date for April 12, 2021.

MATTERS IN ISSUE

THE CONSENT REQUESTED

The purpose of the consent application is to sever the property into two residential lots (Part 1 and Part 2) with each lot containing a new detached dwelling. The proposed lot frontage for Part 1 and Part 2 is 7.62 m and the proposed lot area for Part 1 and Part 2 is 241.56 m².

Part 1- Lot to be Conveyed **Address to be Assigned**

The lot frontage is 7.62 m and has a lot area of 245.9 m².
The property will be redeveloped as the site of a new detached dwelling, requiring variances to the Zoning By-law(s), ~~as outlined in Appendix B.~~

Part 2- Lot to be Retained **Address to be Assigned**

The lot frontage is 7.62 m and has a lot area of 245.8 m². The property will be redeveloped as the site of a new detached dwelling, requiring variances to the Zoning By-law(s).

Revised List of Variances – 140 WESTBOURNE AVENUE (Part 1) **REQUESTED VARIANCES TO THE ZONING BY-LAW:**

1. 10.5.40.50 (2) Decks, Platforms and Amenities, By-law No. 569-213

The permitted front yard platform, which is not encroaching, as permitted is 0.9 metres from the south side line.

The permitted front yard platform, which is not encroaching, as permitted is 0.62 metres from the south side line.

2. 10.20.40.10.(4) A) Restrictions for a Detached House with a Flat or Shallow Roof, By-law No. 569-2013

The permitted maximum height is 7.2 metres
The proposed permitted maximum height is 8.32 metres.

3. 10.20.30.10.(1) Minimum Lot Area, By-law No. 569-2013

The required minimum lot area is 371 square metres.

The proposed required minimum lot area is 245.9 square metres.

4. 10.20.30.20.(1) Minimum Lot Frontage, By-law No. 569-2013

The required minimum lot frontage is 12.0 metres.

The proposed required minimum lot frontage is 7.64 metres.

5. 10.20.30.40.(1) Maximum Lot Coverage, By-law No. 569-2013

The permitted maximum lot coverage is 33 percent of the lot area.

The proposed permitted maximum lot coverage is 41.4 percent of the lot area.

6. 10.5.40.60.(1) (C), Platforms, By-law No. 569-2013

The permitted portion of the rear platform which encroaches into the required rear yard setback is 2.16 metres from the south side lot line.

The proposed permitted portion of the rear platform which encroaches into the required rear yard setback is 0.93 metres from the south side lot line.

7. 900.3.10 Exceptions for RD Zone, (169) Exception RD 169 (C), By-law No. 569-2013

The minimum building setback from a side lot line is 0.9 metres.

The proposed south side yard setback is 0.62 metres.

Revised List of Variances – 140 WESTBOURNE AVENUE (Part 2)

REQUESTED VARIANCES TO THE ZONING BY-LAW:

1. 10.5.40.50 (2) Decks, Platforms and Amenities, By-law No. 569-213

The permitted front yard platform, which is not encroaching, as permitted is 0.9 metres from the south side line.

The permitted front yard platform, which is not encroaching, as permitted is 0.62 metres from the north side line.

2. 10.20.40.10.(4) A) Restrictions for a Detached House with a Flat or Shallow Roof, By-law No. 569-2013

The permitted maximum height is 7.2 metres

The proposed permitted maximum height is 8.32 metres.

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The proposed required minimum lot frontage is 7.64 metres.

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The proposed permitted maximum lot coverage is 41.4 percent of the lot area.

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The proposed permitted portion of the rear platform which encroaches into the required rear yard setback is 0.93 metres from the north side lot line.

7. 900.3.10 Exceptions for RD Zone, (169) Exception RD 169 (C), By-law No. 569-2013

The minimum building setback from a side lot line is 0.9 metres.

The proposed north side yard setback is 0.62 metres.

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').

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).

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 April 12, 2021, the Appellant was represented by Mr. Jonathan Benczkowski, a land use planner, and Ms. Sara Hahn, a lawyer. It is important to note that there were no other Parties, or Participants in this proceeding.

It was brought to my attention that one of the Participants was addressing a personal medical crisis, and as a consequence, requested that the Hearing be completed as soon as possible. I empathized with the request, and agreed to the same.

Mr. Benczkowski was sworn in, and recognized as an Expert Witness in the area of land use planning. He discussed how he had recommended the removal of the platforms at the first storey level, and the proposed maximum height of the main entrance in the front main wall- in other words, modest alterations had been made to the proposal, compared to the original application submitted to the COA. The highlights of Mr. Benczkowski's evidence are presented below:

The Property is situated on the west side of Westbourne Avenue – south of St. Clair Avenue East, located between Pharmacy Avenue to the east and Victoria Park Avenue to the west. The Property is classified as being in the "Neighbourhoods" designation under the OP, and is zoned Residential Detached (RD (f12.0; a371)(x169), and is currently occupied by a 1-storey frame dwelling. Parking is currently located in a detached garage on the south portion of the Property. The existing lot is rectangular in shape, with a street frontage of 15.24 m, a lot depth of 32.13m and a lot area of 489.66

m2 . The dwelling currently occupies the northern portion of the property. The setback from the south wall of the existing dwelling, to the southern property line is 7.28m.

The proposal looks to sever the lot into two parts - Part 1, also referred to as the northern lot, with a frontage of 7.64m and a lot area of 245.9 sq.m. The other lot, also referred to as the southern lot, is proposed to have a frontage of 7.64m and a lot area of 245.8 sq.m. The geographical neighbourhood in which the proposal is located, was defined as being bounded to the north by St. Clair Avenue East, Donside Drive to the south, Pitt Avenue to the west and Bexhill Avenue to the east. The Property is located in the middle of the portion of study area.. Mr. Benczkowski stated that he had compiled COA decision data over the last 10 years to better understand the community .He added that the Subject Property is well served by public transit, and is 1.8 km from Victoria Park Station, a subway station located on the Bloor-Danforth Subway line, which runs east-west. In addition, Victoria Park and St. Clair Avenue East provide public transportation in both a north-south and east-west direction.

Speaking to the compatibility between the proposal and the PPS(2020), Mr. Benczkowski said that the proposal is consistent with the PPS because the proposal is a modest form of intensification, with two houses replacing one, which was consistent with the PPS' directive on emphasizing growth through intensification. He asserted the proposal is also consistent with the applicable policies of the Growth Plan (2020) because of the latter's emphasis on intensification.

Mr. Benczkowski next discussed the compatibility between the proposal and the Official Plan(OP). He discussed the compatibility between the proposal and Policy 2.3.1, and demonstrated how the proposal respected the existing physical character of buildings, streetscapes and open spaces in the neighbourhood. He then discussed the Built Form Policies in Policy 3.1.2, and explained how the proposal minimized impacts on adjacent streets, and properties. He then discussed the Development criteria provided in Policy 4.1.5, and concentrated on components (b) and (c) of the Policy. Mr Benczkowski pointed out that the rectangular shape of the proposed lots, maintained the prevailing lot configuration of the immediate and broader context, and therefore fulfilled component (b). He used the COA decision table to demonstrate that many dwellings in the neighbourhood had been approved for variances similar to what was being requested by the Appellants, and asserted that component (c) had been satisfied.

Based on the above evidence, Mr. Benczkowski concluded that the proposed houses satisfied the test of the OP.

Mr. Benczkowski commenced his discussion of the test respecting the Zoning By-Law by stating that the proposal is zoned RD under the City of Toronto By-Law 569-2013. He discussed specific variances, and how they related to the appropriate performance standard. He said that the proposal did not encroach into the backyard or the side yards, and satisfied the coverage criterion, because it is appropriately sized for the lot. He said that the variances respecting Lot Area and Frontage satisfied the intent and purpose of the By-Law because it helped maintain the lot pattern, and lot

characteristics, which are contextually appropriate, and perceivable from the street. Speaking to the maximum wall height provision, Mr. Benczkowski said that the purpose of this performance standard is to ensure a consistent built form as it relates to height. On the basis of the aforementioned COA decision table, he spoke to the variances respecting the maximum wall height, and demonstrated that the two dwellings to be built fit into the array of heights and built forms on Westbourne Ave, and consequently satisfied the performance standard. He said that the general purpose and intent of setbacks of porch projections is to maintain a consistent street frontage limiting projects that extend past the exterior walls, in addition to ensuring that platforms are not built too close to the adjacent properties to limit overlook and ensure privacy, and added that the proposed porch encroachments are in line with the proposed exterior walls, and maintain a consistent street frontage. Mr. Benczkowski asserted that the platforms are not built “too close” to the adjacent properties, and minimized overlook, and consequently maintained the intent and purpose of the By-Law. Speaking to the requested side yard setback, Mr. Benczkowski said that the proposed mutual separation of 1.2 m between the houses was consistent with the existing side yard setbacks on the street, and consistently satisfied the intent and purpose of the By-Law. On the basis of this discussion, Mr. Benczkowski concluded that the proposal maintained the intent and purpose of By-Law 569-2013.

Speaking next to the test of minor, Mr. Benczkowski said that the proposed houses did not create unacceptable impacts, nor did they impact privacy. There was no overlook through the maintenance of a side yard setback, that was comparable to what already existed in the neighbourhood.

Lastly, Mr. Benczkowski spoke to the test of appropriate development of the land, and said that the proposal would replace a modest bungalow on an “underutilized” lot, with two houses with a “modern built form”, on smaller lots that fit with the community. In addition to providing a “functional family home” for the owners, he also pointed out that the existing dwelling occupied the northern portion of the lot, while the southern portion contained the detached garage. Mr. Benczkowski said that to infill a vacant residential lot to create housing opportunities was desirable from the perspective of applicable PPS, and Growth Plan policies, and consequently satisfied the test of appropriate development.

On the basis of the above evidence, Mr. B concluded that the proposal satisfied all the four tests under Section 45.1 of the Planning Act.

Mr. Benczkowski next discussed the compatibility between the proposal and Section 51(24), with specific reference to the relevant criteria i.e. components (c), (f), (i), (j) and (l). By way of an editorial comment, the discussion of the conformity between the OP and the proposal is not repeated here, because it has been recited in the discussion respecting the four tests under Section 45.1. He said that while the Neighbourhood designation permit residential uses up to four storeys in height, the proposal for the detached houses at 140 Westbourne Avenue is to construct two new, two storey dwellings. He reiterated on the basis of the COA table that the lot frontages, lot areas as

well as built form exist throughout the area and the proposal respects and reinforces the existing physical character of the neighbourhood. He added that the lot frontage and lot area exist on the immediate property to the north, as well as across the street on the east side of Westbourne Avenue, and that the proposal consequently satisfied component (f)- ***the dimensions and shapes of the proposed lots***. He said that no major concerns were raised through criteria (i)- the adequacy of utilities and municipal services, (j)- adequacy of school sites and (l)- the optimization, conservation and efficient use of energy.

Based on this discussion, Mr. Benczkowski said that the proposal satisfied the criteria in Section 51(24) of the Planning Act, and recommended that the severance be approved.

Mr. Benczkowski then spoke to the standard conditions, which are recited in Schedule B attached to this Decision. The conditions to be imposed on the severance, and the variances are recited below. In response to a question from me, the Applicants agreed to the installation of privacy screens, and agreed to update the drawings, as well as requested conditions, and submit them within the next 2 weeks. Ms. Hahn submitted the updated drawings and conditions in the next two days. The conditions, including the updated conditions relating to privacy screens, are recited below:

1. That construction occur substantially in accordance with the Revised Site Plan and Elevations.

2. Privacy screening measuring 1.8m to be installed along the south portion of the rear deck of Part 1.

3. Privacy screening measuring 1.8m to be installed along the north portion of the rear deck of Part 2.

4. The applicant shall comply with all recommendations set out in the Engineering and Construction Services memorandum dated August 17, 2020.

5. The applicant shall submit an application to injure or remove a city owned street tree.

6. The applicant shall provide to Urban Forestry a payment in lieu of planting one street tree on the City road allowance abutting each of the sites involved in the application. The number of trees required to be planted is one (1) and the current cost of planting is \$583.00 per tree.

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

8. 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.

9. 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.

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

11. 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

I thanked Mr. Benczkowski, and Ms. Hahn for their presentation, and adjourned the Hearing.

ANALYSIS, FINDINGS, REASONS

It is important to note that there were no Parties nor Participants in opposition to the proposal, and that Mr. Benczkowski was the only Expert Witness to give evidence.

On the basis of intensification, or constructing a house on each of the severed lots, in place of the underdeveloped existing lot, I find that the proposal satisfies the PPS(2020) and the Growth Plan (2020).

The discussion regarding the compatibility between the proposal and the OP was satisfactory, though I would have preferred for the evidence to explore the word “prevailing” (found in Section 4.1.5 of the OP) in greater detail, establish the specific parameter that had been found to be “prevailing” on the basis of available data, followed by a discussion of how the proposal satisfied the definition of OP. The need to complete the Hearing in a short period of time, for reasons stated at the beginning of the Evidence Section precluded such an exploration of Section 4.1.5. However, the evidence provided did demonstrate that the requested parameters and measurements lay well within what had already been approved, and would not result in a new exemplar, with the potential to destabilize the community.

On the basis of this evidence, I am satisfied that the proposal would help maintain the intent, and purpose of the Official Plan. However, I don’t consider this process of examining the relationship between the proposal and OP as being precedent setting, because it is important for the evidence to establish that it can fit into the community, based on the emphasis on the “prevailing” type, as stated in Policy 4.1.5 of the OP.

The performance standards for each category of variance were discussed, and helped demonstrate that the proposal satisfied the test of maintaining the intent and purpose of Zoning By-Law 569-2013. The evidence highlighted the fact that the dwellings to be

created, and the appropriate side yard setbacks, FSI etc were consistent with already existed in the community, and did not result in any unacceptable adverse impacts, which meant that the test of minor was satisfied. Lastly, the evidence demonstrated that the tests respecting the test of appropriate development, as a result of the creation of two new houses through a process of in-fill based intensification.

I therefore find that the proposal satisfies the four tests under Section 45.1 of the OP.

The evidence demonstrated the shapes and dimensions of the lots to be created are compatible with already exists in neighbourhood. The proposal, and the lot sizes and frontage were found to be consistent with the OP, as seen in the earlier discussion respecting Section 45.1 of the OP. The other relevant components i.e. availability of school sites has been demonstrably fulfilled. As a result, I find that the evidence demonstrates that the proposal can fulfill the requirements of Section 51(24).

The conditions recommended by the Appellant, for imposition on the approval of the severance, and requested variances are consistent with Practice Direction (1) of the TLAB, and are recited below. I sincerely appreciate the Appellant's willingness to satisfy privacy concerns through the placement of 1.8 m high privacy screens on the south portion of the rear decks of the houses to be constructed on Parts 1 and 2 of the Lot. The other conditions to be imposed are standard conditions relating to payment of taxes, comply with the recommendations in the Memorandum dated August 17, 2020 of Engineering and Construction Services, Applications to remove a City owned street tree, and building of the house in substantial accordance with the Plans and Elevations prepared by CANTAM Group Ltd., date stamped February 25, 2020, and submitted to the TLAB on February 15, 2021, and submitted to the TLAB on February 15, 2021. The Plans and Elevations for the houses to be constructed on the severed lots are appended to this Decision. The conditions are recited below:

Conditions to be imposed on the approval of the variances for Parts 1 and 2:

1). Construction occur substantially in accordance with the Revised Site Plan and Elevations., prepared by CANTAM Group Ltd., date stamped February 25, 2020, and submitted to the TLAB on February 15, 2021, submitted to the TLAB on February 15, 2021, and appended to this Decision.

2). A Privacy screening measuring 1.8m to be installed along the south portion of the rear deck of Part 1.

3). A Privacy screening measuring 1.8m to be installed along the north portion of the rear deck of Part 2.

4).The applicant shall comply with all recommendations set out in the Engineering and Construction Services memorandum dated August 17, 2020.

5). The applicant shall submit an application to injure or remove a city owned street tree.

6.) The applicant shall provide to Urban Forestry a payment in lieu of planting one street tree on the City road allowance abutting each of the sites involved in the application. The number of trees required to be planted is one (1) and the current cost of planting is \$583.00 per tree.

Conditions to be imposed on the severance of the lots into two parts the following conditions, to the satisfaction of the Deputy Secretary-Treasurer of the Committee of Adjustment, include:

(1) Confirmation of payment of outstanding taxes to the satisfaction of the Revenue Services Division, in the form of a statement of tax account current to within 30 days of an applicant's request to the Deputy Secretary-Treasurer of the Committee of Adjustment to issue the Certificate of Official as outlined in Condition 6 below.

(2) Municipal numbers for the subject lots, blocks, parts, or otherwise indicated on the applicable registered reference plan of survey shall be assigned to the satisfaction of the Supervisor, Surveys, Engineering Support Services, Engineering and Construction Services.

(3) One electronic copy of the registered reference plan of survey integrated to NAD 83 CSRS (3 degree Modified Transverse Mercator projection), delineating by separate Parts the lands and their respective areas, shall be filed with, and to the satisfaction of, the Manager, Land and Property Surveys, Engineering Support Services, Engineering and Construction Services.

(4) One electronic copy of the registered reference plan of survey satisfying the requirements of the Manager, Land and Property Surveys, Engineering Support Services, Engineering and Construction Services shall be filed with the Deputy Secretary-Treasurer of the Committee of Adjustment.

(5) Prepare and submit a digital draft of the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) of the Planning Act if applicable as it pertains to the conveyed land and/or consent transaction to the satisfaction of the Deputy Secretary-Treasurer of the Committee of Adjustment.

(6) Once all of the other conditions have been satisfied, the applicant shall request, in writing, that the Deputy Secretary-Treasurer of the Committee of Adjustment issue the Certificate of Official.

(7) Within ONE YEAR of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions.

Given that the proposal in front of the TLAB has been revised from the previous application to the COA, with fewer variances, I believe that it would be appropriate to admit the Appeal partially. I approve the requested consent to sever the property, as well all the requested variances enabling the Appellant to build a detached house, on each of the two plots to be created as a result of the severance.

DECISION AND ORDER

1. The Appeal respecting 140 Westbourne is admitted in part, and the decision of the Committee of Adjustment (COA) respecting 140 Westbourne Ave., dated August 6, 2020, is set aside.

2. The following severance is approved:

Part 1- Lot to be Conveyed

Address to be Assigned

The lot frontage is 7.62 m and has a lot area of 245.9 m².

The property will be redeveloped as the site of a new detached dwelling, requiring variances to the Zoning By-law(s), as listed below.

Part 2- Lot to be Retained

Address to be Assigned

The lot frontage is 7.62 m and has a lot area of 245.8 m². The property will be redeveloped as the site of a new detached dwelling, requiring variances to the Zoning By-law, as listed below.

3. The following variances are approved:

Revised List of Variances – 140 WESTBOURNE AVENUE (Part 1)

1). 10.5.40.50 (2) Decks, Platforms and Amenities, By-law No. 569-213

The permitted front yard platform, which is not encroaching, as permitted is 0.9 metres from the south side line.

The permitted front yard platform, which is not encroaching, as permitted is 0.62 metres from the south side line.

2). 10.20.40.10.(4) A) Restrictions for a Detached House with a Flat or Shallow Roof, By-law No. 569-2013

The permitted maximum height is 7.2 metres

The proposed permitted maximum height is 8.32 metres.

3). 10.20.30.10.(1) Minimum Lot Area, By-law No. 569-2013

The required minimum lot area is 371 square metres.

The proposed required minimum lot area is 245.9 square metres.

4). 10.20.30.20.(1) Minimum Lot Frontage, By-law No. 569-2013

The required minimum lot frontage is 12.0 metres.

The proposed required minimum lot frontage is 7.64 metres.

5). 10.20.30.40.(1) Maximum Lot Coverage, By-law No. 569-2013

The permitted maximum lot coverage is 33 percent of the lot area.

The proposed permitted maximum lot coverage is 41.4 percent of the lot area.

6). 10.5.40.60.(1) (C), Platforms, By-law No. 569-2013

The permitted portion of the rear platform which encroaches into the required rear yard setback is 2.16 metres from the south side lot line.

The proposed permitted portion of the rear platform which encroaches into the required rear yard setback is 0.93 metres from the south side lot line.

7). 900.3.10 Exceptions for RD Zone, (169) Exception RD 169 (C), By-law No. 569-2013

The minimum building setback from a side lot line is 0.9 metres.

The proposed south side yard setback is 0.62 metres.

Revised List of Variances – 140 WESTBOURNE AVENUE (Part 2)

REQUESTED VARIANCES TO THE ZONING BY-LAW:

1). 10.5.40.50 (2) Decks, Platforms and Amenities, By-law No. 569-213

The permitted front yard platform, which is not encroaching, as permitted is 0.9 metres from the south side line. The permitted front yard platform, which is not encroaching, as permitted is 0.62 metres from the north side line.

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7). 900.3.10 Exceptions for RD Zone, (169) Exception RD 169 (C), By-law No. 569-2013

The minimum building setback from a side lot line is 0.9 metres. The proposed north side yard setback is 0.62 metres.

4. No other variances are approved.

5. The following conditions are imposed on the approval of the variances listed in (3) above:

1). That construction occur substantially in accordance with the Revised Site Plans and Elevations, prepared by CANTAM Group Ltd., date stamped February 25, 2020, and submitted to the TLAB on February 15, 2021, and appended to this Decision.

2). A Privacy screening measuring 1.8m to be installed along the south portion of the rear deck of Part 1.

3). A Privacy screening measuring 1.8m to be installed along the north portion of the rear deck of Part 2.

4). The applicant shall comply with all recommendations set out in the Engineering and Construction Services memorandum dated August 17, 2020.

5). The applicant shall submit an application to injure or remove a city owned street tree.

6). The applicant shall provide to Urban Forestry a payment in lieu of planting one street tree on the City road allowance abutting each of the sites involved in the application. The number of trees required to be planted is one (1) and the current cost of planting is \$583.00 per tree.

6. The following conditions are approved on the Severance of the existing lot in Parts 1 and 2:

1). Confirmation of payment of outstanding taxes to the satisfaction of the Revenue Services Division, in the form of a statement of tax account current to within 30 days of an applicant's request to the Deputy Secretary-Treasurer of the Committee of Adjustment to issue the Certificate of Official as outlined in Condition 6.

2). Municipal numbers for the subject lots, blocks, parts, or otherwise indicated on the applicable registered reference plan of survey shall be assigned to the satisfaction of the Supervisor, Surveys, Engineering Support Services, Engineering and Construction Services.

3). One electronic copy of the registered reference plan of survey integrated to NAD 83 CSRS (3 degree Modified Transverse Mercator projection), delineating by separate Parts the lands and their respective areas, shall be filed with, and to the satisfaction of,

the Manager, Land and Property Surveys, Engineering Support Services, Engineering and Construction Services.

4). One electronic copy of the registered reference plan of survey satisfying the requirements of the Manager, Land and Property Surveys, Engineering Support Services, Engineering and Construction Services shall be filed with the Deputy Secretary-Treasurer of the Committee of Adjustment.

5) Prepare and submit a digital draft of the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) of the Planning Act if applicable as it pertains to the conveyed land and/or consent transaction to the satisfaction of the Deputy Secretary-Treasurer of the Committee of Adjustment.

6). Once all of the other conditions have been satisfied, the applicant shall request, in writing, that the Deputy Secretary-Treasurer of the Committee of Adjustment issue the Certificate of Official.

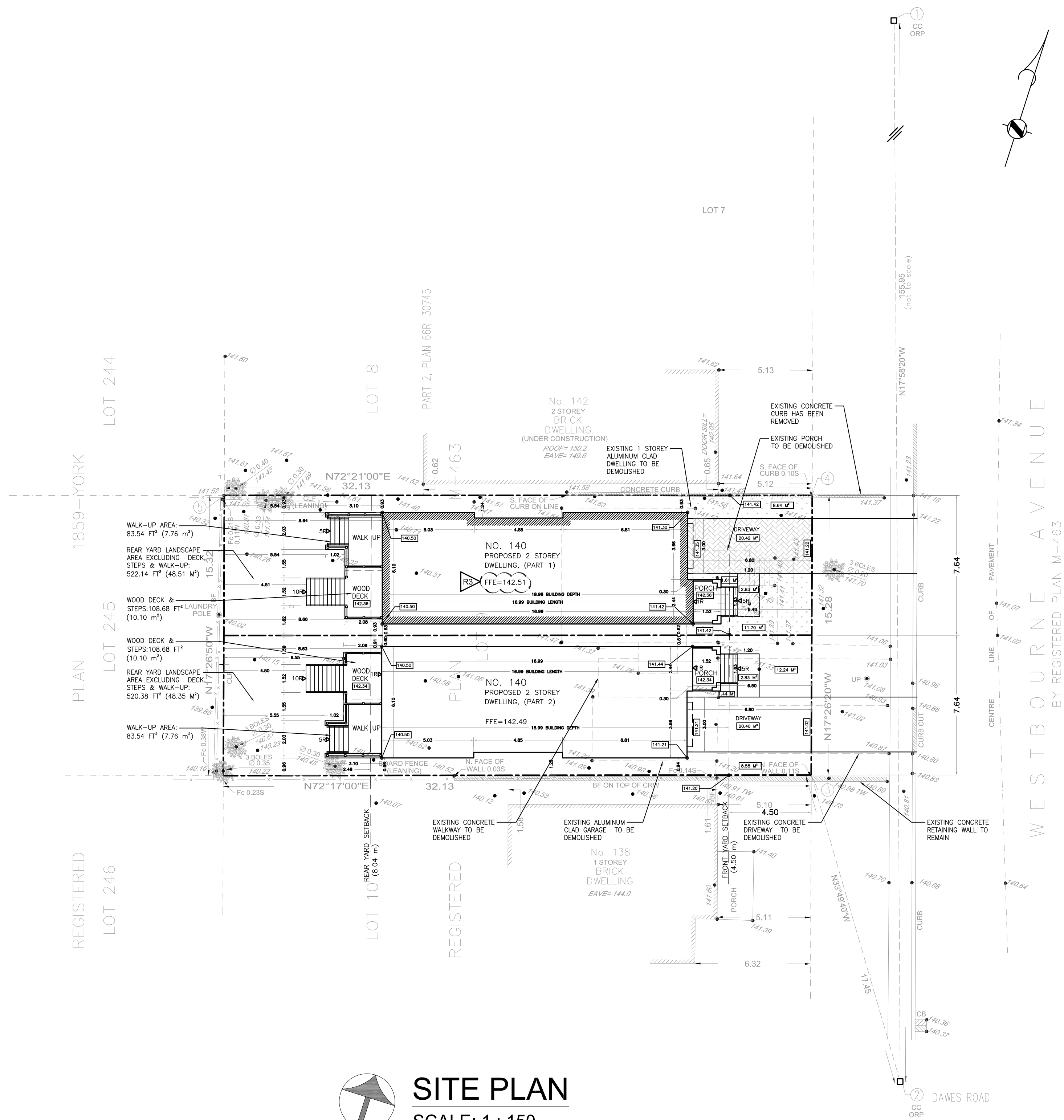
7). Within ONE YEAR of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions

So orders the Toronto Local Appeal Body

X






S. Gopikrishna
Panel Chair, Toronto Local Appeal Body

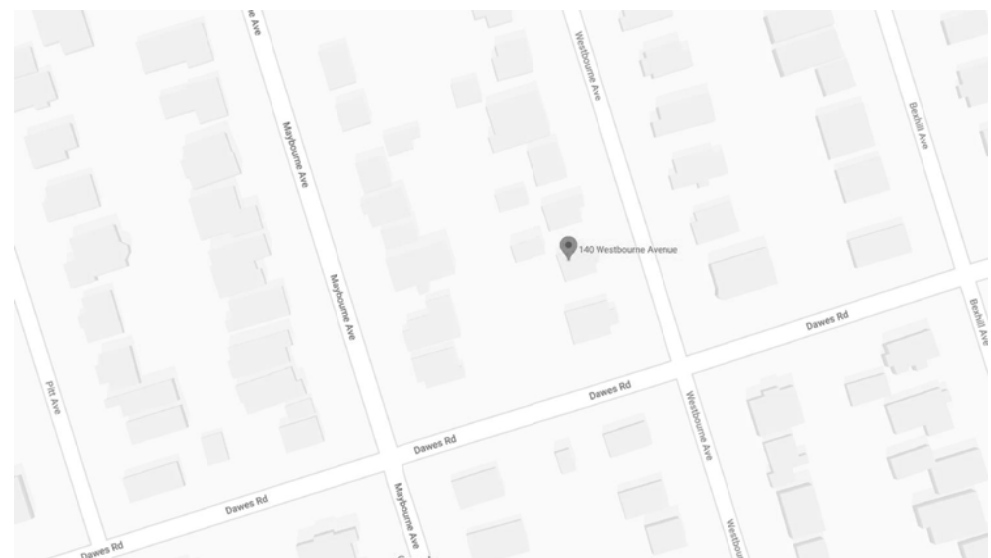


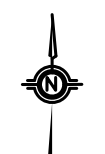
 **SITE PLAN**
SCALE: 1 : 150

SITE DATA : 140 WESTBOURNE AVE. (PART 1), SCARBOROUGH, – SOUTHWEST(20), ONTARIO			
ZONING CITY OF TORONTO : RD (f12.0;a371) (X169) /By-law 569–2013			
	PERMITTED	PROPOSED	REMARKS
MIN. LOT AREA RD RD :	371.00 M²	245.90 M²	C.O.A. REQ.
MIN. LOT FRONTAGE RD :	12.00 M	7.64 M	C.O.A. REQ.
GROSS FLOOR AREA:			
FIRST FLOOR AREA:		101.74 M²	
SECOND FLOOR AREA EXCLUDING OPEN BELOW:		99.74 M²	
TOTAL GROSS FLOOR AREA		201.48 M²	
GROSS FLOOR AREA %:		81.95 %	
FLOOR SPACE INDEX		201.48 M²	
BUILDING FOOTPRINT AREA INCLUDING FRONT PORCH FOUNDATION, GARAGE, COVERED DECK & WALKUP.			
BUILDING FOOTPRINT AREA %:	33%	42.89 %	C.O.A. REQ.
MIN. FRONT YARD SETBACK			
MIN. SIDE YARD (RIGHT SIDE) EXCEPTION RD (X169)	0.90 M	0.93 M	
MIN. SIDE YARD (LEFT SIDE) EXCEPTION RD (X169)	0.90 M	0.62 M	C.O.A. REQ.
MIN. REAR YARD SETBACK: 7.50 m OR 25% LOT DEPTH	8.04 M	8.64 M	
MAX. DWELLING UNIT DEPTH FROM FRONT YARD SETBACK TO THE REAR MAIN WALL			
MAX. DWELLING UNIT LENGTH	17.00 M	16.99 M	
HEIGHT OF THE FIRST FL. ABOVE EXISTING GRADE			
GARAGE AREA :		23.97 M²	C.O.A. REQ.
MAX. DRIVE WAY WIDTH	3.45 M	3.00 M	
MAXIMUM HEIGHT – FROM ESTABLISHED GRADE/ MEAN GRADE TO HIGHEST RIDGE OF SLOPED ROOF	7.20 M	8.31 M	C.O.A. REQ.
MAX. HEIGHT OF CERTAIN MAIN WALL	N/A	7.60 M	
TOTAL OPEN BELOW AREA:		1.25 M	

140 WESTBOURNE AVE. PART 1 (FRONT YARD)					
LANDSCAPE CALCULATION FOR FRONT YARD					
A	TOTAL FRONT YARD	=	47.44 SQ.M.	510.6394 SQ. FT	
B	DRIVEWAY AREA	=	20.42 SQ.M.	219.7988 SQ. FT	
C	% OF TOTAL FRONT YARD AREA(A) =		43.04 %		
D	LANDSCAPE AREA =		27.02 SQ.M.	290.8406 SQ. FT	
E	SOFT LANDSCAPE AREA =		21.96 SQ.M.	236.3752 SQ. FT	
F	HARD LANDSCAPE AREA=		5.06 SQ.M.	54.46533 SQ. FT	
G	% OF TOTAL LANDSCAPE AREA=		18.73 %		

LANDSCAPE LEGEND	
	GREEN LANDSCAPE
	WALK WAY
	DRIVE WAY PAVING



 **KEY PLAN**
N.T.S.

3	REVISED TO LOWER GROUND FLOOR & PORCH	01 / 11 / 2021
2	REVISED AS PER ZONING COMMENTS	05 / 15 / 2020
1	ISSUED FOR ZONING CERTIFICATE	02 / 03 / 2020
NO.	REVISIONS	DATE

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DO NOT SCALE DRAWINGS.

PROJECT COORDINATOR :

CANTAM
Group Ltd.

PLANNING & BUILDING CONSULTANTS
850 TAPSCOTT RD, UNIT # 51,TORONTO ON M1X 1N4
TEL: 416-335-3353 * FAX: 416-335-7967 * CELL: 416-854-2485

PROJECT :

PROPOSED TWO STOREY RESIDENCE
AT 140 WESTBOURNE AVE. (PART 1)
SCARBOROUGH , ON

DRAWING:

SITE PLAN

DATE: 02 / 25 / 2020

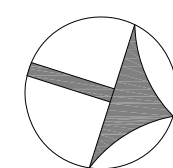
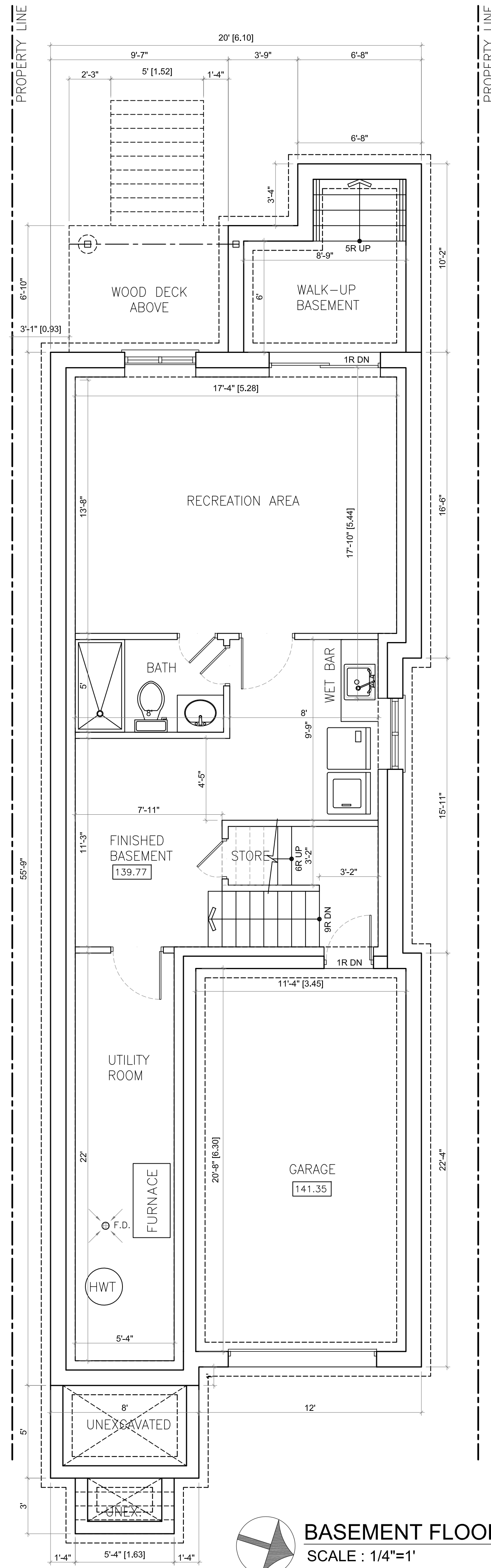
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DRN: CB

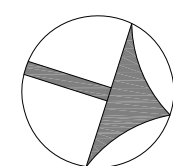
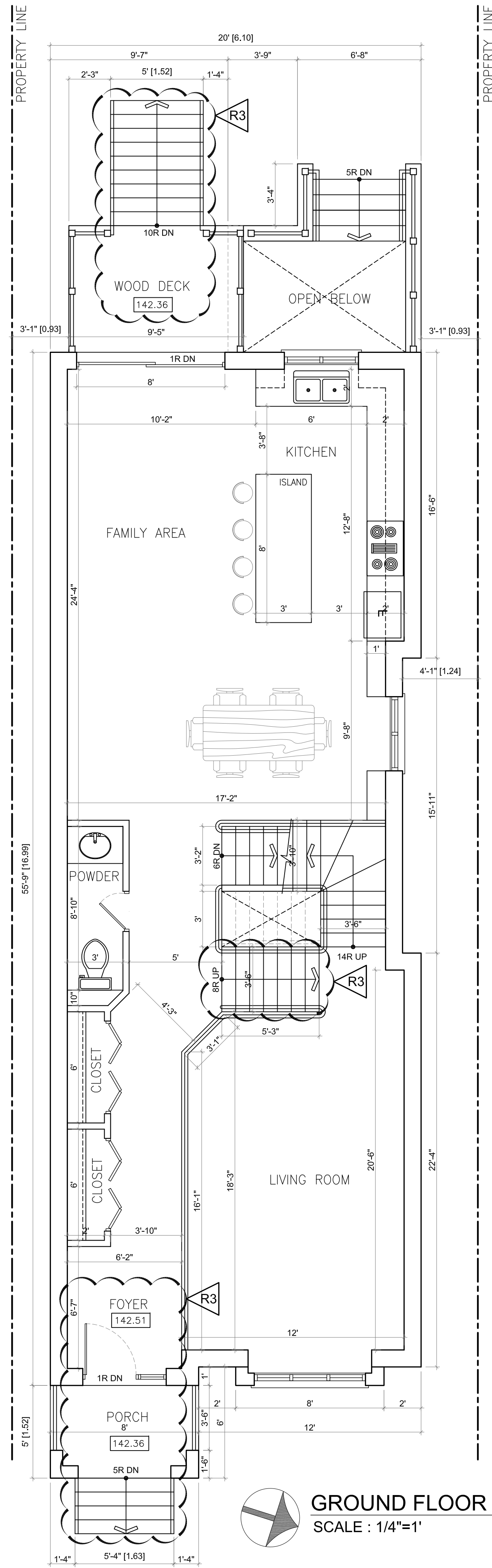
CKD: YASO

DRAWING NO.

A1



BASEMENT FLOOR PLAN
SCALE : 1/4"=1'



GROUND FLOOR PLAN
SCALE : 1/4"=1'

3.	REVISED TO LOWER GROUND FLOOR & PORCH	01 / 11 / 2021
2.	REVISED AS PER ZONING COMMENTS	05 / 15 / 2020
1.	ISSUED FOR ZONING CERTIFICATE	03 / 02 / 2020
NO.	REVISIONS	DATE

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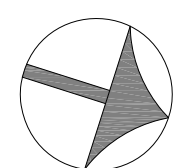
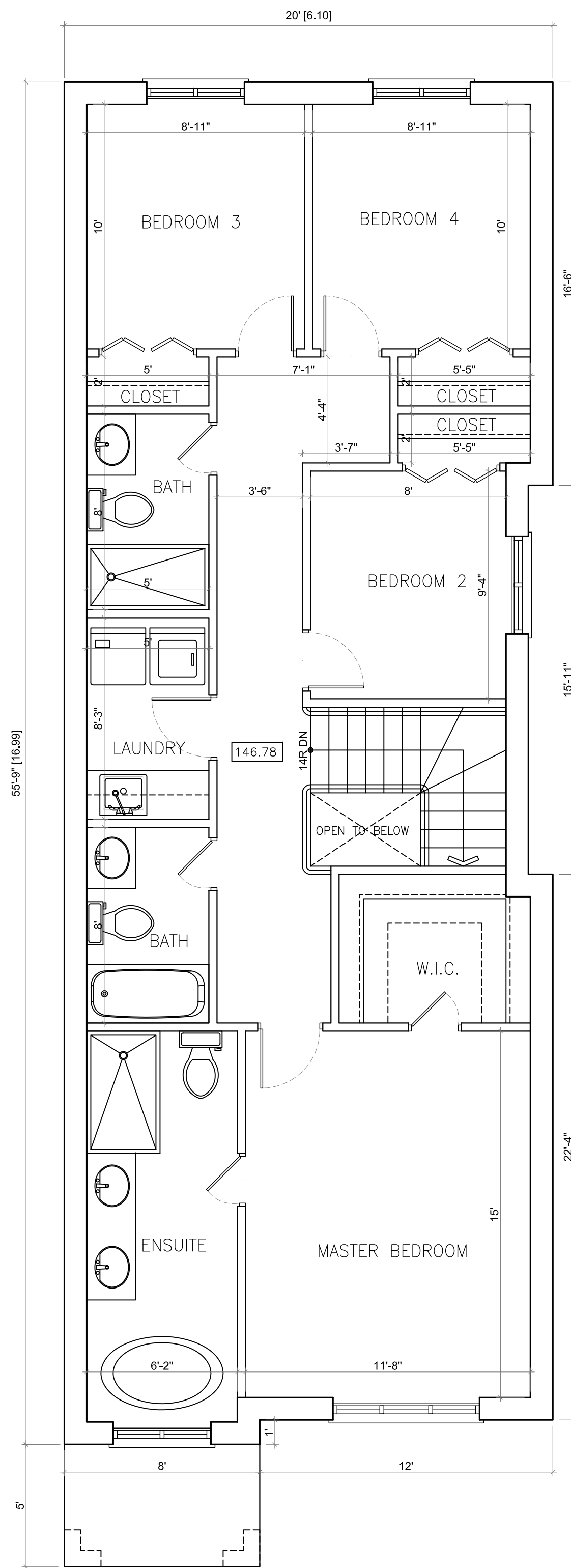
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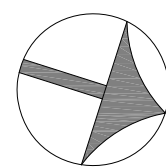
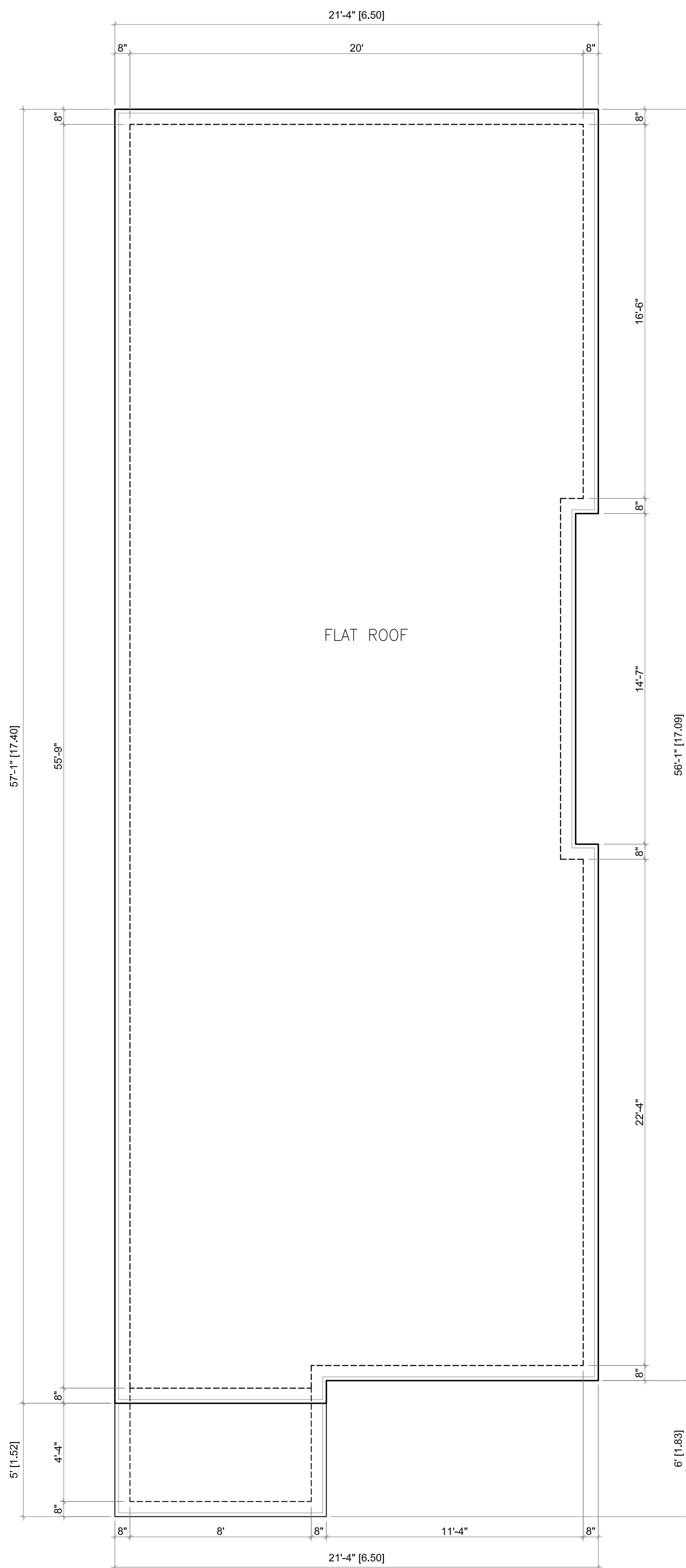
PROJECT :
**PROPOSED TWO STOREY RESIDENCE
AT 140, WESTBOURNE AVE. (PART 1)
SCARBOROUGH , ON**

DRAWING:
BASEMENT AND GROUND FLOOR PLAN

DATE: 10 / 02 / 2020	DRAWING NO. A2
SCALE: AS NOTED	
DRN: EP CKD: YASO	



SECOND FLOOR PLAN
SCALE : 1/4"=1'



ROOF PLAN
SCALE : 1/4"=1'

2.	REVISED AS PER ZONING COMMENTS	05 / 15 / 2020
1.	ISSUED FOR ZONING CERTIFICATE	03 / 02 / 2020
NO.	REVISIONS	DATE

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PROJECT :

PROPOSED TWO STOREY RESIDENCE
AT 140, WESTBOURNE AVE. (PART 1)
SCARBOROUGH , ON

DRAWING:

SECOND FLOOR AND ROOF PLAN

DATE: 10 / 02 / 2020

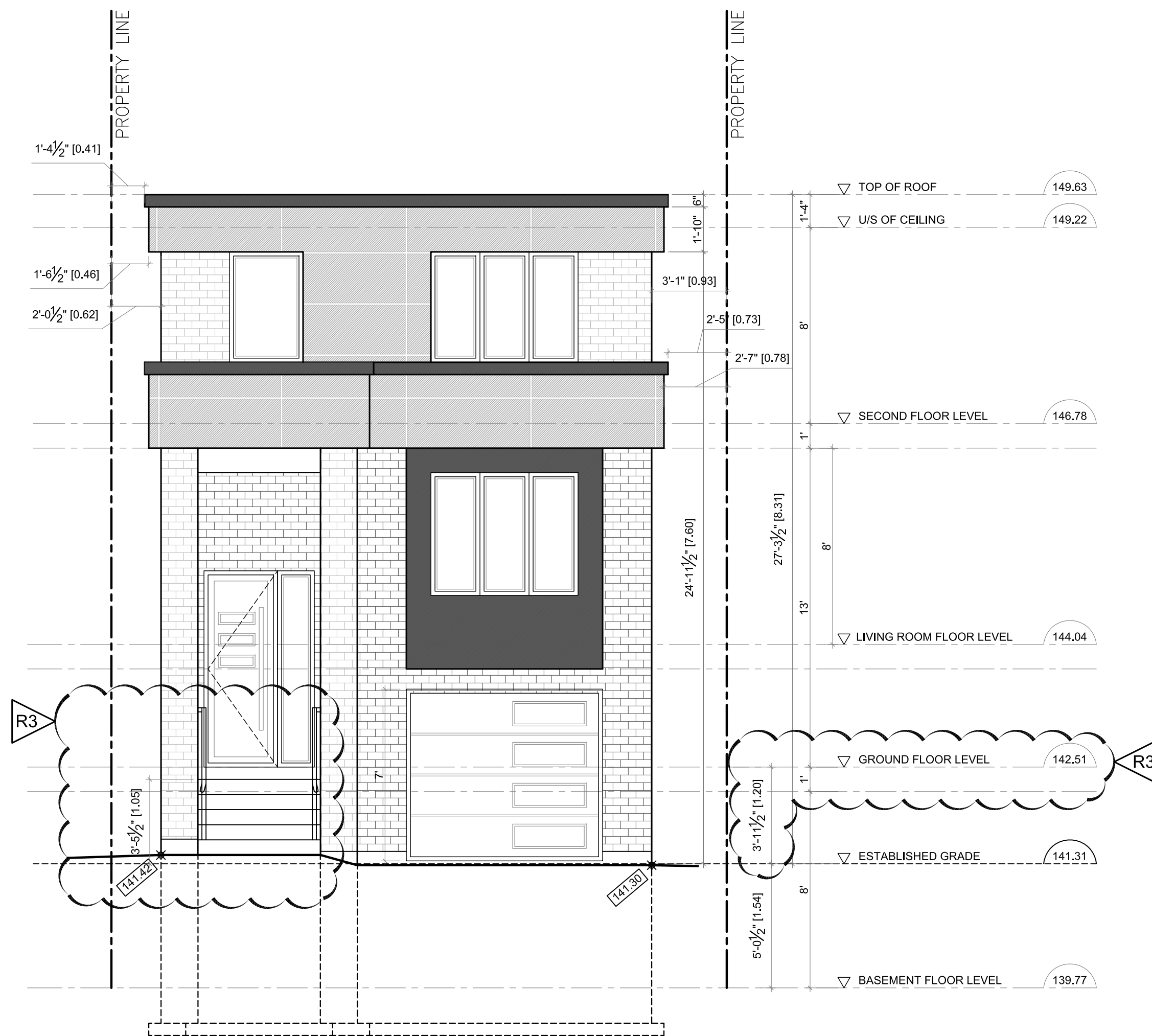
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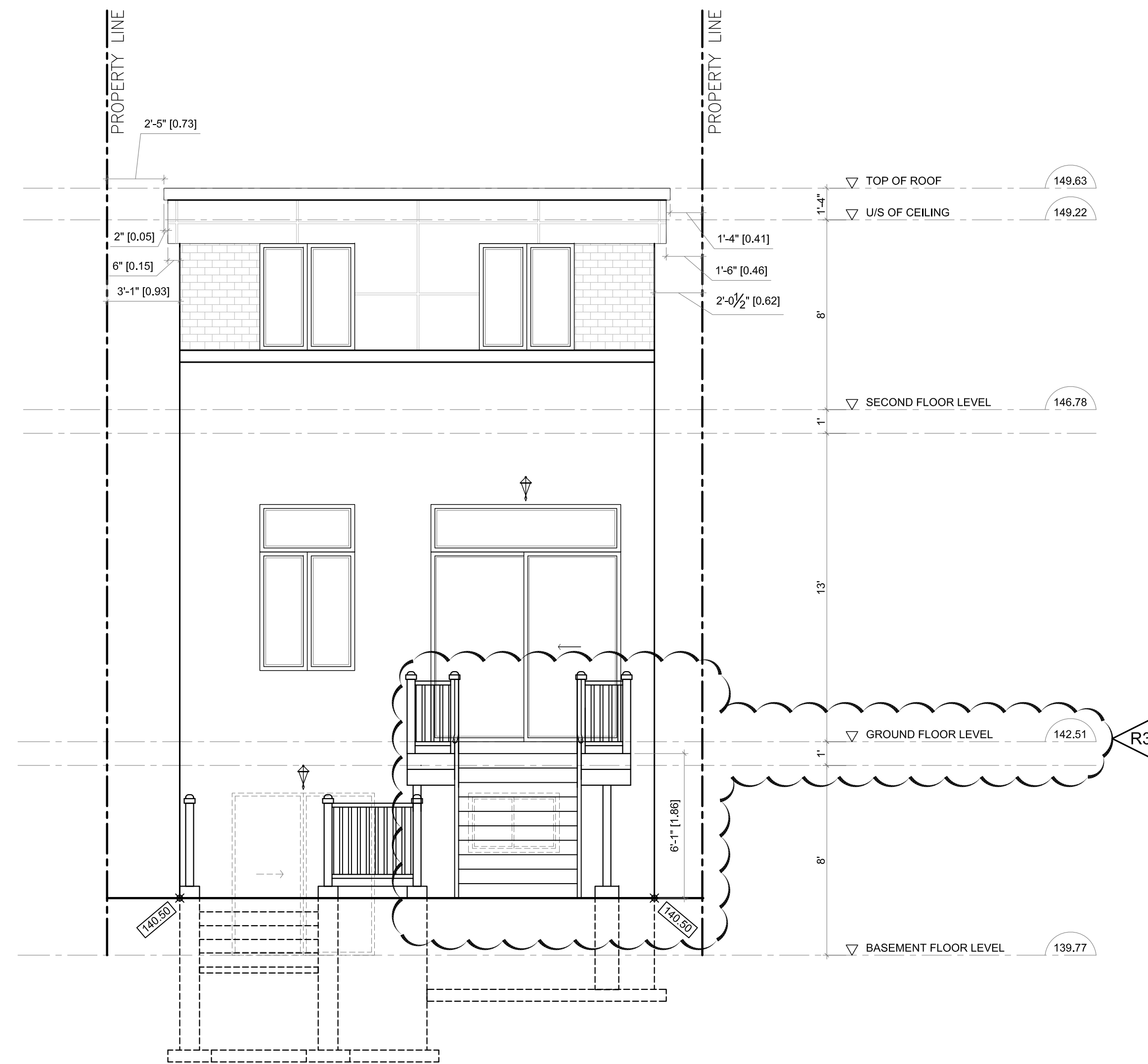
CKD: YASO

DRAWING NO.

A3



PROPOSED FRONT ELEVATION
SCALE : 1/4"=1'



PROPOSED REAR ELEVATION
SCALE : 1/4"=1'

3.	REVISED TO LOWER GROUND FLOOR & PORCH	01 / 11 / 2021
2.	REVISED AS PER ZONING COMMENTS	05 / 15 / 2020
1.	ISSUED FOR ZONING CERTIFICATE	03 / 02 / 2020
NO.	REVISIONS	DATE

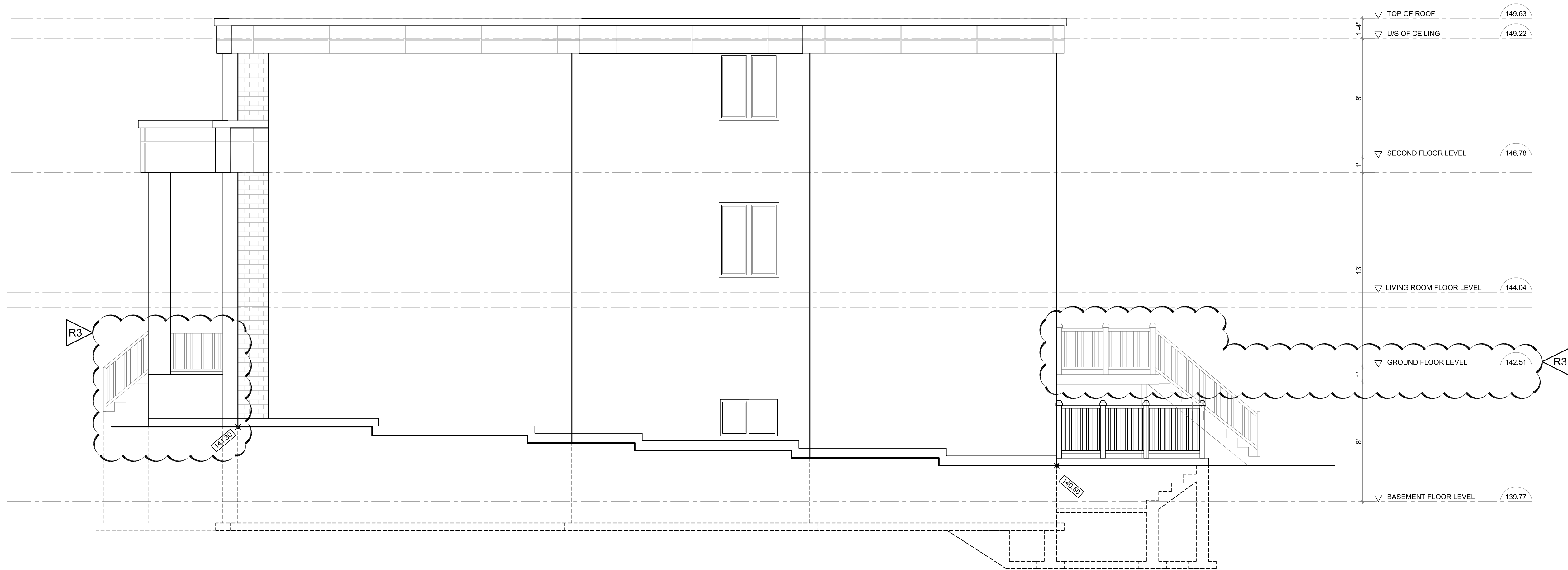
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PROJECT :
PROPOSED TWO STOREY RESIDENCE
AT 140, WESTBOURNE AVE. (PART 1)
SCARBOROUGH , ON

DRAWING:
FRONT AND REAR ELEVATIONS

DATE: 10 / 02 / 2020	DRAWING NO. A4
SCALE: AS NOTED	
DRN: EP CKD: YASO	



PROPOSED RIGHT SIDE ELEVATION
SCALE : 1/4"=1'

3.	REVISED TO LOWER GROUND FLOOR & PORCH	01 / 11 / 2021
2.	REVISED AS PER ZONING COMMENTS	05 / 15 / 2020
1.	ISSUED FOR ZONING CERTIFICATE	03 / 02 / 2020
NO.	REVISIONS	DATE

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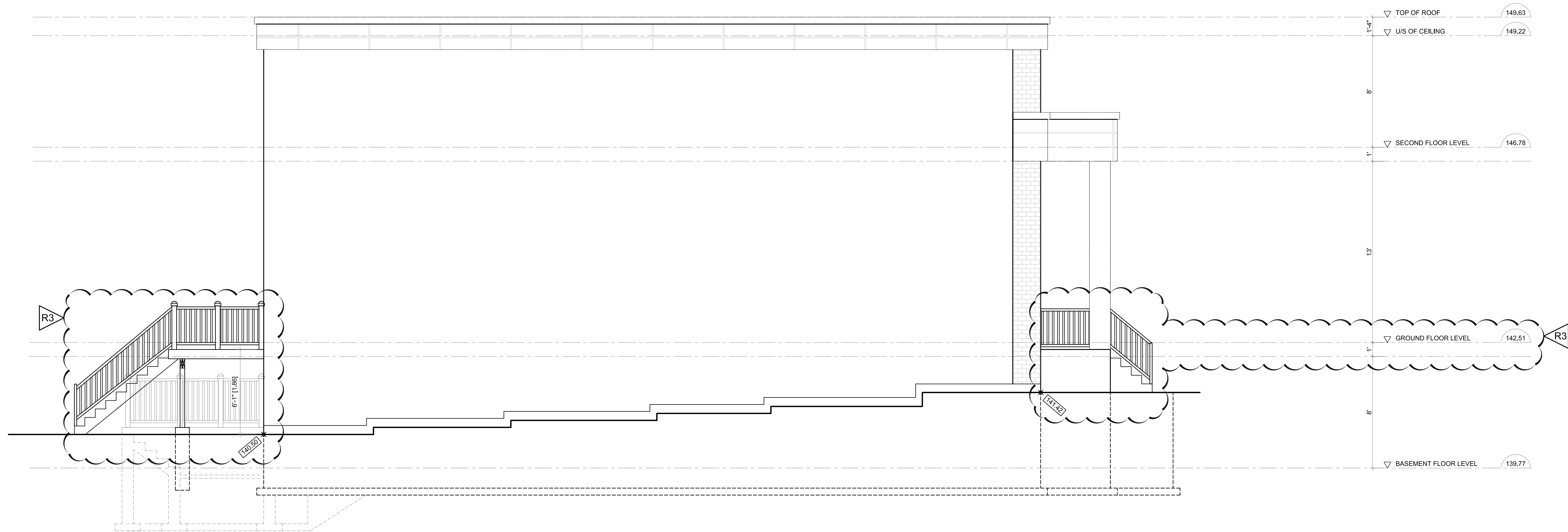
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PROJECT :
**PROPOSED TWO STOREY RESIDENCE
AT 140, WESTBOURNE AVE. (PART 1)
SCARBOROUGH , ON**

DRAWING:
RIGHT SIDE ELEVATION

DATE: 10 / 02 / 2020	A5
SCALE: AS NOTED	
DRN: EP CKD: YASO	



PROPOSED LEFT SIDE ELEVATION
SCALE : 1/4"=1'

3.	REVISED TO LOWER GROUND FLOOR & PORCH	01 / 11 / 2021
2.	REVISED AS PER ZONING COMMENTS	05 / 15 / 2020
1.	ISSUED FOR ZONING CERTIFICATE	03 / 02 / 2020
NO.	REVISIONS	DATE

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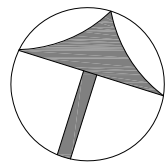
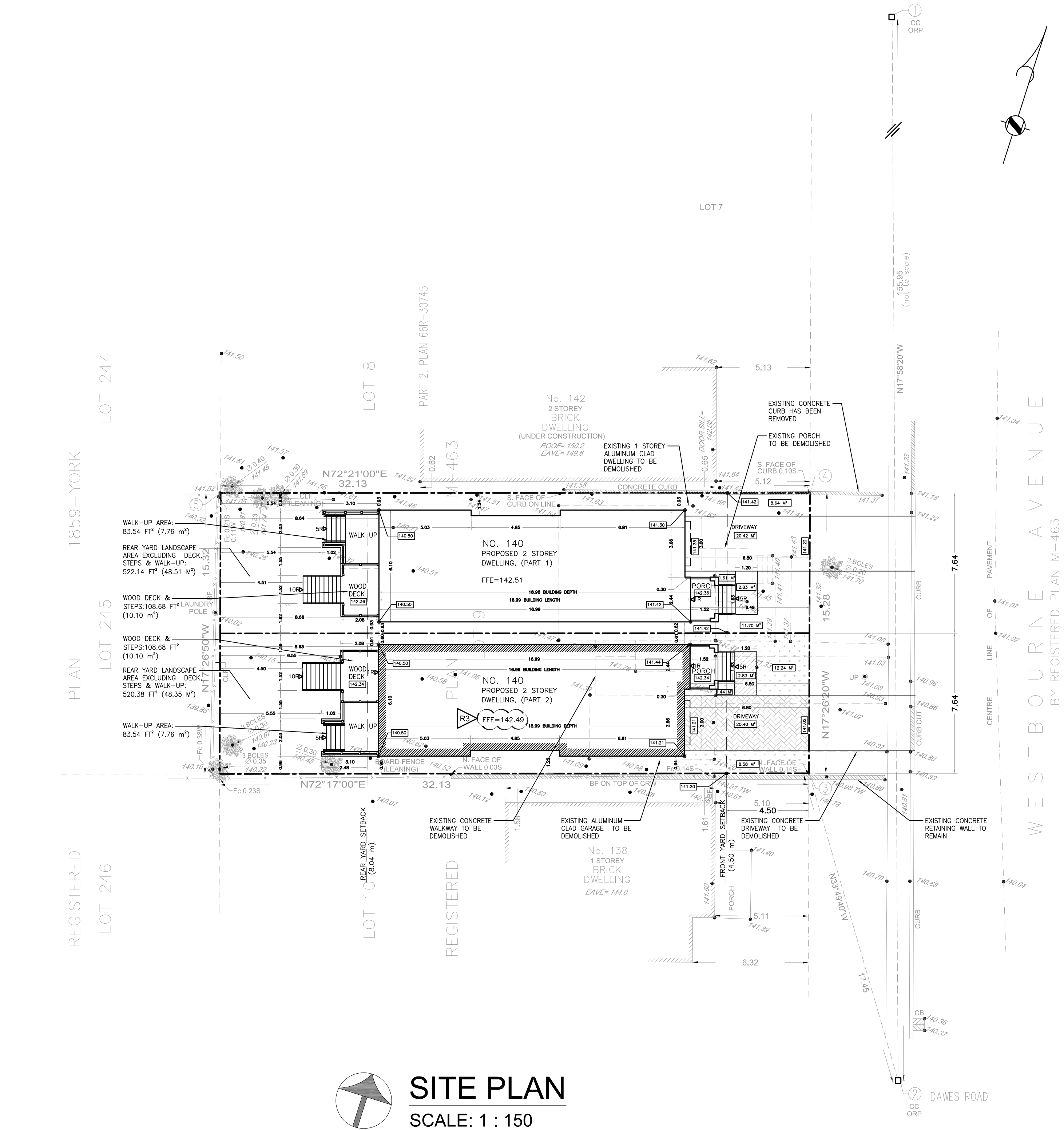
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850 TAPSCOTT RD, UNIT # 51, TORONTO ON M1X 1N4
TEL: 416-335-3353 * FAX: 416-335-7967 * CELL: 416-854-2485

PROJECT :
**PROPOSED TWO STOREY RESIDENCE
AT 140, WESTBOURNE AVE. (PART 1)
SCARBOROUGH , ON**

DRAWING:
LEFT SIDE ELEVATION

DATE: 10 / 02 / 2020
SCALE: AS NOTED
DRN: EP CKD: YASO

DRAWING NO.
A6



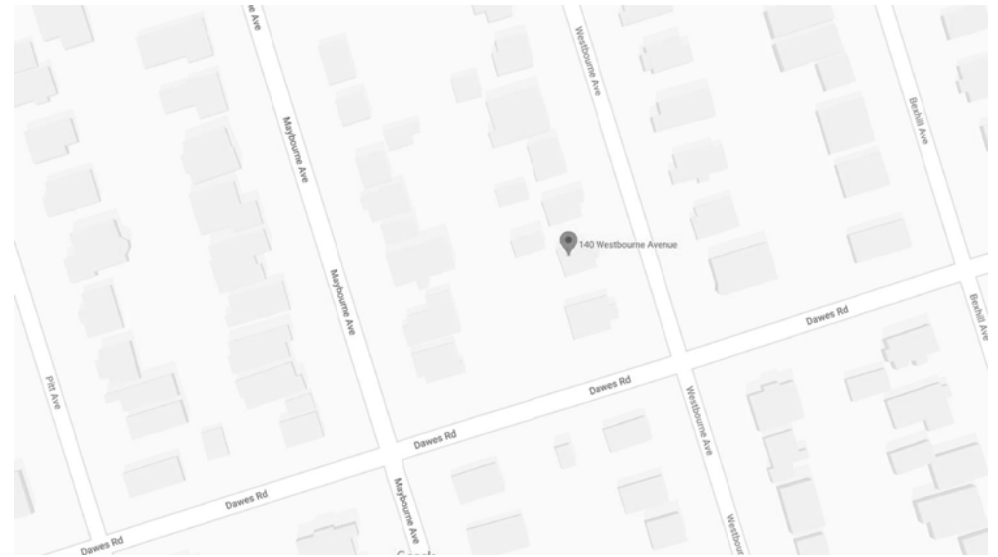
SITE PLAN
SCALE: 1 : 150

SITE DATA : 140 WESTBOURNE AVE. (PART 2), SCARBOROUGH, – SOUTHWEST(20), ONTARIO			
ZONING CITY OF TORONTO : RD (R12.0:0371) (X169) /By-law 569–2013			
	PERMITTED	PROPOSED	REMARKS
MIN. LOT AREA RD RD :	371.00 M²	245.80 M²	C.O.A. REQ.
MIN. LOT FRONTAGE RD :	12.00 M	7.64 M	C.O.A. REQ.
GROSS FLOOR AREA:			
FIRST FLOOR AREA:		101.74 M²	
SECOND FLOOR AREA EXCLUDING OPEN BELOW:		99.74 M²	
TOTAL GROSS FLOOR AREA		201.48 M²	
GROSS FLOOR AREA %:		81.95 %	
FLOOR SPACE INDEX		201.48 M²	
BUILDING FOOTPRINT AREA INCLUDING FRONT PORCH FOUNDATION, GARAGE, COVERED DECK & WALKUP.			
BUILDING FOOTPRINT AREA %:	33%	42.89 %	C.O.A. REQ.
MIN. FRONT YARD SETBACK			
MIN. SIDE YARD (RIGHT SIDE) EXCEPTION RD (X169)	4.50 M	6.50 M	C.O.A. REQ.
MIN. SIDE YARD (LEFT SIDE) EXCEPTION RD (X169)	0.90 M	0.60 M	C.O.A. REQ.
MIN. REAR YARD SETBACK: 7.50 m OR 25% LOT DEPTH	0.90 M	0.94M	
MAX. DWELLING UNIT DEPTH FROM FRONT YARD SETBACK TO THE REAR MAIN WALL			
MAX. DWELLING UNIT LENGTH	19.00 M	18.99 M	
HEIGHT OF THE FIRST FL. ABOVE EXISTING GRADE			
GARAGE AREA :	1.20 M	1.48M	C.O.A. REQ.
MAX. DRIVE WAY WIDTH		23.97 M²	
MAXIMUM HEIGHT – FROM ESTABLISHED GRADE/ MEAN GRADE TO HIGHEST RIDGE OF SLOPED ROOF	3.45 M	3.00 M	C.O.A. REQ.
MAX. HEIGHT OF CERTAIN MAIN WALL	7.62 M	8.29 M	C.O.A. REQ.
TOTAL OPEN BELOW AREA:	N/A	7.58 M	
		1.25 M	

140 WESTBOURNE AVE. PART 2 (FRONT YARD)				
LANDSCAPE CALCULATION FOR FRONT YARD				
A	TOTAL FRONT YARD	=	47.35 SQ.M.	509.6707 SQ. FT
B	DRIVEWAY AREA	=	20.4 SQ.M.	219.5836 SQ. FT
C	% OF TOTAL FRONT YARD AREA(A) =		43.08 %	
D	LANDSCAPE AREA =		26.95 SQ.M.	290.0871 SQ. FT
E	SOFT LANDSCAPE AREA =		22.26 SQ.M.	239.6044 SQ. FT
F	HARD LANDSCAPE AREA=		4.69 SQ.M.	50.48269 SQ. FT
G	% OF TOTAL LANDSCAPE AREA=		17.4 %	

LANDSCAPE LEGEND

- GREEN LANDSCAPE
- WALK WAY
- DRIVE WAY PAVING



KEY PLAN
N.T.S.

3	REVISED TO LOWER GROUND FLOOR & PORCH	01 / 11 / 2021
2	REVISED AS PER ZONING COMMENTS	05 / 15 / 2020
1	ISSUED FOR ZONING CERTIFICATE	02 / 03 / 2020
NO.	REVISIONS	DATE

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TEL: 416-335-3353 * FAX: 416-335-7967 * CELL: 416-854-2485

PROJECT :

PROPOSED TWO STOREY RESIDENCE
AT 140 WESTBOURNE AVE. (PART 2)
SCARBOROUGH , ON

DRAWING:

SITE PLAN

DATE: 02 / 25 / 2020

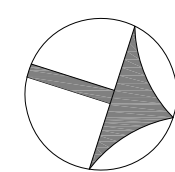
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DRN: CB

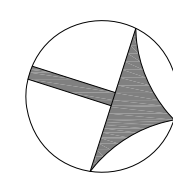
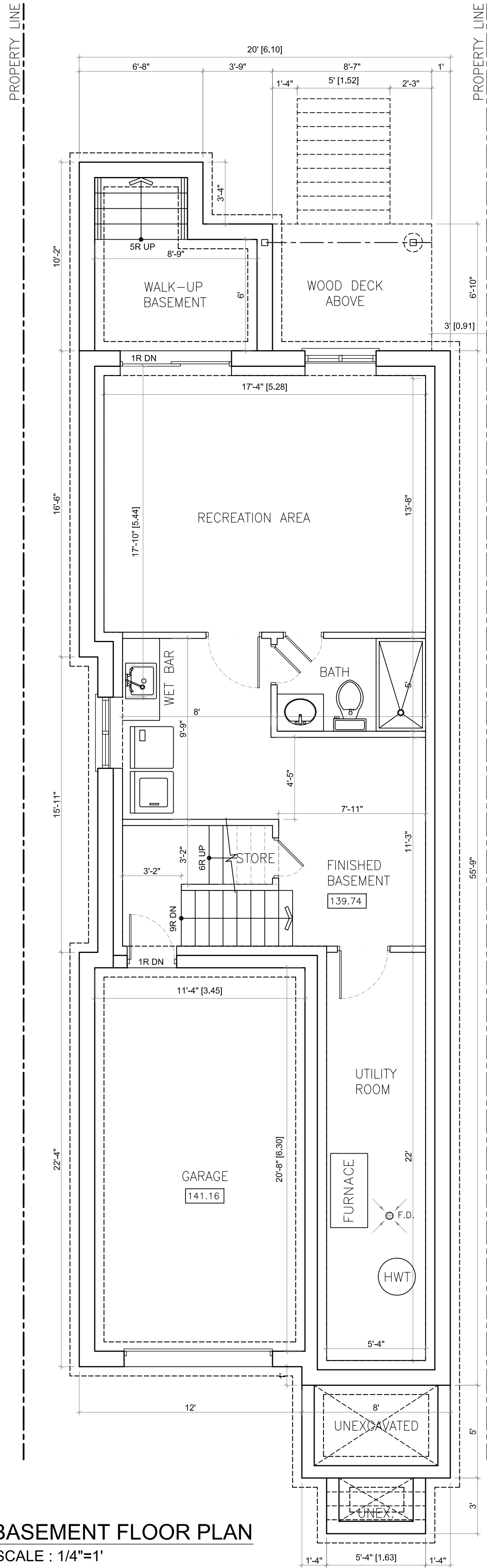
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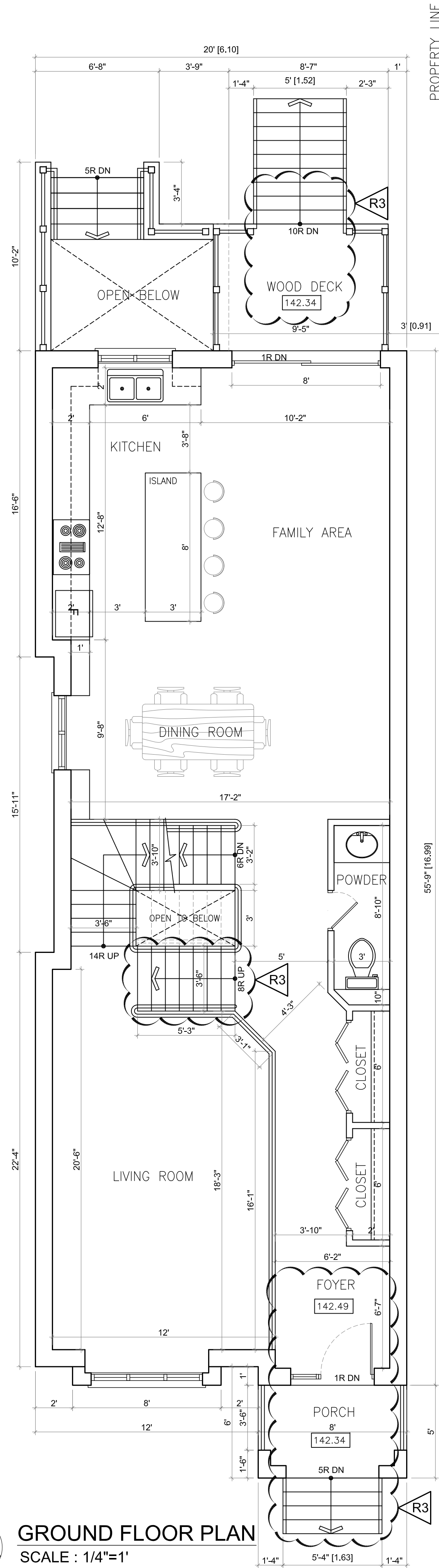
A1



BASEMENT FLOOR PLAN
SCALE : 1/4"=1'



GROUND FLOOR PLAN
SCALE : 1/4"=1'



3.	REVISED TO LOWER GROUND FLOOR & PORCH	01 / 11 / 2021
2.	REVISED AS PER ZONING COMMENTS	05 / 15 / 2020
1.	ISSUED FOR ZONING CERTIFICATE	03 / 02 / 2020
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PROJECT :
**PROPOSED TWO STOREY RESIDENCE
AT 140, WESTBOURNE AVE. (PART 2)
SCARBOROUGH , ON**

DRAWING:
BASEMENT AND GROUND FLOOR PLAN

DATE: 10 / 02 / 2020

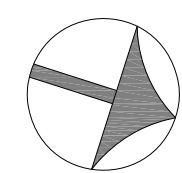
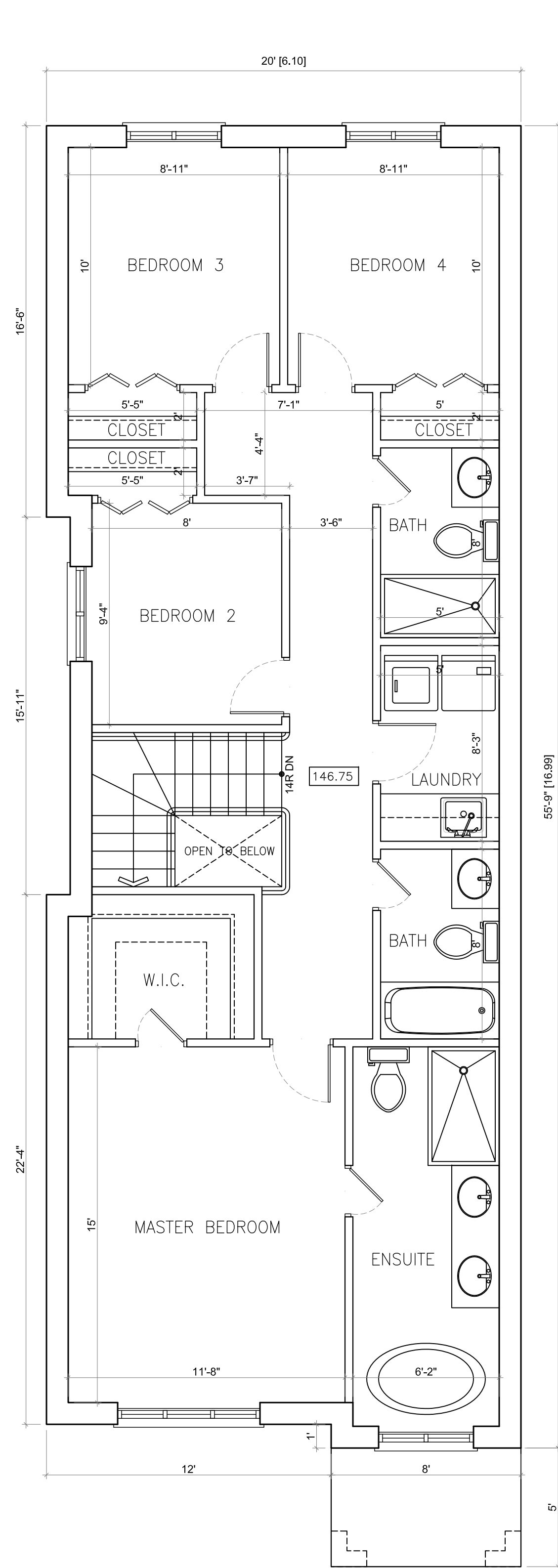
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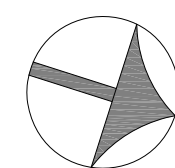
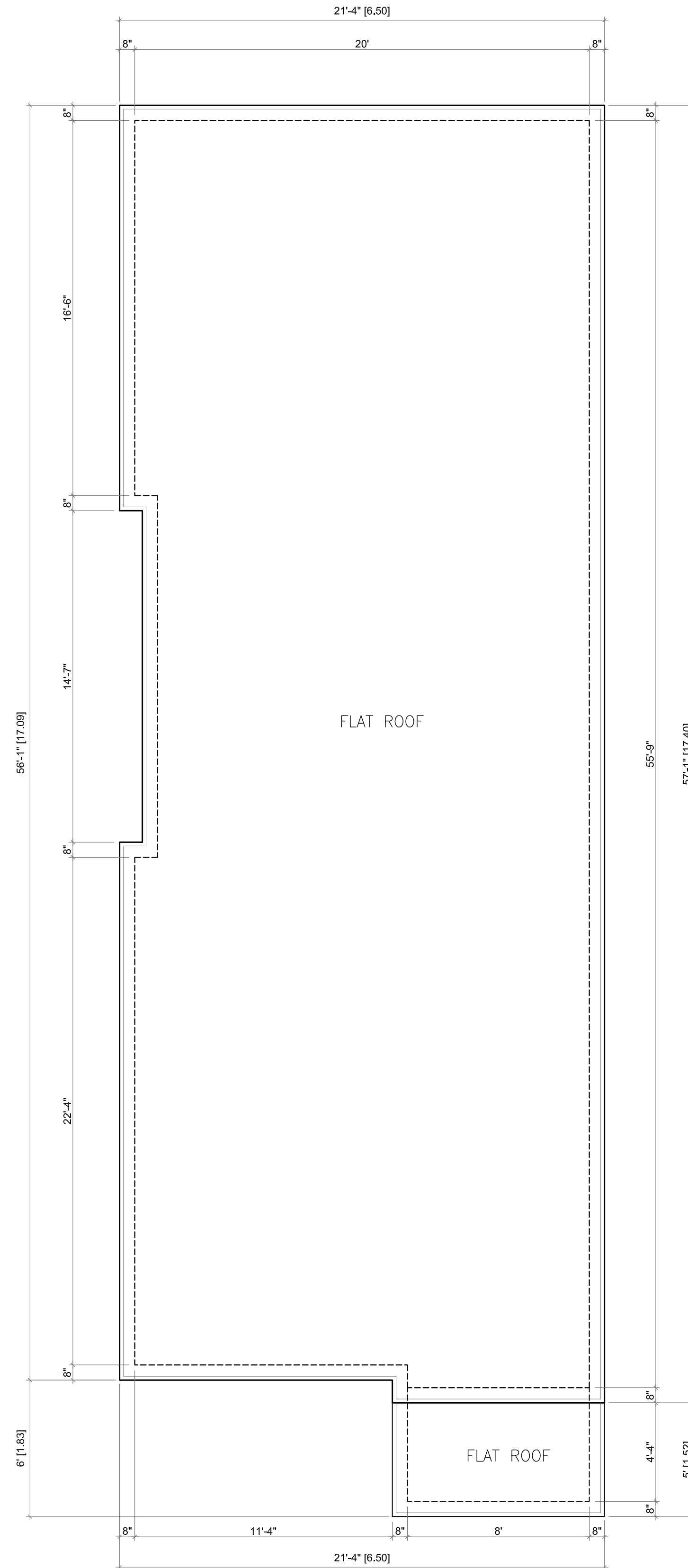
CKD: YASO

DRAWING NO.

A2



SECOND FLOOR PLAN
SCALE : 1/4"=1'



ROOF PLAN
SCALE : 1/4"=1'

2.	REVISED AS PER ZONING COMMENTS	05 / 15 / 2020
1.	ISSUED FOR ZONING CERTIFICATE	03 / 02 / 2020
NO.	REVISIONS	DATE

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PROJECT :

**PROPOSED TWO STOREY RESIDENCE
AT 140, WESTBOURNE AVE. (PART 2)
SCARBOROUGH , ON**

DRAWING:

SECOND FLOOR AND ROOF PLAN

DATE: 10 / 02 / 2020	A3
SCALE: AS NOTED	
DRN: EP CKD: YASO	



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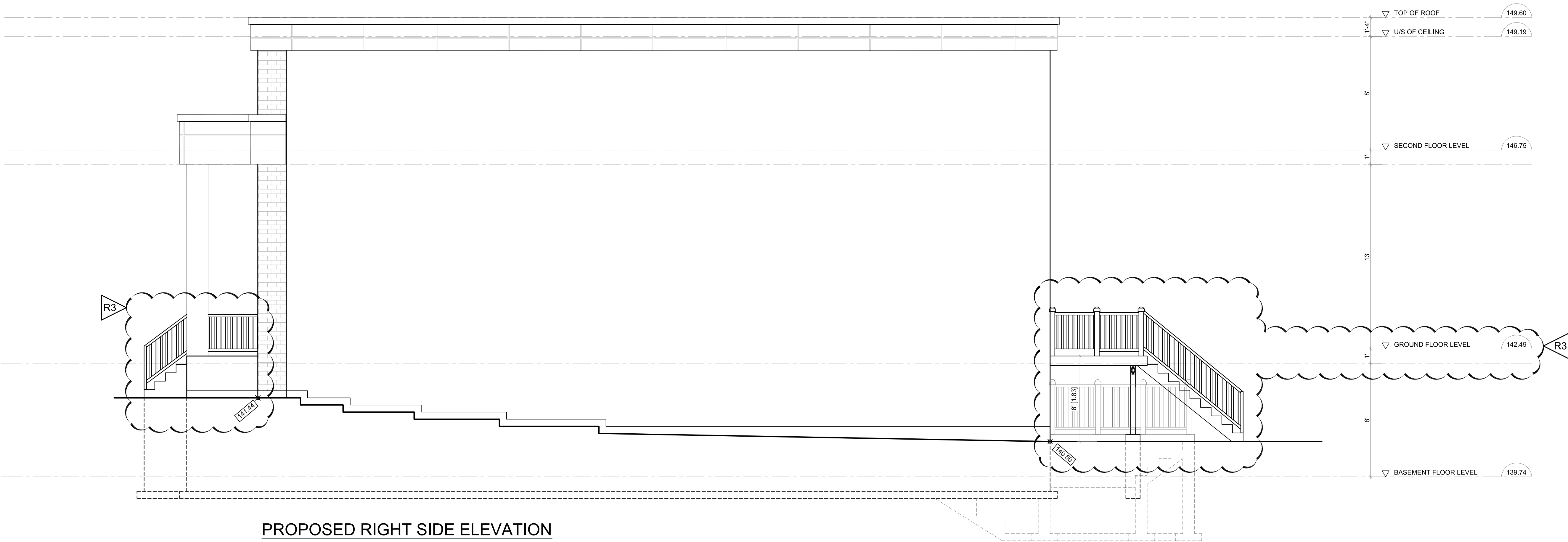
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PROJECT :
PROPOSED TWO STOREY RESIDENCE
AT 140, WESTBOURNE AVE. (PART 2)
SCARBOROUGH , ON

DRAWING:

FRONT AND REAR ELEVATIONS

DATE: 10 / 02 / 2020		DRAWING NO. A4
SCALE: AS NOTED		
DRN: EP	CKD: YASO	



PROPOSED RIGHT SIDE ELEVATION
SCALE : 1/4"=1'

3.	REVISED TO LOWER GROUND FLOOR & PORCH	01 / 11 / 2021
2.	REVISED AS PER ZONING COMMENTS	05 / 15 / 2020
1.	ISSUED FOR ZONING CERTIFICATE	03 / 02 / 2020
NO.	REVISIONS	DATE

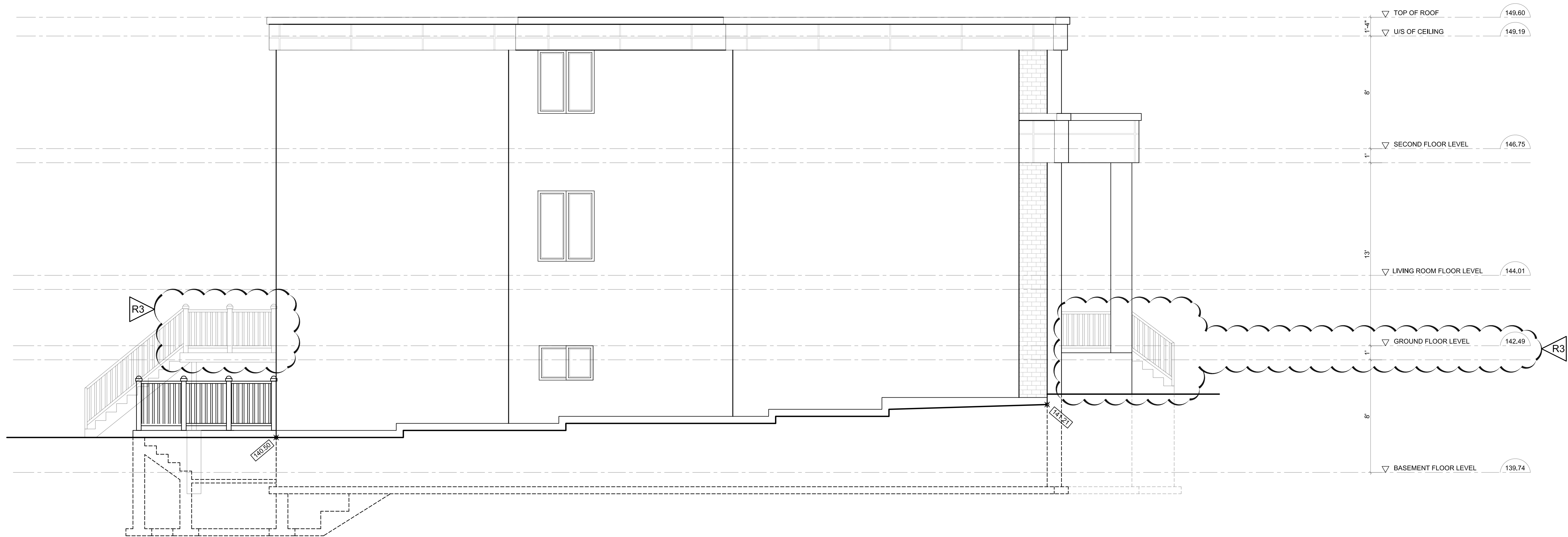
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CANTAM
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PLANNING & BUILDING CONSULTANTS
850 TAPSCOTT RD, UNIT # 51, TORONTO ON M1X 1N4
TEL: 416-335-3353 * FAX: 416-335-7967 * CELL: 416-854-2485

PROJECT :
PROPOSED TWO STOREY RESIDENCE
AT 140, WESTBOURNE AVE. (PART 2)
SCARBOROUGH , ON

DRAWING:
RIGHT SIDE ELEVATION

DATE: 10 / 02 / 2020	DRAWING NO. A5
SCALE: AS NOTED	
DRN: EP CKD: YASO	



PROPOSED LEFT SIDE ELEVATION
SCALE : 1/4"=1'

3.	REVISED TO LOWER GROUND FLOOR & PORCH	01 / 11 / 2021
2.	REVISED AS PER ZONING COMMENTS	05 / 15 / 2020
1.	ISSUED FOR ZONING CERTIFICATE	03 / 02 / 2020
NO.	REVISIONS	DATE

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PROJECT :

PROPOSED TWO STOREY RESIDENCE
AT 140, WESTBOURNE AVE. (PART 2)
SCARBOROUGH , ON

DRAWING:

LEFT SIDE ELEVATION

DATE: 10 / 02 / 2020	DRAWING NO. A6
SCALE: AS NOTED	
DRN: EP CKD: YASO	