

DECISION AND ORDER

Decision Issue Date: Tuesday, August 24, 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): HELGA ALTMANN

Applicant(s): HENRY WEINMAN

Property Address/Description: 28 LEUTY AVE

Committee of Adjustment File

Number(s): 20 216901 STE 19 MV (A1015/20TEY)

TLAB Case File Number(s): 21 136170 S45 19 TLAB

Hearing date: July 26, 2021

Deadline Date for Closing Submissions/Undertakings:

DECISION DELIVERED BY S. MAKUCH

REGISTERED PARTIES AND PARTICIPANTS

Applicant	HENRY WEINMAN
Appellant/Owner	HELGA ALTMANN
Participant	RICHARD WHITE
Expert Witness	TERRANCE GLOVER

INTRODUCTION

This is an appeal by the owner of property from a Committee of Adjustment decision refusing variances for the maintenance of an existing garage.

BACKGROUND

The request for the variances arose out of a dispute between neighbours respecting a mutual driveway. The dispute has now been resolved and the parties all agree to the approval of the variances under appeal subject to certain amendments to the variances. Those amendments are minor and there is no requirement for new notice as per section 45(18.1.1) of the *Planning Act*.

The variances as amended and for which approval is sought are as follows:

1. Chapter 10.5.50.10.(3)(B), By-law 569-2013 A minimum of 50% (79.77 m²) of the rear yard must be maintained as soft landscaping. In this case, 18.9% (30.18m²) of the rear yard will be maintained as soft landscaping.
2. Chapter 10.5.60.40.(2), By-law 569-2013 The maximum permitted height of an ancillary building is 4.0 m. The rear detached garage has a height of 4.01 m.
3. Chapter 10.5.60.50.(2), By-law 569-2013 The maximum permitted total floor area of all ancillary buildings or structure on the lot is 40.0 m². The rear detached garage has a floor area of 52.45m²

MATTERS IN ISSUE

There were no matters in issue. There is of course the obligation to meet provincial requirements and the four tests of the *Planning Act*.

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


Evidence was presented by a land use planner, Terrance Glover, that the variances met the above requirements.

ANALYSIS, FINDINGS, REASONS

Based on the evidence of the planner I find the variances as amended meet provincial requirements and the four tests of the *Planning Act* and should be approved.

DECISION AND ORDER

The variances set out above are approved, the appeal allowed and the decision of the Committee of Adjustment is revoked.

X 

S. Makuch
Panel Chair, Toronto Local Appeal