

## DECISION AND ORDER

**Decision Issue Date** Monday, October 25, 2021 and amended pursuant to Rule 30.1 on October 27, 2021

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

Appellant(s): JOHN PATRICK O'BRIEN

Applicant(s): BELINDA JONES ARCHITECT

Property Address/Description: 4 KENNEDY AVENUE  
Committee of Adjustment File

Number(s): 20 206713 STE 04 MV

**TLAB Case File Number(s): 21 156889 S45 04 TLAB**

**Hearing date: September 1, 2021**

**Date for comment, if any, from Urban Forestry: October 11, 2021**

**DECISION DELIVERED BY : Ted Yao**

### REGISTERED PARTIES AND PARTICIPANTS

Name	Role	Representative
Jodi Jean Lock-O'Brien	Owner/Party	
John Patrick O'Brien	Appellant/Owner	Alan Heisey, Q.C.
Alex Hardy	Expert Witness	
Jennifer Gagné	Expert Witness	
Allison Naughty	Party	
Ji-Young Youn	Party	

On September 10, 2021, I asked that the Interim Decision be circulated for comment to the Manager, Parks, Urban Forestry and Recreation for comment, if any, to be received by October 11, 2021. A comment was received that after the fact permits are not issued and a compliance file was opened and closed and accordingly the manager is satisfied that the Department's mandate has been carried out. I will repeat Table 1 of the earlier decision for convenience.

<b>Table1. Variances sought for 4 Kennedy</b>			
		Required	Proposed
<b>Variances from Zoning By-law 569-2013</b>			
1	South side yard setback	0.45 m	0.21 m
2	Deck height	1.2 m	2.6 m
3	Average grade is assumed to be 107.6 ESL <sup>1</sup>		
4	Exterior stairs setback to south lot line	0.6 m	0.23 m
5	Rear yard setback to ancillary building	0.3 m	0.1 m
6	Side yard setback for Shed 2 (this is a different requirement than Var #1)	0.45 m	0.30 m; canopy is 0 m from rear lot line
7	Eaves of ancillary building	Can encroach max. 0.3 m and be no closer than 0.15 m from lot line	Encroach 0.3 m from rear lot line and are zero m from west side lot line
8	Rear yard setback for hot tub	1.2 m	0.32 m
9	Side yard setback for hot tub	1.2 m	0.98 m
10	Lot coverage by ancillary structures	5%	12%
11	Min. no. of parking spaces	1	0

## **DECISION AND ORDER**

The variances in Table 1 are authorized on condition that construction is in substantial compliance with the plans filed with the TLAB.

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<sup>1</sup> I follow the plan examiner's scheme. The line #3 appears to be simply an explanatory note, although it is given its own number. "ESL" means elevation above sea level.



X

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Ted Yao  
Panel Chair, Toronto Local Appeal Body