

DECISION AND ORDER

Decision Issue Date Tuesday, February 01, 2022

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): MOHAMMAD BEHMARD

Applicant(s): MARTIN RENDL

Property Address/Description: 27 HI MOUNT DR

Committee of Adjustment File Number(s): 21 157243 NNY 17 MV (A0381/21NY)

TLAB Case File Number(s): 21 187583 S45 17 TLAB

Hearing date: JANUARY 5, 2022

DECISION DELIVERED BY: STANLEY MAKUCH

REGISTERED PARTIES AND PARTICIPANT

Applicant/Expert Witness	MARTIN RENDL
Alternate Owner	FOROUZANDEH POURMOTAMED
Appellant	MOHAMMAD BEHMARD
Appellant's Legal Rep	DAVID BRONSKILL
Councillor	SHELLEY CARROLL
Party (TLAB)	THOMAS KLEMENT
Party (TLAB)	CITY OF TORONTO
Party's Legal Rep.	COLIN DOUGHERTY (CITY OF TORONTO)

INTRODUCTION

This is an appeal by the applicant from a decision of the Committee of Adjustment refusing seven variances to permit the construction of a one storey front addition, one storey rear addition, a new second floor addition, and interior alterations to an existing single family dwelling on a ravine. The variances are listed in Appendix 1. A variance related to the height of the clear story was slightly reduced from that sought at the Committee of Adjustment.

BACKGROUND

No parties in opposition appeared before TLAB. The City appeared in favour of the amended variances. Evidence was given by Martin Rendl, a qualified professional land use planner, in support of the appeal as modified. He also gave evidence that the revision to height variance was minor.

MATTERS IN ISSUE

There were no particular matters in issue.

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. Rendl's unchallenged evidence was that the variances met the requirements of the Planning Act and the PPS and Growth Plan. He recommended certain standard conditions. The City and the Toronto Region Conservation Authority had no objections to the variances.

ANALYSIS, FINDINGS, REASONS

On the basis of the uncontradicted evidence provided I find there is no need for new notice, that the appeal should be allowed in part, and the variances, as modified should be approved.

I am satisfied on the basis of the evidence from Mr. Rendl that the amended variances meet all of the four tests of s. 45(1) of the Planning Act and the requirements of the PPS and Growth Plan .

DECISION AND ORDER

The appeal is allowed in part and the variances set out in Appendix 1 are approved subject to the conditions set out in that Appendix and the drawings contained in Appendix 2.

X 

S. Makuch

Panel Chair, Toronto Local Appeal

APPENDIX 1

VARIANCES TO THE ZONING BY-LAW:

1. Chapter 5.10.40.70(6), By-law 569-2013

If a shoreline hazard limit or a stable top-of-bank crosses a lot line, a building or structure on that lot must be set back a minimum of 10m from that shoreline hazard limit or stable top-of-bank, unless it is: (A) an ancillary building or structure on a lot in the Residential Zone category; or (B) for the purpose of conservation works, public utilities, or transportation uses.

The proposed additions, existing deck, canopy and terrace are within 10m from shoreline hazard limits.

2. Chapter 10.20.40.10.(4)(A), By-law No. 569-2013

The permitted maximum height is 7.2m.

The proposed height is 8.97m.

3. Chapter 10.5.50.60.(5)(A), By-law No. 569-2013

An architectural feature on a building may encroach into a required building setback a maximum of 0.6m, if it is not closer to a lot line than 0.3m.

The proposed architectural feature (fence) encroaches 1.9m into the required front setback.

4. Chapter 10.20.40.50.(1)(B), By-law No. 569-2013

The maximum permitted area of each platform at or above the second storey of a detached house is 4.0m².

The proposed area of the terrace platform at the second storey is 18.32 m².

5. Chapter 900.3.10(70)(B), By-law No. 569-2013

The minimum side yard setback is 1.8m on each side for a one storey building, plus 0.6m for each additional storey or portion thereof therefore the total of 2.4m.

The proposed east side yard setback is 1.74 m.

6. Section 14.2.6, By-law No. 7625

The maximum permitted height is 8.0 m.

The proposed building height is 10.04 m.

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

The maximum finished first floor height is 1.5 m.

The proposed finished first floor height is 1.60 m.

CONDITIONS OF APPROVAL:

**Decision of Toronto Local Appeal Body Panel Member:
TLAB Case File Number:**

1. The terrace platform area at the second storey shall be developed substantially in accordance with the second floor plan included in Appendix 2 to ensure the railing separating the terrace from the flat roof is maintained.
2. The proposal shall be developed substantially in accordance with the site plan and elevation drawings included Appendix 2.
3. Submission of a complete application for a permit to injure or remove a privately owned tree(s) located within a ravine protected area and/or the submission of a complete application for a permit to place or dump fill or refuse or alteration of grade on any land within a ravine protected area, as per City of Toronto Municipal Code Chapter 658, Ravine and Natural Feature Protection

CLIENT:
BEHWARD POURMOY
RESIDENCE

LEGEND

ISSUE NO.	DESCRIPTION	DATE	APPROVED BY
REV. NO.	REVISION	DATE	APPROVED BY
REV.001	Z2C REVIEW	21-0414	

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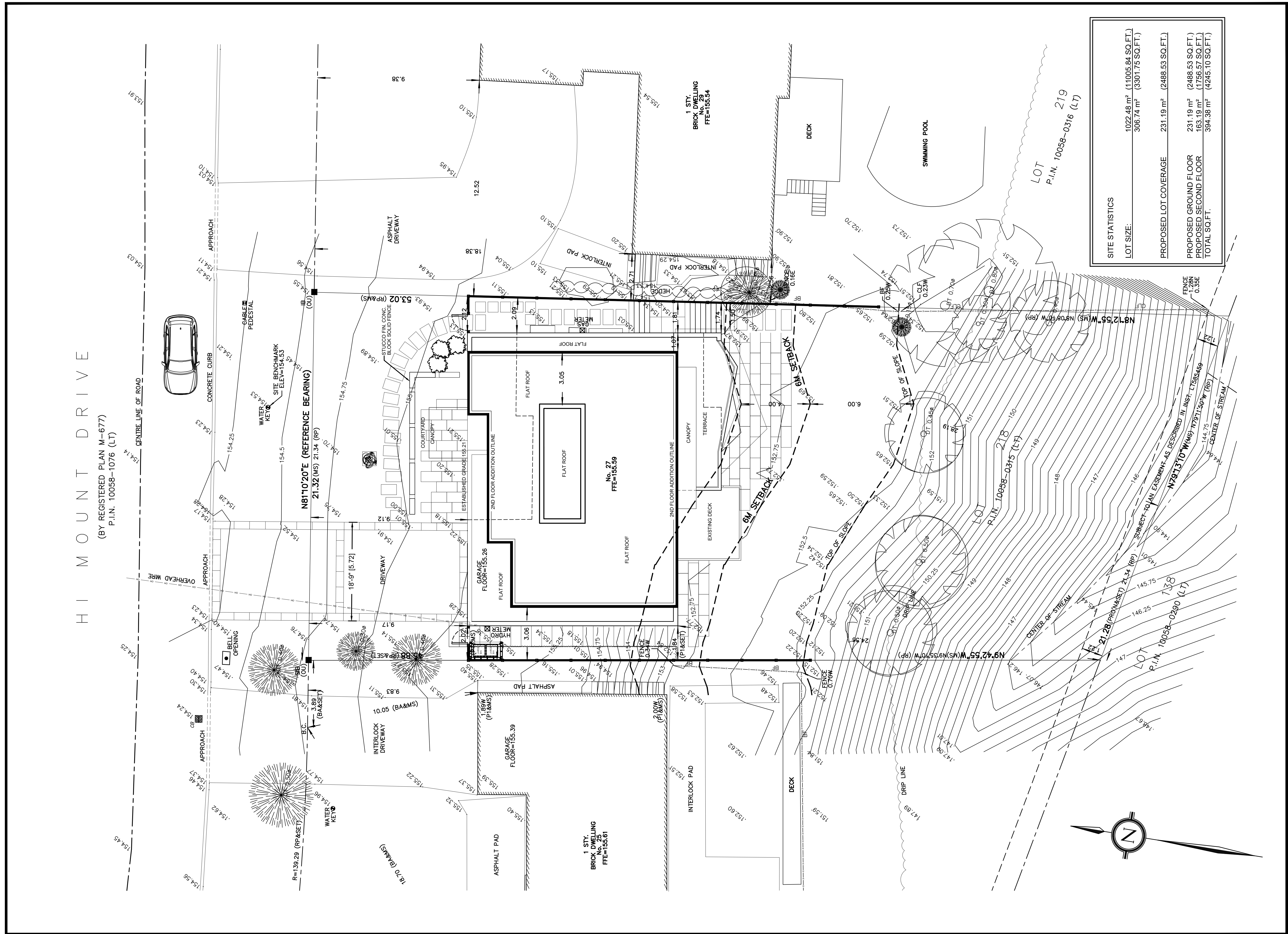
PROJECT NAME:
BEHWARD POURMOY RESIDENCE
27 HI MOUNT DRIVE, TORONTO, ONT

DRAWING TITLE:
PROPOSED SITE PLAN

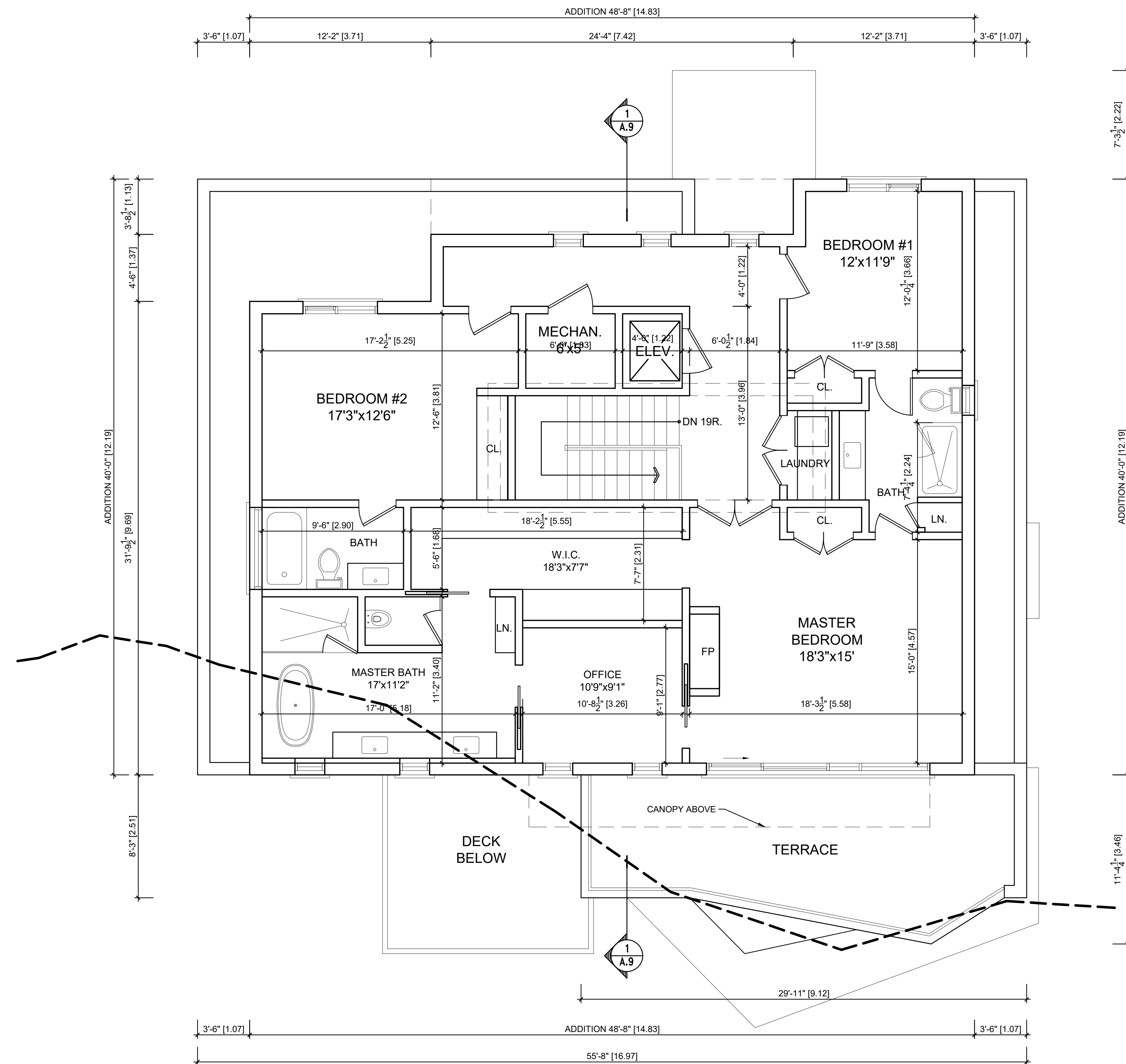
DATE: April 13, 2021 SCALE: 1/8" = 1'-0"

DRAWN BY: E.T. PROJECT NO: 20-005

CHECKED BY: M.P. DRAWING NO: A-1



CLIENT:
BEHMARD POURMOT
RESIDENCE



TOTAL COVERAGE AREA: 163.19 m² (1756.57 SQ. FT.)

1
A.4 **PROPOSED SECOND FLOOR PLAN (ADDITION)**
 SCALE: 1/4" = 1'-0"

LEGEND

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REV. NO.	REVISION ISSUE	DATE	APPROVED BY
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PROJECT NAME:
 BEHMARD POURMOT RESIDENCE
 27 HI MOUNT DR. TORONTO, ONT.

DRAWING TITLE:
 PROPOSED SECOND FLOOR PLAN

DATE: 2021-04-12 **SCALE:** AS SHOWN

DRAWN BY: E.T. **PROJECT NO:** 20-005

CHECKED BY: **DRAWING NO:** **A.4**

CLIENT:
BEHMARD POURMOT
RESIDENCE

LEGEND

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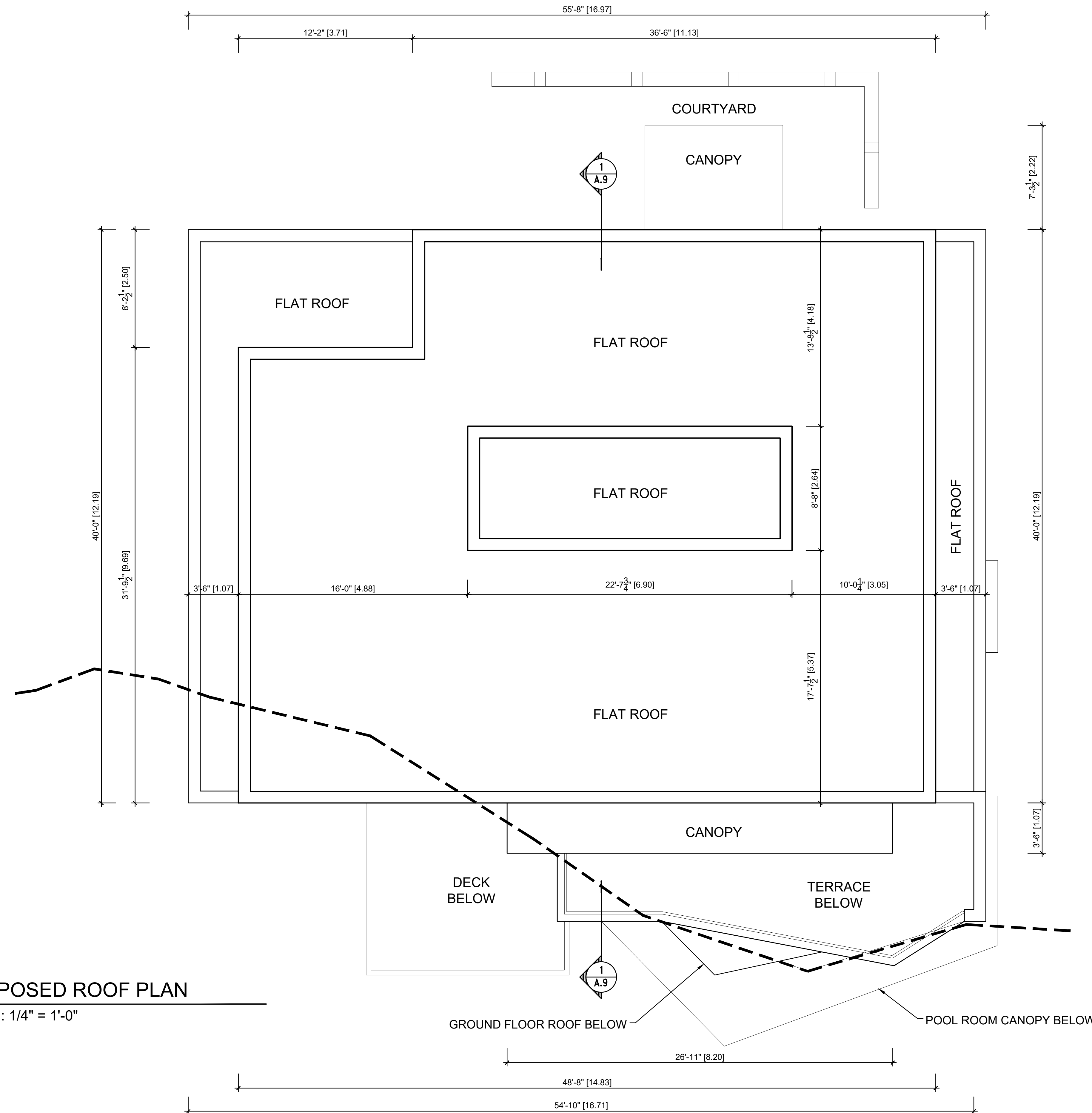
PROJECT NAME:
 BEHMARD POURMOT RESIDENCE
 27 HI MOUNT DR. TORONTO, ONT.

DRAWING TITLE:
 PROPOSED ROOF PLAN

DATE: 2021-04-12 **SCALE:** AS SHOWN

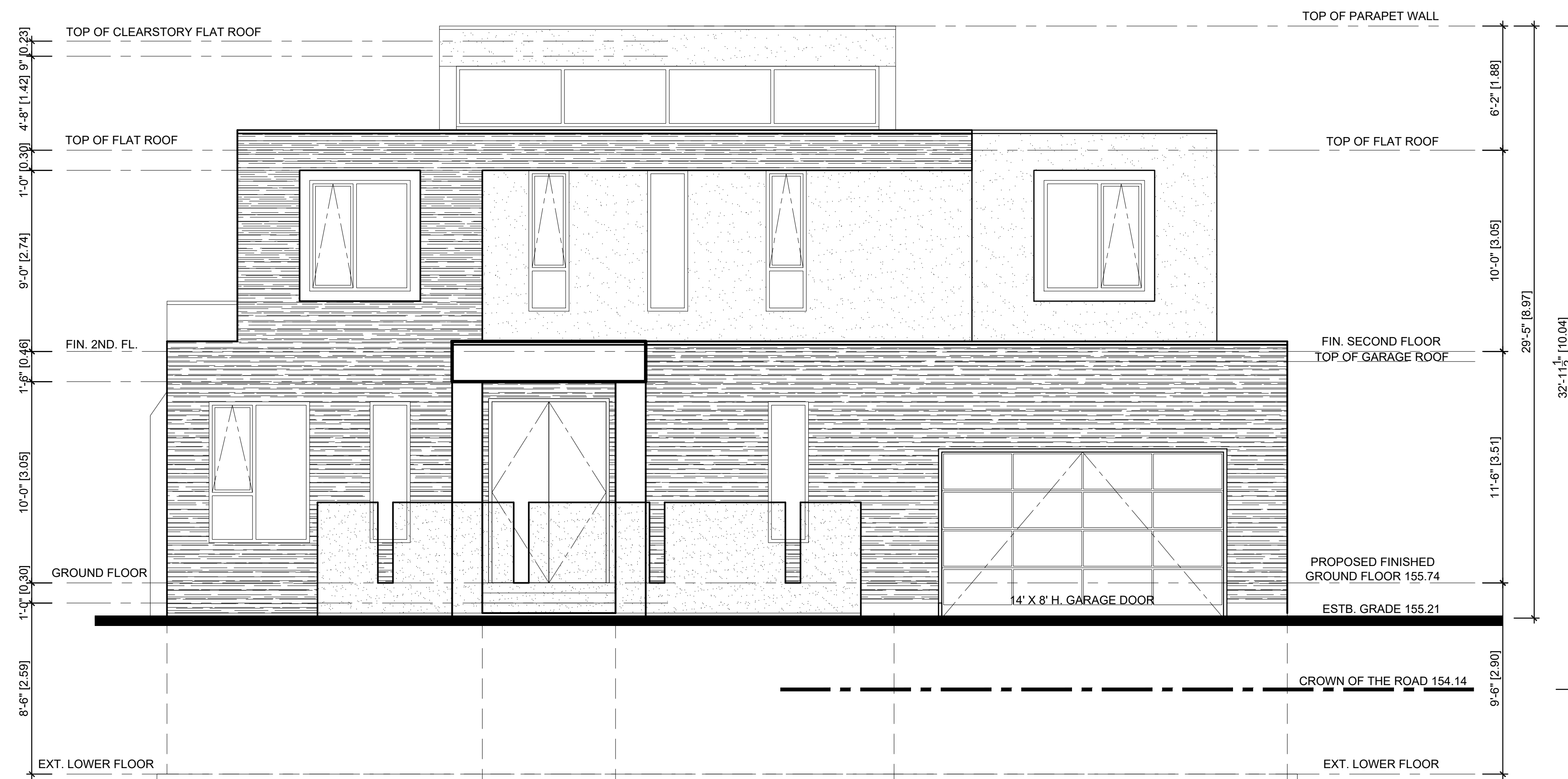
DRAWN BY: E.T. **PROJECT NO:** 20-005

CHECKED BY: **DRAWING NO:** **A.6**



1
A.6 **PROPOSED ROOF PLAN**
 SCALE: 1/4" = 1'-0"

CLIENT:
BEHMARD POURMOT
RESIDENCE



1 PROPOSED NORTH (FRONT) ELEVATION
A.7 SCALE: 1/4" = 1'-0"

LEGEND

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PROJECT NAME:
BEHMARD POURMOT RESIDENCE
27 HI MOUNT DR. TORONTO, ONT.

DRAWING TITLE:
PROPOSED NORTH (FRONT)
ELEVATION

DATE: 2021-04-12 SCALE: AS SHOWN

DRAWN BY: E.T. PROJECT NO: 20-005

CHECKED BY: DRAWING NO: A.7

CLIENT:
BEHMARD POURMOT
RESIDENCE

LEGEND



1
A.8 **PROPOSED SOUTH (REAR) ELEVATION**
 SCALE: 1/4" = 1'-0"

ISSUE NO.	DESCRIPTION	DATE	APPROVED BY
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PROJECT NAME:
 BEHMARD POURMOT RESIDENCE
 27 HI MOUNT DR. TORONTO, ONT.

DRAWING TITLE:
 PROPOSED NORTH (FRONT) AND
 SOUTH (REAR) ELEVATIONS

DATE: 2021-04-12 **SCALE:** AS SHOWN

DRAWN BY: E.T. **PROJECT NO:** 20-005

CHECKED BY: **DRAWING NO:** **A.8**

CLIENT:
BEHMARD POURMOT
RESIDENCE

LEGEND

ISSUE NO.	DESCRIPTION	DATE	APPROVED BY
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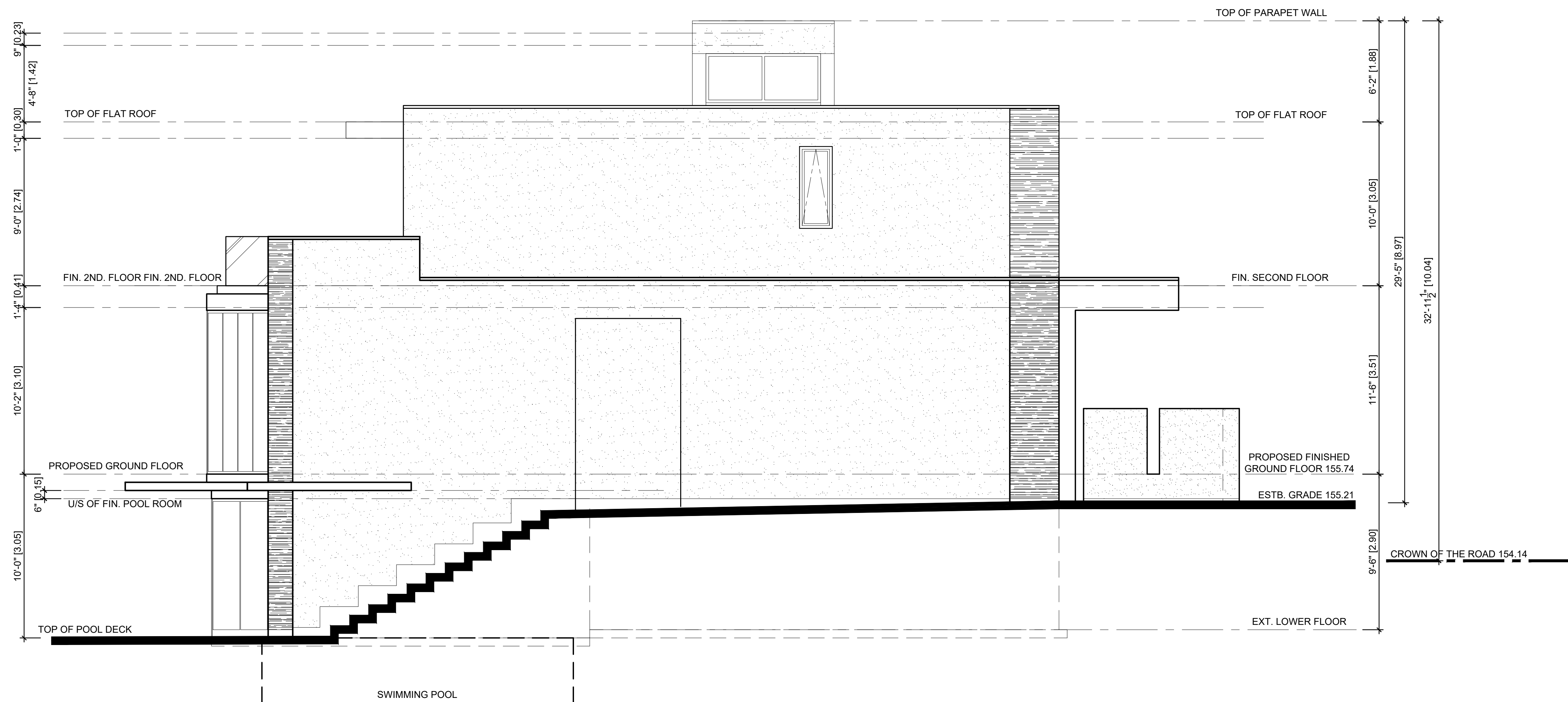
PROJECT NAME:
 BEHMARD POURMOT RESIDENCE
 27 HI MOUNT DR. TORONTO, ONT.

DRAWING TITLE:
 PROPOSED EAST SIDE ELEVATION

DATE: 2021-04-12 **SCALE:** AS SHOWN

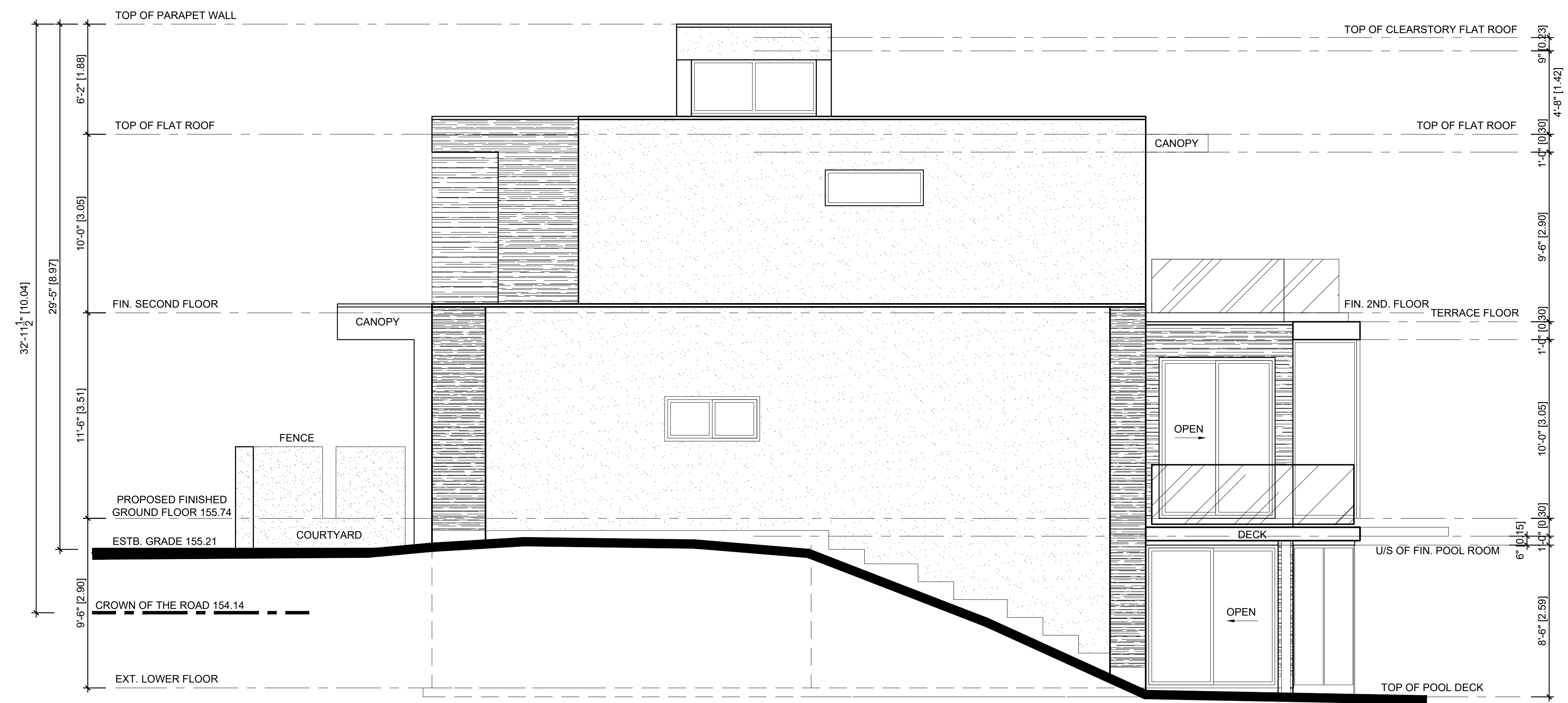
DRAWN BY: E.T. **PROJECT NO:** 20-005

CHECKED BY: **DRAWING NO:** **A.9**



1 PROPOSED EAST (SIDE) ELEVATION
A.9 SCALE: 1/4" = 1'-0"

CLIENT:
BEHMARD POURMOT
RESIDENCE



1
A.10 PROPOSED WEST (SIDE) ELEVATION
 SCALE: 1/4" = 1'-0"

LEGEND

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PROJECT NAME:
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 27 HI MOUNT DR. TORONTO, ONT.

DRAWING TITLE:
 PROPOSED WEST SIDE ELEVATION

DATE: 2021-04-12 **SCALE:** AS SHOWN

DRAWN BY: E.T. **PROJECT NO:** 20-005

CHECKED BY: **DRAWING NO:** **A.10**