

DECISION AND ORDER

Decision Issue Date: Tuesday, March 22, 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): ANTONIO CALVANO

Applicant(s): MAHIR MANIOS

Property Address/Description: 21 VERBENA AVE

Committee of Adjustment File

Number(s): 20 148966 STE 04 MV (A0464/20TEY)

TLAB Case File Number(s): 20 224564 S45 04 TLAB

Hearing date: June 03, 2021, August 30, 2021, December 22, 2021 & February 24, 2022

Deadline Date for Closing Submissions/Undertakings:

DECISION DELIVERED BY D. LOMBARDI

REGISTERED PARTIES AND PARTICIPANTS

Applicant	MAHIR MANIOS
Party (TLAB)	DAVID CAMPBELL
Party Legal Rep.	WILLIAM ROBERTS
Appellant/Owner	ANTONIO CALVANO
Appellant's Legal Rep.	AMBER STEWART
Expert Witness	TERRY MILLS
Expert Witness	FRANCO ROMANO

Participant	STEWART HILLGROVE
Participant	IVAN PETROV
Participant	JUDITA PETROV
Participant	MICHAEL YOUNG
Participant	MELANIE AMOS
Participant	CRAIG HODGES
Participant	LYNDA SUCHARDA
Participant	ROBERT CHANT

INTRODUCTION AND BACKGROUND

This matter relates to an appeal by Antonio Calvano (Appellant/Owner) of a Committee of Adjustment decision refusing variances to permit the alteration of the existing dwelling at 21 Verbena Avenue (subject property) by constructing an attached garage, a new covered front porch, a rear terrace, a front, side, and rear two-storey addition, a partial third storey addition, and a side third storey balcony.

The subject property is located south of Bloor Street and east of the South Kingsway, within the Swansea neighbourhood of the former municipality of Toronto. The property is designated *Neighbourhoods* in the Official Plan (OP) and is zoned RD under comprehensive Zoning By-law 569-2013 (new By-law) and R1 under the former Toronto Zoning By-law 438-86 (former By-law).

Mr. Calvano appealed the COA decision to the Toronto Local Appeal Body (TLAB) and a virtual Hearing was convened on June 3, 2021. The June 3rd Hearing was converted to a TLAB-led Mediation session on the consent of the Parties. After a lengthy Mediation that consumed most of that day, both the Appellant and Party Campbell advised the presiding Member that they had reached a settlement, in principle.

The TLAB granted the Parties further time to formalize and execute a Settlement Agreement and to file a Minutes of Settlement (MOS) with the TLAB once one is finalized. The TLAB set a return-to Hearing date of June 30, 2021.

Following a request from the Appellant's solicitor, Ms. Stewart, for a further adjournment of the Hearing scheduled for June 30, 2021, due to outstanding matters related to the settlement. The TLAB rescheduled the Hearing for August 30, 2021, and at that Hearing, Ms. Stewart requested that the TLAB allow the Parties additional time to finalize the necessary documents to implement the Settlement agreement on consent of

the Parties. I granted the adjournment request and, in a Decision and Order (D&O) dated September 1, 2021, I provided the following direction:

The Hearing on August 30, 2021, regarding the above-referenced matter, is adjourned. The Appellant's legal representative will apprise the TLAB of the status of any Minutes of Settlement and associated revised plans and file same with the TLAB and serve the terms of the proposed settlement on all other Parties and Participants at the earliest possible date.

In the event that a settlement is ultimately finalized, that above-referenced filing will include a revised and final set of drawings, a revised list of variances being requested and corresponding new Zoning Notice, and a copy of the terms of Settlement.

Once confirmed, TLAB staff will canvas the Parties and Participants for a new Hearing date for an expedited Settlement Hearing of this matter and issue a new, revised Notice of Settlement Hearing to reflect the rescheduled date once a date has been secured. All previous submission and filing dates will remain as before.

As of December 16, 2021, the TLAB had yet to hear from any of the Parties as directed in the September 1st D&O. Therefore, I asked staff to contact the Parties to determine the status of the settlement matter and to request an update. Unfortunately, this information was unavailable and so to expedite matters, I directed that staff schedule a 'virtual' teleconference call with the Parties and Participants in this matter by way of the City's WebEx meeting platform.

During that call, the Parties confirmed that a Terms of Settlement had been drafted but could not be executed because the Appellant was awaiting a revised Zoning Examiner's confirmation related to the agreed to amendments to the plans. Ms. Stewart also advised that two additional variances were at issue and discussions were on-going.

The Parties acknowledged that more time was required to finalize these outstanding matters in order to execute an MOS executed and requested that the Tribunal consider scheduling a new Hearing date sometime in February 2022. On the consent of the Parties, I agreed to this request for additional time and directed TLAB staff to schedule the return for a one-day Hearing on February 16, 2022, for which the TLAB Rules for Settlement Hearings, and attendant notice, would follow.

Additionally, I provided the Parties with the proviso that if they were able to finalize and execute a MOS and serve this document along with revised drawings on the Parties and Participants and file same with the TLAB, then the February 16th Hearing would be converted to an expedited Settlement Hearing in this matter.

Conversely, I advised that if no formal settlement is achieved, I would direct that the Hearing proceed as a contested appeal matter.

On January 27, 2022, Ms. Stewart informed the TLAB via a letter served on all Parties and Participants that Messrs. Calvano and Campbell had completed the settlement of the matter. She filed the following attachments with the Tribunal:

- A fully executed Minutes of Settlement (MOS);
- Revised plans for approval;
- A revised List of Variances (as confirmed through a Zoning Notice); and
- Conditions of Approval.

Given the settlement and the submission of the above-reference documents, Ms. Stewart confirmed that the Applicant would be seeking approval of the revised plans and associated variances, subject to proposed conditions of approval, at the Hearing on February 24th.

On February 24, 2022, the following individuals attended virtual the expedited Settlement Hearing: Ms. Stewart and the Applicant's expert planning witness Franco Romano. Also in attendance were the Appellant, David Campbell, and William Roberts, the Appellant's legal counsel.

In her opening remarks, Ms. Stewart noted that the original proposal has been revised and the Applicant was proposing a new reconstituted dwelling as opposed to a renovation due to the settlement reached between the Parties. As a result, the Applicant is now seeking a total of eleven (11) variances whereas the previous 'renovation' proposal only required four (4) variances.

In support of this revised proposal, Ms. Stewart asked that the following six (6) supporting documents be entered into evidence and marked as exhibits: Exhibit – Mr. Romano's Expert Witness Statement (EWS) dated April 12, 2021; Exhibit 2 – Mr. Romano's Responding Expert Witness Statement (REWS) dated Feb. 10, 2022; Exhibit 3 – Minutes of Settlement (Jan. 24/22); Exhibit 4 – Revised List of Variances (Jan. 24/22); Exhibit 5 – Revised Site Plan Drawings (July 2/21); and Exhibit 6 – Ms. Stewart's Notice of Settlement Letter (Jan. 27/22).

MATTERS IN ISSUE

The matter in issue is whether the revised list of eleven (11) variances being requested by the Applicant as a result of the settlement agreement meets the applicable statutory tests in s. 45(1) of the *Planning Act* (Act).

In addition, the TLAB must determine whether the revised proposal which now involves a 'new build' on the subject property, whereas the original proposal was a renovation and addition to the existing dwelling, is an improvement from the original plan and represents good planning.

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 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

A summary of evidence is presented here to provide some context for the following section of this Decision and Order. The only evidence and testimony in this matter was provided by the Applicant's expert planning witness, Mr. Romano.

Given that this is an expedited Settlement Hearing, the evidence and testimony provided at the Hearing have been abbreviated; however, all the materials filed in this matter have been carefully reviewed and the omission of any point of evidence in this summary should not be interpreted to mean that it was not fully considered.

Mr. Romano was qualified as an expert in land use planning and provided planning evidence in support of the revised proposal.

Revised Proposal

He briefly reviewed the Application and noted that although the plan is substantively consistent with the original proposal, the Applicant is now proposing to construct a new, three-storey detached dwelling with an integral garage. As a result, the number and type of variances required to facilitate the revised proposal have changed, largely for two reasons; the first being that the overall dwelling size has been reduced; and second, the settlement agreement reached by the Parties has resulted in the new dwelling being moved 0.6 m closer to the front lot line.

The proposed new dwelling will now be oriented towards the front central portion of the subject property. Its design will overlap the existing dwelling, maintaining a similar west side yard setback while also accommodating a wider and longer dwelling largely

within the building envelope permitted by the zoning by-law. The ground floor has been reduced in length by 0.6 m on the east and west sides and the second floor has also been reduced in length by 2.9 m resulting in a reduced FSI variance.

Due to the shortening of the second floor, the rear of the building is now 'tiered.' As a result, this redesign has required the Applicant to reconfigure the interior layout resulting in an emergency access balcony and dormer being relocated to the rear south wall and a small, third floor balcony inset within the roofline.

Mr. Romano noted that the front façade design has also been revised in accordance with an alternative sketch produced at mediation and submitted that the revised proposal will continue to maintain substantial zoning compliance including building length and rear yard setbacks.

Due to the revisions to the original plans, the Applicant now requires eleven (11) variances identified through City zoning examination, as follow:

i. Floor Space Index (FSI)

The requested FSI of 0.85 (248.76 m²) times the area of the lot, whereas a maximum of 0.6 (176.38 m²) is permitted, is a reduction from the 0.93 (274.1 m²) FSI previously sought by the Applicant. Mr. Romano explained that the revised FSI reflected the gross floor area accommodated within the enclosed walls as follows: 43.12 m² (3rd Floor); 104.36 m² (2nd Floor); and 100.5 m² (1st Floor, including a 17.43 m² garage).

ii. Building Height

There are two (2) variances sought for building height (Variances 2 & 11), one from the new Zoning By-law 569-2013 and the other from the former By-law 438-86. The proposed height is now 9.88 m, whereas the permitted maximum height is 9.0 m in the new Zoning By-law, and 10.51 m in the former By-law, whereas a maximum height of 9.0 m permitted.

Mr. Romano noted that the proposed building height pursuant to the new By-law has been reduced from the previously requested height of 10.17 m, with the delta being 0.92 m. He also submitted that the proposal continues to be by-law compliant concerning the proposed number of storeys, main wall height, and first floor height.

In a further clarification, he submitted that building height provisions under Zoning By-law 569-2013, are still under appeal before the Ontario Land Tribunal (OLT) but that a recent OLT decision requires the City to implement zoning by-law provisions which will raise height permissions to 10.0 m. thereby effectively eliminating this building height variance.

iii. Roof Eaves West Side Yard Setback

He advised that this variance has not changed from the original proposal and asserted that the roof eaves setback is comparable to the existing condition.

iv. West Side Yard Setback

Mr. Romano noted that the original Application proposed a renovation to the existing dwelling with additions that maintained the west side yard setback and required no variance relief. The revised proposal seeks relief to the west side yard setback of 0.21 m, whereas 0.9 m minimum is required. However, he was of the opinion that the proposed west side yard setback would be similar to the setback in the original proposal, which ranged from a 0.21 m to 0.27 m widening and to 0.61 m for the approximately 4.2 m of the rear building length.

v. Rear Second Floor Balcony West Side Yard

The original proposal had a balcony along the east portion of the rear wall. The revised proposal now incorporates a second-floor balcony attached at the rear wall of the new dwelling with the east and west side yard setbacks that align with the side walls of the dwelling at the rear. Mr. Romano noted that because of the Settlement and Condition 2 in that MOS, the Applicant has revised the proposal to incorporate permanent 1.0 m wide planters at each end of the balcony which effectively produce a west side yard setback of 1.65 m and a corresponding east side yard setback of 1.92 m to the usable balcony. This, he opined, ensures a larger spatial separation to the side lot line.

In Mr. Romano's opinion, this balcony redesign will mitigate impacts associated with the elevated balcony satisfying the general intent and purpose of the zoning by-law.

vi. Chimney West Side Yard Setback

He submitted that the 0.13 m setback back of the chimney from the west side lot line, whereas a 0.9 m minimum is required, achieves a subordinate attachment or projection within a suitable access context maintaining the general intent and purpose of the zoning by-law.

vii. Front Yard Setback

Mr. Romano opined that the executed settlement has resulted in the Applicant moving the proposed dwelling closer to the front lot line which triggers the front yard setback variance of 6.16 m. Because of this, the proposed front wall of the new dwelling will be staggered such that the west portion of the front wall is set back further than the eastern portion to follow the front lot line arc alignment. Nevertheless, he advised that while most of the front wall is further away from the front lot line than in the original proposal, some eastern and western portions of that wall actually meet the minimum setback requirement of 6.77 m.

viii. Two Platforms

The revised proposal incorporates a rear second storey balcony and a second platform within the third floor. The third storey platform has a small area of approximately 2 m² and is inset within the roofline thereby screening the platform along

the side of the dwelling. He advised that this second platform will accommodate an air conditioning unit but, otherwise, is intended to address emergency access Ontario Building Code requirements.

ix. Rear Secondary Floor Balcony Size

He noted that the area of the proposed rear second storey balcony of 12.43 m² represents the Zoning Examiners calculation and appears to include the width of the permanent planters located on each side. However, he advised that the Applicant acknowledges that the maximum accessible floor area of this balcony will be capped at 11.05 m², as confirmed in Condition 2 (Schedule "B") in the MOS.

Mr. Romano then summarized his opinion on each of the requested variances and how, individually and cumulatively, they satisfy the four statutory tests in the *Act*.

He was of the opinion that the revised proposal properly implements the applicable sections of the *Act*, as amended, including Section 2, and that there are no substantive implications on matters of Provincial interest.

In addressing Provincial considerations, he opined that the revised proposal is consistent with the Settlement Area-related policies of the PPS (2020), particularly as it relates to achieving an appropriate mix and range of housing options and submitted that the Application will result in a proposal that optimizes the use of land and is an efficient use of existing infrastructure.

He also submitted that the proposal conforms to, and does not conflict with, the *Built Up Area* policies of the Growth Plan (2020), asserting that the proposal appropriately implements the applicable intensification policies (1.2.1, 2.21., 2.2.2, 2.26, 4.2, 5.1, and 5.2) to achieve complete communities that optimize land use and infrastructure.

Official Plan

Mr. Romano opined that the revised proposal and the associated variances continue to maintain the general intent and purpose of the OP. He highlighted the policy context of the OP and specifically Policies 2.3.1, 3.1.2, and 4.1.5, and asserted that the Application represents a compatible physical character that respects and reinforces the prevailing physical character of the neighbourhood and smaller geographic areas, including the immediate context.

Zoning By-law

He opined that the revised proposal and variances, individually and together, continue to maintain the general intent and purpose of the Zoning By-law(s) and represent an orderly development with a site design, layout and massing that is reflective of, and compatible with the existing neighbourhood context.

He submitted that the proposed west side yard setback now before the TLAB meets the general intent and purpose of the zoning by-law ensuring adequate space for access purposes and spatial separation.

He also asserted that the proposed front yard setback will ensure an appropriate yet modulating front wall alignment along Verbena Avenue ensuring an appropriate wall alignment along the street that will maintain the general intent and purpose of the zoning by-law.

Furthermore, he opined that the proposed design and size of the rear, second storey balcony will mitigate impacts associated with an elevated platform and that the platform location and design features of the third-floor platform/balcony will mitigate impacts associated with the number of permitted platforms, satisfying the general intent and purpose of the zoning by-law.

Desirable

Mr. Romano asserted that the revised proposal would contribute to the mix of housing choices in the neighbourhood in a manner that reflects and reinforces the subject property's physical character. He asserted that it builds upon and maintains the existing physical character in a suitable manner and opined that the proposal is desirable for the appropriate development and use of the land.

Minor

He submitted that the revised proposal incorporates site layout and built form features which minimize and mitigate potential adverse impacts. He opined that the proposal will not cause any unacceptable adverse impacts such as shadowing, privacy or overlook related to site development features and that the requested variances are within the order of magnitude represented by residential properties within the area. In his opinion, the revised proposal and requested variances are minor in nature.

Mr. Romano concluded that the revised proposal satisfies all four *Planning Act* statutory tests, represents good planning, and asked that the TLAB approve the Application.

As to the issue of the requirement for further notice of the revised Application, Mr. Romano submitted that the amended proposal and revised list of requested variances represent an improved development and a minor amendment to the original application. Therefore, he asserted that no further notice is required pursuant to Section 45.18.1.1 of the *Planning Act*.

Mr. Roberts declined to cross-examine the witness and expressed his client's support for the recommendations/conditions of approval outlined in the MOS. He acknowledged that the conversion of the proposal from a renovation of the existing dwelling to one of a 'new build' and the reorientation of the proposed new dwelling closer to the subject property's front lot line will contribute to satisfactorily addressing

Mr. Campbell's concerns regarding drainage issues, which abutting neighbours had expressed in their witness statements.

In particular, Mr. Campbell, in his Party Witness Statement filed with the TLAB on April 12, 2021, asserted that the previously sought renovation plans had the potential to seriously impact water flow above and below ground thereby affecting his property and those of his neighbours.

Mr. Roberts, on behalf of his client, thanked the TLAB and the Applicant for their cooperation in reaching a settlement of the issues in dispute in this matter. He also acknowledged that he had spoken with many of the Participants regarding the revised plans and the MOS, and confirmed that none had expressed concerns with the new proposal.

In her closing statement, Ms. Stewart thanked Mr. Roberts and his client for their collaboration in arriving at the Settlement Agreement now before the TLAB and requested that the Tribunal grant the variances being sought subject to the conditions outlined in Schedule "B" of Exhibit 3 and attached to this Decision.

ANALYSIS, FINDINGS, REASONS

I would like to take this opportunity to also thank the Parties in this appeal for their diligence in working towards reaching and finalizing a settlement and resolving all the outstanding matters in issue. Their determination in finding a resolution that attempts to address the issues identified by the Parties and Participants is commendable, and I accept the efforts made by the Parties and Participants that have resulted in a jointly tendered settlement package.

On the issue of further notice, if relief is required to permit a full consideration of the revised proposal under Section 45 (18.1.1) of the *Act*, it is granted. The engagement of the Parties and Participants was exemplary and there is no need to consider further notice of revisions, either deletions, changes to or the added variances – respecting shifting the dwelling closer to the street, the reduction of the FSI, the tiering the second floor and reorientation of the location of the rear balcony, reduction of the building height, and a minimized 3rd-floor balcony.

All such matters received fulsome evidence and discussion and I have concluded that the proposed revisions and additional variances requested are improvements arrived at during settlement discussions.

This matter advanced as a settlement agreed between the Applicant Mr. Calvano, and Party David Campbell. Exhibit 3 represents duly deliberated Minutes of Settlement executed by those Parties. Furthermore, I note that as a settlement, this case has no precedential value since any findings of fact are for the limited purpose of ensuring that the settlement is not contrary to the *Planning Act*.

The TLAB professes that it will not lightly interfere with such settlements unless they demonstrate a term that could reflect improperly on the City, the TLAB, principles of good community planning or are otherwise offensive to the public interest. Settlement terms themselves are rarely comprehensive of the public interest and Exhibit 3 is no exception, although it is well drafted.

Despite a proffered settlement, the TLAB must be convinced that the policy and statutory tests set out in the *Planning Act* are properly satisfied and that any additional terms, if any, of the MOS are in the public interest.

I accept the acknowledgement of the Parties that the imposition of the terms and conditions of the Minutes are satisfactory to resolve the particular issues as between the adjacent property owner to the west, Mr. Campbell, who is a signatory. Furthermore, I accept that the eight (8) neighbours in this matter, who elected Participant status, have been served with the revised plans and MOS and do not object as evidenced by their absence at the Settlement Hearing to speak in opposition, subsequently confirmed by Mr. Roberts.

I also accept the uncontested evidence of the Applicant's expert witness, Mr. Romano, that the additional variances now being sought to reconstruct a new contemporary dwelling on the subject property of architectural style and/or expression that will fit in a harmonious manner should be granted. For those variances sought to be added and modified, as expressed in the Applicant's Revised List of Variances (Exhibit 4), and as recited under the 'Evidence' section above, I accept the explanation and evidence in their regard.

I find that the proposal will contribute to the overall physical form prevailing characteristics in a manner that appropriately satisfies all OP considerations. I find that it will respect and reinforce the neighbourhood's physical contexts and is materially consistent with the geographic neighbourhood and immediate physical context.

I find the variances requested, as so modified from those approved by the COA, to be acceptable in the circumstances of the subject property. I find that individually and collectively, the revised variances meet the intent and purpose of the OP and Zoning By-laws, are minor and desirable – both for the reasons described and on the evidence of the Applicant's expert planning witness.

I also find that they are consistent with Provincial Policy and conform to the Growth Plan.

As above noted, the TLAB encourages settlement and will generally implement agreements between interested Parties, subject to overriding considerations of public policy and the public interest. The Tribunal heard nothing by way of substantive measure or analysis that would compel it to find that the revised proposal is so out of character, so aberrant in terms of standards, so impactful as to be unwarranted or so detrimental to an identified attribute to suggest that one or more of the variances requested should be disallowed.

Therefore, I find the revised proposal satisfies all four tests as required in s. 45(1) of the *Planning Act* and represents good planning, and I grant the appeal and authorize the revised list of variances requested subject to the conditions included as Schedule “B” of the MOS.

DECISION AND ORDER

As there is a technical modification to be made to requested Variance No. 8, to reference the correct Zoning By-law Section, the Appeal is allowed, in part, and the variances listed in Appendix A are authorized subject to the conditions as set out in Appendix B to this decision.

APPENDIX A

Revised List of Variances

1. Section 10.20.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index is 0.6 times the area of the lot.
The altered dwelling will have a floor space index of 0.85 times the area of the lot (248.76 m²).

2. Section 10.20.40.10.(1)(A), By-law 569-2013

The maximum permitted height of a building or structure is 9.0 m. The altered dwelling will have a height of 9.88 m.

3. Section 10.5.40.60.(7), By-law 569-2013

Roof eaves may project a maximum of 0.9 m provided that they are no closer than 0.3 m to a lot line. The proposed eaves will be located 0.0 m from the west side lot line.

4. Section 200.5.1.10.(2)(A)(i), By-law 569-2013

The minimum required parking space width is 3.2 m. The proposed parking space will have a width of 2.92 m.

5. Section 10.20.40.70.(3)(B),

By-law 569-2013 The required minimum side yard setback is 0.9 m. The proposed west side yard setback is 0.21 m.

6. Section 10.5.40.50.(2)

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 (0.9 m).

The proposed rear second floor balcony will have a side yard setback of 0.65 m from the west property line.

7. Section 10.5.40.60.(5)(B), By-law 569-2013

A chimney breast may encroach into a required minimum building setback a maximum of 0.6 m, if it is no wider than 2.0 m and is no closer to a lot line than 0.3 m. The proposed chimney breast is located 0.13 m from the west side lot line.

8. Section 10.5.40.70.(1), By-law 569-2013

The minimum required front yard setback is 6.77 m. The proposed front yard setback is 6.16 m.

9. Section 10.20.40.50.(1)(A), By-law 569-2013

The permitted maximum number of platforms at or above the second storey located on the (front/rear/side) walls of a detached house is one.
The proposed number of platforms located on the rear wall is two.

10. Section 10.20.40.50.(1)(B), By-law 569-2013

The permitted maximum area of each platform at or above the second storey is 4.0 m². The proposed area of the rear second floor balcony is 12.43 m².

11. Section 4(2)(a), By-law 438-86

12. The maximum permitted building height is 9.0 m. The proposed building height is 10.51 m.

APPENDIX B

Conditions of Approval

1. The dwelling shall be constructed substantially in accordance with the following plans dated July 2, 2021, prepared by ManArch Design, and attached as **APPENDIX C** herein: a. Site Plan A1; b. North Elevation A7; c. South Elevation A8; d. East Elevation A9; and e. West Elevation A10.
2. Any other variance(s) that may appear as required on these plans but are not listed in this written decision are **NOT** authorized.
3. The Owner shall install permanent planters a minimum of 1.00 m wide on the sides of the rear second storey balcony, which shall be planted with trees or shrubs that have a minimum height of 1.8 m, measured from the floor of the balcony. The accessible floor

area of the rear second storey balcony (excluding the area of the planters) shall be a maximum of 11.05 m².

4. The south facing railing on the rear second storey balcony shall be frosted glass or opaque material.

5. The south-facing third storey balcony shall be no larger in size than is required to satisfy the requirements of the Ontario Building Code and shall be used for emergency purposes only.

6. The lot grading for the site shall be to the satisfaction of the City of Toronto Building Division. The Chief Building Official of the City is requested to pay particular attention to try and ensure that overland stormwater drains away from and does not adversely impact adjacent properties.

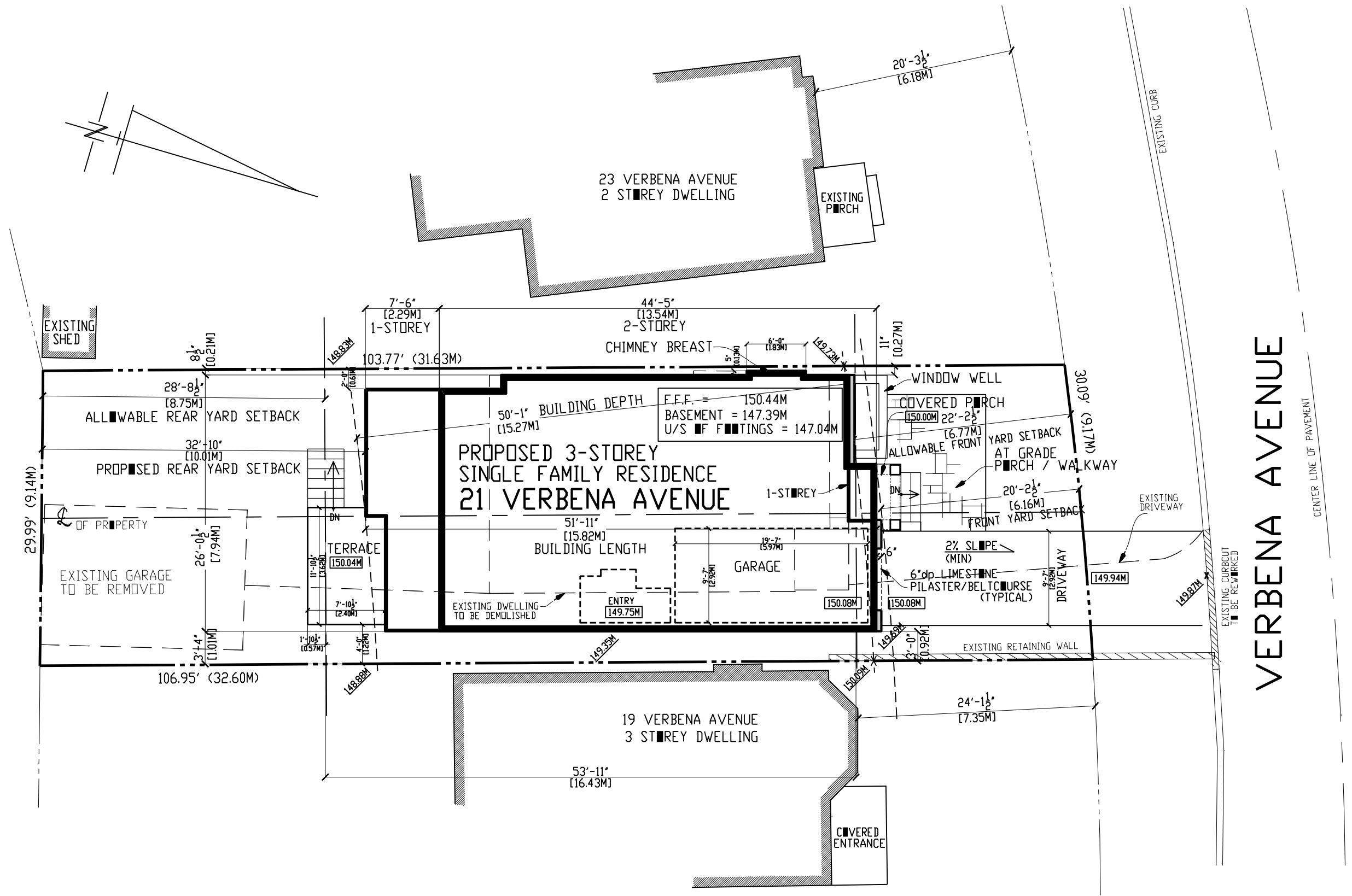
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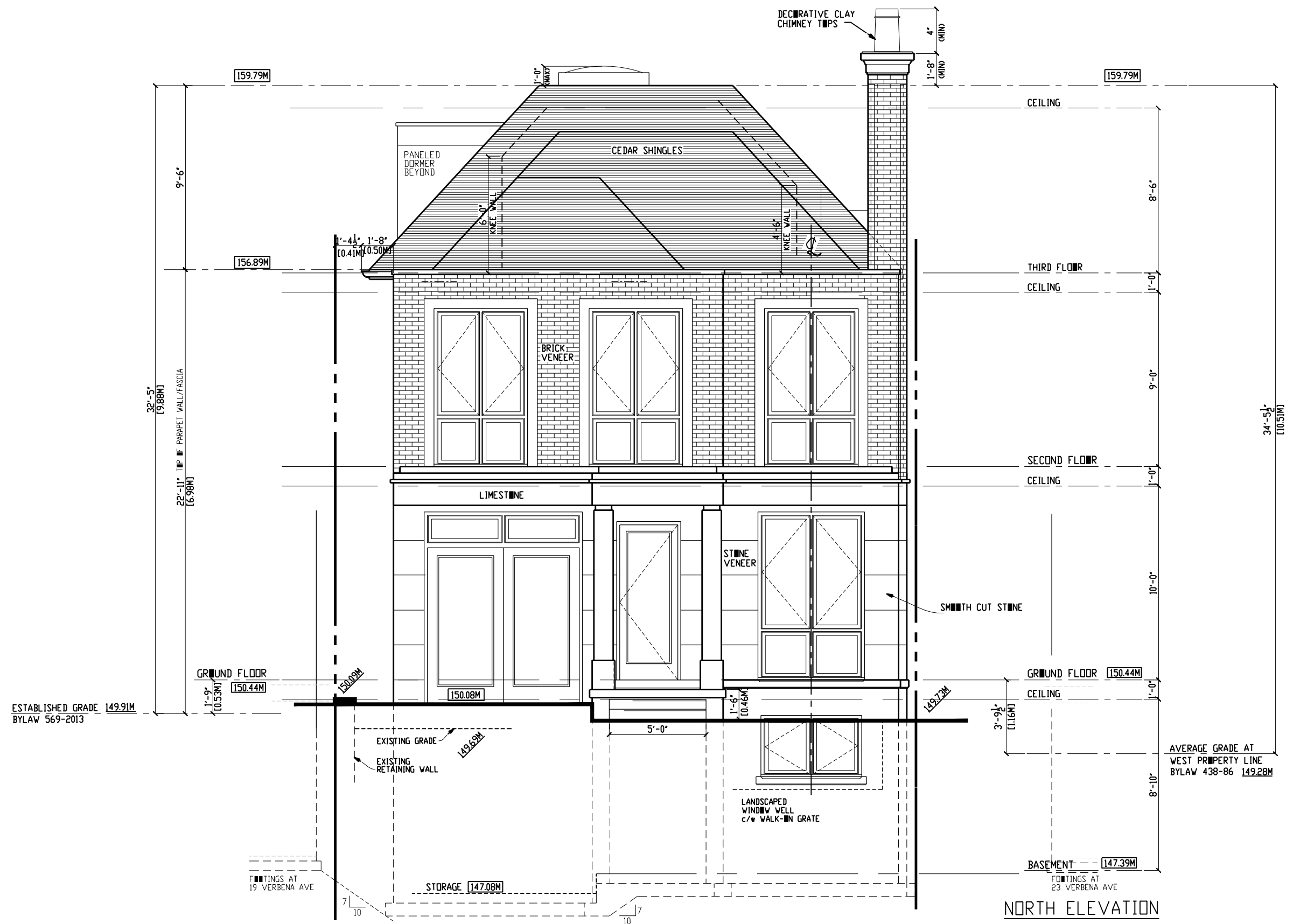
Dino Lombardi
Panel Chair, Toronto Local Appeal Body
Signed by: dlombar

APPENDIX C

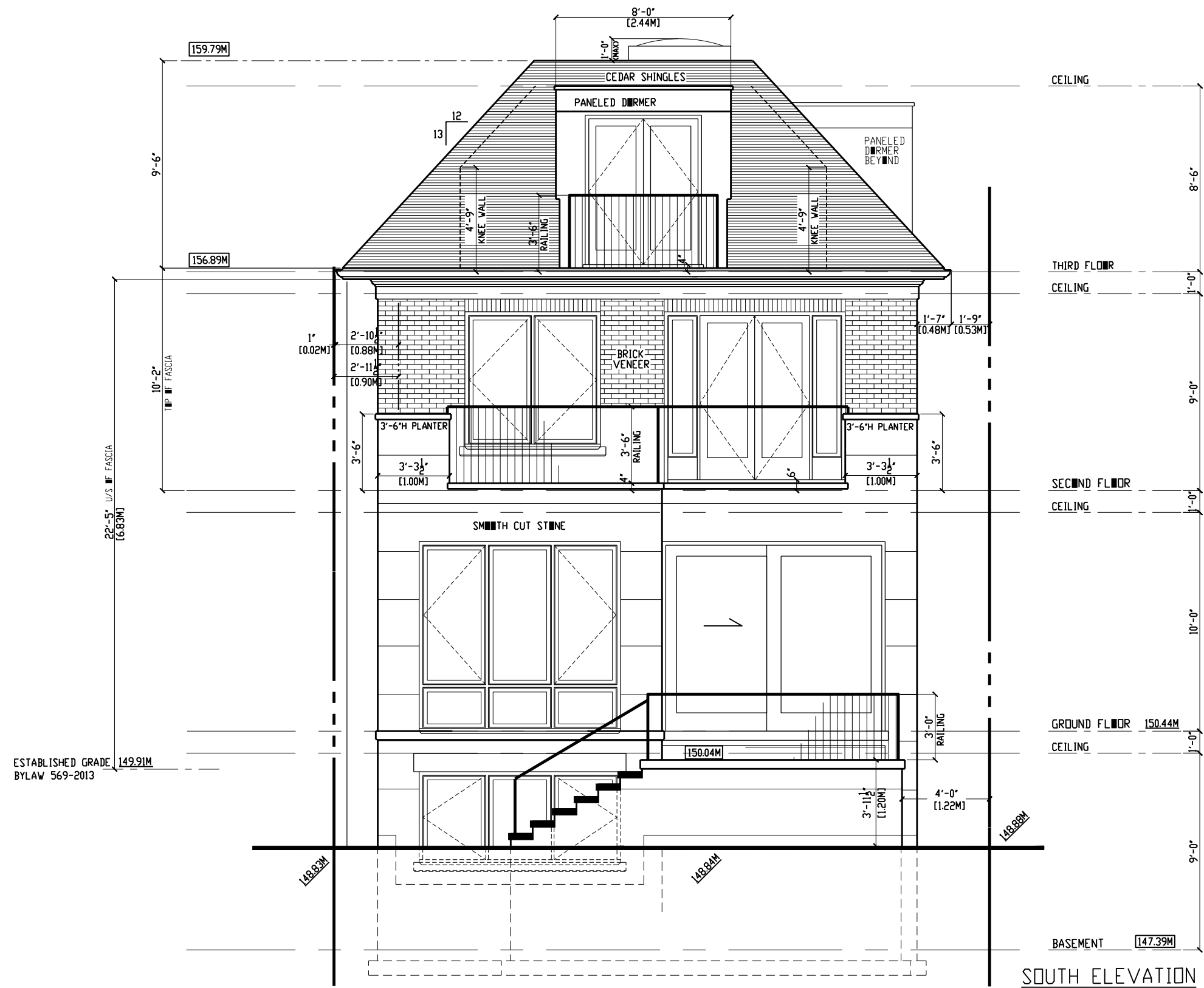
Site Plans



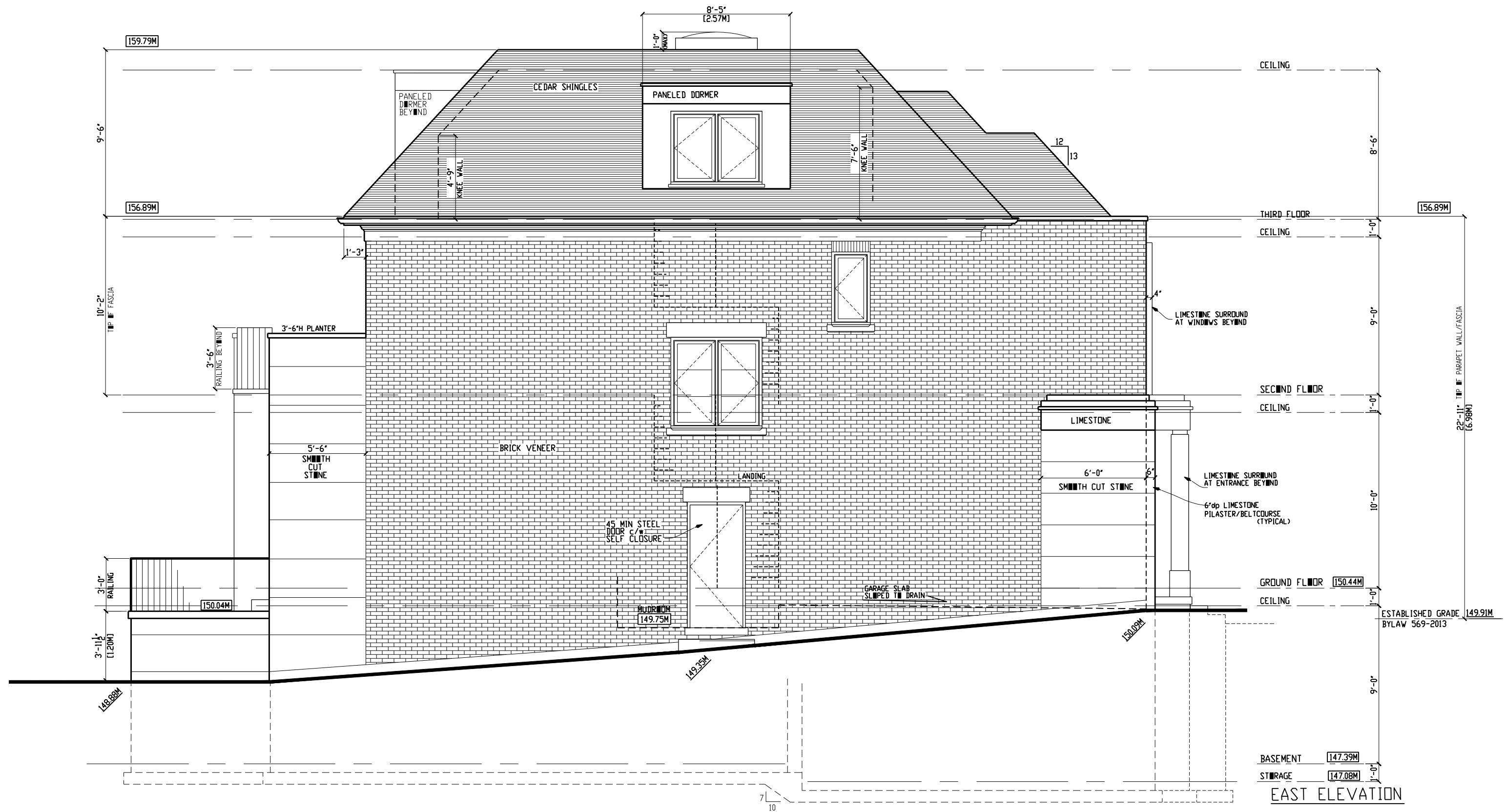
MD ManArch Design 1 Teakwood Grove Toronto, Ont. M3B 2H9 Tel. (416) 414-2835 Website: manarch.ca Email: mohr@manarch.ca	SITE PLAN		RENOVATION/ADDITION TO 21 VERBENA AVENUE TORONTO	04-20 A1
	Date	JULY 2 2021		
	Scale	3/32" = 1'-0"		
	Issue	REVIEW		



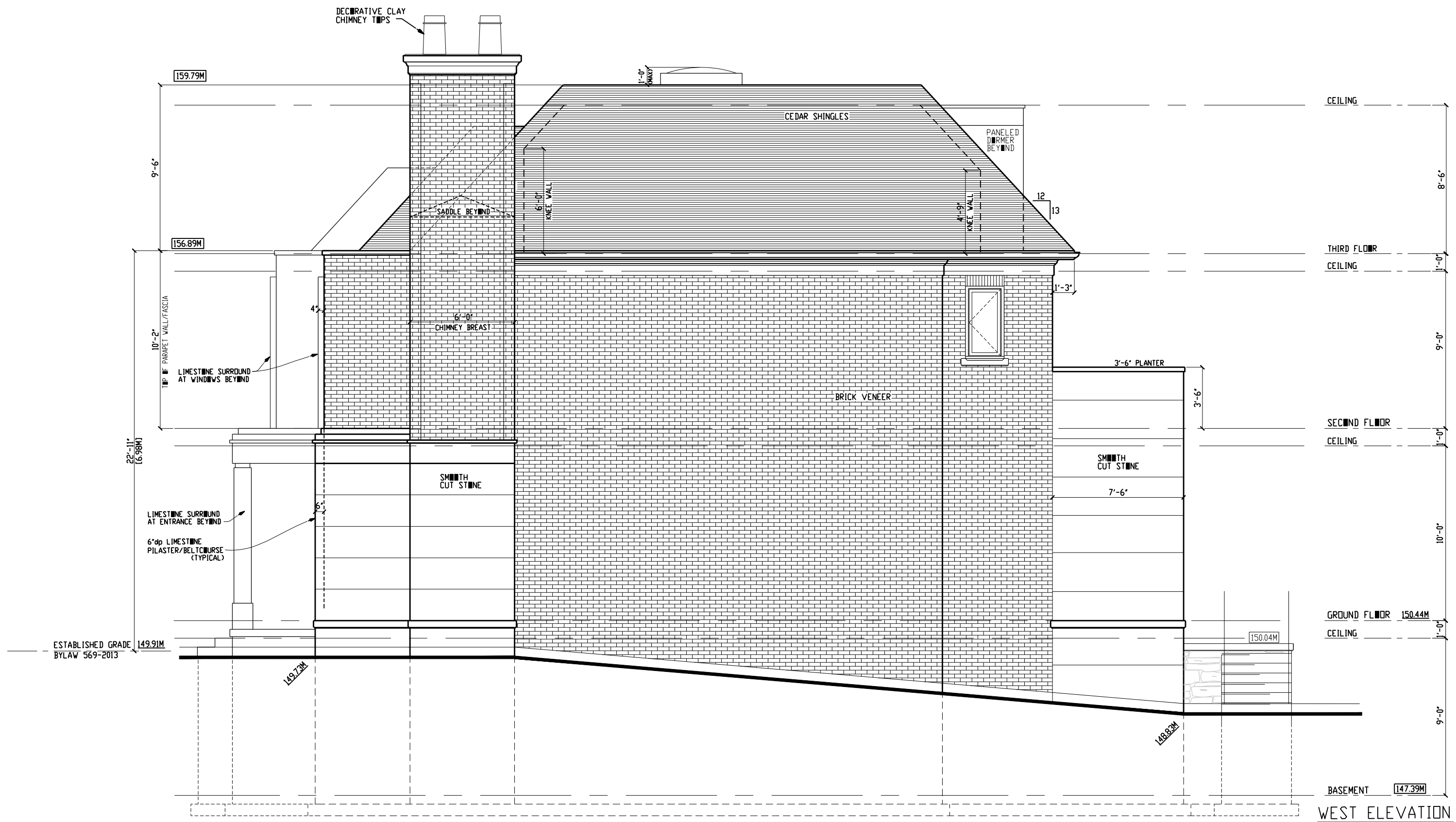
<p>Firm Name and Address</p> <p>MD ManArch Design</p> <p>1 Teakwood Grove Toronto, Ont. M3B 2H9 Tel. (416) 414-2635 Website: manarch.ca Email: mohr@manarch.ca</p>	<p>Drawing</p> <p>NORTH ELEVATION</p>	<p>Project Name and Address</p> <p>RENOVATION/ADDITION TO 21 VERBENA AVENUE TORONTO</p>	<p>Project No.</p> <p>04-20</p>
	<p>Date</p> <p>JULY 2/21</p>		<p>A7</p>
	<p>Scale</p> <p>3/16" = 1'-0"</p>		
	<p>Issue</p> <p>REVIEW</p>		



Firm Name and Address	Drawing SOUTH ELEVATION	Project Name and Address	Project No. 04-20
MD ManArch Design 1 Teakwood Grove Toronto, Ont. M3B 2H9 Tel. (416) 414-2835 Website: manarch.ca Email: mohr@manarch.ca	Date JULY 2/21	RENOVATION/ADDITION TO 21 VERBENA AVENUE TORONTO	A8
	Scale 3/16" = 1'-0"		
	Issue REVIEW		



Firm Name and Address MD ManArch Design 1 Teakwood Grove Toronto, Ont. M3B 2H9 Tel. (416) 414-2835 Website: manarch.ca Email: mohr@manarch.ca	Drawing EAST ELEVATION Date JULY 2/21 Scale 3/16" = 1'-0" Issue REVIEW	Project Name and Address RENOVATION/ADDITION TO 21 VERBENA AVENUE TORONTO	Project No. 04-20 <div style="font-size: 48pt; font-weight: bold;">A9</div>
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Firm Name and Address MD ManArch Design 1 Teakwood Grove Toronto, Ont. M3B 2H9 Tel. (416) 414-2835 Website: manarch.ca Email: mohr@manarch.ca	Drawing	Project Name and Address RENOVATION/ADDITION TO 21 VERBENA AVENUE TORONTO	Project No.
	WEST ELEVATION		04-20
	Date		A10
	JULY 2/21		
Scale	3/16" = 1'-0"	Issue	REVIEW