

DECISION AND ORDER

Decision Issue Date Friday, November 05, 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): DANNY CITTER

Applicant(s): CONTEMPO STUDIO

Property Address/Description: 76 GLEN LONG AVENUE

Committee of Adjustment File

Number(s): 21 139146 NNY 08 MV

TLAB Case File Number(s): 21 166889 S45 08 TLAB

Hearing date: October 7, 2021

Deadline Date for Closing Submissions/Undertakings:

DECISION DELIVERED BY JUSTIN LEUNG

REGISTERED PARTIES AND PARTICIPANTS

Name	Role	Representative
CONTEMPO STUDIO	APPLICANT	
CARLA TEIXEIRA	OWNER	
DANNY CITTER	APPELLANT	MARTIN MAZIERSKI
SENIO QUEIROGA	PARTY	CHRISTINA KAPELOS
JOSHUA MOSKOWITZ	PARTICIPANT	

INTRODUCTION

This matter relates to a proposed new dwelling for 76 Glen Long Avenue.

An Interim Decision and Order was issued on October 22, 2021 whereby it was indicated that a Final Decision and Order would be issued once a new Zoning Review had been completed satisfactorily by City staff.

On November 2 2021, Ms. Kapelos, legal representative for the Applicant, contacted the TLAB to indicate that the condition had now been completed satisfactorily. Related materials demonstrating this had also been submitted to the Tribunal. As such, they requested that I issue a Final Decision and Order to now close this matter.

BACKGROUND

The Interim Decision and Order approved a set of Variances (Appendix 1) which was subject to conditions that plans and elevations depicting this be reviewed and by the City. This review would act to confirm the revised Variances which had been outlined in the Minutes of Settlement executed between the Applicant and Appellant. The approval would also be related to an approved set of drawings and plans (Appendix 2) and conditions to be contained within this document.

MATTERS IN ISSUE

This Final Decision and Order will need to make a determination if the Zoning Review as conducted by the City has been completed satisfactorially.

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

Christina Kapelos provided correspondence to the TLAB that she had with City staff relating to the Zoning Review process and its outcome. This was presented to materially demonstrate that her client has acted to conclusively meet the requirements that had been proffered in the Interim Decision and Order.

The other Parties to the matter were notified of these developments and requested to provide input if necessary. There was no substantial input provided by them and they raised no further concerns/issues which they wanted addressed by the Tribunal.

ANALYSIS, FINDINGS, REASONS

Ms. Kapelos has provided an updated Zoning Review document to the TLAB. She indicated that this document demonstrates that the condition, as stipulated in the Interim Decision and Decision, has now been achieved.

In review of the material that has been presented to me, I find that the Appellant/Property-owner has completed the necessary work to address the requirements as prescribed in the Interim Decision and Order. This work has resulted in this proposal now proceeding to a stage in which a Final Decision and Order can be contemplated to be issued. Furthermore, the opposing Parties, who had reached a settlement proposal with the Appellant/Property-owner and offered no contestation to this proposal at the Hearing, also indicated here that they had no comments to raise relating to issuance of Final Decision and Order. The TLAB recognizes once more the collegial environment which has been fostered with all the interested Parties here to reach a resolution to this matter.

DECISION AND ORDER

The Interim Decision and Order is confirmed and approval of the Variances (attached herein as Appendix 1) is final, subject to the Plans contained (attached herein as Appendix 2), and to the following condition:

1. The Applicant shall construct the proposed dwelling substantially in accordance with the site plan and elevations prepared by Contempo Studio dated October 6, 2021.




Justin Leung
Panel Chair, Toronto Local Appeal Body

Appendix 1

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

1. Chapter 900.3.10(A), By-law No. 569-2013

Despite regulation 10.20.40.70 (3), the minimum side yard setback is 1.8m.

The proposed east side yard setback is 1.53m.

2. Chapter 900.3.10(A), By-law No. 569-2013

Despite regulation 10.20.40.70 (3), the minimum side yard setback is 1.8m.

The proposed west side yard setback is 1.52m.

3. Chapter 10.5.40.50(2), By-law No. 569-2013

The required minimum building setback for the zone is 1.8m.

The proposed front porch is 1.52m from west side lot line.

4. Chapter 10.5.40.50(2), By-law No. 569-2013

The required minimum building setback for the zone is 1.8m.

The proposed rear deck is 1.53 metres from the east side lot line.

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

The permitted maximum height is 7.2m.

The proposed height is 7.85m.

6. Chapter 10.20.40.20.(1), By-law No. 569-2013

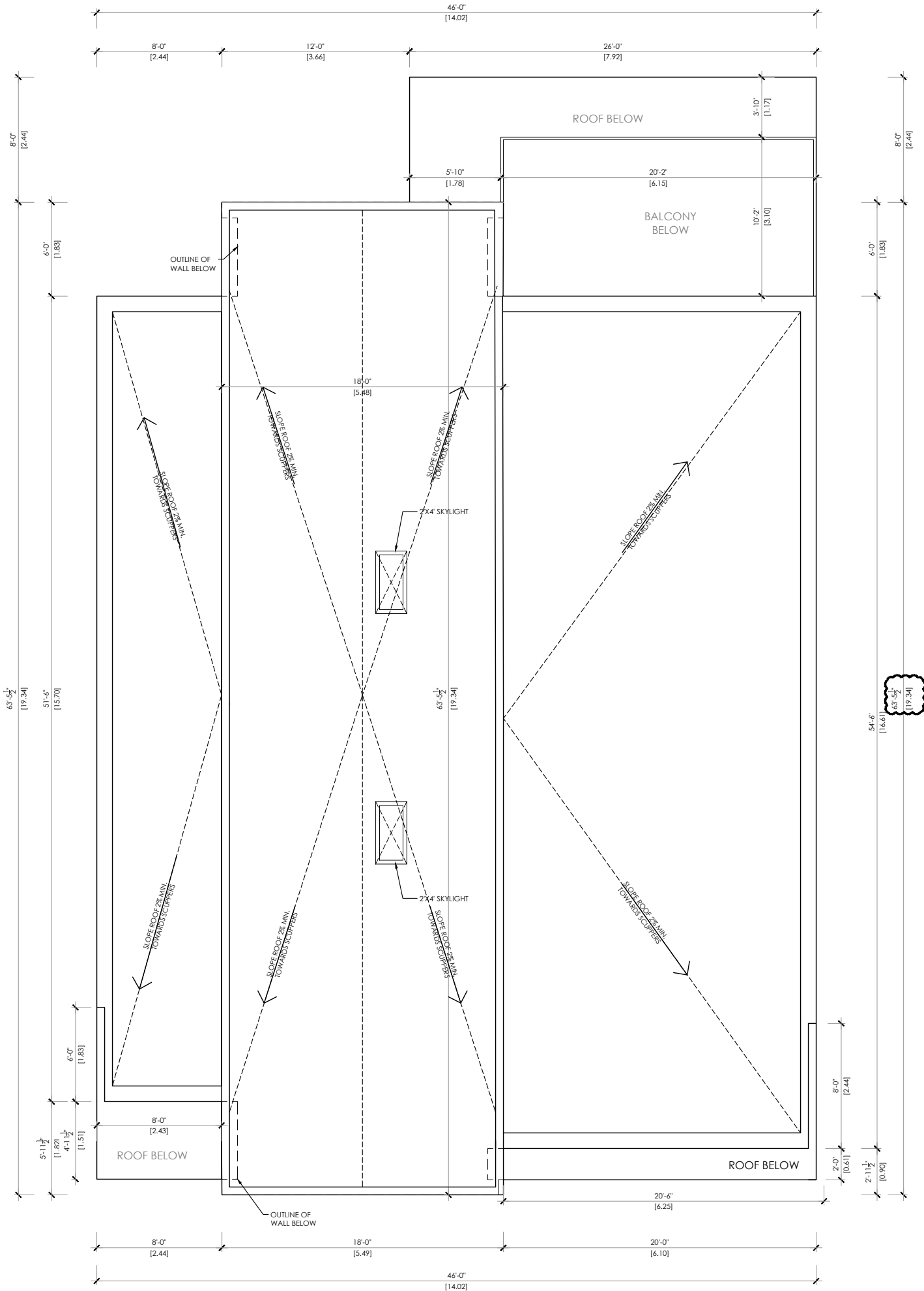
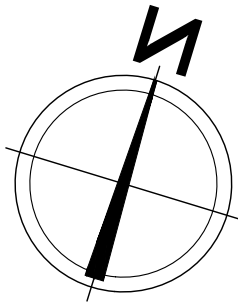
In the RD zone with a minimum required lot frontage of 18.0m or less, the permitted maximum building length for a detached house is 17.0m.

The proposed building length is 19.34m.

7. Chapter 10.20.40.70.(1), By-law No. 569-2013

The required minimum front yard setback is 8.23m.

The proposed front yard setback is 7.41m.



1 ROOF PLAN
A-5 SCALE : 1/8" = 1' - 0"

contempostudio

1140 THE QUEENSWAY
Toronto, Ontario M8Z 1P7
info@contempostudio.ca
w. contempostudio.ca
t. (416) 770-0071
f. (416) 642-1691

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents:

QUALIFICATION INFORMATION
Required unless design is exempt under 3.2.4.3.(5) Division C of the Ontario Building Code.
MARIN ZABZUNI 45250
NAME SIGNATURE BCIN
REGISTRATION INFORMATION
Required unless design is exempt under 3.2.4.7, Division C of the Ontario Building Code.
CONTEMPO STUDIO 46972
FIRM NAME BCIN

Do not scale drawings.
Contractor shall check and verify all dimensions and report any omissions or discrepancies to Contempo Studio before proceeding with work.
All prints and specifications are the property of Contempo Studio and shall not be copied, in part or whole without prior written permission.

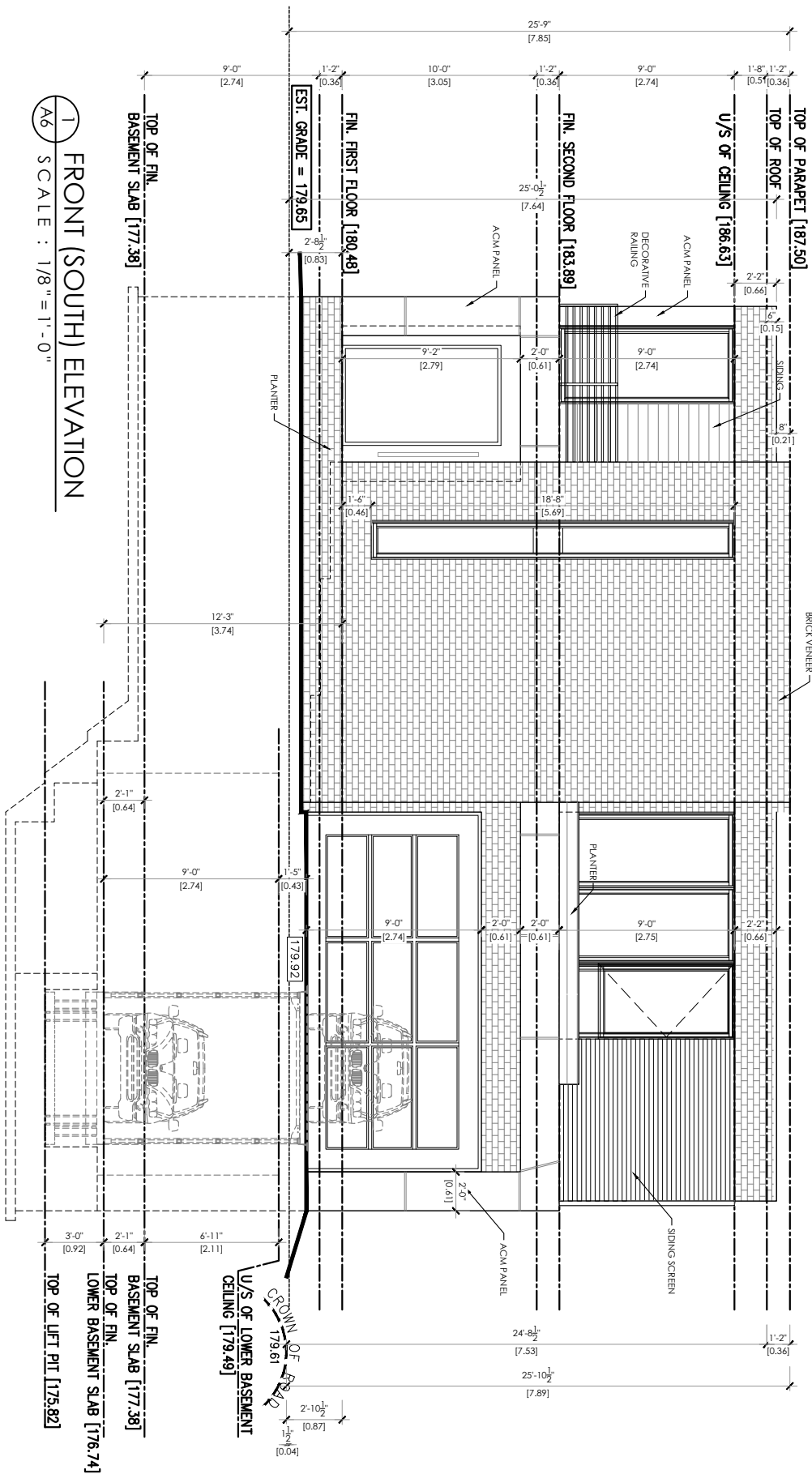
PROPOSED NEW 2 STOREY DWELLING
AT
76 GLEN LONG AVE
NORTH YORK

Project number:
Drawing:
Scale:
Date:
Drawn by:
Approved by:

Drawing number:

2020-XX
AS-NOTED
2021.10.06
M.R.
M.Z.

A-5



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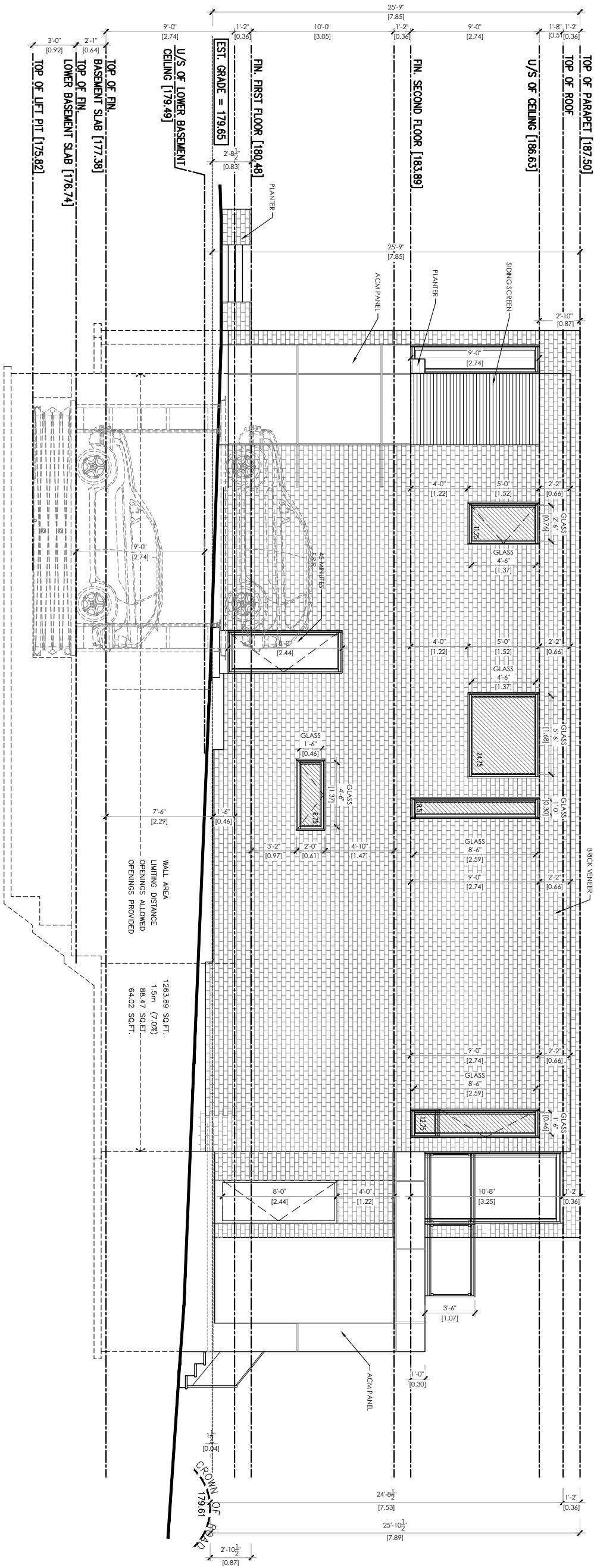
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Approved by:

Drawing number:

2020-XX
AS-NOTED
AS-NOTED
2021.10.06
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M.Z.

A-6



1 RIGHT SIDE (EAST) ELEVATION
A-7 SCALE : 1/8" = 1'-0"

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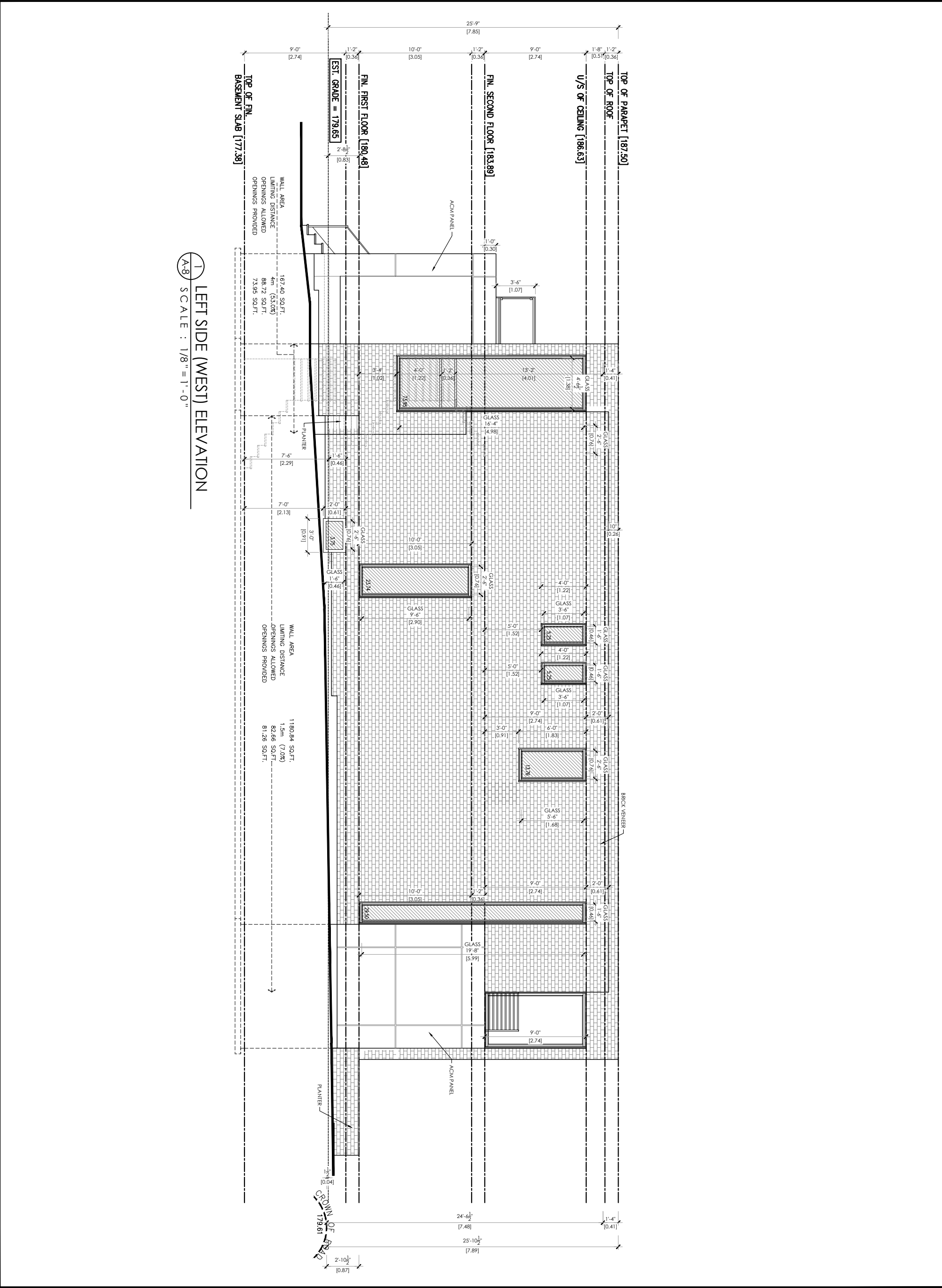
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A-8

