

DECISION AND ORDER

Decision Issue Date Friday, April 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): AZITA AHSAN

Applicant(s): LORNE ROSE ARCHITECT INC

Property Address/Description: 335 LYTTON BOULEVARD

Committee of Adjustment File

Number(s): 21 123502 NNY 08 MV

TLAB Case File Number(s): 21 156158 S45 08 TLAB

Hearing dates: August 31, 2021, September 20, 2021, October 22, 2021

Deadline Date for Closing Submissions/Undertakings:

DECISION DELIVERED BY JUSTIN LEUNG

REGISTERED PARTIES AND PARTICIPANTS

Name	Role	Representative
Lorne Rose Architect Inc.	Applicant	
Azita Ahsan	Appellant	Meaghan McDermid
City of Toronto	Party	Uttra Gautam
Igor Sarenac	Party	Alyssa Clutterbunk
Charles Coupal	Party	
Associated Properties Corp	Party	
TJ Cieciura	Expert Witness	
Terry Mills	Expert Witness	

Hiba Hussain

Expert Witness

INTRODUCTION

This matter relates to a proposed detached dwelling to be constructed on this subject property of 335 Lytton Boulevard.

An Interim Decision and Order was issued on January 5, 2022 whereby it was indicated that a Final Decision and Order would be issued once the Appellant had submitted drawings which reflected the changes I had made to the proposal. Once these drawings were submitted, an additional review would occur to sufficiently determine that the floor space index (FSI) Variance had been reduced in a manner as directed in the Interim Order.

On April 7, 2022, the Appellant's legal representative Ms. McDermid contacted the TLAB to indicate that this had now been completed satisfactorily. Related materials demonstrating this had also been submitted to the tribunal. As such, they requested that a Final Decision be issued to bring closure to this matter.

In response to this, Party lawyer Krista Chaytor stated that the Zoning Notice, as issued by the City to the Appellant, does not appear to have been completed in an appropriate manner by the Zoning Examiner. The TLAB would thus have to determine the measures which should be applied here to address the issues which have been raised at this juncture.

BACKGROUND

The Interim Decision approved a set of Variances (Appendix 1) which was subject to condition that plans and elevations depicting what was outlined in the Interim Order be submitted for my review and consideration.

MATTERS IN ISSUE

This Final Decision will need to make a determination if the Plans as submitted have been drafted to appropriately reflect my previously issued Interim Order.

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

Ms. McDermid submitted drawings and elevations which had been commissioned by her client to the TLAB. As part of this submission, a Zoning Notice, as issued by the City, was also provided to demonstrate that these revised drawings corresponded to the approval which had been granted, in principle, as part of the Interim Decision. As had been previously outlined in this document, Ms. Chaytor communicated to the TLAB concerns she had with these drawings and the requisite Zoning Notice. She contends that the Appellant has not materially demonstrated compliance with the Interim Decision and, as such, the approval as had previously been granted should now be rescinded.

Recognizing the issues which were now transpiring, I requested that a teleconference be held with all relevant Parties to further discuss these matters.

On April 13, 2022, the Parties convened via teleconference to expound on issues related to the form of the Final Decision which needed to be issued by the TLAB for this Appeal matter. Ms. McDermid began by stating that the Zoning Notice which has been issued correlates to the approval as granted by the Interim Decision. As such, Ms. Chaytor requested that Expert Witness Terry Mills provide his comments in relation to this issue. Mr. Mills opined that the Zoning Notice did not properly assess the requisite Zoning By-law provisions and as such, it is surmised that the Notice would be inaccurate in its current form. Mr. Mills further indicated the potentiality that this Notice could permit a house of a larger scale and massing to be built as a result.

Ms. McDermid refuted the information as presented by Mr. Mills by stating that her client, during the course of attempting to comply with the tenets of the Interim Decision, had made substantive changes to the proposal which have resulted in a smaller built form to be constructed on the subject property. She further critiqued that the FSI Variance request, which is a primary issue here, has been reduced in accordance to the Interim Decision. As such, she concludes that a Final Decision approving these Variances be issued by the TLAB in a prompt manner.

City Solicitor Derin Abimbola communicated to the tribunal that, prior to this teleconference, she had engaged in a brief discussion with the Zoning Examiner completed this Zoning Notice. This person reiterated that the Zoning Notice they had issued was accurate and properly interpreted the relevant provisions of the Zoning By-law. In addition, she stated that the City had not taken a position on this recent issue.

ANALYSIS, FINDINGS, REASONS

Ms. McDermid has provided a new set of elevations and drawings to the tribunal, as stipulated in the Interim Decision, and states that she believes they have now met the requirements as I had previously outlined. They had also completed a Zoning Notice so as to have City staff confirm the above noted comments as provided by Ms. McDermid.

The teleconference was convened to ensure all Parties had an opportunity to engage proactively to address all potential issues. In recognizing the arguments as advanced by the opposing Party's lawyer and Expert Witness, it is also customary to acknowledge the unique skillset and experience as possessed by City staff. The TLAB would be remiss if it were to commence analyzing the merits of all work which is undertaken by City staff. Ms. Abimbola's previous comments lend credence to the argument that the Zoning Examiner has acted to discharge their duties in a professional manner.

Here, I would find that the Appellant has made erstwhile attempts to revise their proposal so as to further align it with the Interim Decision. The scale and massing will not substantially impact the local area context. It is noted that the issued Zoning Notice identifies Variances which are not substantively similar to those as expressed in the Interim Decision. However, and as described by Ms. McDermid, the overall scale and intensity of the built form is still generally consistent with the approval as contained in the Interim Decision. I had further noted at the teleconference that if I were issue a positive Final Decision, the Variances as proffered within the Interim Decision would continue to be prescient.

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. This infill-house will not act to destabilize this neighbourhood and will ensure a new family can move into this neighbourhood. In terms of the issues raised by the opposing Party, the tribunal also

recognizes that the established means of confirming a site's development conformity with the Zoning By-law is to have a Zoning Notice completed.

I would further find that the conditions, as proposed by City Planning and Urban Forestry staff, to be appropriate for this revised proposal. These conditions will ensure issues relating to the public interest are upheld.

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 conditions:

1. The owner shall build the proposed addition(s) to the dwelling substantially in accordance with the plans and drawings for 335 Lytton Boulevard dated February 4, 2022 (the "Plans and Drawings") which shall be subject to modifications as may be required as a result of any subsequent City permit process which do not result in any additional Variances.
2. The approval of the Plans and Drawings is conditional on the following:
 - a. The owner shall submit a complete application for a permit to injure or remove a City owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article II Trees on City Streets.

X



Justin Leung
Panel Chair, Toronto Local Appeal Body

Appendix 1

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

1. Chapter 10.20.40.10.(1)(A), By-law No. 569-2013

The permitted maximum height of a building or structure is 10m.

The proposed height of the building or structure is 10.67m.

2. Chapter 10.20.40.10.(2)(B)(i), By-law No. 569-2013

The permitted maximum height of all side exterior main walls facing a side lot line is 7.5m.

The proposed height of the side exterior main walls facing the side lot lines is 7.76m.

3. 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 20.45m.

4. Chapter 10.20.40.30.(1), By-law No. 569-2013

The permitted maximum building depth for a detached house is 19.0m.

The proposed building depth is 20.45m.

5. Chapter 10.20.40.40.(1)(A), By-law No. 569-2013

The permitted maximum floor space index is 0.35 times the area of the lot.

The proposed floor space index is 0.65 times the area of the lot.

6. Chapter 10.20.40.70.(3)(D)(i), By-law No. 569-2013

The required minimum side yard setback is 1.5m where the required minimum lot frontage is 15.0m to less than 18.0m.

The proposed side yard setback of the building is 0.92m to the east side lot line.

7. Chapter 10.20.40.70.(3)(D)(ii), By-law No. 569-2013

The required minimum side yard setback is 1.5m where the required minimum lot frontage is 15.0m to less than 18.0m.

The proposed side yard setback of the building is 1.21m to the west side lot line.

8. Chapter 10.20.40.70.(3)(D)(iii), By-law No. 569-2013

The required minimum side yard setback is 1.5m where the required minimum lot frontage is 15.0m to less than 18.0m.

The proposed side yard setback of the rear platform/deck is 1.24m to the east side lot line.

9. Chapter 10.20.40.70.(3)(D)(iv), By-law No. 569-2013

The required minimum side yard setback is 1.5m where the required minimum lot frontage is 15.0m to less than 18.0m.

The proposed side yard setback of the rear canopy over the rear platform/deck is 1.24m to the east side lot line.

10. Chapter 10.5.40.60.(3)(A)(ii), By-law No. 569-2013

Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no wider than 2.0m.

The proposed stairs are 4.37m wide.

11. Section 4.2, By-law No. 438-86

The permitted maximum height of a building or structure is 10m.

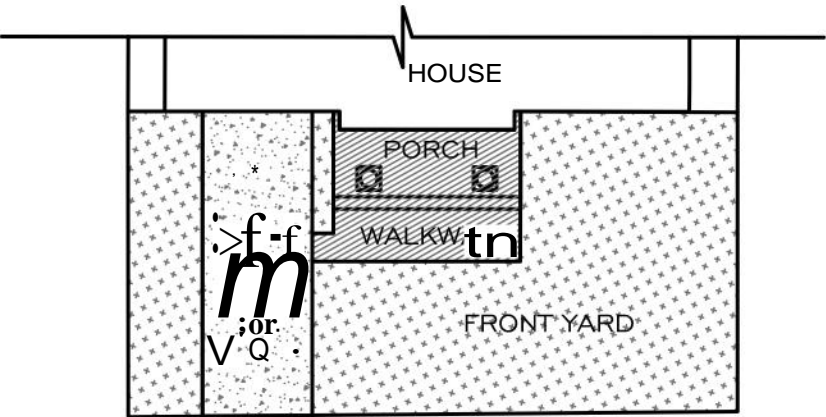
The proposed height of the building or structure is 10.54m.

STATISTICS ARE FOR GENERAL INFORMATION ONLY AND SHOULD BE REVIEWED BY EXAMINER

335 LYTTON BLVD.
Toronto, Ontario
Project # 20-41

SITE AREA: 6667 S.F. (619.3846 M2)

GROSS FLOOR AREA:	PROPOSED
GROUND FLOOR AREA	1 991 S.F. (185 s.m.)
SECOND FLOOR AREA	1 849 S.F. (171.7 s.m.)
THIRD FLOOR AREA	453 S.F. (42.1 s.m.)
TOTAL G.F.A.	4 293 S.F. (398.8 s.m.)



FLOOR SPACE INDEX:	MAXIMUM	PROPOSED
	35 %	64.4 %

SETBACKS:	MINIMUM	PROPOSED
FRONT	AVE.= 7.09 M	7.09 M
REAR	7.5 M/ 25%	13.43M
EAST SIDE	1.2 M	0.92 M
WEST SIDE	1.2 M	1.2 M

LENGTH OF DWELLING:	MAXIMUM	PROPOSED
	17.0 M	20.05 M

HEIGHT OF DWELLING:	MAXIMUM	PROPOSED
OLD BYLAW:	10.0 M	9.16 M
NEW BYLAW:	10.0 M	10.67 M

FRONT YARD LANDSCAPING:	MINIMUM	PROPOSED
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60% 92.43 M2
81.55 %

FRONT YARD SOFT LANDSCAPING:	MINIMUM	PROPOSED
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75% 76.55 M2
82.82 %



FRONT YARD = 113.33 M2



DRIVEWAY = 20.9 M2



PORCH,STAIRS,WALK+WALL = 15.88 M2

LANDSCAPING CALCULATIONS

SITE STATISTICS



2041 - DESIGN 18- POST COA-PAL
FEBRUARY 4, 2022



LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT PLANTED
IB	DENOTES	IRON BAR
SIB	DENOTES	STANDARD IRON BAR
PK	DENOTES	SURVEYOR'S NAIL SET IN WASH
QU	DENOTES	ORIGIN UNKNOWN
CC	DENOTES	CUT CROSS
WT	DENOTES	WITNESS
MH	DENOTES	MANHOLE
OH	DENOTES	OVERHEAD UTILITY CABLES
DT	DENOTES	DECIDUOUS TREE
CT	DENOTES	CONIFEROUS TREE
LS	DENOTES	LIGHT STANDARD
INV	DENOTES	INVERT ELEVATION
HYD	DENOTES	FIRE HYDRANT
CLF	DENOTES	CHAIN LINK FENCE
BOF	DENOTES	BOARD FENCE
MF	DENOTES	METAL FENCE
P1	DENOTES	REGISTERED PLAN 1570
P2	DENOTES	PLAN BY J.D. BARNES LTD. DATED NOVEMBER 28, 1969.

ADDITIONAL REMARKS – MAKE NOTE OF THE LOCATION OF FENCES AND
PHYSICAL FEATURES AS DEPICTED ON THE FACE OF THIS PLAN.
COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS:
THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

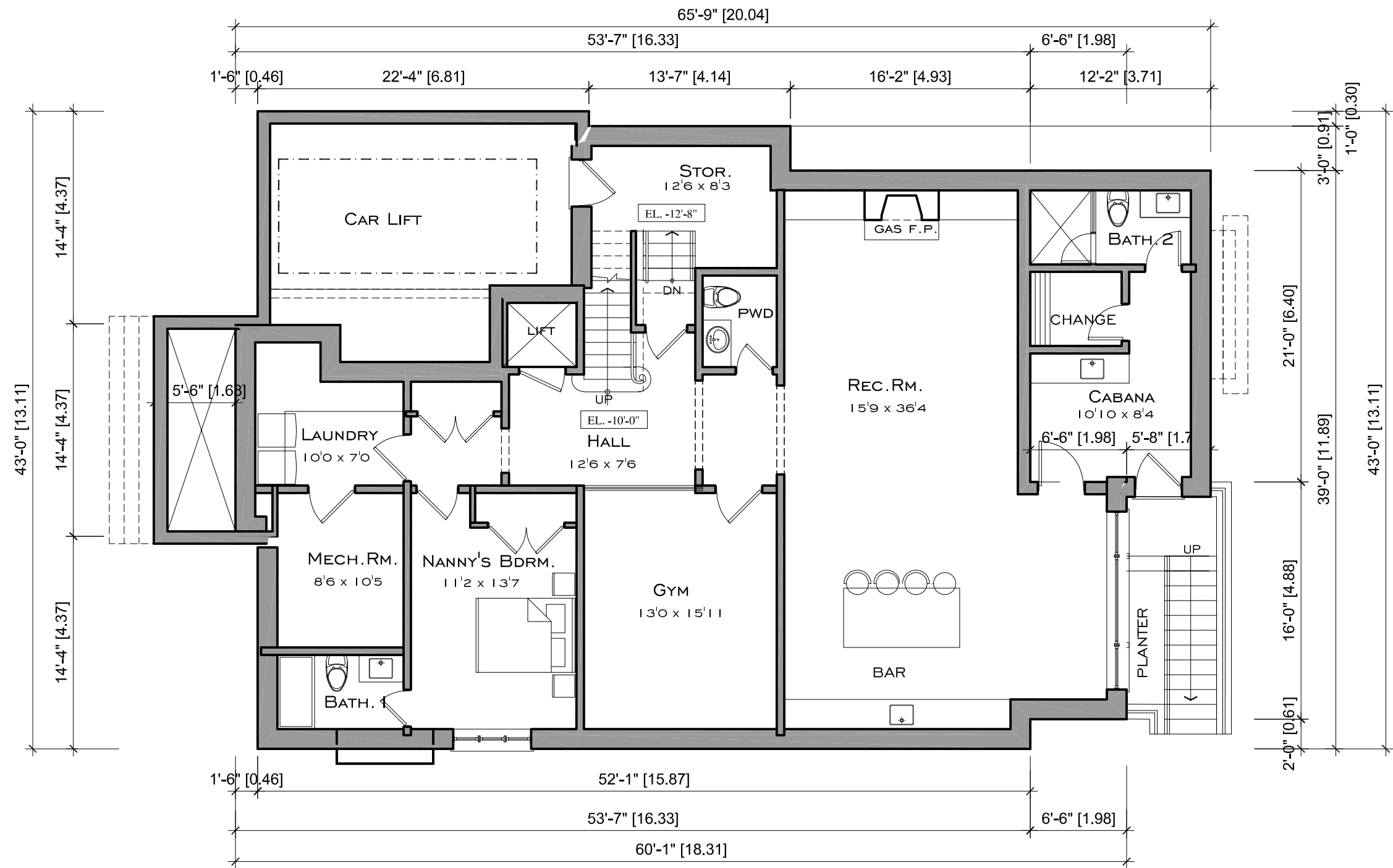
DJORDJE PETROVIC
BSc., O.L.S, O.L.I.P

32 EBBEX AVENUE, THORNHILL, ON. L3T 3Y7
TEL. 416 444 1100 FAX 416 444 1200
INFO@ONAPLE.CA

A DIVISION OF GEOMAPLE

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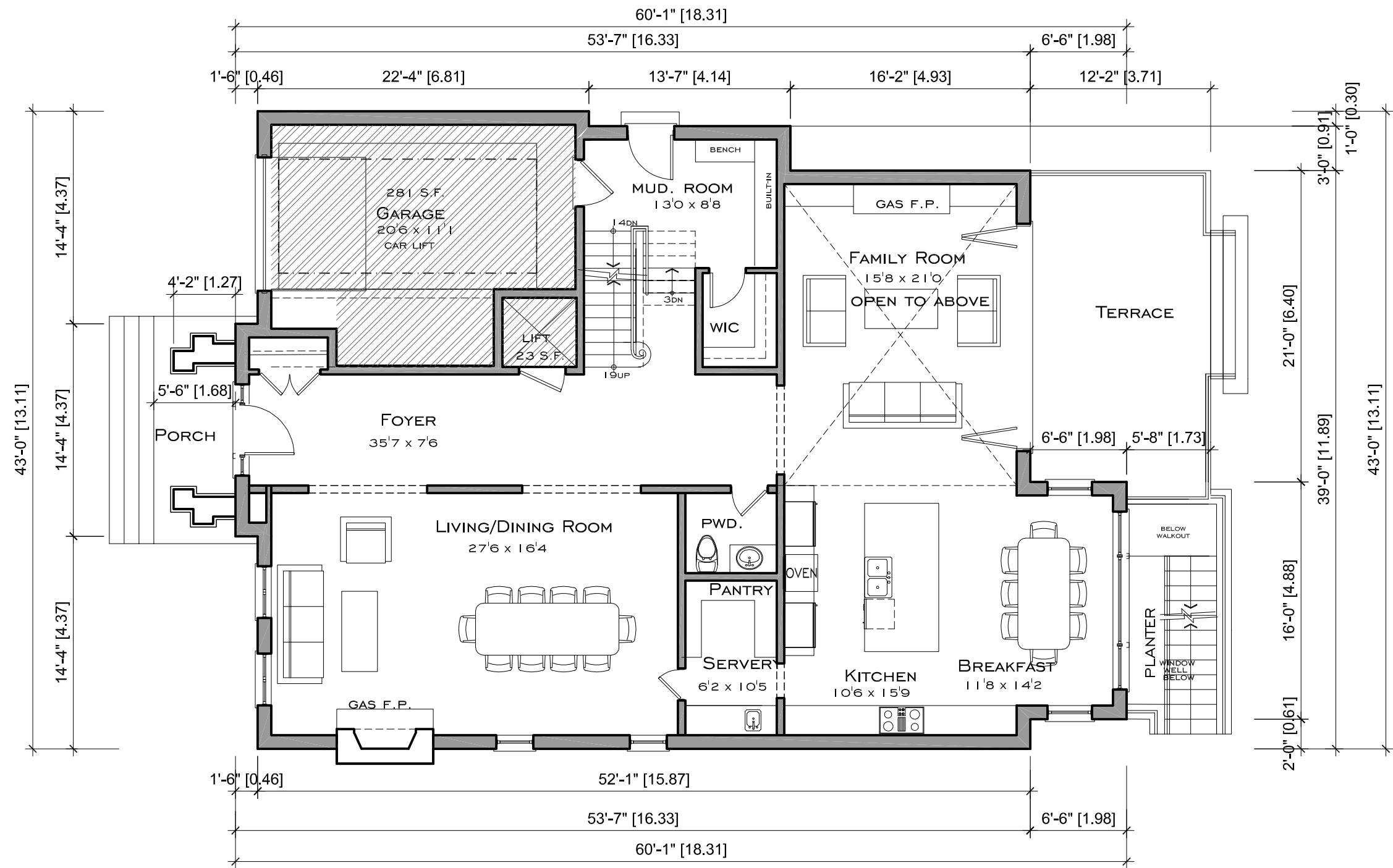
REVISION NOTE:
REVISED TO SHOW SETBACKS TO BAY WINDOW
AND NORTHEASTERLY CORNER OF DWELLING No. 333
REVISED TO SHOW SETBACKS TO NORTHWESTERLY
CORNER OF DWELLING No. 339, DECEMBER 11, 2020.



BASEMENT FLOOR PLAN
SCALE: 1/8" = 1'-0"



335 LYTTON BLVD.
Toronto, Ontario
Project # 20-41



EXCLUDED FROM GFA: 47.91

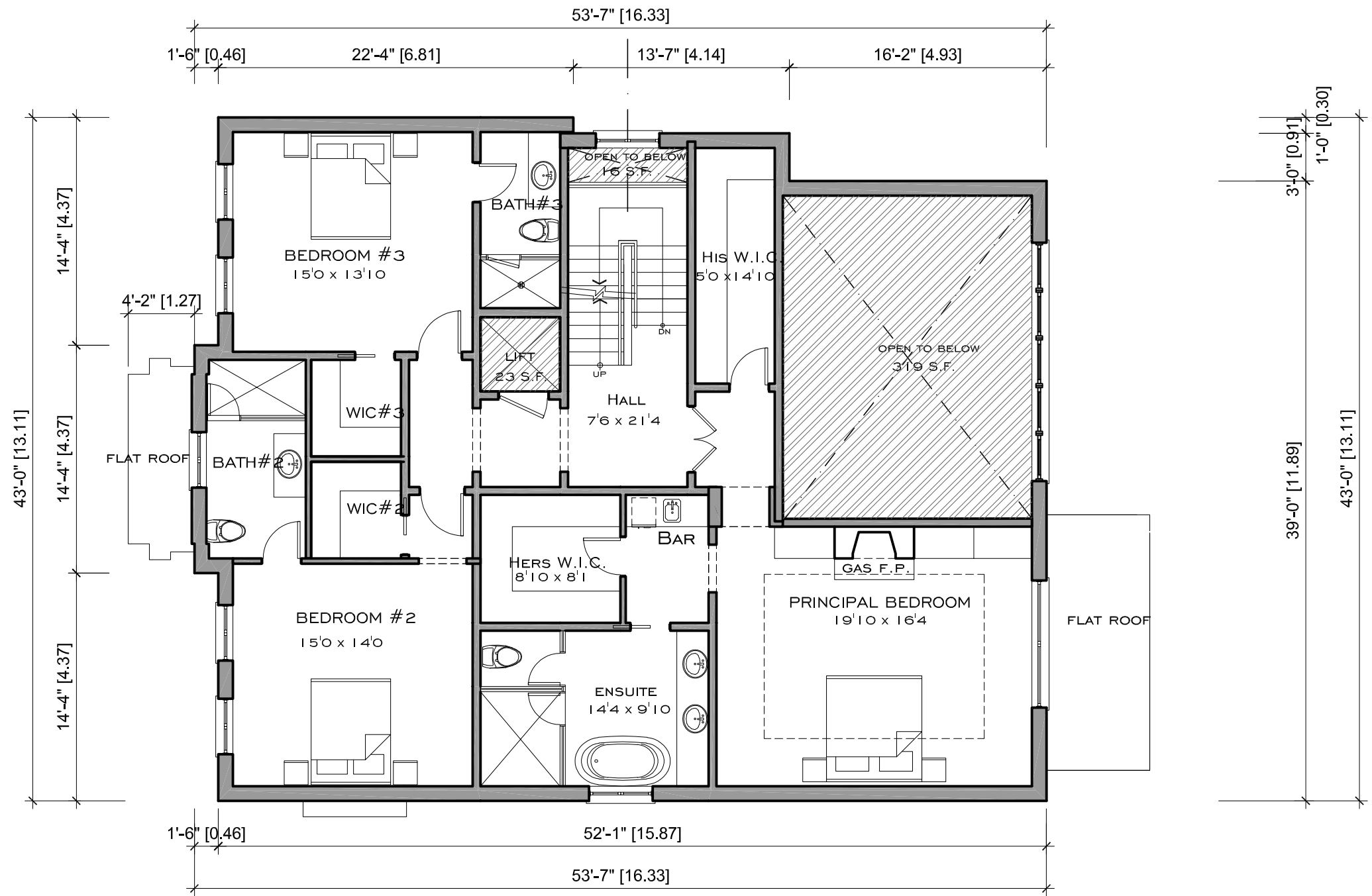
GROUND FLOOR PLAN

SCALE: 1/8" = 1'-0"
GFA = 1 991 S.F.
Gr.+2nd GFA = 3 840 S.F.
TOTAL GFA = 4 296 S.F. (64.4%)

FOOTPRINT = 2 295 S.F.
LOT AREA = 6667 S.F.



335 LYTTON BLVD.
Toronto, Ontario
Project # 20-41



EXCLUDED FROM GFA: 47.91

SECOND FLOOR PLAN

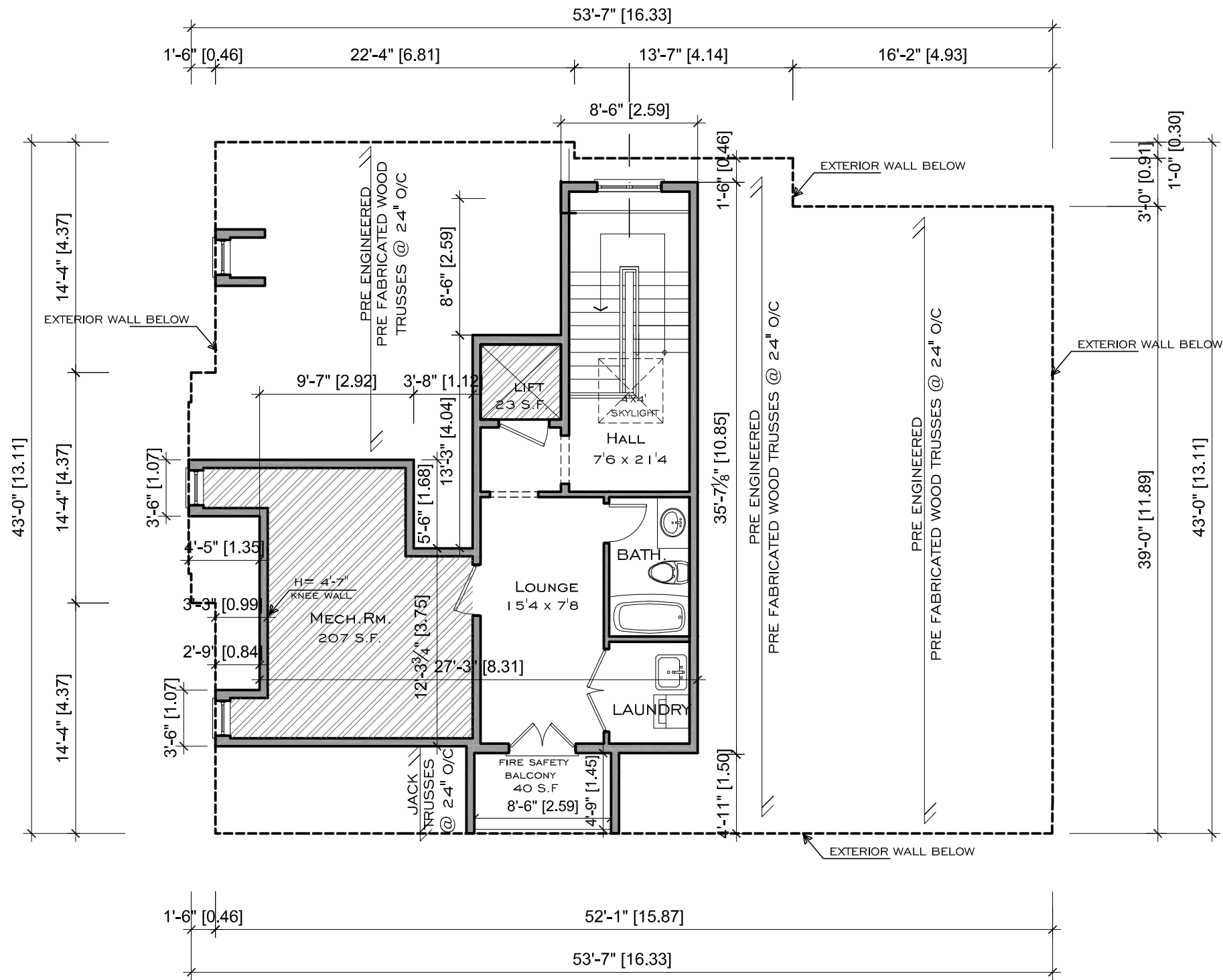
SCALE: 1/8" = 1'-0"

GFA = 1 849 S.F.



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FEBRUARY 4, 2022

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EXCLUDED FROM GFA: 47.91

THIRD FLOOR PLAN

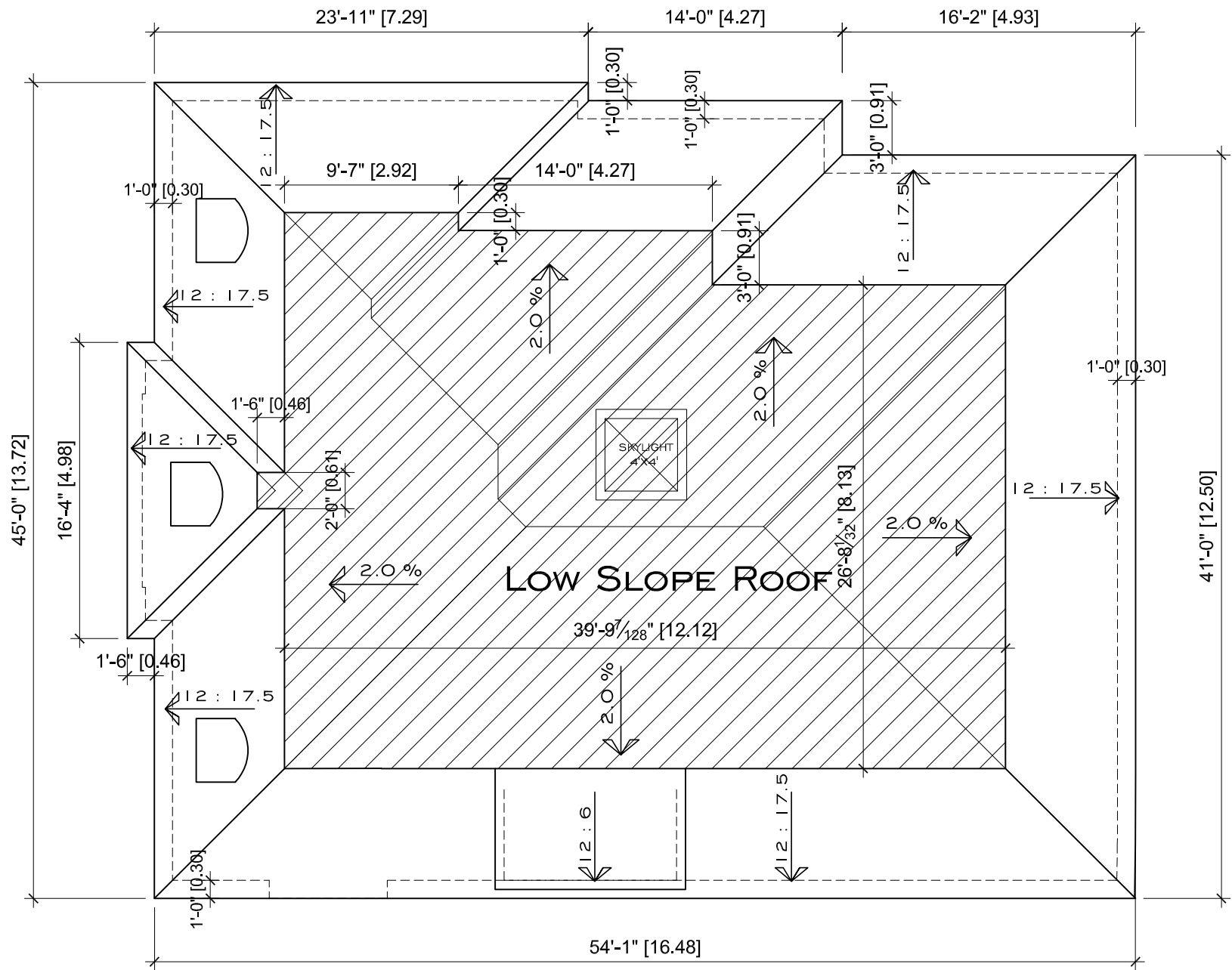
SCALE: 1/8" = 1'-0"


GFA = 456 S.F.



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335 LYTTON BLVD.
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 LOW SLOPE ROOF

ROOF PLAN

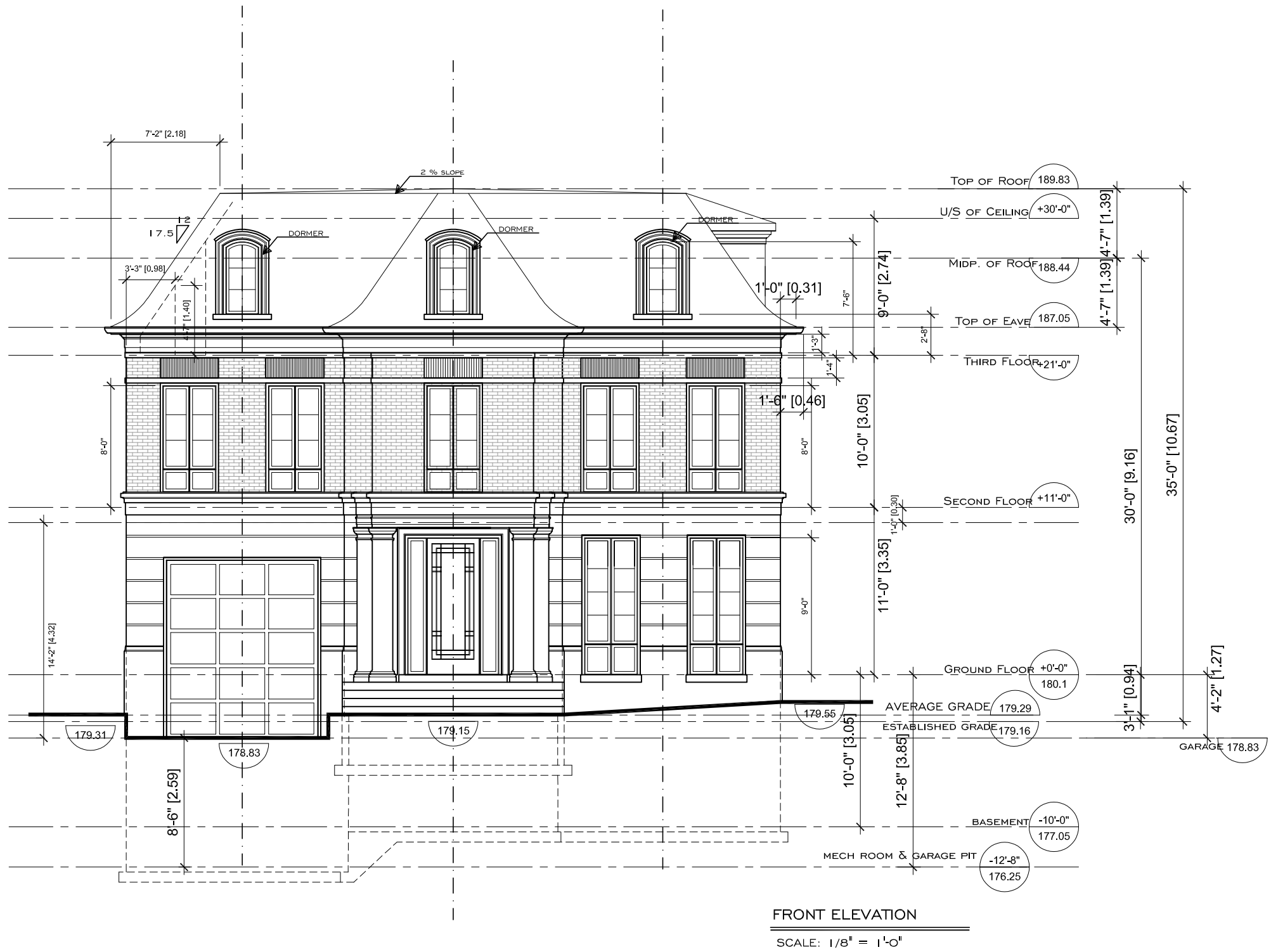
SCALE: 1/8" = 1'-0"

ROOF AREA= 2 380 S.F.

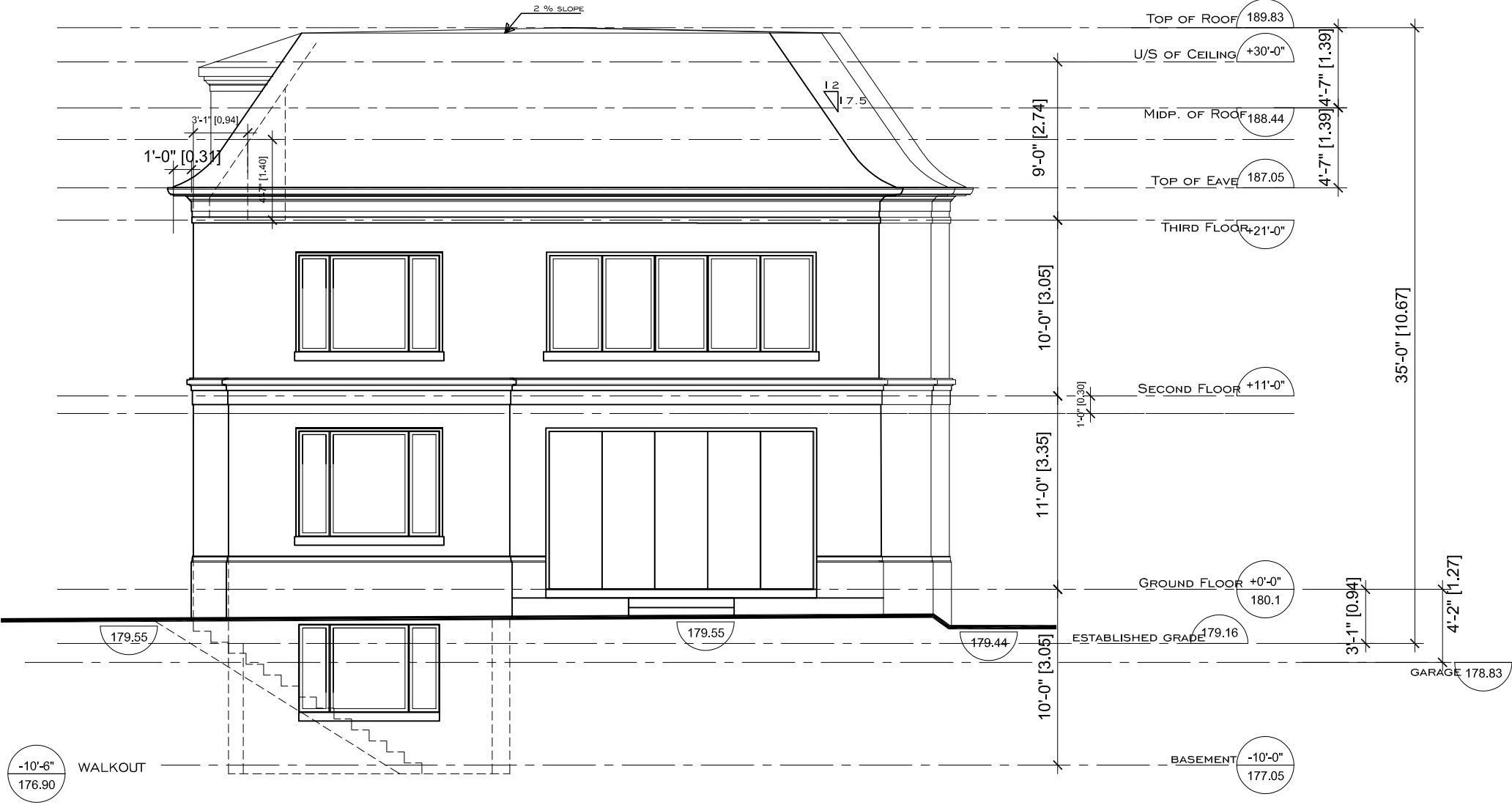
LOW SLOPE ROOF AREA= 1 143 S.F.(48 %)



204 I - DESIGN I 8- Post COA-PAL
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335 LYTTON BLVD.
Toronto, Ontario
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REAR ELEVATION
SCALE: 1/8" = 1'-0"



335 LYTTON BLVD.
Toronto, Ontario
Project # 20-41



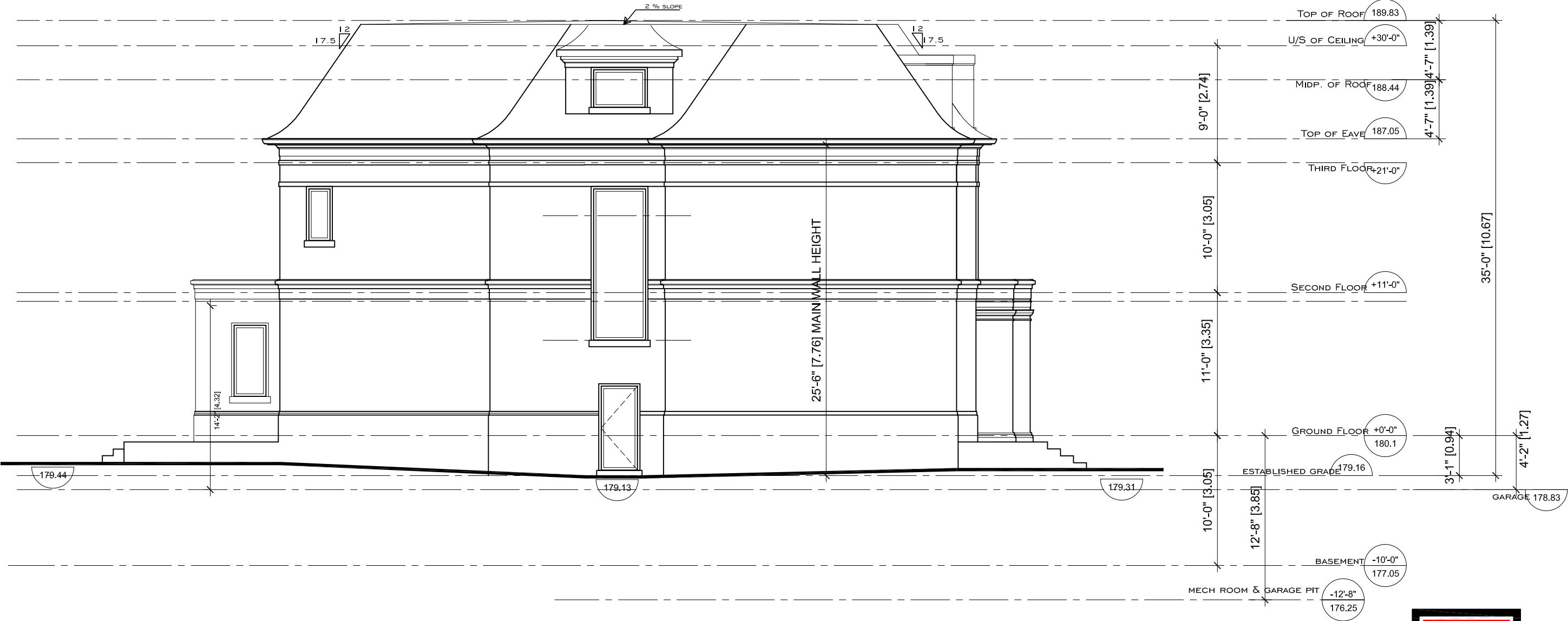
WEST ELEVATION

SCALE: 1/8" = 1'-0"



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335 LYTTON BLVD.
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EAST ELEVATION

SCALE: 1/8" = 1'-0"



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