

DECISION AND ORDER

Decision Issue Date Friday, July 29, 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): Joshua Tessier; Jagpreet Arora

Applicant(s): David Lang

Property Address/Description: 30 Dacre Cres

Committee of Adjustment File

Number(s): 21 118121 STE 04 MV (A0201/21TEY)

TLAB Case File Number(s): 21 246232 S45 04 TLAB

Hearing date: May 18, 2022 (Hearing date vacated because the matter was heard in Writing)

Deadline Date for Closing Submissions/Undertakings:

DECISION DELIVERED BY TLAB Chair S. Gopikrishna

REGISTERED PARTIES AND PARTICIPANT

Appellant	Jagpreet Arora
Appellant	Joshua Arora
Appellant's Legal Rep.	Meaghan Barrett
Applicant	David Lang
Party	Adi Hoxha
Party's Legal Rep.	Andy Margaritis

INTRODUCTION AND BACKGROUND

Adi Hoxha is the owner of 30 Dacre Crescent, located in Ward 04 (Parkdale- High Park) of the City of Toronto. To construct a new two-storey detached dwelling, he applied for the approval of variances to the Committee of Adjustment (COA), which considered the Application on November 17, 2021, and approved the same, subject to conditions.

Jagpreet Arora, who lives at the neighbouring residence at 32 Dacre Crescent, and Joshua Tessier, who lives at 28 Dacre Crescent, simultaneously appealed the decision made by the COA to the Toronto Local Appeal Body (TLAB) on December 6, 2021, which set a Hearing date for May 18, 2021.

On April 8, 2022, the TLAB received an email, from Andy Margaritis, lawyer for the Applicant, stating that a Settlement had been reached between the Applicants and the Appellants. A sworn affidavit about the evidence was sent, in conjunction to a request to vacate the Hearing date, and a request to hear the matter by way of Writing.

I write with pleasure to advise that both appeals filed for the above noted matter have now been fully resolved. As a result, and pursuant to TLAB Rule 19.2, kindly find attached two (2) sets of executed Minutes of Settlement signed with each of the Appellants. Since the Appellants are also the only Parties to this matter (and there are no Participants) everyone is, or is now, aware of the settlements.

Given that full settlements have been reached, and there are no Participants to this matter, the Applicant requests that the “expedited settlement Hearing” referenced in TLAB Rule 19.3 proceed by way of written evidence (i.e. a written expedited settlement Hearing). To advance this request, an email will follow attaching the sworn Affidavit of Mr. T.J. Cieciora (who is the Applicant’s expert land use planner) which has been prepared for the purpose of providing land use planning opinion on the merits of the application and settlements reached.

It is our hope that the TLAB can rely on this Affidavit (which also attaches as Exhibits the two (2) executed Minutes of Settlement) as a basis to provide a written decision on the Appeals without the need to attend a virtual appearance in the interim, or at the scheduled TLAB Hearing date for this matter on May 18th.

The request to hear the matter by way of writing was granted by a different TLAB Panel Member, before this file was transferred to me. The Hearing scheduled for May 18, 2022, was cancelled, and no appearance were required of the Parties.

The high lights of the Affidavit, made by T.J. Cieciora, a Planner, in support of the Application are provided below:

The proposal satisfies the Provincial Policy Statement (PPS, 2020), and the Growth Plan (2020), by virtue of an efficient development of the Site, achieved through replacing an existing house, with a newer two storey house, which corresponds to the needs of the Applicant’s family, in a “Built Up” Area.

The Affidavit also discusses the steps taken by the Applicants, to meet with the Toronto Regional Conservation Authority (TRCA), to satisfy the latter's requirements for a geotechnical study, and how best to satisfy the same.

TRCA staff reviewed the geotechnical study submitted by the Applicants, and advised them that they can accept a setback to the Long-Term Stable Toe-of-Slope ("LTSTS"), that is less than 10 metres with respect to the existing development setbacks on the Subject Property. Given the existing dwelling on the Subject Property has a setback to the LTSTS of 0 m, the TRCA is willing to support the same setback for the proposed new detached dwelling. The TRCA Staff also confirmed that the proposed new dwelling, and rear patio are proposed to be outside of the erosion hazard, and are not located any closer to the LTSTS than the existing dwelling on the Subject Property, and on the basis of these conclusions, is willing to support the proposal.

The highlights of the design of the proposal, based on the Affidavit, are as follows:

The Proposal will be parallel with Dacre Crescent and will be generally in-line with the front yard setback of the adjacent dwelling at 32 Dacre Crescent. Additionally, the proposed front yard setback of 1.20m is largely a result of LTSTS on the Subject Property, which significantly constrains the developable area on the Subject Property. Moreover, the municipal boulevard directly in front of the Subject Property has a depth of approximately 9.51m and will serve as part of the "functional" front yard considering it consists of landscaped open space

The Affidavit then describes the relationship between the proposal, and the Official Plan (OP) The Affidavit discusses Policies 3.1.2.5 (a) and (b) of the OP, which state that development will be located, and massed to fit within the existing and planned context. The development defines and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm by providing streetwall heights and setbacks that fit harmoniously with the existing and/or planned context

According to the Affidavit, the Proposal will "define and frame Dacre Crescent in a similar manner as the existing dwelling as well as adjacent and surrounding dwellings with good street proportion relative to the right-of-way width". The Dacre Crescent right-of-way is approximately 20m wide, and the proposed new detached dwelling will be 10.08m in height, which is approximately half the width of the right-of-way on which it fronts. The location of the proposed front exterior main wall will be consistent with the adjacent dwelling at 32 Dacre Crescent as well as a number of other dwellings within the immediate context considering that Dacre Crescent is a meandering street. The Affidavit asserts that the proposed front yard setback is largely due to the LTSTS located on the Subject Property.

The Affidavit asserts that the Proposal will fit harmoniously with the existing and planned context in which it is situated. Therefore, the Proposal is compatible in terms of built form and scale to the surrounding context which help satisfy Policies 3.1.2.5 (a) and (b) of the OP.

Discussing the relationship between Policy 4.1.5 of the OP and the Proposal, the Affidavit asserts that the proposed height, massing, scale, density and dwelling type of the Proposal is similar to what already exists in the community, and compatible with those immediately abutting it, and in the surrounding area.

In terms of the FSI, if the entire lot area were to be considered for the purposes of calculating FSI, the proposed FSI would be 0.29x the lot area, which is 0.06x less than what is permitted as-of-right. The proposed FSI of 1.30x the lot area is a direct result of the fact that any land beyond the TRCA defined LTSTS is not considered for the purposes of calculating FSI. Regarding the proposed building height, the Proposal will be similar to or smaller than a number of dwellings within the neighbourhood, and will be in keeping with the existing character of the neighbourhood. This neighbourhood has a unique topography which results in dwellings that appear to be very tall from the street as many dwellings sit on an elevated slope which contributes to a larger perceived height.

The Proposal is for a detached dwelling which is the prevailing building type of this neighbourhood. The location, design and elevation relative to the grade of the proposed integral garage will be in keeping with the character of the neighbourhood. The proposed front yard setback of the new two-storey detached dwelling will be in line with the adjacent dwelling at 32 Dacre Crescent as well as a number of other dwellings within the immediate context considering the meandering nature of Dacre Crescent.

On the basis of the evidence above, the Affidavit asserts that the proposal satisfies the intent of the OP.

The relationship between the proposal, and the Zoning By-law is discussed next, which states that the Subject Property is zoned "RD (f12.0; d0.35) (x961)" in By-law 569-2013. The Affidavit then refers to Chapter 10.5.40.70.(1)(B) of By-law 569-2013, which states that the minimum required front yard setback is the average of the front yard setbacks of those buildings on the abutting lots (6.59m). The new detached dwelling will be located 1.20m from the front lot line.

The proposed front yard setback is largely a result of the TRCA slope hazard condition (*i.e.* the LTSTS) on the Subject Property which significantly restricts the developable area and does not allow for any development to be located further into the rear yard than the existing dwelling on the Subject Property. Additionally, the Affidavit asserts that the "large municipal boulevard located directly in front of the Subject Property will serve as a "functional" front yard, but is not considered for the purposes of calculating the front yard setback".

Measured from the curb of Dacre Crescent, the Proposal will be setback approximately 10.71m. The Proposal is also in line with the adjacent dwelling at 32 Dacre Crescent as well as a number of other dwellings within the neighbourhood due to the meandering nature of Dacre Crescent. As a result, the Affidavit asserts that the Proposal is compliant with all front yard landscaping requirements, which consequently

demonstrates that the proposed front yard setback maintains the intent and purpose of the by-law requirement for front yard setback.

Chapter 10.5.40.60.(1)(A)(i) of By-law 569-2013 states that a platform without main walls, attached to or less than 0.3m from a building, with a floor no higher than the first floor of the building above established grade, may encroach into the required front yard setback 2.5m, if it is no closer to a side lot line than the required side yard setback. In this case, the front porch platform will encroach 5.96m into the required front yard setback. This variance is a direct result of the proposed front yard setback for the dwelling. The proposed dwelling has been situated in order to not encroach into the TRCA slope hazard, which has necessitated a front yard setback variance. The proposed front porch is no closer to a side lot line than the required side yard setback, and is in keeping with the existing character of the neighbourhood for the same reasons out in respect to the proposed front yard setback.

Chapter 10.20.40.10.(1)(A) of By-law 569-2013 states that the maximum permitted height of a building or structure is 9m. The new detached dwelling will have a height of 10.08m. The proposed height is a modest increase in height over what is permitted as-of-right, and will have little to no impact than what is contemplated by By-law 569-2013. This neighbourhood has a unique topographic condition where a number of dwellings sit on an elevated slope from the street, which results in dwellings appearing to be “tall”, when seen from the street. As a result, the impacts associated with an increase in building height are less perceivable in this neighbourhood as compared to other neighbourhoods throughout the City. The proposed ceiling heights are 10’ and 9’ for the first and second floors, respectively. The proposed building height will be in keeping with the existing character of the neighbourhood. They will be similar to , or smaller than other recent development approvals within the neighbourhood. As such, the proposed building height maintains the intent and purpose of the by-law permission for maximum building height.

Chapter 10.5.40.60.(3)(A)(iii) of By-law 569-2013 states that exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no closer to a lot line than 0.6 metre. Similar to the variance pertaining to the front porch, this variance is a direct result of the proposed front yard setback for the main building. The dwelling has been situated so as to not encroach into the TRCA slope hazard condition, which has necessitated a front yard setback variance. The proposed front porch stairs will be in keeping with the existing character of the neighbourhood for the same reasons as have been set out in respect to the proposed front yard setback. In this case, the front porch stairs will be located 0.0m from the front lot line. Therefore, the proposed front porch stairs will maintain the intent and purpose of the By-law requirement for exterior stairs encroachments into the front yard.

Chapter 10.20.40.40.(1)(A) of By-law 569-2013 states that the maximum permitted FSI is 0.35 times the area of the lot (90.55m²). In this case, the FSI will be equal

to 1.30 times the area of the lot (337.15m²). For the purposes of calculating FSI as per By-law 569-2013, any portion of the Subject Property beyond the TRCA's LTSTS is not included within the calculation. As a result, the lot area of the Subject Property is approximately 259 sq.m for the purposes of calculating FSI. In reality, the lot area is 1155.44 sq.m, and has a depth of 69.50m. If the entire lot area was considered for the purposes of calculating FSI, the proposed FSI would be 0.29x the lot area, which is compliant with the By-law requirement. The proposed FSI will be spread over two floors, and will be in keeping with the existing character of the neighbourhood, considering that there have been approvals on Dacre Crescent for FSI variances that have permitted larger homes in terms of the resulting Gross Floor Area. As such, the proposed built form and massing will respect and reinforce the existing character of the neighbourhood and will meet the purpose and intent of the By-law permission for maximum FSI.

Chapter 5.10.40.70.(6) of By-law 569-2013 states that if the TRCA determines that a shoreline hazard limit or a stable top-of-bank crosses a lot, 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. In this case, the new detached dwelling will be located 0m from that shoreline hazard limit or stable top-of-bank. The proposed setback to the TRCA slope hazard condition on the Subject Property is an existing condition as the proposed rear main wall will be in the same location as the existing rear main wall. The Proposal will therefore maintain the existing setback from the rear exterior main wall to the LTSTS. Additionally, this variance is entirely related to the TRCA and as noted within the TRCA Report, the TRCA has no concerns or objections to the Application that was approved by the COA.

On the basis of the evidence that the requested variances satisfy the performance standards, the Affidavit asserts that the proposal fulfils the intent, and purpose of the By-Law.

Addressing the test of minor, the Affidavit states that there will be little to no impact on the adjacent properties, and the surrounding areas other than what might be experienced if the land was developed in accordance with the as-of-right zoning, as the Proposal will be in keeping with the existing character of the neighbourhood. The Affidavit points out that the variances requested are largely due to the TRCA slope hazard condition.

On the basis of this evidence, the Affidavit concludes that the proposal satisfies the test of minor.

Lastly, the Affidavit discusses how the Proposal satisfies the test of appropriate development. The Proposal will improve the existing condition of the Subject Property by modestly increasing its efficiency and density of the Subject Property, and serves to implement the Province's and City's desire to direct growth. Similar built forms and massing exist within the surrounding area, and these existing dwellings forms a part of the character of the area. The Proposal will fit in with the existing character of the area and development to settlement areas.

The Affidavit then lists conditions to be imposed on the approval of the requested variances, which are reproduced below:

1. The proposed dwelling shall be constructed substantially in accordance with the revised drawings prepared by David Lang and dated April 1, 2022.
2. The proposed dwelling shall be constructed substantially in accordance with the revised elevations prepared by David Lang and dated April 1, 2022.
3. Prior to the issuance of a building permit, the applicant/owner shall submit a complete application for permit to injure or remove a City owned tree(s) under Municipal Code Chapter 813, Trees Article II, Trees on City Streets, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District.
4. Prior to the issuance of a building permit, the applicant/owner shall submit a complete application for permit to injure or remove privately owned tree(s) under Municipal Code Chapter 813, Trees Article III, Private Tree Protection, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District.
5. Prior to the issuance of a building permit, the owner shall submit a payment in lieu of planting one street tree on the City road allowance abutting the subject site or elsewhere in the community if there is no space, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District.
6. The third storey attic shall not be converted into habitable space.

It may be noted that the list of conditions provided in Exhibit J of the Affidavit submitted by the Applicants uses the same language in Conditions (1) and (2), excepting that “drawings” in Condition 1, are replaced by “elevations” in Condition 2.

MATTERS IN ISSUE

1. Chapter 10.5.40.70.(1)(B) By-law 569-2013

The minimum required front yard setback is the average of the front yard setbacks of those buildings on the abutting lots (6.59 m). The new detached dwelling will be located 1.20 m from the front lot line.

2. Chapter 10.5.40.60.(1)(A)(i) By-law 569-2013

A platform without main walls, attached to or less than 0.3 m from a building, with a floor no higher than the first floor of the building above established grade may encroach into

the required front yard setback 2.5 m if it is no closer to a side lot line than the required side yard setback. In this case, the front porch platform will encroach 5.96 m into the required front yard setback.

3. Chapter 10.20.40.10.(1)(A) By-law 569-2013

The maximum permitted height of a building or structure is 9 m. The new detached dwelling will have a height of 10.08 m.

4. Chapter 10.5.40.60.(3)(A)(iii) By-law 569-2013

Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no closer to a lot line than 0.6 m. In this case, the front porch stairs will be located 0.0 m from the front lot line.

5. Chapter 10.20.40.40.(1)(A) By-law 569-2013

The maximum permitted floor space index is 0.35 times the area of the lot (90.55 m²). In this case, the floor space index will be equal to 1.30 times the area of the lot (337.15 m²).

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

If the Toronto and Region Conservation Authority determines that a shoreline hazard limit or a stable top-of-bank crosses a lot, a building or structure on that lot must be set back a minimum of 10 m from that shoreline hazard limit or stable top-of-bank. The new detached dwelling will be located 0 m from that shoreline hazard limit or stable top-of-bank.

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.

ANALYSIS, FINDINGS, REASONS

As a result of the COA's approval of the six variances requested by the residents of 30 Dacre Crescent, the neighbours residing at 28 Dacre Crescent, and 30 Dacre Crescent, launched separate Appeals to the Toronto Local Appeal Body. The Applicants reached separate Settlements with both sets of Appellants, and subsequently asked for a Hearing to be heard by way of Writing, on the basis of a sworn Affidavit submitted by the planner for the Applicants. As noted in the Introduction Section of this Decision, a different Panel Member granted the Applicants' request for a Hearing in Writing, before the file was transferred to me.

On the basis of the evidence put forward by way of the Affidavit, I find that the proposal satisfies the higher level Provincial Policies, including the PPS (2020) and Growth Plan (2020), because the proposal replaces an existing house, with a newer house, in a "Built Up" Area, resulting in a more efficient use of land.

I find that the Proposal satisfies the test of minor, because of the lack of evidence of unacceptable adverse impact on the neighbours, or the neighbourhood. Since there are no objections raised by the neighbours as a result of the Settlements, there is no evidence of unacceptable adverse impact, on the basis of which I find that the proposal satisfies the test of minor.

I understand that the proposed size of the house results in a more efficient use of the existing land, as well as the density of the Subject Property, without introducing any new built form into the community, on the basis of which I find that the proposal satisfies the test of appropriate development.

The Affidavit offers substantial information about how the Proposal satisfies the performance standards corresponding to various variances, and how they relate, where appropriate, to the LTSTS, which restricts the quantum of developable space on the Lot- the front yard setback, and has resulted in the entire house being moved closer to the road in front of the house (Dacre Crescent). The Lot Area is significantly large, which means that even if the house were moved forward, resulting in a smaller front yard, there still exists a 10.71 metre separation between the front of the house and the curb on Dacre Crescent, which means that the functionality of the front yard is not impeded in any way. The siting of the proposed front porch is such that it is no closer to a side lot line, than the required side setback. There is no recognizable negative impact of the Proposal on the existing character of the neighbourhood, and the Affidavit asserts that what is proposed, is consistent with what exists on the neighbouring lot. The impact of the height variance is mitigated because the slope of the lots on the street are such that buildings on both side of 30 Dacre Crescent appear taller, and is consistent with the character of what exists in the neighbourhood. With respect to the variance of the encroachment of the exterior stairs into the building setback, I accept the Applicants' contention that this is an existing condition in the community, because of the need to not encroach into the LTSTS at the back of the property. In addition, the front porch stairs being located on the front lot line is a characteristic of the community. With respect to

the FSI, I agree with the Applicants who argue that the FSI would be 0.29 X Lot Area, if the undevelopable slope area at the back of the property did not exist, and that the ostensibly high FSI is the result of how the aforementioned area has to be deducted from the Lot Area, resulting in an artificial Lot Area, for the purpose of FSI calculations. They assert that the 0.29 X Lot Area, is less than the allowable 0.35 X Lot Area, on the basis of which they infer that the Proposal has not utilized its full development potential. Lastly, the building to be constructed will have a 0 metre setback from the shoreline hazard limit, which is significantly smaller when compared to the 10 metre setback, recommended by the By-law- however, the 0 metre setback replicates an existing condition, whose impact on the home and the neighbours has been experienced, and documented- I find that there are no negative impacts on the Property, or the stability of the house to be built.

Given that the requested variances are influenced by the unusual location of the Lot, the existing restrictions on development, and replicate what already exists at the Site, I find that the proposal satisfies all the required performance standards, thereby fulfilling the intent and purpose of the Zoning By-law.

Lastly, it is important to look at the relationship between the proposal, and the Official Plan, to see if the purpose of the latter can be fulfilled by the proposal is question.

In the Section respecting the Official Plan, the Affidavit discusses how the proposal satisfies Policies 3.1.2.5 (a) and (b), as well as Section 4.1.5. While the first two Policies are qualitative in nature, Section 4.1.5 is quantitative in nature, because it requires the proposal to respect the “prevailing type”, which is clearly defined to be the “most frequently occurring”. Since the frequency of a given type, and how frequently it occurs is a numerical determination, it is important that there be numerical information included in the Affidavit about what is the “prevailing type”, before a discussion can ensue about whether or not the proposal respects the “prevailing type”. The only reference to the “prevailing type” is a statement that all the dwellings are detached- which is a bald conclusion, not backed up by any analysis or data. There is no reference to whether this conclusion refers to a General Neighbourhood, or an Immediate Context. I am disappointed by the lack of relevant information, let alone comprehensive particulars, in the Affidavit that can result in a sound, information based relevant Decision be made by the TLAB, with respect to policy 4.1.5 of the OP.

When a Decision has to be made on the basis of a sworn Affidavit, and a Hearing is held in Writing, it is necessary that the Applicants furnish adequate information to the TLAB so that a meaningful decision can be made by the latter. The threshold for a proposal to satisfy any of the four tests in Section 45.1 of the Planning Act is not lowered, or changed in any way, because of a Settlement being reached by the Parties.

Applicants should not be under the impression, that the TLAB is bound to rule in favour of a Settlement, on the basis of incomplete evidence, simply because a Settlement has been reached. The TLAB’s support of Settlements does not extend to blindly rubber stamping any Settlement- the TLAB will evaluate the evidence in support of the latter no differently than the evidence respecting a Contested Hearing. The Parties should not be under the impression that they can send in an incomplete, indifferent evidence, and

hope that the TLAB will approve the Application, notwithstanding the lack of comprehensive, and comprehensible evidence.

From my perspective, I would look forward to having a meaningful discussion with the Appellants, had there been a Hearing in person, where I can ask questions of the Parties. While I strongly believe that there isn't adequate evidence before me to conclude that the Proposal passes the test of satisfying the intent and purpose of Policy 4.1.5 of the OP, I am willing to make a finding supporting the Proposal's satisfying this Policy, because I need to honour the TLAB's commitment to hear the Appeal in Writing.

Thus, it is with some reluctance, do I make a finding that the Proposal satisfies all 4 tests under Section 45.1 of the Planning Act, as a result of which all the requested variances are approved. On a go forward basis, I recommend that the methodology followed here, where a finding is made about the Proposal's ability to satisfy a test, notwithstanding the lack of fulsome evidence to this effect, not be relied upon as an authority, for decision making purposes.

In terms of the conditions, I note that the conditions listed in the Affidavit address a more comprehensive set of topics, than the single condition listed in Settlements, reached with the Parties; the latter basically require the Applicant to build in substantial accordance with the "Elevations" (as per the Settlement with Party Tessier, Schedule B), and with the "Drawings" (as per the Settlement with Party Arora, Schedule C). While "Drawings" are more comprehensive than "Elevations", the Applicants provide no explanation, or rationale for their bringing forward two conditions, with slight differences in language. As a result, I impose both conditions (i.e. respecting Elevations and Drawings) on the approval of the variances.

DECISION AND ORDER

1. The Appeals respecting 30 Dacre Crescent are allowed in part, as a result of the Settlements.
2. The following variances are approved:

1. Chapter 10.5.40.70.(1)(B) By-law 569-2013

The minimum required front yard setback is the average of the front yard setbacks of those buildings on the abutting lots (6.59 m). The new detached dwelling will be located 1.20 m from the front lot line.

2. Chapter 10.5.40.60.(1)(A)(i) By-law 569-2013

A platform without main walls, attached to or less than 0.3 m from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required front yard setback 2.5 m if it is no closer to a side lot line

than the required side yard setback. In this case, the front porch platform will encroach 5.96 m into the required front yard setback.

3. Chapter 10.20.40.10.(1)(A) By-law 569-2013

The maximum permitted height of a building or structure is 9 m. The new detached dwelling will have a height of 10.08 m.

4. Chapter 10.5.40.60.(3)(A)(iii) By-law 569-2013

Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no closer to a lot line than 0.6 m. In this case, the front porch stairs will be located 0.0 m from the front lot line.

5. Chapter 10.20.40.40.(1)(A) By-law 569-2013

The maximum permitted floor space index is 0.35 times the area of the lot (90.55 m²). In this case, the floor space index will be equal to 1.30 times the area of the lot (337.15 m²).

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

If the Toronto and Region Conservation Authority determines that a shoreline hazard limit or a stable top-of-bank crosses a lot, a building or structure on that lot must be set back a minimum of 10 m from that shoreline hazard limit or stable top-of-bank. The new detached dwelling will be located 0 m from that shoreline hazard limit or stable top-of-bank.

3. The following conditions are imposed on the approval of the variances recited above:

1. The proposed dwelling shall be constructed substantially in accordance with the revised drawings prepared by David Lang and dated April 1, 2022.
2. The proposed dwelling shall be constructed substantially in accordance with the revised elevations prepared by David Lang and dated April 1, 2022.
3. Prior to the issuance of a building permit, the applicant/owner shall submit a complete application for permit to injure or remove a City owned tree(s) under Municipal Code Chapter 813, Trees Article II, Trees on City Streets, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District.
4. Prior to the issuance of a building permit, the applicant/owner shall submit a complete application for permit to injure or remove privately owned tree(s) under Municipal Code Chapter 813, Trees Article III, Private Tree Protection,

to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District.

5. Prior to the issuance of a building permit, the owner shall submit a payment in lieu of planting one street tree on the City road allowance abutting the subject site or elsewhere in the community if there is no space, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District.
6. The third storey attic shall not be converted into habitable space.

So orders the Toronto Local Appeal Body

X



S. Gopikrishna
Panel Chair, Toronto Local Appeal Body

STATE WORKS

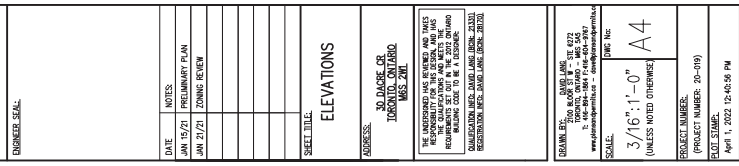
- CONTRACTORS RESPONSIBLE TO LOCATE AND PROTECT ALL UTILITIES DURING CONSTRUCTION (IN C GAS HIGHWAY, WATER, TELEPHONE, CABLE, ETC.)
- SITE FENCING IS REQUIRED AS PER CITY OF TORONTO MUNICIPAL CODE - ARTICLE 81
- ALL CONSTRUCTION SHALL BE INITIATED IN ACCORDANCE WITH ALL CITY, PROVINCIAL, FEDERAL AND RELAYED REGULATIONS
- CONTRACTORS TO VERIFY THAT ALL NEW FORTH ELEVATIONS AND TOP OF FOUNDATION WALL ELEVATIONS CONFORM WITH THE EXISTING ELEVATIONS
- CONCRETE FINISHED GRADE ELEVATIONS TO BE MIN. 150mm (6 IN) AT ALL LOCATIONS (4 IN) BELOW EXISTING CLIMATE ELEVATIONS
- EXISTING FINISHED GRADE ELEVATIONS TO BE MIN. 150mm (6 IN) AT ALL LOCATIONS (4 IN) BELOW EXISTING CLIMATE ELEVATIONS
- EXISTING FINISHED GRADES SHOULD BE NO LESS THAN 2% SLOPE AND NOT GREATER THAN 8%
- ALL EXCESS FILLING MATERIALS SHALL NOT BE STORED ON SITE, CLOUTED AND MUST BE TRODDED OFF
- EXISTING DRAINAGE PATTERNS TO BE MAINTAINED UNLESS INDICED OTHERWISE TO ALL APPLICABLE GUIDELINES AND REGULATIONS
- ALL EXISTING UTILITY LOCATIONS TO BE IDENTIFIED AND PROTECTED TO ALL APPLICABLE GUIDELINES TO PROTECT THEM FROM CONSTRUCTION WORK TO BE ACCOMPANIED OF THE ONTARIO OCCUPATIONAL HEALTH AND SAFETY ACT AND ALL APPLICABLE REGULATIONS
- ALL SURFACE MATERIALS TO BE RE-ACQUIRED, COLLECTED AND DISCHARGED AT AN APPROVED LOCATION PRIOR TO DISPOSAL
- BUILDING ELEVATION VARIATION SHALL BE IDENTIFIED AND PROTECTED TO ALL APPLICABLE GUIDELINES, UTILITIES, BASED ON LANDSCAPE FEATURES
- EXISTING ELEVATION VARIATION, COUNTRY, BOUNDING, AND SHADING TO MAINTAINED THROUGHOUT CONSTRUCTION
- EXISTING APPROVED, REQUIRED FOR MAGNETIC, SON, CONTAINERS (INCLUDING HIGH GROUND WATER, UNSTABLE SOILS, CLAY, AND WALES OF POWER EQUIPMENTS)

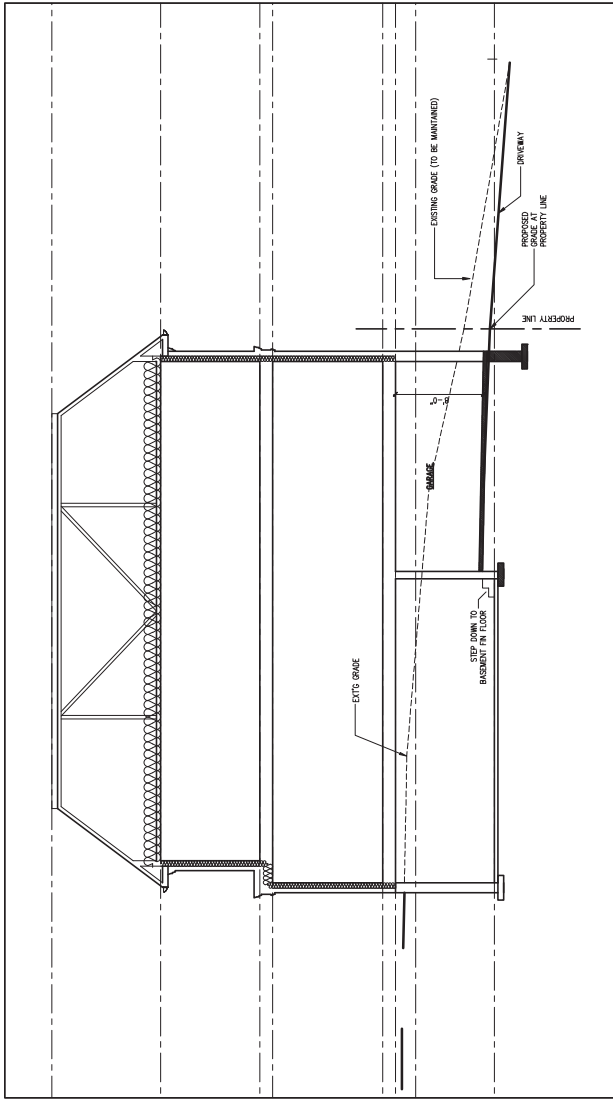
ZONING CALCULATIONS		
LOT AREA	124.97 SF	1155.44 m ²
<hr/>		
G.F.A. (GROSS FLOOR AREA)	FIRST FLOOR	1796 SF 164.97 m ²
	SECOND FLOOR	184 SF 17.08 m ²
	TOTAL	3639 SF 337.6 m ²
	<hr/>	
	<div> <div>PROPOSED</div> <div>HOUSE</div> <div>FRONT PORCH (HOLD)</div> <div>TOTAL</div> </div> <div> <div>1919 SF 178.28 m²</div> <div>20 SF 1.86 m²</div> <div>1539 SF 142.14 m²</div> </div>	
<hr/>		
FRONT YARD LANDSCAPING		<div> <div>302 SF</div> <div>28.06 m²</div> </div> <div> <div>103 SF</div> <div>9.57 m²</div> </div> <div> <div>57 SF</div> <div>5.30 m²</div> </div> <div> <div>142 SF</div> <div>13.19 m²</div> </div>
FRONT YARD AREA		
DRIVEWAY AREA		
HARD LANDSCAPING		
SOFT LANDSCAPING		



EXISTING STRUCTURE(S)

SITE PLAN
SCALE 1 : 200



[illegible]