

DECISION AND ORDER

Decision Issue Date Friday, November 23, 2018

PROCEEDING COMMENCED UNDER Section 53, subsection 53(19), and Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): MARIE SMULA

Applicant: SHASHA WANG

Property Address/Description: 641 HURON ST

Committee of Adjustment Case File: 18 103629 STE 20 MV

TLAB Case File Number: **18 187808 S45 20 TLAB**

Hearing date: Thursday, November 01, 2018

DECISION DELIVERED BY S. GOPIKRISHNA

APPEARANCES

NAME	ROLE	REPRESENTATIVE
SHASHA WANG	APPLICANT	
MARIE SMULA	APPELLANT	ANGELA MAKRIS
ROBERT GRAHAM PARTNER AND HILARY ANNE PARTNER	PARTY (TLAB)	RAJ KEHAR
SEAN GALBRAITH	EXPERT WITNESS	

INTRODUCTION AND BACKGROUND

Mr. Robert Graham Partner and Ms. Hillary Anne Partner are the owners of 641 Huron Street, in downtown Toronto. They applied to the Committee of Adjustment (COA) to alter the existing three-storey detached dwelling by enlarging the front

entrance stairs , constructing rear stairs and a rear detached garage. On July 13, 2018, the COA heard the application and approved the same with conditions.

Ms. Marie Smula, who lives at 657 Huron Street, appealed the approval to the TLAB on 3 July, 2018. The Partners retained Mr. Raj Kehar, a lawyer and Mr. Sean Galbraith, a land use planner , to represent them before the TLAB. Ms. Smula retained Ms. Angela Makris, a paralegal to represent her.

On 10 September, 2018, Mr. Kehar wrote to the TLAB to state that there was no response from Ms. Makris regarding disclosure of documents. On 25 September, 2018, he wrote again to complain about the lack of disclosure of documents from Ms. Makris; according to Mr. Kehar, her responses apparently consisted of telling him that she was aware of the Rules, and that she would ask for an adjournment from the TLAB

It may be important to note that the TLAB did not receive, nor was it copied on any of the responses from Ms. Makris, referenced by Ms. Kehar. The TLAB also did not receive any official request from Ms. Makris for an adjournment prior to the hearing.

MATTERS IN ISSUE

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

1. Chapter 10.5.50.10.(3)(A), By-law 569-2013

A minimum of 50% (59.0 m² of the rear yard must be maintained as soft landscaping. In this case, 49% (57.82 m² of the rear yard has been maintained as soft landscaping.

2. Chapter 10.5.60.50.(2)(8), By-law 569-2013

The maximum permitted floor area of all ancillary buildings is 40.0 m² •
In this case, the rear detached garage will have a floor area of 48 m² •

3. Chapter 10.5.40.60.(3)(A)(ii), By-law 569w2013

Exterior stairs providing pedestrian access to a building may encroach into a required building setback if the stairs are no wider than 2.0 m. In this case, the front porch stairs will be 2.81 m wide.

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

Exterior stairs providing pedestrian access to a building 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 north side lot line.

5. Chapter 10.5.50.10.(1)(D), By-law 569-2013

A minimum of 75% (29.25 m² of the required front yard landscaping must be maintained as soft landscaping. In this case, 51.3% (20.0 m²) of the required front yard landscaping has been maintained as soft landscaping.

JURISDICTION

Provincial Policy – S. 3

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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 of the Greater Golden Horseshoe for the subject area ('Growth Plan').

Minor 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

At the hearing held on 1 November, 2018, the Respondents, Party Partner, were represented by Mr. Raj Kehar and Mr. Sean Galbraith, as stated earlier. Ms. Angela Makris was not present, nor did the TLAB hear from her about her being unable to appear prior to the hearing, to represent her client at the hearing. After ascertaining that Ms. Makris wasn't present, I decided to postpone the hearing by half an hour to give Ms. Makris an opportunity to attend, in case she was late.

When we reconvened after the half an hour break, Mr. Kehar informed me that he had both called and emailed Ms. Makris, to see if she would be attending, but had not been to contact her. As we were discussing to do what next, we were alerted by the TLAB staff that an email had been sent by Ms. Makris to Mr. Kehar with a copy to the TLAB, where she stated that she couldn't attend because of a "personal emergency", and asked Mr. Kehar to seek an adjournment.

Mr. Kehar expressed his frustration at the lack of engagement from Ms. Makris, and the request for adjournment. Mr. Kehar stated that such behavior would prejudice his client's case through inexplicable delays.

There was, consequently, no Motion for adjournment, and I said that I would proceed to hear the case immediately. The reasons for this are explained in the "Analysis, Findings and Reasons" section.

Mr. Kehar introduced Mr. Sean Galbraith, a land use planner, who was then recognized as an Expert Witness. Mr. Galbraith began by discussing his retainer, and how he had prepared for this hearing by completing his site visit, reviewing the relevant Policies, as well as studying previous COA decisions from within the area.

Mr. Galbraith pointed out that the subject property was located in the Annex Neighbourhood of the former City of Toronto. He defined the neighbourhood as being bounded by Bathurst Ave to the West, Bloor Street to the South, Bedford to the East, and Dupont St. to the North. However, he had excluded streets located adjacent to Avenue Road (Tranby Avenue, Boswell Avenue, Elgin Avenue, and portions of Bernard Avenue and Lowther Avenue) as they reflect a narrower lot pattern; a different built form

(principally rowhouses and semi-detached houses); and generally, a different use (very few affordable secondary suites for University of Toronto student accommodation) Within this neighbourhood, Mr. Galbraith identified a smaller study area bounded by Dupont St in the north and Lowther Avenue in the south, in the east by a line between properties fronting onto St. George St. and Huron St, and on the west by a line between Madison Ave. and Spadina Ave. There are laneways extending for at least part of each of the lines described here; the details regarding the laneways and how far they extend is described in the next paragraph.

Mr. Galbraith stated that this study area exhibited “common characteristics” of a City of Toronto stable residential area, in that there were no significant changes occurring internally in the neighbourhood. However, the neighbourhood was not “static” due to the result of construction and re-investment through renovations, additions, or entire new builds, all of which were consistent with the character of the area. He also added that the neighbourhood consisted of a range of two (2) and three (3) storey buildings, detached and semi-detached houses, as well as a variety of apartment buildings. Describing the site itself, Mr. Galbraith stated that the subject site was located on the east side of Huron Street, to the north of Bernard Avenue, south of Dupont Street, and two blocks east of Spadina Road, with an existing lot area of 267 sq. m. (2,873 sq ft), a lot frontage of 7.61 m (24.97 ft.) along Huron Street and a lot depth of 35.03 m (114.93 ft). In his opinion, the subject site was typical in size, and orientation in the context of the Immediate Study Area. Mr. Galbraith drew my attention to the existence of a laneway behind the subject site , which did not extend south through to Bernard Avenue, as well as different laneway called Glen Egan Lane, which ran north from Bernard Avenue between Huron Street and Madison Avenue, but did not extend through to Dupont Street.

Mr. Galbraith then recited the variances and pointed out that some of the variances looked to regularize existing conditions, respecting the front stairs and front yard landscaping. After stating that the property was occupied by a two-storey dwelling, with a covered front porch and rear yard open parking for two cars, he alluded to the owners’ intention of maintaining the as-constructed three front stairs, a walkway that aligns with the existing front platform, and construct a new double garage at the rear of the lot.

Mr. Galbraith then discussed the compatibility of the proposal with the Provincial Policy Statement (PPS, 2014). He pointed out that the PPS directed development to established built-up areas with existing municipal infrastructure to accommodate such development. Mr. Galbraith pointed out that the PPS encouraged both intensification and redevelopment, as well as a range and mix of housing types, and densities. He then referenced the lack of any change as a result of the proposed variances to the maintenance of the existing residential uses on the subject site, and concluded that the proposed variances were compatible with adjacent uses, and would appropriately utilize existing infrastructure, making the proposal compatible with the PPS (2014).

Mr. Galbraith next discussed the compatibility with the Growth Plan (2017), which set out broad policies for the development of urban areas in the Greater Golden Horseshoe, including the promotion of compact urban form through the intensification of existing urban areas, improved land use, and infrastructure to avoid the outward expansion of communities. Mr. Galbraith noted, that as with the PPS, the proposal was consistent

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with the concept of intensification criteria as defined in Policies 2.2.1.2 (a) and 2.2.1.4 (e) of the Growth Plan, and therefore satisfied the objectives of the Growth Plan.

Mr. Galbraith then discussed the compatibility of the project with the Official Plan.

He began his discussion by stating that subject site was designated “*Neighbourhoods*” by the in-force Toronto Official Plan as ‘ , and that this designation provides for a full range of low-rise residential uses, including detached houses, semi-detached houses, duplexes, triplexes, townhouses and apartment buildings that are four storeys or less. He then noted that in Chapter 2.3, “*Neighbourhoods*” are considered to be physically stable areas, but not static i.e. it is assumed that the neighbourhoods will experience “some physical change will occur over time as enhancements, additions and infill housing occurs on individual sites”.

Elaborating on the concept of new development having to fit harmoniously with what already existed, Mr. Galbraith interpreted the expressions “fit harmoniously” and “being compatible” to not mean “the same as”, but “similar to”. In other words, a proposed change did not have to mimic what was nearby to be compatible; it had to meet the threshold of not causing unacceptable adverse impacts. He then added that Chapter 4.1 stated that “physical changes to our established *Neighbourhoods* must be sensitive, gradual and generally “fit” the existing physical character”. He then referred to corpus of 147 COA Decisions, which had approved variances in the neighbourhood, including 19 approved applications for variances, similar to those requested for the subject site. He noted that physical changes to many of the referenced properties had mainly occurred at the rear of the property, through the construction of a new two car garage. Mr. Galbraith opined that the front façade of the building would not be altered by maintaining the constructed three front exterior stairs and associated walkway, and that there would consequently be no significant visual impact to the streetscape. Based on this reasoning, Mr. Galbraith concluded that the front stairs, and walkway were not significant alterations to the front of the property.

Referring next to the proposed garage at the back of the property, Mr. Galbraith stated that the request for the proposed rear two car garage exceeded the required maximum ancillary building area by eight (8) sq.m. He described the garage as being “modest”, which allowed “modest garage storage space for the owners”, a 1.0 m rear yard setback from the lane, and a 0.90 m (2.95 ft) side yard passage space between the proposed garage and the adjacent two car garage at 639 Huron Street (including the existing setback on 639 Huron Street). Mr. Galbraith then stated that this southern side yard setback resulted from an agreement reached between the owners of the subject site and the owners of 639 Huron Street, prior to the COA hearing, which had resulted in a narrowing of the proposed garage, and which was reflected in the variances before the COA and the TLAB.

Mr. Galbraith reiterated the existence of the 2 rear laneways in the Study Area, and stated that these “partial lanes limited the potential number of properties that might include a rear lane facing garage, and therefore limit the potential number of variances associated with ancillary buildings utilized as garages”. He then drew my attention to the existence of an approved variance for the ancillary building area above the permitted

maximum building area within the neighbourhood, at 346 Brunswick Ave , of 69.58 sq. m.

Mr. Galbraith also added that within the study area, there were five (5) two car garages, located at 621, 639 and 614 Huron Street, 300 St George Street and 153 Madison Avenue. He then stated that the laneway behind the subject site, featured a variety of lot conditions adjacent to the lane, including fully/near fully paved multi-car parking lots, carports, gravel/stone parking pads, single car garages, and two car garages. Adding that the increased building area did not introduce additional variances for yard setbacks, or other massing related variances, Mr. Galbraith concluded that the yard landscaping was largely maintained, except for a required reduction in rear yard landscaping area of 1.18 sq. m.

Mr. Galbraith then discussed the variances which sought to recognize existing conditions, including the width of the stairs. He said that relative to the width of the proposed front three stairs, and the side yard setback for the stairs, the as-constructed stairs extended 0.81m beyond the permitted width for pedestrian access, where they encroach into a side yard setback. According to Mr. Galbraith, this configuration allowed for full alignment between the stairs and the existing front porch platform, set on the north lot line, and the north wall of the existing house. In Mr. Galbraith's opinion, the variances were appropriate because there was no side yard setback on the north side of the building, a condition that was usually not contemplated by the by-law (i.e. the by-law assumed that, there would typically *will* be a side yard setback), because the house sits on the north property line. I understood that the result of this arrangement to be a series of harmonious alignments, beginning with the walkway and the steps, followed by the steps and the porch, and the front porch and the north side wall of the building, providing for a reasonable, coherent, and appropriate design of an approach to the front door of the house from the sidewalk, without undermining the physical character of the neighbourhood. Mr. Galbraith pointed out that there were seven (7) approved variances for side yard stair encroachments, below the permitted minimum within the neighbourhood, including several that have been approved for the proposed 0.0 m.

Mr. Galbraith discussed the variances respecting the reduced front and rear yard soft landscaping, and referenced an aerial photo tour of the neighbourhood, which demonstrated that there were a number of dwellings in the study area, with reduced front and rear yard soft landscaping. Pointing out that the majority of the reduced front yard landscaping conditions predate the last 10 years of minor variance data provided by the City, he surmised that many of these modifications may have been undertaken without zoning approval. Mr. Galbraith argued that such a condition, resulting in a notable amount of impermeable front yard surface, was very common in the study area, and formed part of the character of the neighbourhood. He then drew my attention to four (4) approved variances for front yard soft landscaping below the permitted minimum within the neighbourhood, including several that have been approved for less than the proposed 51.3%., including 923 Bathurst Street at 29.9%, and 9 Admiral Road at 6%.

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On the matter of variances respecting the the rear yard landscaping requirement, Mr. Galbraith pointed out 49% of the rear yard would be maintained with soft landscaping, versus the required 50%, resulting in a deficit of 1%, or 1.18 sq. m. Stating that the change was an extremely modest reduction, unnoticeable within the existing physical character of the area, Mr. Galbraith drew my attention to the nine (9) approved variances for rear yard soft landscaping below the permitted minimum within the neighbourhood.

Based on this discussion, Mr. Galbraith concluded that the proposal was consistent with, and maintained the purpose and intention of the Official Plan.

Mr. Galbraith then discussed the compatibility between the proposal and the By-laws. He pointed out that the property was subject to the City of Toronto Harmonized Zoning By-law 569-2013 ("HZBL"), under which it was zoned 'Residential' R (d1.0)(x900). He pointed out that the general intent and purpose of a minimum rear yard soft landscaping provision was to ensure the sufficiency of soft landscaping to provide adequate permeable surface and drainage, and to create visual consistency with the neighbouring properties. In his opinion, the proposed amount of soft landscaping in the rear yard (49%) versus the recommended 50%, would be adequate with respect to permeable surfaces, and proper storm water drainage through the landscaped and grassed areas. He stated that the requested variance reflected an extremely small decrease in the amount of rear yard landscaped area, and that this would not detrimentally impact the function of the existing rear yard landscaped area.

Mr. Galbraith then stated that the general intent and purpose of a maximum ancillary building area provision was to ensure that there would be a limited area in the rear yard covered by ancillary buildings, without any impact on the rear yards of neighbouring properties, and with the dual purposes of ensuring sufficient soft landscaping to provide adequate permeable surfaces for drainage, and creation of visual consistency with the neighbouring properties. According to Mr. Galbraith, the proposed additional garage area of eight (8) sq.m. did not represent a significant increase in the size of the structure, nor would it have any impact on neighbouring properties.

Mr. Galbraith then discussed the proposed variances pertaining to the front steps, which relate to the location of the stairs vis-a-vis the side yard. He reiterated that as-built front stairs were located such that there was no side yard setback from the north property line. While the steps were not required to be any wide than 2 m, the constructed steps exceeded the maximum width by 0.81m. After pointing out that the general intent and purpose of a minimum side lot setback for pedestrian access to a building is to prevent overly "flaring" of stairs beyond the width of the porch and into the required side yard setback; and, to maintain visual consistency within the neighbourhood, Mr. Galbraith stated that the three stairs extended directly from the existing front porch platform along the north lot line for a distance of 0.9 m, and that the associated stair railings are aligned with the existing porch pillar, with a setback of 0.19m. This configuration, according to Mr. Galbraith, had no negative impact on the streetscape, or neighbouring properties.

Mr. Galbraith then discussed the general intent and purpose of a minimum stair width, which was to ensure that adverse impacts from a side-yard encroaching the stairs. He stated that by-law intended to limit the width of front stairs from dominating the visual view of the property, and limit encroachment only up to a specified amount (2.0 m) from the property line. The proposed stair width of 2.81 m, in this case, appeared to be slightly smaller than the front stair width of the adjacent property at 639 Huron Street. However, Mr. Galbraith opined, that the proposed stair width and side yard encroachment variances, did not create an adverse impact for the property nor the neighbouring property. Emphasizing the fact that the steps didn't slope towards the neighbouring property, nor drain onto it, Mr. Galbraith complimented the configuration as an example of "a more modern design sensibility". He discussed the COA condition of the front porch stairs requiring a 1% grade from north to south, to ensure that the water would not drain towards 657 Huron Street. He said that the stairs would allow for open and easy access to the front door of the house, including strollers and mobility aids. Given that the stairs don't introduce any issues of overlook or privacy, Mr. Galbraith concluded that the side yard setback and stair width variances meet the intent and purpose of the Zoning By-law.

On the matter of variances respecting the front yard setbacks, Mr. Galbraith stated that the general intent and purpose of a minimum front yard soft landscaping provision, was to ensure the existence of sufficient soft landscaping for adequate permeable surface, and drainage and to create visual consistency with the neighbouring properties. He said that the requested variance reflected a small decrease in the amount of existing landscaped area in the front yard, which would not detrimentally impact the function of the existing front yard landscaped area.

Mr. Galbraith then highlighted the HZBL requirement lots for a dwelling unit that are 6-15 metres in width (as is the subject site):

10.5.50.10(1)(b) for lots with a lot frontage of 6.0 metres to less than 15.0 metres, ..., *a minimum of 50% of the front yard must be landscaping;*

And

10.5.50.10(1)(D) *a minimum of 75% of the front yard landscaping required in (A)(B), and (C) above, must be soft landscaping...*

Mr. Galbraith interpreted these to mean that the actual amount of landscaping was 37.5% of the front yard (i.e. 75% of 50% of the front yard). He then pointed out that the proposed amount of soft landscaping in the front yard of (51.3%) exceeded this minimum amount of soft landscaping by 13.8%, and would continue to provide for appropriate permeable surfaces and drainage through the landscaped and grassed areas.

Based on these discussions, Mr. Galbraith concluded that the variances were consistent with the intent and purpose of the Zoning By-Laws.

He then discussed how the proposal would satisfy the test of appropriate development.

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Mr. Galbraith said that the owner's intention behind the proposed renovations, was to increase the accessibility of the dwelling to accommodate a growing family, and maximize the efficient use of the site. The requested variances associated with the front stairs, were an extension of the existing platform, and would not result in any adverse conditions. He opined that the as-built stairs were "attractive and appropriately sized for their context in the front of the house, relative to the porch size", and asserted that would be no visual impact from the street, due to the width, or location of the stairs relative to the side yard..

Reiterating the points made in his discussion of compatibility between the proposal and the Official Plan, Mr. Galbraith said that the requested reduction in the minimum required front and rear yard landscaping would still allow for an appropriate amount of soft landscaping, proper drainage of storm water, and reflected the soft landscaping conditions in the area. He pointed out that the requested variance to the accessory building area was reflective of adjacent and proximate double garages in the immediate area and density in the neighbourhood. Based on this, Mr. Galbraith concluded that the proposal represented appropriate development.

He then discussed how the proposal satisfied the test of being "minor".

Mr. Galbraith pointed out that the variances were not inconsistent with, and were in fact, reflective of the existing and planned development in the neighbourhood. He emphasized that the test for "Minor" of a proposed development was not one of "no impact"; but rather, unacceptable and adverse impact. After reiterating that the proposed variances did not create any undue adverse impacts on the streetscape, or the adjacent neighbours, and that the variances would allow the dwelling to become more accessible and usable, while being compatible with the adjacent houses and in keeping with the character of the study area, he concluded that the variances, individually and collectively, satisfied the test of being minor.

Based on this evidence, Mr. Galbraith recommended that the Appeal be turned down in its entirety, and that the Decision of the COA be confirmed.

Mr. Galbraith recommended that the TLAB impose the same conditions as the COA, including fulfilling the conditions pertaining to removal of private, and City trees, as discussed in Chapter 813, of the City of Toronto By-Laws. He also recommended that that stairs be constructed such that the stairs would have a 1% slope from the north edge to the south edge of the steps, to accommodate drainage away from the property located to the north at 657Huron Street.

When asked why a 1% slope had been recommended for the steps, Mr. Galbraith prefaced his remarks by stating that he was not an engineer, but understood that the recommended slope of 1%, struck an optimal balance between structural stability and drainage requirements.

I expressed concern about the fact that an approval was being sought for some of the variances, many years after they had been constructed. Mr. Galbraith agreed while this was unfortunate, the lack of negative impact had been demonstrated adequately, which satisfied the test.

I also asked Mr. Kehar about imposing a standard condition which required construction in substantial compliance with the submitted Plans and Elevations, to which Mr. Kehar requested to submit a statement with language that maintained the spirit of my suggestion, but that was specific to the proposal, since it was only the garage at the back of the house, which had to be constructed. I agreed with his suggestion, and received communication from him, after the hearing, with appropriate wording. The section pertinent to the construction of the garage is excerpted, and reproduced below:

3. The owner shall reconstruct the as built front porch stairs such that the stairs will have a 1% slope from the north edge to the south edge of the steps to accommodate drainage away from the property located to the north at 657 Huron Street.

4. The front porch stairs, front porch walkway and rear detached garage shall be constructed substantially in accordance with the site plan prepared by Studio A/C and contained at Exhibit 3, Tab 7, except that the front porch stairs shall be modified in accordance with condition no. 3 above.

ANALYSIS, FINDINGS, REASONS

It is important to commence with a discussion of my reasoning to proceed to a full hearing on 1 November, 2018, despite the absence of the Appellant.

The lack of any submissions by the Appellants to the TLAB, when combined with what comes across as indifference to the concerns expressed by the Applicant around the lack of submissions, suggested to me that the process was not a high priority for the Appellants, notwithstanding that the process had been initiated at their behest. Given that their Appeal had set into motion, a time consuming and resource intensive sequence of steps culminating in the oral hearing for the Applicant and the TLAB, the lack of engagement is a disservice to the process. Even if I accept that the Agent for the Appellant couldn't attend the hearing because of a "personal emergency", there is no stated reason, to date, about the lack of engagement throughout the process, including timely submissions.

Mr. Galbraith's evidence as an Expert Witness, was uncontroverted, in the absence of any other Parties. He analyzed each of the variances with respect to the Official Plan, and zoning by-laws, and demonstrated their compatibility before reaching a conclusion with respect to the 4 tests under Section 45(1). His analysis was informed by numerous Decisions of the COA from within the study area. I accept his uncontroverted evidence with respect to the variances, and concur with his conclusions about the proposal satisfying the 4 tests under Section 45(1), as well as the PPS and the Growth Plan.

On the matter of regularizing variances arising out of construction before adjudication by the COA or the TLAB, I would like to commend the owners of 641 Huron Street for making the effort to have variances predating their ownership regularized and recognized. While I am aware of the formidable corpus of jurisprudence about the non-application of time frames to the discussion of variances where the approval is requested after the construction has been completed, and intend to follow the same, I

believe it is also important to ensure that this perspective, which was intended to be a safety valve to ensure construction in a timely and economic fashion, does not morph into a legal loophole which can then be exploited to justify a pattern of constructing first, and approaching the COA as an afterthought..

I would recommend the imposition of a condition requiring that no new extensions nor modifications to the existing structures be permitted without explicit , *a priori* permission of the City, or its tribunals, for a property , which has already sought recognition of variances constructed, and completed prior to adjudication. In other words, a given property may use the safety valve provided by jurisprudence regarding the non-applicability of time frames to assess impact, no more than once.

The conditions corresponding to the forestry conditions, and the slope of the stairs, and substantial compliance with respect to the plans and elevations, are all imposed on the proposal- they were recommended by the Appellants, and are reasonable under the circumstances.

DECISION AND ORDER

.1. The Appeal is dismissed in its entirety, and the Decision of the COA dated 13 July, 2018, is confirmed.

2. The following variances are approved:

1. Chapter 10.5.50.10.(3)(A), By-law 569-2013

A minimum of 50% (59.0 m² of the rear yard must be maintained as soft landscaping. In this case, 49% (57.82 m² of the rear yard has been maintained as soft landscaping.

2. Chapter 10.5.60.50.(2)(8), By-law 569-2013

The maximum permitted floor area of all ancillary buildings is 40.0 m²
In this case, the rear detached garage will have a floor area of 48 m²

3. Chapter 10.5.40.60.(3)(A)(ii), By-law 569w2013

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

In this case, the front porch stairs will be 2.81 m wide.

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

Exterior stairs providing pedestrian access to a building 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 north side lot line.

5. Chapter 10.5.50.10.(1)(D), By-law 569-2013

A minimum of 75% (29.25 m² of the required front yard landscaping must be maintained as soft landscaping. In this case, 51.3% (20.0 m²) of the required front yard landscaping has been maintained as soft landscaping

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3. No other variances are approved.

4. No new extensions nor modifications to the existing structures be permitted without explicit *a priori* permission of the City, or its tribunals, for the property , which has sought recognition of variances constructed and completed prior to adjudication

5. This decision is subject to the following conditions:

a) Prior to issuance of a building permit, the applicant/owner shall submit a complete application for permit to injure or remove privately owned trees under Municipal Chapter 813 Article III, Private trees, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District.

b) Prior to the issuance of a building permit, the applicant/owner shall submit a complete application for permit to injure or remove City owned trees under Municipal Chapter 813 Article II, Street trees, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District.

c) The owner shall reconstruct the as built front porch stairs such that the stairs will have a 1% slope from the north edge to the south edge of the steps to accommodate drainage away from the property located to the north at 657 Huron Street.

d) The front porch stairs, front porch walkway and rear detached garage shall be constructed substantially in accordance with the Site Plan and Elevations prepared by Studio A/C, with a plot date of 04/03/18 , except that the front porch stairs shall be modified in accordance with condition (c) above.

e) The front yard of the subject property shall not be utilized for motor vehicle parking purposes.

So orders the Toronto Local Appeal Body

X



S. Gopikrishna
Panel Chair, Toronto Local Appeal Body

DRAWING LIST

Sheet No.	Drawing Name	Drawn By	Rev. No.	Issue Date
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A1.0 SERIES - SITE, DEMO & CODE COMPLIANCE

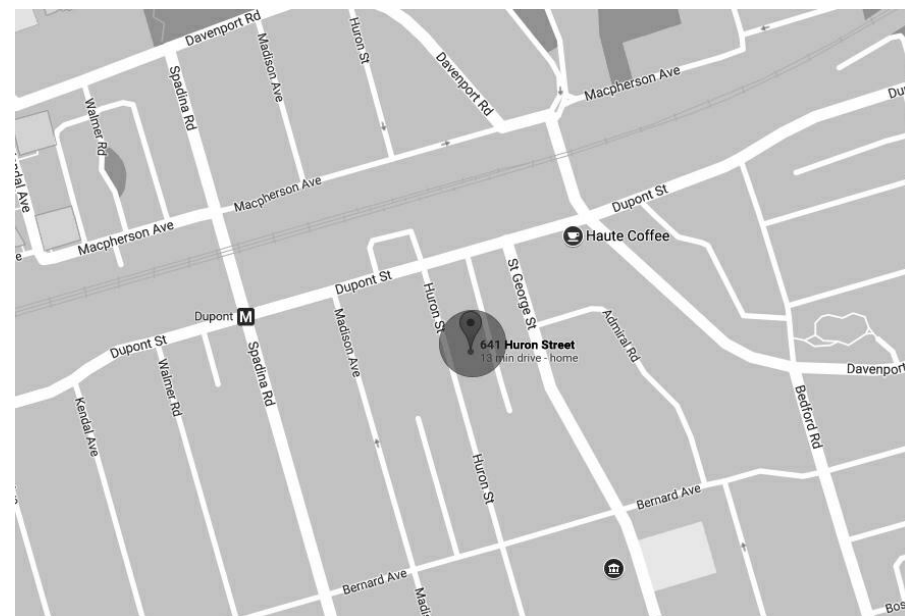
A1.00	SURVEY	OTHERS		04/03/18
A1.01	PROPOSED SITE PLAN	AC		04/03/18

A2.0 SERIES - OVERALL FLOOR PLANS

A2.00	BASEMENT - FLOOR PLAN	AC		04/03/18
A2.01	LEVEL 1 - FLOOR PLAN	AC		04/03/18
A2.02	LEVEL 2 - FLOOR PLAN	AC		04/03/18
A2.03	LEVEL 3 - FLOOR PLAN	AC		04/03/18
A2.01a	LEVEL 1- YARD PLAN	AC		04/03/18

A5.0 SERIES - BUILDING ELEVATIONS / SECTIONS

A5.01	REAR ELEVATION	AC		04/03/18
A5.02	FRONT ELEVATION	AC		04/03/18
A5.03	EAST ELEVATION	AC		04/03/18
A5.04	WEST ELEVATION	AC		04/03/18
A5.11	GARAGE ELEVATIONS	AC		04/03/18



641 Huron St.
Toronto Ontario M5R 2R8



360 Dufferin St Unit 103 Toronto, ON, Canada M6K 1Z8 647.341.0066

SITE STATISTICS:	SF	SM
LOT AREA:	2873	267
GROUND FLOOR GFA:	1020	95
SECOND FLOOR GFA:	1020	95
THIRD FLOOR GFA:	777	72

PROPERTY AREA:	2849	265
FRONT YARD:	422	39
SOFT LANDSCAPING @ FRONT	217	20
REAR YARD (HOUSE TO PROP LINE):	1270	118
SOFT LANDSCAPING @ REAR:	569	53
GARAGE:	550	51
% OF SOFT LANDSCAPING @ REAR:	45%	

OCCUPANCY TYPE: TYPE C RESIDENTIAL, SINGLE FAMILY

DESCRIPTION OF WORK:

PROPOSED NEW TWO CAR GARAGE CONSTRUCTION AT REAR. PROPOSED NEW REAR STAIRS. EXTEND WIDTH OF STAIRS AT FRONT.

CONSULTANT GROUPS:

ARCHITECTURAL:	STRUCTURAL:
STUDIO AC	BLACKWELL STRUCTURAL ENGINEERS
77 FLORENCE ST #103	134 PETER ST SUITE 1301
TORONTO ON	TORONTO ON
M6K 1P4	M5V 2H2
647-341-0066	416-593-5300

RECEIVED

By Committee of Adjustment TEY at 9:04 am, Apr 05, 2018



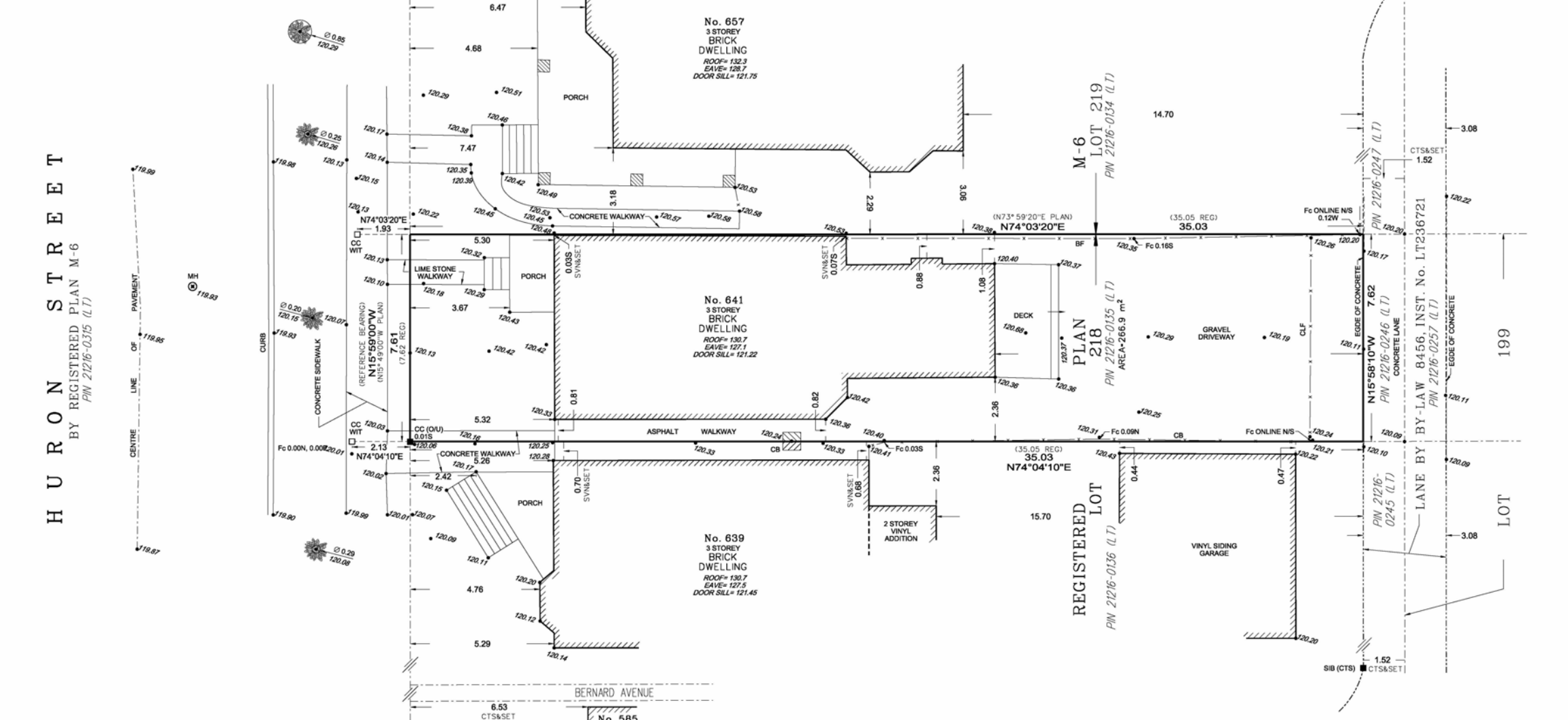
DRAWING LIST

Project No. 1716
Scale
Plot Date 04/03/18

A0.01

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2029207

THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR.
In accordance with
Regulation 1026, Section 29(3).



SURVEYOR'S REAL PROPERTY REPORT
PART 1:
PLAN OF PART OF LOT 218
REGISTERED PLAN M-6
CITY OF TORONTO

SCALE 1 : 100

AKSAN PILLER CORPORATION LTD.

PART 2:
PREPARED FOR ANDREW HILL
LOCATION OF THE BUILDING:
WHOLLY ON THE PROPERTY,
CLEAR,
AS SHOWN ON PART 1,
AS SHOWN ON PART 1,
UTILITY BUILDINGS:
AS SHOWN ON PART 1,
DECKS:
NONE,
SWIMMING POOLS:
NONE,
EXISTING FENCES:
GENERALLY ALONG THE PROPERTY
LINES, WITH DEVIATIONS AS SHOWN
ON PART 1,
EASEMENTS:
NONE RECITED IN THE LAST
REGISTERED INSTRUMENT,
DRIVEWAY:
AS SHOWN ON PART 1.

- LEGEND:
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT PLANTED
 - IB DENOTES IRON BAR
 - SIB DENOTES STANDARD IRON BAR
 - SSIB DENOTES SHORT STANDARD IRON BAR
 - CC DENOTES CUT CROSS
 - CP DENOTES CONCRETE PIN
 - WIT DENOTES WITNESS MONUMENT
 - O/U DENOTES ORIGIN UNKNOWN
 - N DENOTES NORTH
 - S DENOTES SOUTH
 - E DENOTES EAST
 - W DENOTES WEST
 - Fc DENOTES FENCE
 - CLF DENOTES CHAIN LINK FENCE
 - BF DENOTES BOARD FENCE
 - MH DENOTES MANHOLE
 - CB DENOTES CATCH BASIN
 - REG DENOTES PARCEL REGISTER
 - PLAN DENOTES REGISTERED PLAN M-6
 - CTS DENOTES CITY TORONTO SURVEYS (M6-59)
 - SVN DENOTES SPEIGHT VAN NOSTRAND, O.L.S. (Jan. 17, 1927)
 - HP DENOTES H. PILLER, O.L.S. (04-21-7793-00)
 - ⊘ 0.50 DENOTES TREE TRUNK DIAMETER

METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN
METRES AND CAN BE CONVERTED TO FEET
BY DIVIDING BY 0.3048.

BEARING NOTE:
BEARINGS ARE REFERRED TO THE EASTERLY LIMIT OF
HURON STREET AS SHOWN ON CITY OF TORONTO SURVEYS
(NOTES INDEX M6-59) HAVING AN ASTRONOMIC BEARING OF N15°59'00"W.

ELEVATIONS NOTE:
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE DERIVED
FROM THE CITY OF TORONTO BENCH MARK CT1438,
ELEVATION = 122.034 m.

CAUTION:
TREE CALIPERS ARE NOT TO ARBORIST STANDARDS
AND ARE DEFINED AT 1.4m ABOVE GRADE AT TREE
FOR ARBORIST CALIPER REFER TO ARBORIST REPORT.

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES
ACT AND THE REGULATIONS MADE UNDER THEM;
2. THE SURVEY WAS COMPLETED ON THE 30TH DAY OF AUGUST, 2017.

AUGUST 31, 2017
DATE

Helmut Piller
HELMUT PILLER
Ontario Land Surveyor

AKSAN PILLER CORPORATION LTD
ONTARIO LAND SURVEYORS
943 MT PLEASANT ROAD, TORONTO, ONTARIO, M4P 2L7
(T) 416-488-1174 (F) 416-488-7841 (E) sp@apsurveys.ca www.apsurveys.ca
CALC: MU DRAWN: LF CHECKED: HP
reference number: 17-24-12718-00

641 Huron St.
Toronto Ontario M5R 2R8

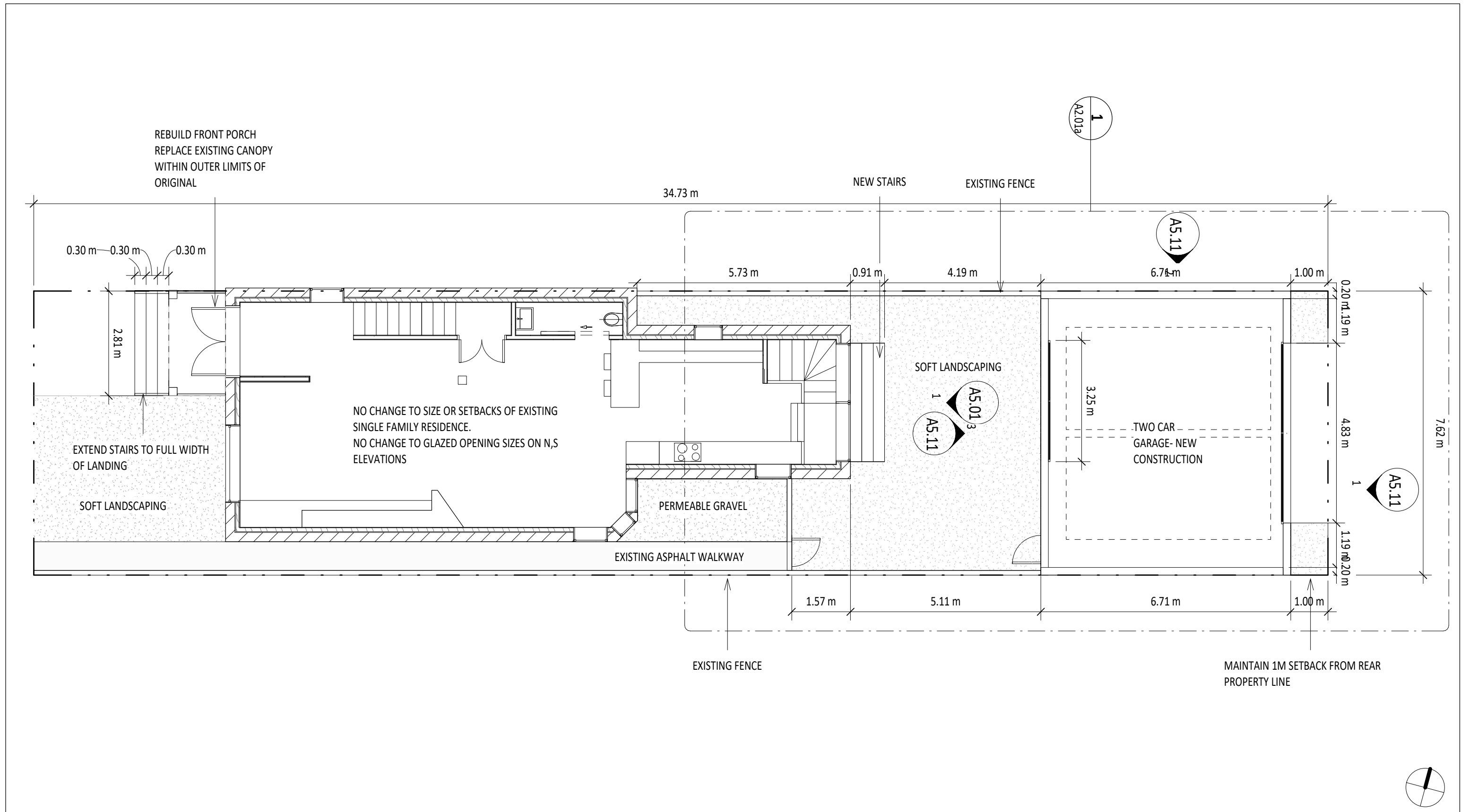


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SURVEY

Project No. 1716
Scale N.T.S.
Plot Date 04/03/18

A1.00



641 Huron St.
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PROPOSED SITE PLAN

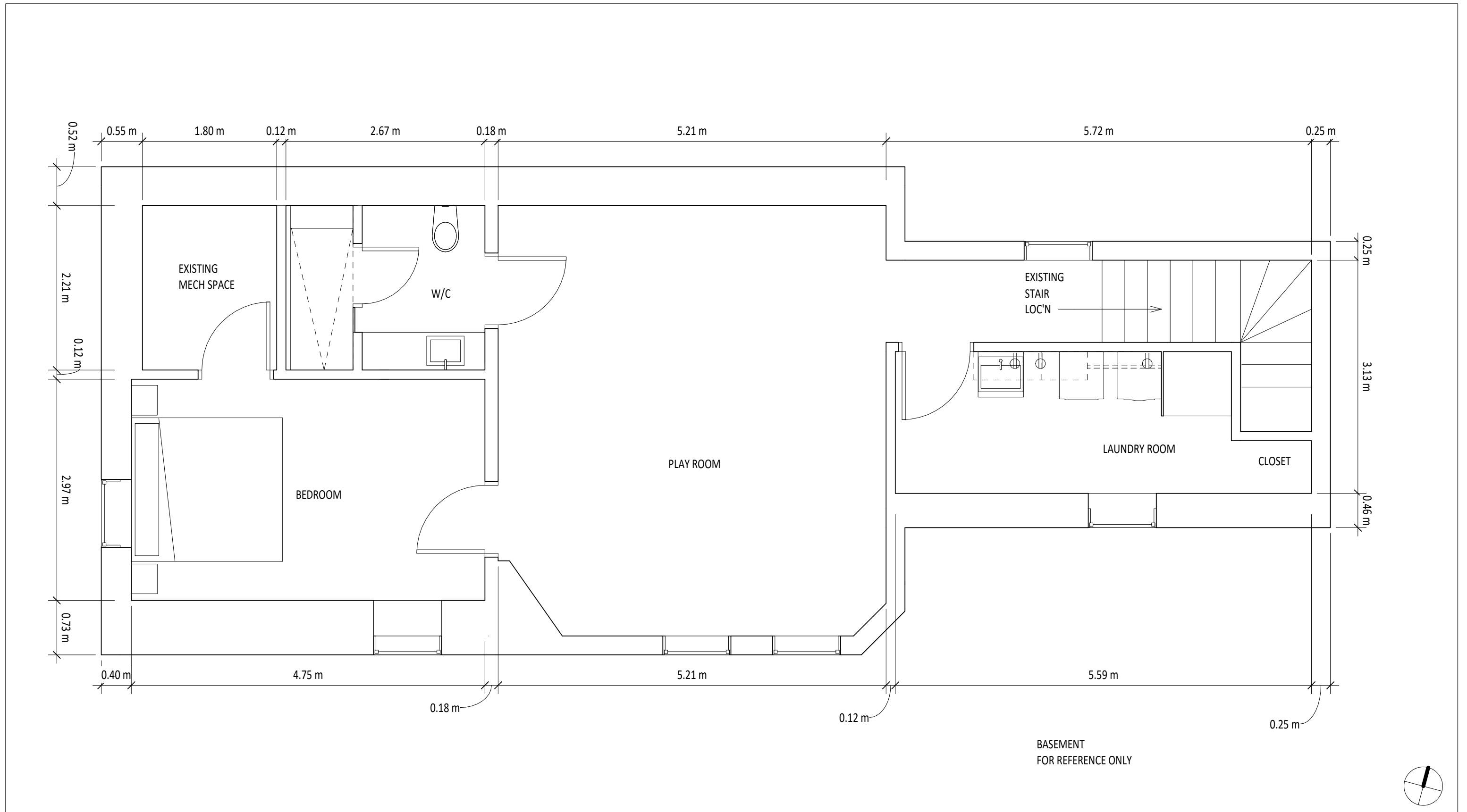


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Project No. 1716
Scale 1 : 96
Plot Date 04/03/18



A1.01



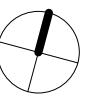
641 Huron St.
Toronto Ontario M5R 2R8

BASEMENT - FLOOR PLAN

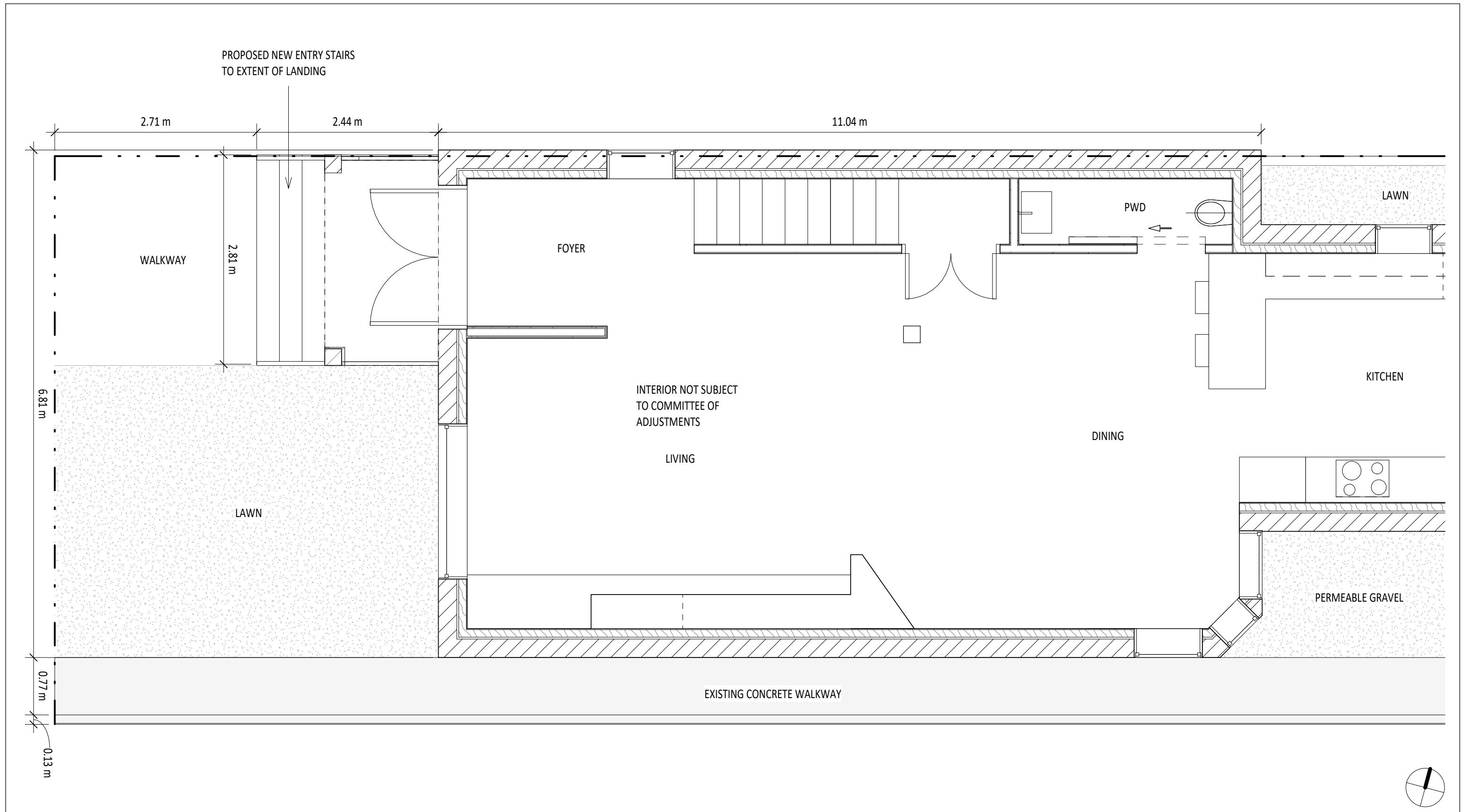


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Project No. 1716
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A2.00



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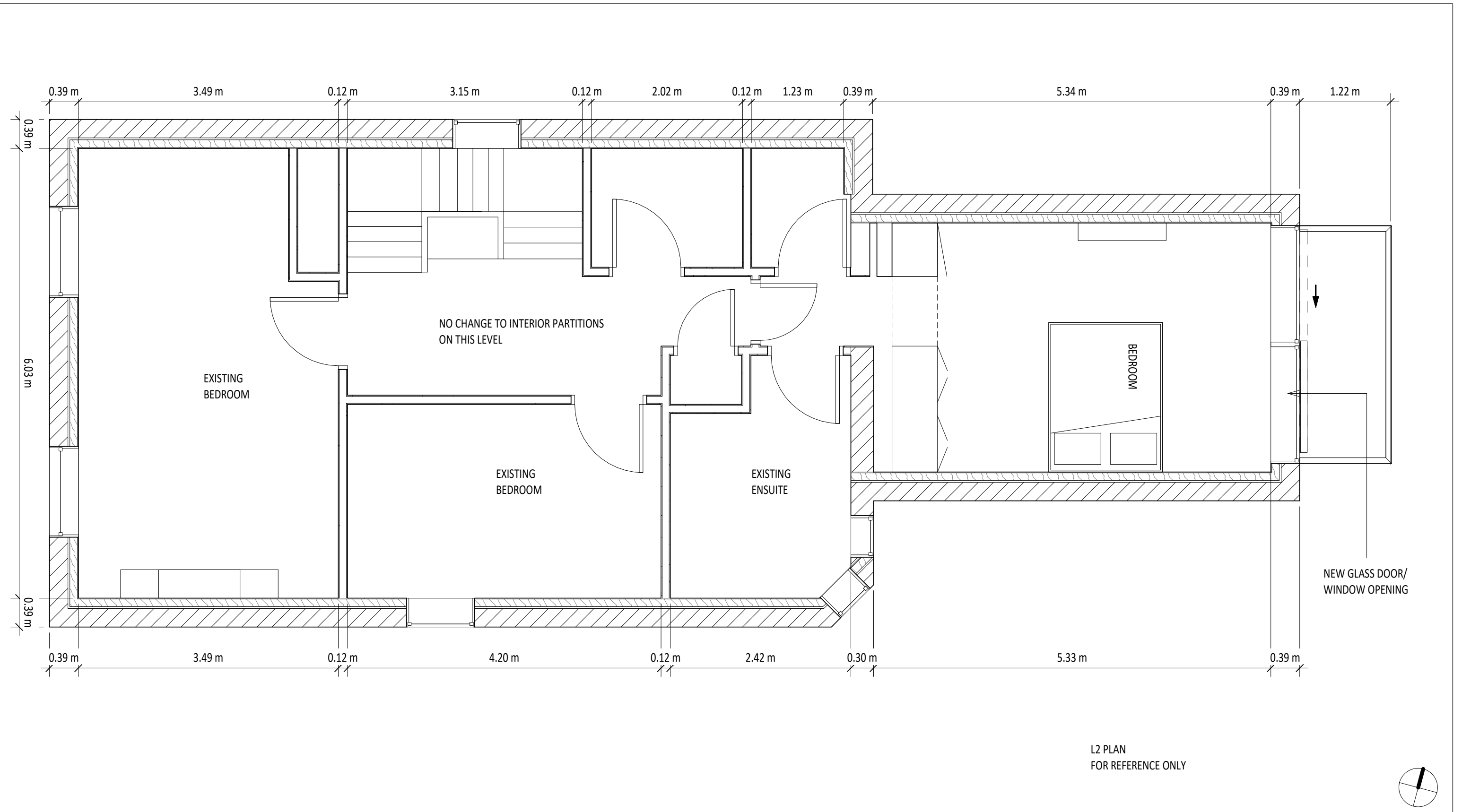
LEVEL 1 - FLOOR PLAN



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A2.01



641 Huron St.
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LEVEL 2 - FLOOR PLAN

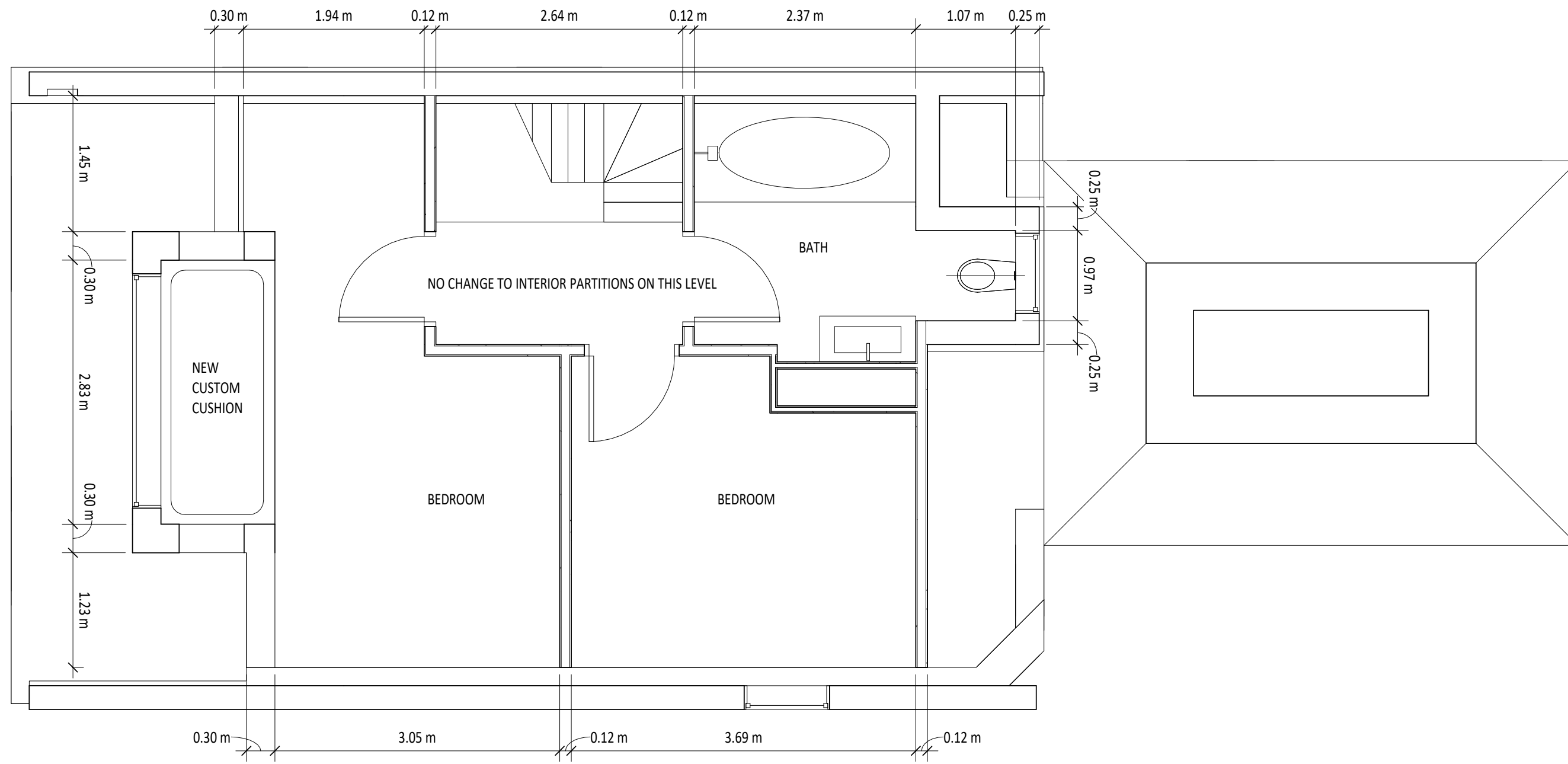


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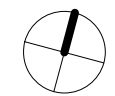
Project No. 1716
Scale 1 : 48
Plot Date 04/03/18



A2.02



L3 PLAN
FOR REFERENCE ONLY



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Toronto Ontario M5R 2R8

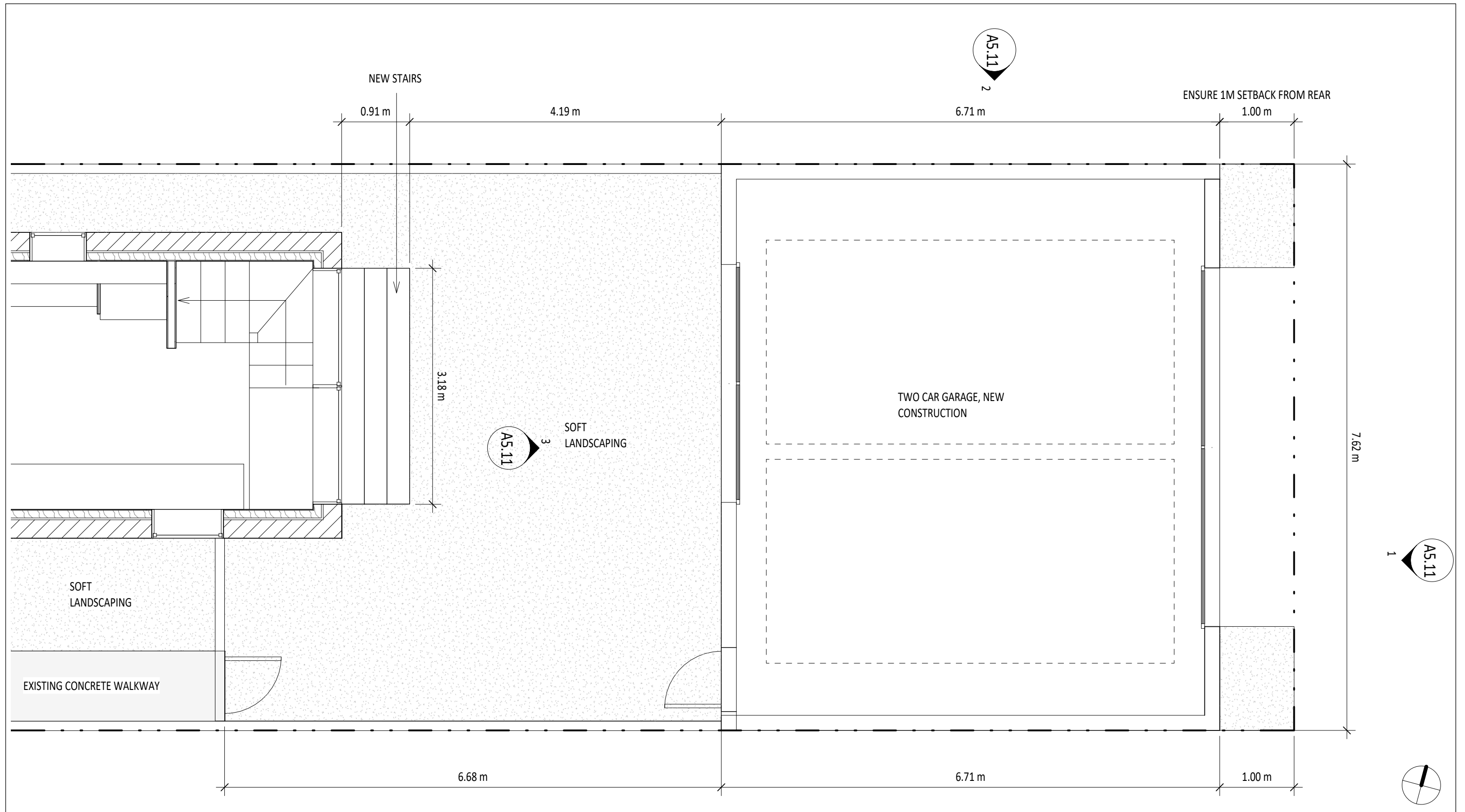
LEVEL 3 - FLOOR PLAN



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A2.03



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Toronto Ontario M5R 2R8

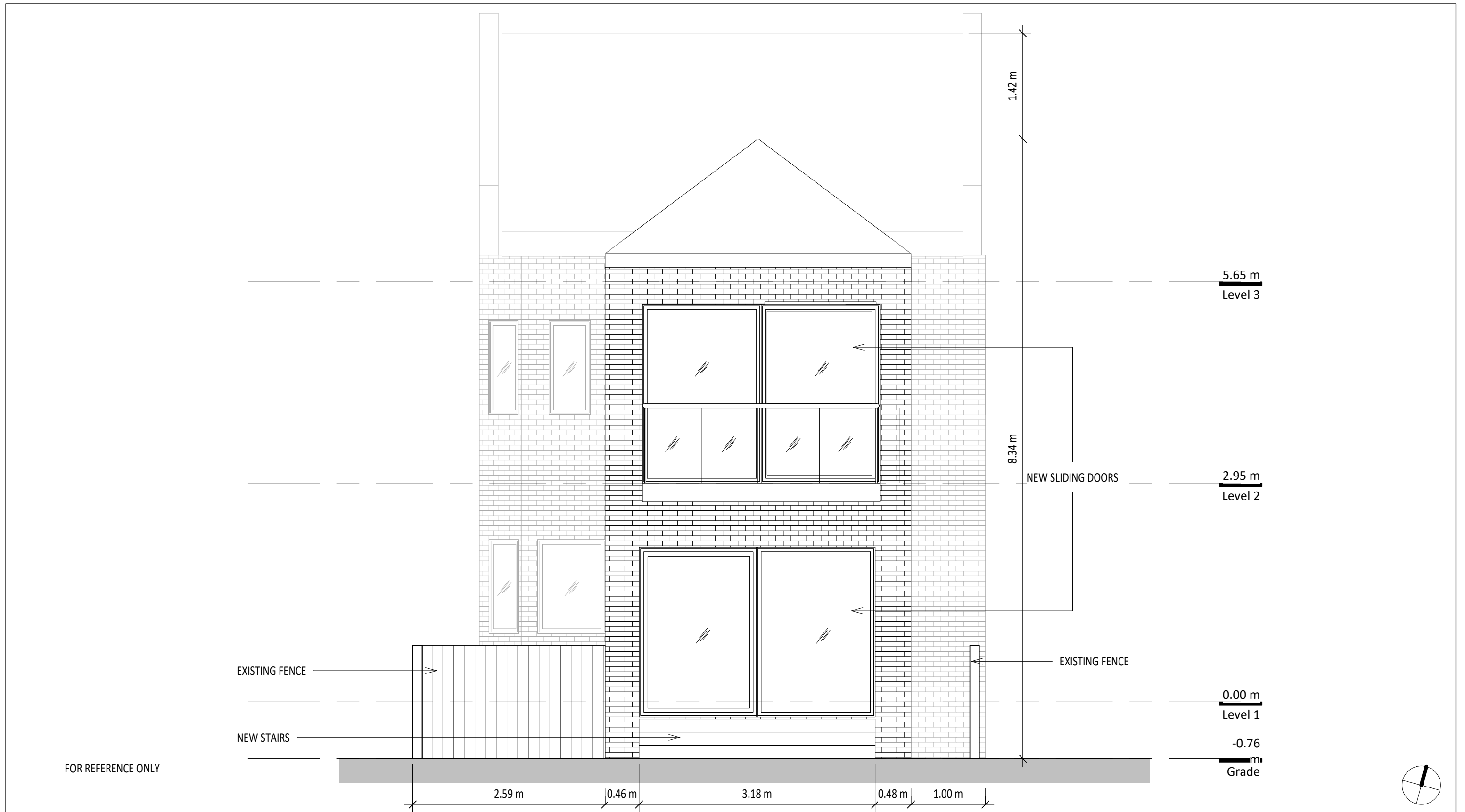
LEVEL 1- YARD PLAN



360 Dufferin St Unit 103 Toronto, ON, Canada M6K 1Z8 647.341.0066

Project No. 1716
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A2.01a



FOR REFERENCE ONLY

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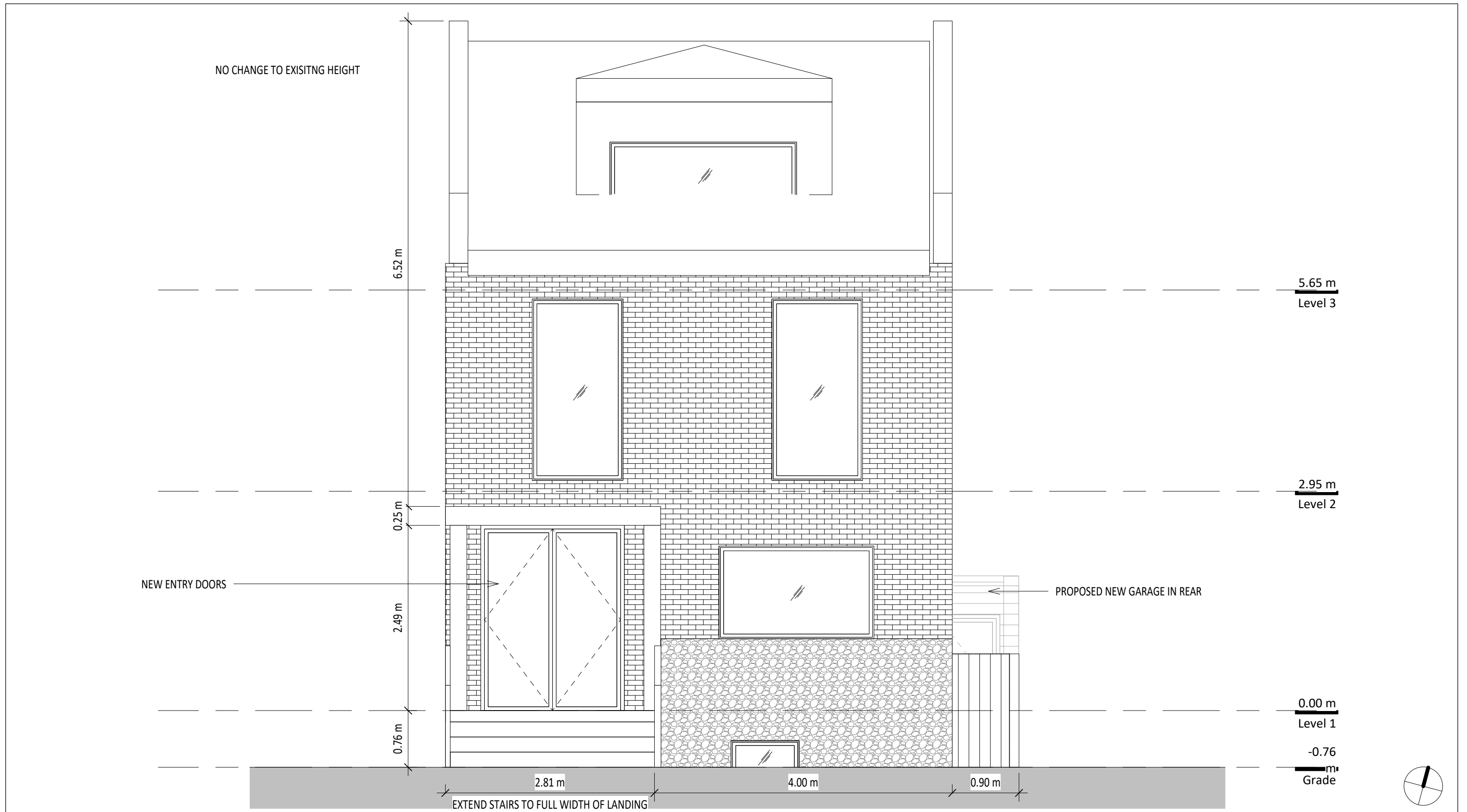
REAR ELEVATION



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A5.01



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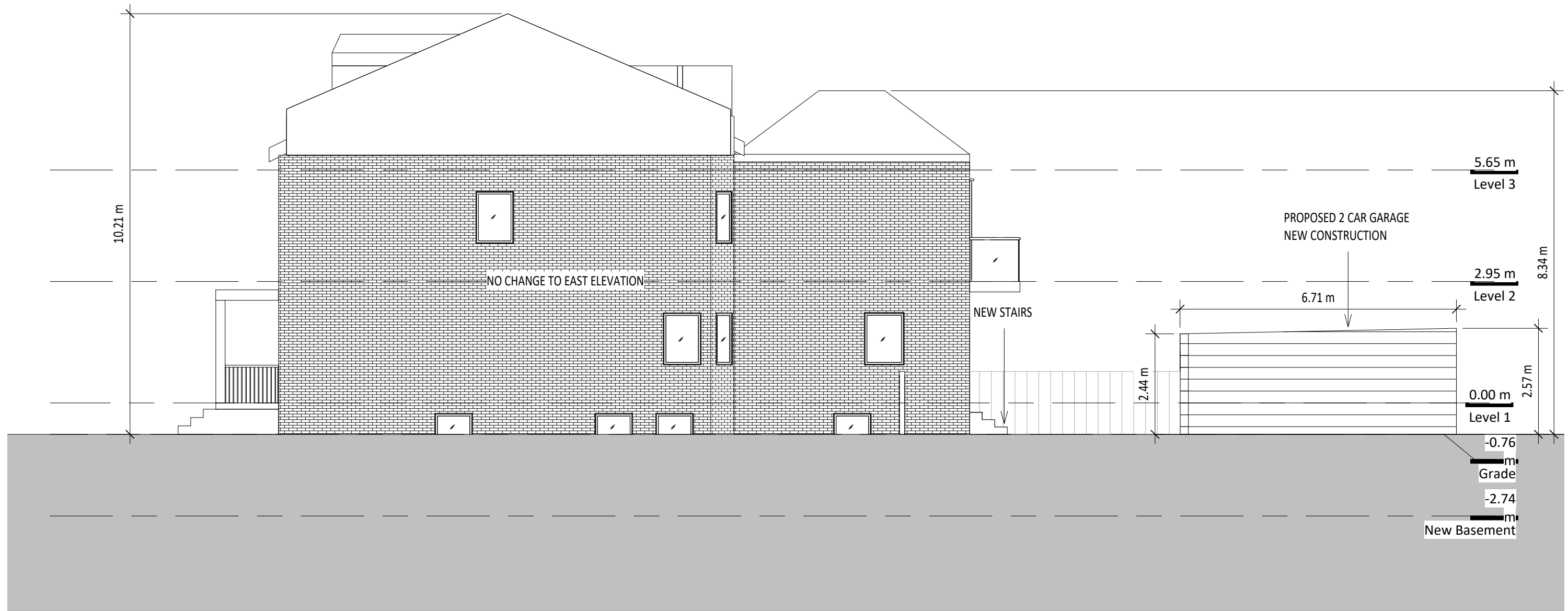
FRONT ELEVATION



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Scale 1 : 48
Plot Date 04/03/18

A5.02



641 Huron St.
Toronto Ontario M5R 2R8

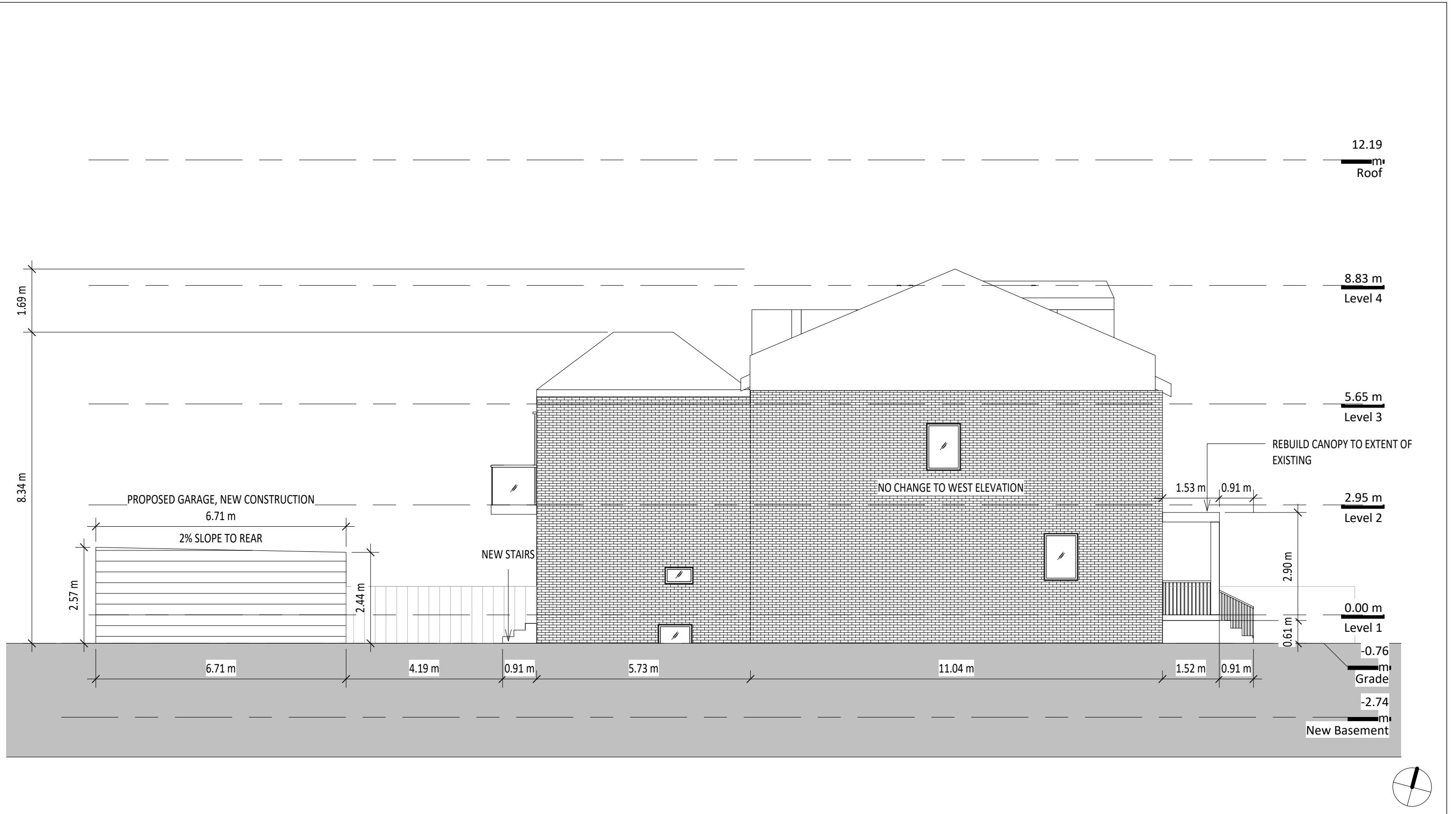
EAST ELEVATION



360 Dufferin St Unit 103 Toronto, ON, Canada M6K 1Z8 647.341.0066

Project No. 1716
Scale 1 : 96
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A5.03



641 Huron St.
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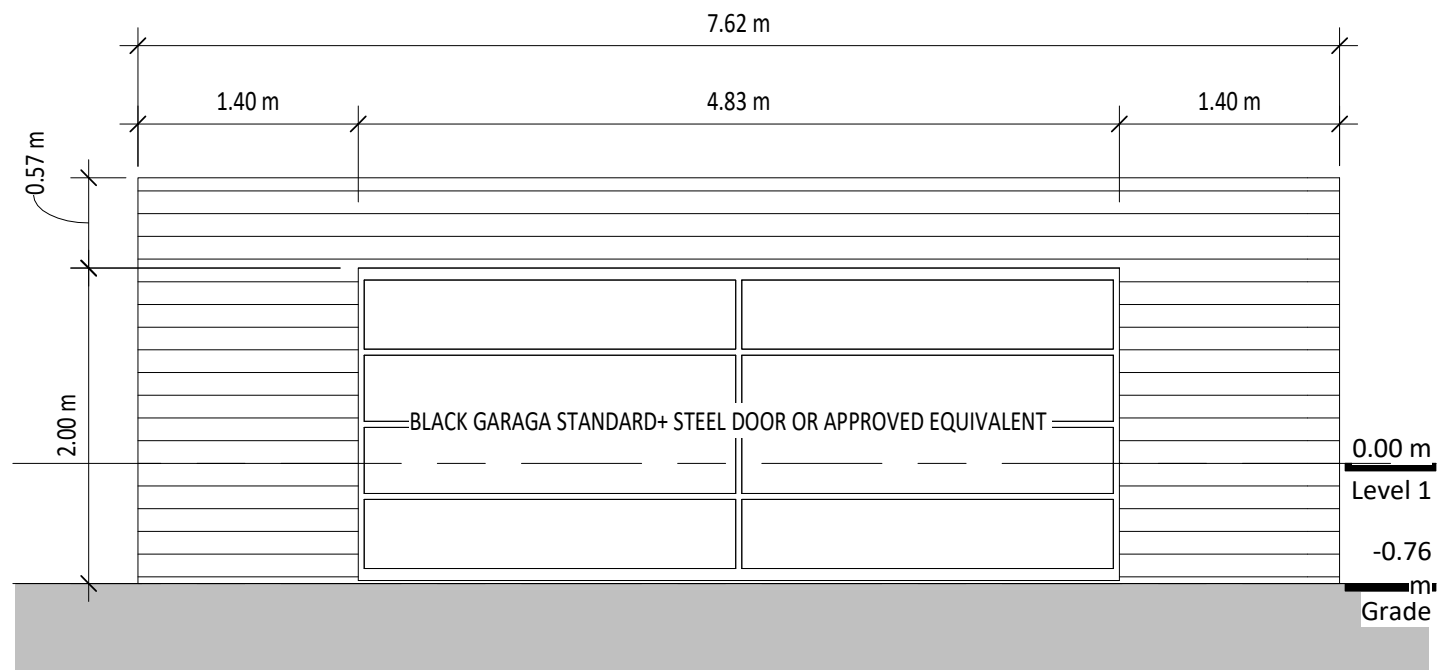
WEST ELEVATION



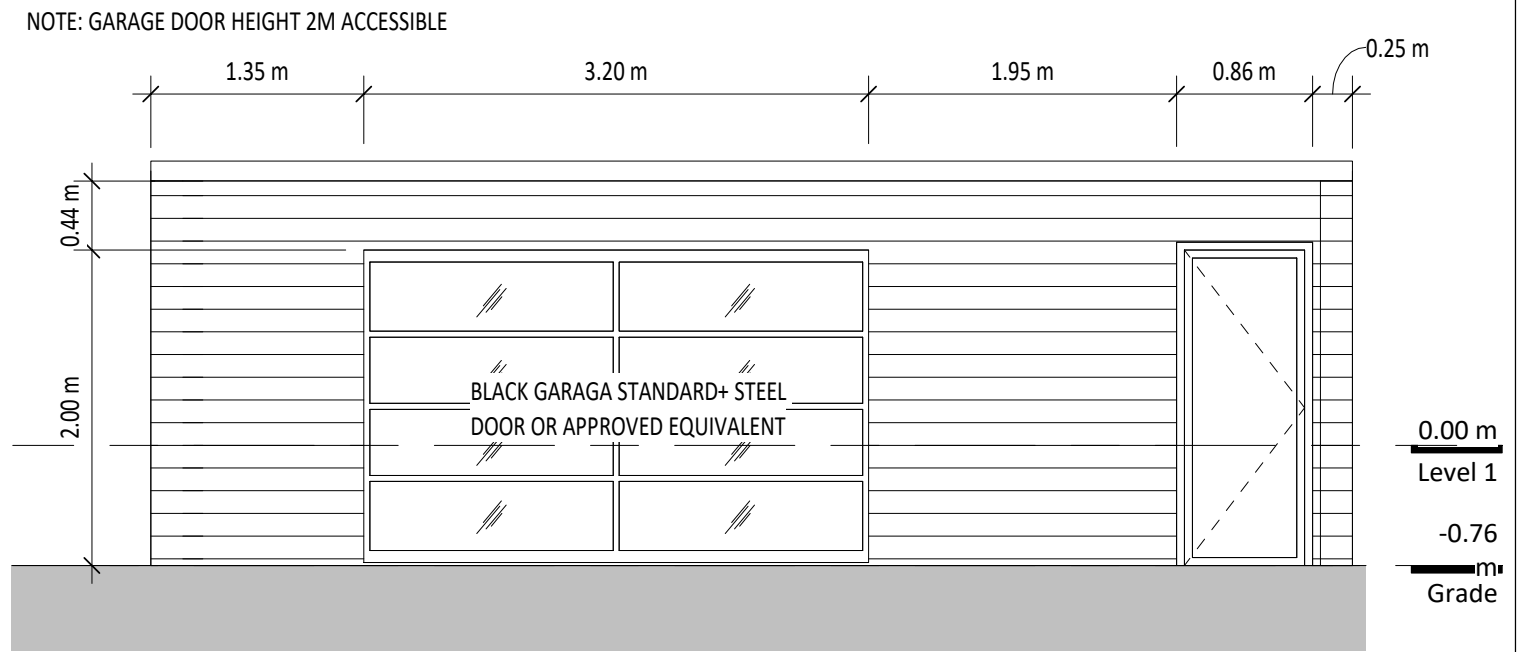
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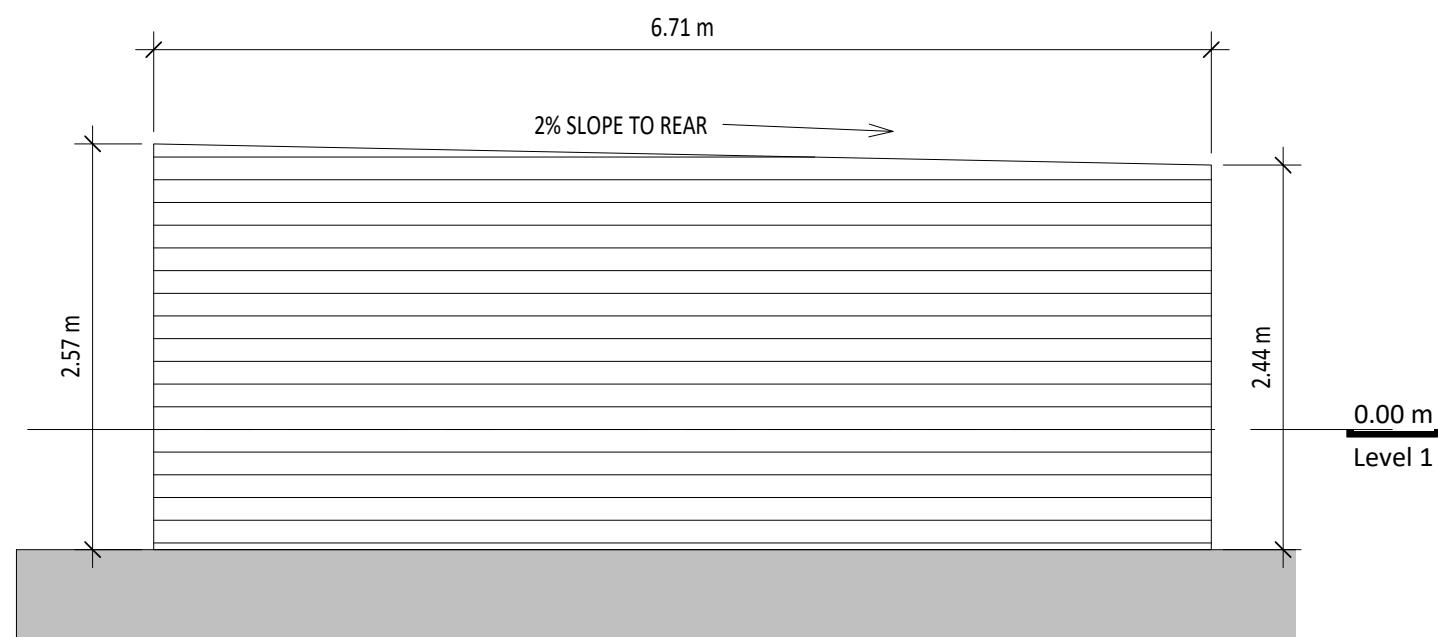
A5.04



1 GARAGE EAST
1 : 48



3 GARAGE WEST
1 : 48



2 GARAGE NORTH
1 : 48

- NEW CONSTRUCTION GARAGE:
- MAINTAIN 1M SETBACK FROM REAR PROPERTY LINE
 - TYPE X GYP, FIRE RATED ON INTERIOR
 - PAINTED WOOD CLADDING
 - ALIGN NORTH + SOUTH WALL OF GARAGE WITH PROP LINE

