

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: June 13, 2017

CASE NO(S): PL161048

PROCEEDING COMMENCED UNDER subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: City of Toronto
Applicant: Vincent Staltari
Subject: Consent
Property Address/Description: 9 Meaford Ave.
Municipality: City of Toronto
Municipal File No.: B029/16EYK
OMB Case No.: PL161048
OMB File No.: PL161048
OMB Case Name: Toronto (City) v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: City of Toronto
Applicant: Vincent Staltari
Subject: Minor Variance
Variance from By-law No.: 569-2013, passed on May 9, 2013
Property Address/Description: 9 Meaford Ave.
Municipality: City of Toronto
Municipal File No.: A338/16EYK
OMB Case No.: PL161048
OMB File No.: PL161049

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: City of Toronto
Applicant: Vincent Staltari
Subject: Minor Variance
Variance from By-law No.: 569-2013, passed on May 9, 2013
Property Address/Description: 9 Meaford Ave.
Municipality: City of Toronto
Municipal File No.: A339/16EYK

OMB Case No.: PL161048
OMB File No.: PL161050

Heard: April 11, 2017 in Toronto, Ontario

APPEARANCES:

Parties

Counsel

City of Toronto

Alexander Suriano
Sara Amini

Vincent Staltari

Russell Cheeseman

DECISION DELIVERED BY RICHARD JONES AND ORDER OF THE BOARD

[1] The City of Toronto (Appellant) appealed decisions of the Committee of Adjustment (“COA”) regarding applications for consent and variance involving lands known municipally as 9 Meaford Avenue (“subject property”). The owner of the subject property is Vincent Staltari, (“Applicant”).

[2] The consent application has the effect of dividing the zoned single-family lot into two equal parts and the two variance applications arise from the proposed construction of two new homes with integral garages.

[3] The two lots propose minimum frontages of 7.62 metre (“m”); whereas, the Etobicoke Zoning Code, (“EZC”) currently in full force and effect, and the new comprehensive zoning by-law for the City of Toronto, By-law No. 569-2013 (“ZB”) which is not in full force and effect due to outstanding appeals, require a minimum frontage of 12.0 m. The EZC and ZB also require minimum lot areas of 371 square metres (“m²”) and 370 m² respectively, whereas; both severed (proposed) parts seek approval for lot areas of 290.13 m².

[4] Additionally, both zoning by-laws permit a maximum gross floor area index of 0.35 times the area of the lot; whereas, the applications request variance approval for 0.70 times the area of the lot.

[5] Variances are also incurred in relationship to side yards and setbacks for eaves in relationship to both zoning by-laws, and permitted building height of the front exterior main walls and the height of the first floor above established grade in accordance with the ZB only. Appended Schedule 1, being the COA Notices of Decision (Exhibit 1, Tab 8), describes the proposed variances for each (proposed) severed part.

[6] The subject lands are located on the south side of Meaford Avenue which is a short local roadway accommodating 11 single family homes in the neighbourhood of Long Branch. As noted, both by-laws zone the property and adjoining lands, for single family use and development of that type has primarily characterized the neighbourhood from the early part of the last century onwards. The subject lands lie south of Lakeshore Boulevard West.

[7] The Board heard from two professional planners: Franco Romano who was retained to provide planning testimony on behalf of the Applicant, and Anthony Hommick, a staff planner with the City of Toronto who was subpoenaed by the Applicant to provide professional planning evidence before the Board. Mr. Hommick prepared the planning department recommendations to the COA. The City of Toronto did not retain the services of a professional planner.

[8] Both planners were qualified to provide opinion evidence.

[9] Additionally, nearby neighbours testified in opposition to the application as participants and these individuals will be identified further along in this decision.

[10] Mr. Romano described in testimony his study area, (Exhibit 1, Tab 10) which was bounded by Lakeshore Boulevard Drive West to the North, Thirty-First Street to the west, the shores of Lake Ontario to the south and Twenty-Third Street to the east. The

subject property is located within the eastern mid section of this study area where lotting characteristics according to Exhibit 1, Tab 10 appear to be generally representative of the area as a whole in relationship to the diversity frontage characteristics. In this regard, lot frontage-types do not appear to be aggregated or clustered, but are rather scattered, throughout the area without an apparent pattern.

[11] Of those types, and out of a total of 611 lots tallied within the study area, Mr. Romano categorized the following frontages:

1. Lots 7.62 m or smaller, 89, or 14.6% of the total
2. Lots between 7.63 m and 10.1 m, 85 or 13.9% of the total
3. Lots between 10.11 and 11.9 m, 66 or 10.8% of the total
4. Lots 12 m to 15.2 m, 77 or 12.6% of the total
5. Lots 15.21 m to 18.3 m, 258 or 42.2% of the total
6. Lots 18.3 m or larger, 36 or 5.9% of the total

[12] Mr. Romano opined in this regard that the neighbourhood was diverse regarding the composition of its lots, and was experiencing change, albeit in a stable manner, as new homes were built in the area.

[13] In his review of provincial policy, beginning with the Provincial Policy Statement 2014, Mr. Romano opined that the City of Toronto as a settlement area was expected to promote an efficient mix of land uses and the applications before the Board, which in his view represented a moderate a form of intensification, were compliant with this policy.

[14] Similarly, in reference to the Growth Plan for the Greater Golden Horseshoe, intensification is recognized in built-up, fully serviced area to allow for a more efficient use of infrastructure and the development of compact and complete communities. Mr. Romano testified that that policy mandate was fulfilled as well.

[15] In reference to the City of Toronto's Official Plan ("OP"), numerous policies were cited by the planner as proof of the applications' adherence to those policies:

- With regard to OP policies dealing with Built-Form, "new development will be located and organized to fit with its existing and/or planned context", an objective which would be realized by the applications. The new homes would appropriately "frame" the street and "provide adequate light and privacy" for adjoining single family uses.
- In conformance with the OP requiring that: "new housing will be encouraged through intensification and infill", this policy mandate would be satisfied by the applications.
- With respect to policies relating to Neighbourhoods, a designation which applies to the subject lands, the "stability" of the neighbourhood will be preserved because the applications afford "fit" and generally "reinforce the general physical patterns" extent throughout the study area while conforming to "prevailing patterns of rear and side yard setbacks and landscaped open space".

[16] With regard to aforementioned policies, Mr. Romano was of the opinion that test one of s. 45(1) was satisfied in that the general intent and purpose of the OP was being met by the applications.

[17] With regard to test two, do the applications meet the general intent and purpose of the ZB, Mr. Romano opined that the proposed lots areas and frontage make a good fit with the neighbourhood and assist in the orderly development of the neighbourhood.

[18] Addressing test three, were the applications desirable for the appropriate development and use of the land, the planner stated that the proposed new homes were both reasonable in size and capable of being compatible with the immediate area and neighbourhood.

[19] Finally, in relationship to test four, as to whether the variances were minor, Mr. Romano testified that there will be no adverse impact and although change will arise from the development of the subject property pursuant to the applications, it will not be destabilizing and the impact will be minor in his view.

[20] With regard to s. 51(24) which sets out the criteria for the consideration of consents (a draft plan of subdivision), Mr. Romano opined that the consents successfully addressed provincial policy (a); were not premature (b); conformed to the Official Plan (c); were suitable for the “land for the purposes for which it is to be subdivided” (d); and were appropriate from the perspective of lot dimension and shape (f).

[21] Mr. Hommick testified briefly stating that his opinion of the applications remained unaltered, a view which is described in his staff report to the COA dated May 3,1 2016 as follows:

Based on this review, Planning staff have no further concerns with the application. However, it is recommended that the consent and related variance applications be deferred, to provide an opportunity for the applicant to consult with local area residents.

[22] The Board also heard from five nearby neighbours who testified as participants. The quality and thoughtfulness of their respective testimonies provided the Board with new perspectives on the neighbourhood and Meaford Avenue in particular, which in the end proved to be determinative..

[23] Brian Bailey of 6 Meaford Avenue, a long time resident provided the Board with Exhibit 4, which cited in considerable detail OP policies and statistical information which lent support to his opposition to the applications. Additionally, the photos of the Meaford Avenue streetscape provided by Mr. Bailey were helpful in the visualization of that aspect of the community.

[24] Drawing on policy references from the OP, Mr. Bailey was also of the view that the neighbourhood should be able to rely on policy 2.3.1 which states that:

Neighbourhoods and Apartment Neighbourhoods are considered stable areas” and development within these areas “will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

[25] In his opinion, the proposed new buildings will be totally out of character with the existing homes on this very short street, where the residences are modestly sized averaging a floor space index of only 0.22. He was of the view that the new homes would be massive in comparison, and crowd the proposed, severed lots as well as the adjoining properties in contrast to the open character of the neighbourhood which is comprised mainly of 40 and 50-foot lots.

[26] In reference to s. 4.1.5 of the OP requiring that development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, Mr. Bailey stated that policy compliance was not achieved in the following categories:

- b) size and configuration of lots
- c) heights, massing, scale and dwelling type of nearby residential properties
- c) setbacks for buildings from the street or streets
- f) prevailing patterns of rear and side yards and landscaped open space

[27] With regard to policy 3.1.2.3 that states: “New development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context”; that: “massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion”; and that: “creating appropriate transitions in scale to neighbouring existing and/or planned buildings” were not outcomes anticipated for these applications.

[28] Employing statistical data obtained from the City of Toronto (Exhibit 4), he contrasted the proposed variances with existing Meaford Avenue lotting conditions. That data describes an average lot frontage of 13 m with an average floor space index of 0.22 as previously noted. For the remaining streets in the study area, Exhibit 4 also revealed very similar floor space and frontage averages to Meaford Avenue for other streets in the broader neighbourhood.

[29] His wife, Catherine Mitchell-Bailey of 6 Meaford Avenue testified that the applications do not: “respect the character of the neighbourhood by any measure; not by street, not by physical block nor by neighbourhood” and she was also concerned that recent approvals were creating a “creeping effect” which was eroding the neighbourhood character. These approvals in her view were in effect driving the price of housing up by the construction of larger homes on smaller lots and obliging the demolition of “good and affordable homes” (Exhibit 4).

[30] Participants Judy Gibson of 24 Twenty-fifth Street; Gregory Karout of 15 Meaford Avenue; Kata Boras-Granic of 13 Meaford Avenue and Margo Keirstead of 5 Meaford Avenue; all provided similar viewpoints.

FINDINGS

[31] Although the Board does find agreement with Mr. Romano’s opinion that moderate intensification and infill actions within designated Neighbourhoods area are not invalidated by OP policy, such actions by necessity must adhere to policies requiring “stability”, “fit”, “respect” and “character”; conditions which are not met in these applications.

[32] The Board finds that applications which propose to divide what is essentially an average lot into two, and propose two new homes which will double the gross floor area permitted by both zoning by-laws, do not subscribe to OP policy and the general intent and purpose of the zoning by-law; thereby, failing two key tests in relationship to s. 45(1) and s. 51(24) of the *Planning Act*. The Board is mindful that this tribunal has

allowed applications that may be described as similar (as well as dismissing same) in the Long Branch neighbourhood, but the proposed lot fabric and built form represented by these applications is so glaringly different from that on Meaford Avenue, which is a very small street, that an approval in this instance would ignore OP Neighbourhood policies which explicitly urge gradual transition and compatibility.

[33] In making this finding, the Board is mindful that the uncontested opinions of two professional planners is not being accorded its customary attention in matters of this kind, but the Board is not obliged either by legislation or by precedent to award planning approvals on the basis of professional planning opinion alone when the weight of contrary evidence by the residents was so compelling, thoughtful and well researched as it was in the Board's view.

[34] Intensification is not a trump card enabling applications to incur major variances with regard to mass, frontage and lot area which materially depart from existing conditions extent along a small street where building mass, and lot frontage and lot area conditions, are so clearly different, and moderate by comparison.

[35] The subject lands and associated neighbourhood are zoned for single family use and both zoning by-laws clearly anticipate the retention of single family conditions adhering to minimum standards of lot size and building mass to continue for quite sometime. The similarities of those standards, which have persisted for decades and may persist for decades to come, suggest that neighbourhood stability has depended and will depend in part on the conformance to those standards except where variance-related approvals would suggest compatibility with the existing neighbourhood context. However, the prospect for compatibility is not in the Board's view, a relevant aspect of these applications, given the numeric differences evident in the statistical data.

[36] Long Branch is in some respects a diverse neighbourhood. Building conditions are not wholly homogeneous as Mr. Romano correctly described, but the statistical presence of smaller lots occupies a small minority of more recent approvals, which do

not suggest a trend, or a trend that would achieve traction in the face of explicit OP policies which prefer the maintenance of existing character over infill and intensification actions that would change that character. The participants' testimony, backed up as it was, by references to policy and comparative data as well as their own, personal resident histories, was convincing and reasonable in the depiction of a character which is not suited to, or compatible with, these applications.

ORDER

[37] The Board orders that the appeals are allowed and the variances as requested are not authorized and the provisional consent proposed for the lands known municipally as 9 Meaford Avenue is not to be given.

“Richard Jones”

RICHARD JONES
MEMBER

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please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248



City Planning Division

SCHEDULE 1

Committee of Adjustment
 2 Civic Centre Crt, 4th Fl
 Toronto, ON M9C 5A3
 T: 416-394-8060
 F: 416-394-6042

Thursday, September 29, 2016

NOTICE OF DECISION CONSENT (Section 53 of the Planning Act)

File Number:	B29 /16EYK	Zoning	RS & RD
Owner(s):	VINCE STALTARI	Ward:	Etobicoke-Lakeshore (06)
Agent:	VINCE STALTARI	Heritage:	Not Applicable
Property Address:	9 MEAFORD AVE	Community:	
Legal Description:	PLAN 1581 LOT 135		

Notice was given and the application considered on Thursday, September 29, 2016, as required by the Planning Act.

THE CONSENT REQUESTED:

To obtain consent to sever the property into two undersized residential lots.

Retained - Part 1

Address to be assigned

The lot frontage is 7.62 m and the lot area is 290.13 m². The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling with an integral garage, requiring variances to the Zoning By-law, as outlined in Application A338/16EYK.

Conveyed - Part 2

Address to be assigned

The lot frontage is 7.62 m and the lot area is 290.13 m². The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling with an integral garage, requiring variances to the Zoning By-law, as outlined in Application A339/16EYK.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

The Consent Application is Approved on Condition

The Committee has considered the provisions of Section 51(24) of the Planning Act and is satisfied that a plan of subdivision is not necessary. The Committee therefore consents to the creation of new lots as shown on the attached plan on the condition that before a Certificate of Consent is issued, as required by Section 53(42) of the Planning Act, the applicant is to file the following with the Committee office within ONE YEAR of the date of this Decision:

B29/16EYK

1. Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.
2. Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of Survey and Mapping Services, Engineering Services, Engineering and Construction Services. Contact: John Fligg @ (416) 338-5031 or Elizabeth Machynia @ (416) 338-5029.
3. The applicant shall satisfy all conditions concerning City/Private owned trees, to the satisfaction of Urban Forestry Services.
4. Where no street trees exist, the owner shall provide payment in an amount to cover the cost of planting a street tree abutting each new lot created, to the satisfaction of Urban Forestry Services.
5. **Two copies of the registered reference plan of survey** integrated to NAD 83 CSRS (3 degree Modified Transverse Mercator projection), delineating by separate Parts the lands and their respective areas, shall be filed with the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services. Contact: John House, Supervisor, of Property Records, at 416 392-8338; jhouse@toronto.ca
6. **Three copies of the registered reference plan of survey** satisfying the requirements of the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services, shall be filed with the Committee of Adjustment.
7. Within **ONE YEAR** of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions and prepare for electronic submission to the Deputy Secretary-Treasurer, the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) or subsection 53(42) of the *Planning Act*, as it pertains to the conveyed land and/or consent transaction.

SIGNATURE PAGE

File Number:	B29/16EYK	Zoning	RS & RD
Owner(s):	VINCE STALTARI	Ward:	Etobicoke-Lakeshore (06)
Agent:	VINCE STALTARI	Heritage:	Not Applicable
Property Address:	9 MEAFORD AVE	Community:	
Legal Description:	PLAN 1581 LOT 135		

 Allan Smithies (signed)

 Dominic Gulli (signed)

 Edwin (Ted) Shepherd (signed)

 Megan McIver (signed)

DATE DECISION MAILED ON: Friday, October 7, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Thursday, October 27, 2016

CERTIFIED TRUE COPY

Susanne Pringle
 Manager & Deputy Secretary Treasurer
 Etobicoke York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$300.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at www.omb.gov.on.ca.

NOTE: Only individuals, corporations and public agencies may appeal a decision to the Ontario Municipal Board. The appeal may not be filed by an unincorporated association or group. However, the appeal may be filed in the name of an individual who is a member of the association or group on its behalf.



City Planning Division

Committee of Adjustment
 2 Civic Centre Crt, 4th Fl
 Toronto, ON M9C 5A3
 T: 416-394-8060
 F: 416-394-6042

Thursday, September 29, 2016

NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)

File Number:	A338/16EYK	Zoning:	RS & RD
Owner(s):	VINCE STALTARI	Ward:	Etobicoke-Lakeshore (06)
Agent:	VINCE STALTARI	Heritage:	Not Applicable
Property Address:	9 MEAFORD AVE – PART 1	Community:	
Legal Description:	PLAN 1581 LOT 135		

Notice was given and a Public Hearing was held on Thursday, September 29, 2016, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new detached dwelling with an integral garage.

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

1. **Section 10.20.30.20.(1), By-law 569-2013 and Section 330-23.A.(2)**
 The minimum required lot frontage is 12 m.
 The lot will have a frontage of 7.62 m.
2. **Section 10.20.30.10.(1), By-law 569-2013**
 The minimum required lot area is 370 m².
Section 330-23.A.(1)
 The minimum required lot area is 371 m².
Section 10.20.30.10.(1), By-law 569-2013 and Section 330-23.A.(1)
 The lot will have an area of 290.13 m².
3. **Section 10.20.40.40.(1), By-law 569-2013 and Section 330-23.A.(9)**
 The maximum permitted gross floor area/floor space index is 0.35 times the area of the lot (101.61 m²).
 The proposed dwelling will have a gross floor area/floor space index equal to 0.7 times the area of the lot (202.56 m²).
4. **Section 10.20.40.70.(3), By-law 569-2013**
 The minimum required side yard setback is 1.2 m.
 The proposed dwelling will be located 0.91 m from the west side lot line and 0.61 m from the east side lot line.
Section 330-23.A.(7)
 The minimum required side yard setback is 0.9 m.
 The proposed dwelling will be located 0.61 m from the east side lot line.

5. **Section 10.5.40.60.(7), By-law 569-2013**
The minimum required side yard setback for eaves is 0.3 m.
The eaves of the proposed dwelling will be located 0.05 m from the east side lot line.
Section 330-13.A.(2)
The minimum required side yard setback for eaves is 0.5 m.
The eaves of the proposed dwelling will be located 0.36 m from the west side lot line and 0.05 m from the east side lot line.
6. **Section 10.20.40.10.(2), By-law 569-2013**
The maximum permitted height of all front exterior main walls is 7 m.
The proposed dwelling will have a front exterior main wall height of 9.18 m.
7. **Section 10.20.40.10.(6), By-law 569-2013**
The maximum permitted height of the first floor above established grade is 1.2 m.
The proposed dwelling will have a first floor height of 2.39 m above established grade.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

The Minor Variance Application is Approved on Condition

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):

1. The applicant shall comply with the conditions imposed in the Committee of Adjustment's **Consent Decision Number B29/16EYK**.
2. Where there are no existing street trees, the owner shall provide payment in lieu of planting one street tree on the City road allowance abutting each of the sites involved in the application. The current cost of planting a tree is \$583, subject to changes.
3. The applicant shall submit an application for permit to injure or remove trees to Urban Forestry, as per City of Toronto Municipal Code Chapter 813, Article III.
4. The following conditions shall be fulfilled to the satisfaction of the Engineering and Construction Services Division:
 - 4.1 The applicant shall submit one revised site plan (scale of 1:200 or 1:250) illustrating the requirements specified in the following points to the satisfaction of Development Engineering Services and Transportation Services, at no cost to the City;
 - a. Show on the site plan that each of the proposed driveways is designed with a minimum 2% positive slope from the roadway to the garage; and,
 - b. Illustrate a minimum of 2% to 4% positive slope for the proposed section of driveways that are located within the Meaford Avenue municipal boulevard; and,

- c. The site plan must be revised to include a notation on the drawing stating: "The applicant must obtain all required permits to construct the proposed driveways from the Right-of-Way Management Section of Transportation Services (i.e. curb cut permits, etc.); and,
- d. Insert a notation on the site plan drawing stating that, "The redundant portion of the existing driveway and depressed curb that is being removed must be restored with sod and poured raised concrete curb within the Meaford Avenue municipal boulevard according to City of Toronto Design Standard Drawing No. T-600.11-1"; and,
- e. Insert a notation on the site plan drawing stating that, "The applicant shall submit a municipal road damage deposit before starting construction". The applicant is advised to contact Ms. Joanne Vecchiarelli of the Right-of-Way Management Section, at 416-338-1045, regarding municipal road damage deposit requirements.

SIGNATURE PAGE

File Number:	A338/16EYK	Zoning	RS & RD
Owner:	VINCE STALTARI	Ward:	Etobicoke-Lakeshore (06)
Agent:	VINCE STALTARI	Heritage:	Not Applicable
Property Address:	9 MEAFORD AVE – PART 1	Community:	
Legal Description:	PLAN 1581 LOT 135		

 Allan Smithies (signed)

 Dominic Gulli (signed)

 Edwin (Ted) Shepherd
(signed)

 Megan McIver (signed)

DATE DECISION MAILED ON: Friday, October 7, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, October 19, 2016

CERTIFIED TRUE COPY

Susanne Pringle
 Manager & Deputy Secretary Treasurer
 Etobicoke York Panel

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City Planning Division

Committee of Adjustment
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 T: 416-394-8060
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Thursday, September 29, 2016

NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
 (Section 45 of the Planning Act)

File Number:	A339/16EYK	Zoning:	RS & RD
Owner(s):	VINCE STALTARI	Ward:	Etobicoke-Lakeshore (06)
Agent:	VINCE STALTARI	Heritage:	Not Applicable
Property Address:	9 MEAFORD AVE – PART 2	Community:	
Legal Description:	PLAN 1581 LOT 135		

Notice was given and a Public Hearing was held on Thursday, September 29, 2016, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new detached dwelling with an integral garage.

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

1. **Section 10.20.30.20.(1)(A), By-law 569-2013 and Section 330-23.A.(2)**
 The minimum required lot frontage is 12 m.
 The lot will have a frontage of 7.62 m.
2. **Section 10.20.30.10.(1)(A), By-law 569-2013**
 The minimum required lot area is 370 m².
Section 330-23.A.(1)
 The minimum required lot area is 371 m².
Section 10.20.30.10.(1), By-law 569-2013 and Section 330-23.A.(1)
 The lot will have an area of 290.13 m².
3. **Section 10.20.40.40.(1)(A), By-law 569-2013 and Section 330-23.A.(9)**
 The maximum permitted gross floor area/floor space index is 0.35 times the area of the lot (101.61 m²).
 The proposed dwelling will have a gross floor area/floor space index equal to 0.7 times the area of the lot (202.56 m²).
4. **Section 10.20.40.70.(3)(C), By-law 569-2013**
 The minimum required side yard setback is 1.2 m.
 The proposed dwelling will be located 0.91 m from the east side lot line and 0.61 m from the west side lot line.
Section 330-23.A.(7)
 The minimum required side yard setback is 0.9 m.
 The proposed dwelling will be located 0.61 m from the west side lot line.

5. **Section 10.5.40.60.(7), By-law 569-2013**
The minimum required side yard setback for eaves is 0.3 m.
The eaves of the proposed dwelling will be located 0.05 m from the west side lot line.
Section 330-13.A.(2)
The minimum required side yard setback for eaves is 0.5 m.
The eaves of the proposed dwelling will be located 0.36 m from the east side lot line and 0.05 m from the west side lot line.
6. **Section 10.20.40.10.(2)(A)(i), By-law 569-2013**
The maximum permitted height of all front exterior main walls is 7 m.
The proposed dwelling will have a front exterior main wall height of 7.9 m.
7. **Section 10.20.40.10.(6), By-law 569-2013**
The maximum permitted height of the first floor above established grade is 1.2 m.
The proposed dwelling will have a first floor height of 2.39 m above established grade.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

The Minor Variance Application is Approved on Condition

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):

1. The applicant shall comply with the conditions imposed in the Committee of Adjustment's **Consent Decision Number B29/16EYK**.
2. Where there are no existing street trees, the owner shall provide payment in lieu of planting one street tree on the City road allowance abutting each of the sites involved in the application. The current cost of planting a tree is \$583, subject to changes.
3. The applicant shall submit an application for permit to injure or remove trees to Urban Forestry, as per City of Toronto Municipal Code Chapter 813, Article III.
4. The following conditions shall be fulfilled to the satisfaction of the Engineering and Construction Services Division:
 - 4.1 The applicant shall submit one revised site plan (scale of 1:200 or 1:250) illustrating the requirements specified in the following points to the satisfaction of Development Engineering Services and Transportation Services, at no cost to the City;
 - a. Show on the site plan that each of the proposed driveways is designed with a minimum 2% positive slope from the roadway to the garage; and,
 - b. Illustrate a minimum of 2% to 4% positive slope for the proposed section of driveways that are located within the Meaford Avenue municipal boulevard; and,

- c. The site plan must be revised to include a notation on the drawing stating: "The applicant must obtain all required permits to construct the proposed driveways from the Right-of-Way Management Section of Transportation Services (i.e. curb cut permits, etc.); and,
- d. Insert a notation on the site plan drawing stating that, "The redundant portion of the existing driveway and depressed curb that is being removed must be restored with sod and poured raised concrete curb within the Meaford Avenue municipal boulevard according to City of Toronto Design Standard Drawing No. T-600.11-1"; and,
- e. Insert a notation on the site plan drawing stating that, "The applicant shall submit a municipal road damage deposit before starting construction". The applicant is advised to contact Ms. Joanne Vecchiarelli of the Right-of-Way Management Section, at 416-338-1045, regarding municipal road damage deposit requirements.

SIGNATURE PAGE

File Number:	A339/16EYK	Zoning	RS & RD
Owner:	VINCE STALTARI	Ward:	Etobicoke-Lakeshore (06)
Agent:	VINCE STALTARI	Heritage:	Not Applicable
Property Address:	9 MEAFORD AVE – PART 2	Community:	
Legal Description:	PLAN 1581 LOT 135		

 Allan Smithies (signed)

 Dominic Gulli (signed)

 Edwin (Ted) Shepherd
(signed)

 Megan McIver (signed)

DATE DECISION MAILED ON: Friday, October 7, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, October 19, 2016

CERTIFIED TRUE COPY

Susanne Pringle
 Manager & Deputy Secretary Treasurer
 Etobicoke York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$300.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at www.omb.gov.on.ca.