

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: June 07, 2017

CASE NO(S): PL161057

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

Applicant and Appellant: W5H Group Inc.
Subject: Consent
Property Address/Description: 20 Elton Crescent
Municipality: City of Toronto
Municipal File No.: B17/16EYK
OMB Case No.: PL161057
OMB File No.: PL161057
OMB Case Name: W5H Group Inc. v. Toronto (City)

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

Applicant and Appellant: W5H Group Inc.
Subject: Minor Variance
Variance from By-law No.: Etobicoke Zoning Code
Property Address/Description: 20 Elton Crescent
Municipality: City of Toronto
Municipal File No.: A174/16EYK
OMB Case No.: PL161057
OMB File No.: PL161058

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

Applicant and Appellant: W5H Group Inc.
Subject: Minor Variance
Variance from By-law No.: Etobicoke Zoning Code
Property Address/Description: 20 Elton Crescent
Municipality: City of Toronto
Municipal File No.: A175/16EYK

OMB Case No.: PL161057
OMB File No.: PL161059

Heard: March 14, 2017 in Toronto, Ontario

APPEARANCES:

Parties

W5H Group Inc.

City of Toronto

Counsel

R. D. Cheeseman

F. Santaguida

DECISION DELIVERED BY M. A. SILLS AND ORDER OF THE BOARD

[1] This matter involved appeals by W5H Group Inc. (the “Applicant/Appellant”) resulting from the refusal of the City of Toronto (“City”) Committee of Adjustment (“COA”) to grant provisional consent and to authorize variances for the property located at 20 Elton Crescent (the “subject property/site”).

[2] The subject property is sited on the west side of Elton Crescent within the neighbourhood referred to as “Long Branch”, and currently maintains a one-storey brick dwelling with attached garage, constructed circa 1950. Elton Crescent is a short neighbourhood street that runs in a north/south direction between Arcadian Circle/Jasmine Road and Lake Promenade.

[3] The Applicant is proposing to divide the subject property in half to create two residential lots, and to construct a new two-storey detached home with an at-grade, single vehicle integral garage on each lot. The dimensions of the proposed Retained (Part 1) and Severed (Part 2) parcels are as follows:

Part 1:

Lot frontage of 7.63 meters (“m”)

Lot depth of 45 m

Lot area of 347.8 square meters (“sq m”)

Part 2:

Lot frontage of 7.62 m

Lot depth of 45 m

Lot area of 348.3 sq m

[4] The subject property is designated *Neighbourhoods* by the City of Toronto Official Plan (“OP”) and is zoned Single Detached Residential (RS) under the former City of Etobicoke Zoning Code and Residential Detached (RD) by the City’s new comprehensive Zoning By-law No. 569-2013 (the “ZBLs”).

[5] In order to facilitate the development proposal, variances to the provisions of the ZBLs as set out in Attachments 2 (Part 1) and 3 (Part 2) to this Order are also required.

[6] Three local residents, Tony Singleton, Walter Sawczak and Melanie Morris sought and were granted Participant status in this matter.

Planning Evidence - Applicant

[7] Theodore Cieciora provided contextual and land use planning evidence and opinion in support of the applications and development proposal. Mr. Cieciora is a registered professional planner and a Member of the Canadian Institute of Planners and the Ontario Professional Planners Institute.

[8] Mr. Cieciora provided the Board with considerable photographic evidence (Exhibit 1, Tab) to substantiate his description and characterization of the subject

property and the surrounding neighbourhood. The provided photographs demonstrate that this is a mature neighbourhood comprised of a wide variety of dwelling types, which are quite diverse in character and built form – there is not a single predominant built form. Instead, there is a variety of older and newer, smaller and larger dwellings, with very differing heights, rooflines, setbacks and architectural styles. There are some buildings which have been converted to multi-unit dwellings (e.g. 2A Shamrock Avenue) and 2-3 storey apartment buildings (e.g. 44 Arcadian Circle), as well as several single detached and semi-detached dwellings.

[9] The subject property is currently occupied with a single-storey detached dwelling with attached garage and has an in-ground swimming pool in the rear yard. There is a large, mature maple tree located between the back of the house and the pool. The surrounding neighbourhood in all directions from the subject site generally consists of single detached residential dwellings sited on various sized lots.

[10] Notably, the Long Branch neighbourhood is experiencing significant regeneration and is transitioning. Many of the properties have been redeveloped with more modern dwellings, typically in the 2-storey range and typically larger than what previously existed on the property. As well, there has been a fair amount of severance activity taking place in this neighbourhood; in particular, there have been several instances where an original 15.24 m wide property has been severed to create two lots in the range of 7.62 m in width.

[11] As demonstrated by the Lot Frontage Analysis (Exhibit 2) provided by Mr. Cieciora, there is a variety of lot frontages found in this neighbourhood, ranging from 7.62 m to 15.24 m to 18.2 m. and greater. By his count, within the broader neighbourhood (consisting of 656 lots) there are 91 lots (13.9 percent (“%”)) with frontages of less than 7.7 m; 28 lots (4.3%) with frontages between 7.71 and 8.99 m; 174 lots (26.5%) with frontages between 9 and 12.19 m; 41 lots (6.3%) with frontages between 12.20 and 15.19 m; 282 lots (43%) with frontages between 15.20 and 18.29 m; and 40 lots (6.1%) with frontages of greater than 18.3 m.

[12] Within the immediate (25 lot) block bound by Arcadian Circle to the north, Elton Crescent to the east, Lake Promenade to the south and 28th Street to the west, there is one lot (4%) with a frontage of less than 7.7 m; two lots (8%) with frontages between 7.71 and 8.99 m; four lots (16%) with frontages between 9 and 12.19 m; two lots (8%) with frontages between 12.20 and 15.19 m; 15 lots (60%) with frontages between 15.20 and 18.29 m; and one lot (4%) with a frontage greater than 18.3 m. In this regard, there are about 293 lots (44.7%) in the broader neighbourhood, and seven lots (28%) within the immediate block, which do not meet the ZBL standards for lot frontage. The lots proposed to be created by the current severance applications fall within these ranges.

[13] In support of the severance application, Mr. Cieciora directed the Board to the policies of the Provincial Policy Statement (“PPS”) relative to promoting efficient development and land use patterns (1.1.1(a)), and accommodating an appropriate range and mix of residential housing (1.1.1(b)). The current proposal serves to make efficient use of land and resources (1.1.3.2(a)(1)) and is consistent with PPS objectives aimed at the provision of an appropriate range and mix of housing and/or facilitating all forms of housing (1.4.3(b)(1)). It is his professional opinion that the proposal is consistent with the policies of the PPS.

[14] Similarly, the proposal is in conformity with the policy directives of the Growth Plan for the Greater Golden Horseshoe (“GP”). The GP envisions urban centres that are characterized by vibrant and more compact settlement and development patterns which provide a diversity of opportunities for living, working, and enjoying culture (s. 1.2.1). The GP is about building complete communities which are well designed, offer transportation choices, accommodate all people at all stages of their life, and have the right mix of housing (s. 2.1).

[15] To achieve this, the GP envisages increasing intensification of the existing built up area. This intensification goal means that residents living within existing neighbourhoods should expect to experience gradual development pattern changes

with more intense use of land and existing infrastructure, particularly in urban areas such as Toronto.

[16] Consistent with the provincial planning policies, the City's OP promotes diversity and richness of urban life where people of all ages and abilities can enjoy a good quality of life, and where housing choices are available for all people in their communities in all stages of their life.

[17] Mr. Cieciora pointed out that although existing residents typically want their neighbourhood to stay the same, *Neighbourhoods* cannot be expected to remain frozen in time. Although *Neighbourhoods* are considered to be physically stable, the OP not only permits development in these areas, it explicitly indicates that neighbourhoods are "stable but not static" (Chapter 2). It is evident that change is occurring in this neighbourhood, and in this case, the creation of two lots at a higher density where one currently exists at a lower density represents modest intensification.

[18] Mr. Cieciora opined that as the proposal will result in the creation of only one additional lot within a highly urban area with existing services and infrastructure, a plan of subdivision is not required in this case. Furthermore, the proposal implements provincial policy, is contemplated by the OP, and is within an area with full municipal services; adequate school sites; and, will not cause any adverse impacts on the natural environment or flooding in the area. Based on his review and analysis of the application, it is Mr. Cieciora's professional opinion that all the matters under s. 51(24) of the *Planning Act* ("Act") are satisfied.

[19] The *Neighbourhoods* policies of the OP emphasize that new development is to respect and reinforce the existing physical character of buildings, streetscapes, and open space patterns, and that it is expected to be compatible, provide a gradual transition to scale and density, and maintain adequate light and privacy (s. 2.3.11 – 2.3.1.2).

[20] It is Mr. Cieciora's opinion that the proposed variances are appropriate under the policies of the OP. The proposed detached housing form is a permitted use of the property and the current development has been designed to fit within its' planned context. Neither the neighbourhood nor the City or the Province will be adversely impacted by the proposed development.

[21] The proposal is for single detached dwellings in an area containing a variety of dwelling types, including single detached dwellings on 7.6 m lots. The variances being sought are consistent with other variances which have been approved in this neighbourhood and the development proposal is generally in keeping with the way the neighbourhood is changing. In essence, the overall development proposal contributes positively to a long term stable evolution of an older area of the City that is in need of regeneration and investment, and is representative of good planning.

[22] The intent of the provisions of the ZBLs is to encourage compatible built form within the zone and surrounding properties, and is meant to prevent different or nuisance uses of properties. The proposed variances are largely in line with existing regulations in purpose and spirit, and even though they don't strictly meet the minimum/maximum requirements of the ZBLs, the proposed new dwellings will be of a similar type, scale and massing as many other homes in the Long Branch neighbourhood. In particular, there is a wide variety of lot sizes spread throughout the broader neighbourhood and along the street, and numerous examples of 7.6 m (frontage) lots in the area. Notably, there are no variances required for building height, and/or front and rear yards setbacks.

[23] The proposed reduced 0.61 m side yard setbacks (Variances 4), which relate to the interior side yard setbacks between the proposed new buildings, are fully suitable for access and maintenance purposes.

[24] Mr. Cieciora pointed out that the permitted floor space index ("FSI") of 0.35 times the lot area is low for an urban context. In fact, a maximum FSI of 0.35 times would

almost be sure to limit a detached home to a single-storey height. Given that a two-storey building with a maximum height of 9.5 m is permitted by the zoning, it is inconceivably that it was the intent of the ZBLs to impose such a limitation.

[25] The variances for building length (Variances 5) require permissions for a mere 0.98 m more than what is permitted under the zoning. Given the 45 m lot depth of the properties, there is adequate depth to accommodate the slightly longer dwellings.

[26] Similarly, the variances for height of the exterior side walls (Variances 6) exceed the zoning permissions by only 0.98 m; there are no variances required for overall height. It would be difficult for anyone to even notice the additional height of these walls.

[27] The variances related to the amount of first floor in proximity to the front wall (Variances 7) results from an attempt to reduce the appearance of height and to bring a first floor room close to the front of the building. There are no variances required for the height of the first floor above average grade.

[28] The variances involving the encroachment of a platform (Variances 8) into the front yard relate to the required 1.2 m side yard setback provision. While the proposed platforms do not encroach into the front yard as much as they are permitted to, they do not maintain the required 1.2 m side yard setbacks. The proposed porches are appropriate and common features at the front of dwellings. In order to meet the required 1.2 m setback, the porches would have to be jogged into the dwelling exterior wall, effectively creating an awkward front elevation and access to the front door of the dwellings.

[29] The purpose of the parking space width requirement of the ZBLs is to ensure that a vehicle can be parked within an integral garage. The relief being sought (Variances 9) amounts to 0.05 m and is negligible, from both a perception and a functional aspect. In any event, a vehicle can still be parked within the garage and fully utilized as if it were the required 5 centimeters wider.

[30] The variances involving the eaves setback (Variances 10) relate to the setback of the interior eaves between the proposed new homes. In this case, there will still be two feet between the eaves which will allow adequate space for access and maintenance.

[31] Based on his analysis, Mr. Cieciora concludes that the proposed variances, both individually and cumulatively, maintain the general intent and purpose of the ZBLs. There will be little to no impact on the adjacent dwellings other than what might be experienced if the land was developed in accordance with the as-of-right zoning. The proposal will not create a noticeable difference in regard to shadowing, overlook, and privacy, or otherwise impact adjacent dwellings.

[32] Overall, the proposed redevelopment of the subject site will actually improve the existing condition. The proposal serves to implement the Province's and the City's desire for intensification in existing built up areas. A two-storey building is a permitted use of the property and the proposed 2,200 sq ft dwellings are modest in size and consistent with the redevelopment that is occurring in this very desirable and pleasant neighbourhood. It is evident that the neighbourhood is changing and it is reasonable to believe that other properties in the area may redevelop in a similar fashion in the near to mid-term future.

[33] It is Mr. Cieciora's professional opinion that the proposed severance application meets the criteria specified under s. 51(24), and all the variances meet the four tests set out in s. 45(1) of the *Act*.

Planning Evidence - City

[34] Assistant City Planner, Derek Brunelle, testified in opposition to the applications on behalf of the City. He is a Candidate Member of the Canadian Institute of Planners and the Ontario Professional Planners Institute.

[35] Mr. Brunelle takes the position that the proposal to create two lots, with frontages of 7.63 m and 7.62 m, would result in lots that are not in keeping with the other lots in

the immediate area. As well, the dwellings proposed to be developed on the newly created lots have an overall scale and massing that is not in keeping with the general character of the neighbourhood. In his opinion, there are both quantitative and qualitative issues with the proposed developments and the way in which they impact neighbourhood character.

[36] The Board notes that the Study Area boundaries adopted by Mr. Brunelle for the purpose of his analysis are identical to those established by Mr. Cieciora, albeit, his calculations vary slightly in regard to total number of lots and frontages counts. With the exception of the lot count (Brunelle - 654 / Cieciora - 656) it is expected that these variations result from the slight differences in the lot frontage categories utilized by the two planners. For instance, and in particular, Mr. Brunelle's lot study indicates there are 132 lots (20.2%) with frontages of 9 to 11.99 m and 82 lots (12.5%) with frontages between 12.2 and 15.19 m, while Mr. Cieciora's lot study indicates there are 174 lots (26.5%) with frontages between 9 and 12.19 m and 41 lots (6.3%) with frontages between 12.20 and 15.19 m.

[37] Mr. Brunelle maintains that most of the lots in the Study Area (85%) have frontages greater than what is being proposed, and 61% have frontages of greater than 12 m. While he acknowledges there are a "few" undersized lots which form part of the existing neighbourhood, it is his opinion that they are not reflective of the neighbourhood character. In his opinion, the intention of the ZBLs is to ensure that what is there, that is the 61% majority of 12 m lots, remains. The lots proposed to be created by the severance application would not be in keeping with the existing lot fabric, and the proposal would not fit into the existing neighbourhood context. Rather, it would represent a significant departure from the way things currently are, and from what the OP and ZBLs prescribe.

[38] Mr. Brunelle concedes that this neighbourhood has experienced reinvestment in the form of both additions/renovations and the construction of newer homes, but the prevailing neighbourhood character is that of modest dwellings on large lots which

provide for generous landscaping and spatial separation between dwellings. Furthermore, the special character of this area has been recognized by City Council, as evidenced by the undertaking of an urban design guideline study to preserve the established character of this neighbourhood. While Mr. Brunelle recognizes that the guidelines are not in force, it is his view that their very existence demonstrates that City Council believes the established character of the neighbourhood is prominent enough to warrant the introduction of guidelines to inform any future changes.

[39] In this case, the proposed lots vary “quite significantly” from the predominant form and rhythm in this neighbourhood, and the approval of these two dwellings on undersized lots would not be consistent with, nor would it respect and reinforce, the established character of the neighbourhood.

[40] In regard to the intensification directives set out in the GP, Mr. Brunelle emphasized that there are areas that are meant to experience significant change and those which are intended to remain stable. The City’s OP has identified the *Downtown*, the *Centres*, and the *Avenues* as areas targeted for intensification; *Neighbourhoods* have not been identified as areas where significant growth is to be expected. In any event, the City has already reached 79% of its housing supply goal to the year 2041.

[41] Furthermore, given that both the PPS and the GP direct municipalities to implement the Provincial policies through their OPs, the focus of the current applications should be on the policies found within the City’s OP. A cornerstone policy of the OP is to ensure that new development in *Neighbourhoods* respects the existing character of the area, thereby, reinforcing the stability of the neighbourhood. Physical changes to established *Neighbourhoods* must be sensitive, gradual and generally “fit” the existing physical character (Chapter 4).

[42] The predominant neighbourhood character in this case is defined as one and two storey homes on 12 m lots with generous landscaped open space. Given that only 15% of the 654 lots in the Study Area have the same frontage or less than what is proposed

(7.7 m), it is his opinion that the two proposed lots would not respect and reinforce the physical character of the neighbourhood in regard to the size and configuration of lots. In his opinion, the new lots would stand out as being “significantly different” from the prevailing form. He also pointed out that there has never been a severance of an Elton Crescent property.

[43] As well, the proposed dwellings on undersized lots would not fit harmoniously into the existing context and would not provide for landscaping and open space that is consistent with the neighbourhood. The new buildings would not frame the adjacent streets in a way that respects the existing street proportions, and would appear to be out of character and out of place.

[44] Mr. Brunelle explained that side yard setbacks help to inform the rhythm of the street and are key components of the neighbourhood character as they are the spaces in-between developments. The proposed homes would not respect the places in between, and would create an incompatible massing that does not fit harmoniously into the existing context. The lot frontage requirement allows the massing of a building to be spread out across a property. In this case the variances to reduce the lot frontages and areas would result in development that is not in keeping with the lot fabric of the area, and therefore, cannot be considered to be a minor departure from the established requirements.

[45] Based on his analysis, it is Mr. Brunelle’s concluding opinion that the proposal does not respect or reinforce the character of the existing block, street or surrounding neighbourhood. The proposal does not comply with sections 51(24)(c) and (f) of the *Act*, the policies of the OP, and the intent of the ZBLs. The variances for lot frontage and lot area fail the four tests under s. 45(1) of the *Act*, and the proposal does not represent good planning.

Concerns of the Participants

[46] Mr. and Mrs. Singleton are the owners of the property located at 24 Elton Crescent. It is their view that the proposed homes will result in undue adverse impact in regard to privacy, light, shadowing and views, and do not belong in the historic lakefront community of Long Branch. They also have concerns about the fate of an extremely old maple tree in the backyard of the current property, overview from the second-storey windows of the proposed homes, and the setting of precedence.

[47] Ms. Morris resides at 22 Elton Crescent. She too is concerned about the impact of the proposal on her property, including the loss of sunlight and privacy, and the effects of the loss of the large backyard tree on the local water table. She indicated that neighbouring properties have already experienced standing water in their backyards following heavy rain storms, and she is concerned that the expanded foundations of the proposed homes will further displace the water table. As well, the large proportion of hard surfaces on these lots will burden the aging storm water system which is already overwhelmed. She also is concerned that the reduced separation distances between the proposed homes, and the proximity of these homes to neighbouring homes, will compromise the ability of fire responders to pass through.

[48] Mr. Sawczak and his wife are the owners of the property located at 15 Arcadian Circle. Their property, which is occupied with a bungalow, is located directly west of (behind) the subject property. Mr. Sawczak told the Board that they currently enjoy great light, reasonable privacy and green space, which he said were key attributes which lead to their decision to buy and live in Long Branch.

[49] Mr. Sawczak is concerned that the proposal to replace the existing house with two larger homes will compromise the privacy they have enjoyed for 27 years, result in reduced green space, will cause water pooling/flooding on adjacent properties, and will shorten the life of the backyard maple tree.

ANALYSIS AND FINDINGS

[50] The Board has carefully considered the concerns of the Participants and the evidence of the planners. In this case, it is the planning rationale and policy analysis of Mr. Cieciora that the Board finds to be more comprehensive, compelling and objective. By contrast, the policy analysis provided by Mr. Brunelle was of a narrow focus and lacked objectivity.

[51] In sum, the Board is satisfied that overall, the proposal is consistent with the key objectives of the PPS and conforms to the directives of the GP and the policies of the OP. The Board has been satisfied that a plan of subdivision is not necessary for the orderly development of the lots (s. 53 (1)), and the proposed severance meets the relevant criteria established in s. 51(24) of the *Act*. The proposal has appropriate regard for matters of Provincial interest, and the public interest has been appropriately regarded and is sufficiently protected.

[52] The proposed lot configurations, frontages, and lot areas fit within the range of other properties in the Long Branch Neighbourhood, and are consistent with numerous other severance and zoning approvals granted by the City and the Ontario Municipal Board in recent years for properties in this area. The Board has been satisfied that the current applications will not in any way change, diminish, or adversely affect the prevailing character or compromise the stability of the established Long Branch neighbourhood.

[53] Similarly, the Board is satisfied that the requested variances meet the criteria set out in s. 45(1) of the *Act*. The general intent and purpose of the OP and the ZBLs is being maintained, and the proposal is consistent with the principles of good land use planning. The proposal represents an appropriate and desirable use of the property, is sensitive to the built form and pattern of development in the immediate area and beyond, and is compatible with the neighbourhood as a whole. The variances will

facilitate the development proposal and are appropriate and minor in terms of magnitude and impact.

[54] It is well established that the Long Branch community is a desirable, stable neighbourhood which has been experiencing significant re-development in the form of severance and zoning activity. Equally evident, is the consternation that this transitioning has caused for some of the residents of this area; the Board does not dismiss their concerns and/or their objections lightly.

[55] In this case, the proposal involves the creation of two lots from a single lot having frontages of 7.62 m and 7.63 m, each of which will be developed with a detached, two-storey home. The photographic evidence provided by both planners clearly demonstrates that this neighbourhood is comprised of various sized lots occupied by older and newer homes, of differing types, constructed to varying heights and featuring a host of architectural forms and design elements.

[56] Mr. Brunelle's evidence and opinion in opposition to the application was largely premised on the matter of neighbourhood "character". While the Board can appreciate that there are differences of opinion with respect to what constitutes a desirable built form, there is no evidence that the diversity of the homes in this area, and in particular the more recent builds, have in any way destabilized or otherwise diminished the character of this neighbourhood. The same is true in regard to lot size and frontages of these properties. In fact, if the character of this neighbourhood is to be accurately defined, it must be said to be heterogeneous. In short, the Board does not accept Mr. Brunelle's planning rationale insofar as the matter of neighbourhood character is relied upon.

[57] The Board also took note of Mr. Brunelle's position with respect to intensification, whereas he pointed out, firstly, that the City's *Neighbourhoods* are not targeted for intensification, and secondly, that the City is well ahead of schedule, having already reached 79% of its housing supply goal to the year 2041. Notwithstanding the revised

population and/or housing targets that have been established by the new GP (2017), the Board does not agree that intensification is to be limited only to those areas which have been designated for growth, or otherwise, that appropriate intensification cannot occur within *Neighbourhoods*. In respect of this issue, the Board is of the view that Mr. Brunelle's position does not recognize the current housing market situation in the City, nor does it align with the principles of good land use planning.

[58] The Board has given careful consideration to the issues raised in the letters submitted by local residents and the concerns expressed by the Participants at the hearing, and although I respect their views about the neighbourhood and can appreciate their apprehensions, the Board was not provided with any technical evidence to support these concerns. Specifically, in regard to the building variances it has not been demonstrated by the evidence that the relief required will result in a greater degree of impact than what could be expected to occur with the as-of-right construction. For example, while there was concern expressed about shadowing and the loss of privacy/overview, the proposed homes are being constructed to a permitted height and the exterior side yards meet the standards of the ZBLs. The Board cannot determine an application on the basis apprehension and/or conjecture.

[59] In regard to the concerns about water pooling/flooding and infrastructure capacity, the City's Engineering Department has advised that it "does not have any objection to the proposed severance and associated minor variance applications" subject to the fulfillment of certain conditions. The matter of the maple tree is within the jurisdiction of the City's Tree Protection and Urban Forestry Department, and is subject to Conditions 2 and 3 of Consent Approval.

ORDER

[60] The Board orders that the appeals are allowed, and Provisional Consent is to be given subject to the conditions set out in Attachment 1 to this Order.

[61] The variances to the Etobicoke Zoning Code set out in Attachment 2 to this Order are authorized; and further,

[62] The variances to Zoning By-law No. 569-2013 set out in Attachment 3 to this Order are authorized, contingent upon that by-law coming into force and effect in the manner in which it was adopted as it applies to the subject property.

"M. A. Sills"

M. A. SILLS
MEMBER

If there is an attachment referred to in this document,
please visit www.elfto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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

ATTACHMENT 1

Conditions of Approval – 20 Elton Crescent, Toronto – Parts 1 & 2

Development Engineering, Etobicoke York District

1. The applicant shall submit one revised site plan (scale of 1:200 or 1:250) illustrating the requirements specified in points 1a) through 1b), to the satisfaction of Transportation Services, at no cost to the City;
 - a) Clearly show on the site plan, the closure of the redundant driveway for the existing dwelling, which is proposed to be demolished to make way for the proposed new dwellings, including restoration of the raised curb and gutter to City standard T600.05-1 and replacement of the redundant portion of the existing driveway with sod;
 - b) Place a note on the site plan stating, “The applicant must obtain the necessary authorizations and permits from the City's Right-Of-Way management unit before excavating within or encroaching into the municipal road allowance. The applicant must submit the applicable Municipal Road Damage Deposit, in accordance with Chapter 743-4 of the Toronto Municipal Code, prior to obtaining a building permit.”

Tree Protection and Plan Review – West District, Urban Forestry – Parks, Forestry & Recreation

2. The applicant shall submit a complete application for permit to injure or destroy privately owned trees to Urban Forestry, as per City of Toronto Municipal Code Chapter 813, Article III.
3. 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.

ATTACHMENT 2

Property Address: 20 ELTON CRES – PART 1

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

1. 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)(A), By-law 569-2013 and Section 330-23.A.(1)

The new lot area will be 347.5 m².

2. 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 new lot frontage will be 7.6 m.

3. Section 10.20.40.40.(1)(A), By-law 569-2013 and Section 330-23.A.(9)

The maximum permitted floor space index is 0.35 times the area of the lot (121.6 m²).

The new dwelling will have a floor space index of 0.59 times the area of the lot (205.62 m²).

4. Section 10.20.40.70.(3)(C), By-law 569-2013

The minimum required side yard setback is 1.2 m.

Section 330-23.A.(7)

The minimum required side yard setback is 0.9 m.

Section 10.20.40.70.(3)(C), By-law 569-2013 and Section 330-23.A.(7)

The new dwelling will be located 0.61 m from the south side lot line.

5. Section 10.20.40.20.(1), By-law 569-2013

The maximum permitted building length is 17 m. The new dwelling will have a length of 17.98 m.

6. Section 10.20.40.10.(2)(B)(ii), By-law 569-2013

The maximum permitted height of all side exterior main walls facing a side lot line not abutting a street is 7 m.

The new dwelling will have a side exterior main wall height of 7.98 m facing a side lot line not abutting a street.

7. Section 10.5.40.10.(5), By-law 569-2013

A minimum of 10 m² of the first floor must be within 4 m of the front main wall. A total of 2.6 m² of the first floor will be located within 4 m of the front main wall.

8. Section 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.

The proposed platform will encroach 0.87 m into the required front yard setback and will be located 0.6 m closer to the south side lot line than the required setback.

9. Section 200.5.1.10.(2)(A)(ii) & (iv), By-law 569-2013 and Section 330-9A(1)(c)

The minimum required width of a parking space is 3.2 m.

The proposed parking space, within the proposed attached garage, will have a width of 3.15 m.

10. Section 330-13.A.(2)

The minimum required side yard setback for eaves is 0.5 m.

The eaves of the new dwelling will be located 0.3 m from the south side lot line.

ATTACHMENT 3

Property Address: 20 ELTON CRES - PART 2

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

1. 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)(A), By-law 569-2013 and Section 330-23.A.(1)

The new lot area will be 348.4 m².

2. 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 new lot frontage will be 7.6 m.

3. Section 10.20.40.40.(1)(A), By-law 569-2013 and Section 330-23.A.(9)

The maximum permitted floor space index is 0.35 times the area of the lot (121.9 m²).

The new dwelling will have a floor space index of 0.59 times the area of the lot (205.68 m²)

4. Section 10.20.40.70.(3)(C), By-law 569-2013

The minimum required side yard setback is 1.2 m.

Section 330-23.A.(7)

The minimum required side yard setback is 0.9 m.

Section 10.20.40.70.(3)(C), By-law 569-2013 and Section 330-23.A.(7)

The new dwelling will be located 0.61 m from the north side lot line.

5. Section 10.20.40.20.(1), By-law 569-2013

The maximum permitted building length is 17 m. The new dwelling will have a length of 17.98 m.

6. Section 10.20.40.10.(2)(B)(ii), By-law 569-2013

The maximum permitted height of all side exterior main walls facing a side lot line not abutting a street is 7 m.

The new dwelling will have a side exterior main wall height of 7.98 m facing a side lot line not abutting a street.

7. Section 10.5.40.10.(5), By-law 569-2013

A minimum of 10 m² of the first floor must be within 4 m of the front main wall.

A total of 2.58 m² of the first floor will be located within 4 m of the front main wall.

8. Section 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 (2.5m) if it is no closer to a side lot line than the required side yard setback.

The proposed platform will encroach 1.4 m into the required front yard setback and will be located 0.6 m closer to the north side lot line than the required setback.

9. Section 200.5.1.10.(2)(A)(ii) & (iv), By-law 569-2013 and Section 330-9A(1)(c)

The minimum required width of a parking space is 3.2 m.

The proposed parking space, within the proposed attached garage, will have a width of 3.15 m.

10. Section 330-13.A.(2)

The minimum required side yard setback for eaves is 0.5 m.

The eaves of the new dwelling will be located 0.3 m from the north side lot line.