

**Subject:** Long Branch Conservation - Update March 2019  
**Date:** Thursday, March 7, 2019 at 11:05:04 AM Eastern Standard Time  
**From:** David Godley  
**To:** mayor\_tory@toronto.ca  
**Attachments:** 3036urbandes 001.jpg

## **Greetings from Polar Vortexed Long Branch**

Here is a list of applications active in Long Branch:

### **A) DIVISIONAL COURT**

9 38th Street. The Divisional Court judge decided on January 31st 2019 that there was enough evidence for one of several items to go to a full hearing - procedural fairness. The issue was how a Request for a Review should be answered after a TLAB decision was overruled. A hearing is expected within months.

11 Stanley was to go before a judge on February 19 about a leave to appeal to the Divisional Court on the legal points of a decision which refused the applications. However further discussions are taking place.

15 Stanley has been the subject of a Review Request and leave to Appeal to the Divisional Court. The resident who appealed both 11 and 15 and acted independently winning both decisions at TLAB has requested that TLAB change their rules not to allow both actions to be done simultaneously. Charlotte Sheasby Coleman's proposal was well received by TLAB at a business meeting. A classic strategy in legal matters where it is a well resourced party against a not so well resourced party (ie personal finance) is to wear down the opposition.

### **B) TLAB**

**A) January 7<sup>th</sup> and 8<sup>th</sup> 2019 (extended hearing) 80 39th Soldier houses 0.35 to 0.62 density, For TLAB Makuch, for Proposal Kanter/Romano. Hearing extended to May 13, Day 7 not decided.**

**B) January 9, 78 Foch Ave (Alderwood). Semi Soldiers 0.4 to 0.67. Planning Recommended Refusal, refused by COA and appealed by owner. Approved by Stanley Makuch.**

**C) January 10, 80 23rd St Soldier houses (variances only) 0.35 to 0.60. Approved by COA. Appeal by City. For Proposal Cheeseman/Cieciura. Day 2 May 28, Day 3 June 13**

**D) January 22, 27 39<sup>th</sup>, 2 storey houses (revised from soldiers) 0.35 to 0.60. For Proposal Stewart/Romano. Hearing extended to July 23, 24, 25**

**E) January 15<sup>th</sup> and 17<sup>th</sup> 2019, (extended hearing) 10 Lake Promenade. Soldier Houses 0.35 to 0.59. For TLAB Makuch. For Proposal Cheeseman/Cieciura. Hearing extended again April 26, 29 and May 7**

**F) February 20<sup>th</sup> and 21<sup>st</sup>, 158 Alderbrae (Alderwood) Soldier houses 0.4 to 0.71 Planning Recommended Refusal, approved by COA and appealed by City. Decision pending**

**G) February 26<sup>th</sup> and 27<sup>th</sup> 2019 (extended hearing), 11 Shamrock. Soldier houses 0.35 to 0.69 For Proposal Artenosi/Romano. Day 3 scheduled for July 11**

**H) March 21, 25 and April 1 2019 (extended hearing) 38 31st Soldier houses 0.35 to 0.66. For Proposal Guglietti/not known**

**I) April 17<sup>th</sup> and 18<sup>th</sup>, 99 27th St Soldier houses 0.35 to 0.94. For TLAB Yao, For Proposal Mazierski/ not known. Plans being revised to lower density.**

**J) May 27<sup>th</sup> and 30<sup>th</sup>, (extended hearing) 70 36th Soldier houses 0.35 to 0.67 TLAB Ted Yao**

**K) 65 40<sup>th</sup>, (2) 2 storey houses 0.35 to 0.79 . Approved by COA and appealed by City**

**L) 77 35<sup>th</sup>, 2 storey semis 0.60 to 0.61 and 0.7. Approved by COA and appealed by City**

**M) 74 38<sup>th</sup>, soldier house and 2 storey house 0.58, 0.59 Approved by COA and appealed by City**

## **C) OMB Hearings**

**30 38th Street, Soldier Houses. Awaiting Decision**

## **D) COA Files**

**January 24<sup>th</sup> 2019**

**90 Ash, Soldier houses 0.35 to 1.04. Deferred by applicant. No hearing scheduled.**

**29 Lake Promenade, Raising illegally built flat roof by 0.5 m. Deferred. No hearing scheduled**

## **February 21 COA**

**198 Lake Promenade, New House, 0.35 to 0.87. Deferred. No hearing scheduled**

## **March 7 COA**

**6B Shamrock, proposed deck refused by OMB as condition of severance and variance approvals**

**397 Lake Promenade, proposed second floor deck 4 sqm to 31 sqm.**

## **March 28 COA**

**52 Arcadian Circle, 3rd storey addition 0.35 to 0.46**

## **April 11 COA**

**6 Fairfield, Severance and 2 new 2 storey houses 0.35 to 0.69**

**April 25 COA, Nothing yet scheduled.**

## **E) New Applications**

**30 36th St. Lot split approved by OMB but variances for double density refused. Proposed density 0.35 to 0.60. COA April 11. This application is subject to the**

recently approved OPA 320 (see appendix below and attached)

11 36<sup>th</sup>, Severance and variances. Soldier houses 0.35 to 0.59. April 11 hearing annulled and applicant intends to withdraw application.

## **F) Other Applications**

**36 Ash, Soldier Houses 0.35 to 0.71 Deferred**

**31 Elton 0.35 to 0.52. 2 storey rear addition. Deferred**

**11 Garden Place, Soldier Houses 0.35 to 0.71. Deferred**

**46 Park Blvd. Legalising triplex with addition and affecting two healthy trees. Planning recommends refusal.**

*If you wish to look at all the material online go to "Development Applications Toronto" then check "Committee of Adjustment" "Ward 3" "Search" and follow the cues. However the number of applications in Ward 3 has outstripped the capacity of the Applications Information Website and you cannot view the whole list of applications together.*

*Previous "Updates" can be found on [preservedstories.com](http://preservedstories.com) a major blog site run by Jaan Pill, formerly of Villa Road.*

*Submissions on applications need to be in to COA by 3pm on the Thursday before the COA meeting for inclusion in the package that is given to COA members. Submissions before 10am on the day of the hearing will be considered. E&EO. Please feel free to correct, add to or forward information.*

David Godley, Local Knowledge Expert as designated by TLAB!

### **APPENDIX 30 36th Street Variances**

Dear Joe,

I note that you have put in two minor variance applications following denial of the proposed soldier houses. It is good to see these are 2 storey proposals. However they do not appear to fit into the legal and planning framework.

This framework is supposed to be the starting point for design. The proposals are subject to the recently revised Official Plan policies (see attached) and the City adopted Long Branch Character Guidelines (see online and the key

context shown in an analysis for 65 40th Street). This analysis is need before proposals can be reviewed that the application is complete.

Criteria for proposals read (in Section 4.1.5 of the Official Plan) that they must reflect and reinforce existing character both on a broad basis, the block and nearby properties.

**c. prevailing massing, scale and density of nearby dwellings**

**e. prevailing location of garages**

**h. prevailing patterns of rear yard setbacks**

**Prevailing is defined as the most frequently occurring.**

These 3 matters do not in any shape or form conform to the general intent of the OP at any of the 3 levels of review and.

FSI of 0.35 to 0.60 is obviously not minor in size as required by the Courts (see attached). It also does not reflect the general intent of the zoning bylaw.

I note no analysis has been done or material submitted addressing policy which should be required prior to a complete application being accepted and a date set for a hearing. Other wise the public are cut out of the process which is contrary to Court decisions and the Planning Act, not to mention the Official Plan.

Thank you for contrasting the two houses. Can you say how the front facade reflects the neighbourhood. Have you picked up any architectural features from the block or nearby properties.

Another matter of concern stems from the Guidelines which calls for minimising driveway impact. Can the driveways be merged crossing the sidewalk.

It is suggested that you eliminate the integral garages and apply for parking pads and reduce the density so that the rear of the house lines up with the rear of the adjacent houses.

This was done in a previous application and approved and allows for an exrta 400 feet of living space that would otherwise be be used for stroage.

Having the benefit of undersized lots should mean that the boundaries are not pushed, a tenet repeatedly stated by a Chair of the Committee of Adjustment in Toronto/York.

Hopefully there can be some meeting of the minds so that an expensive TLAB hearing, usually taking at least 3 days now, can be avoided.

Please feel free to contact me.

Yours truly, David Godley (Designated Local Expert by TLAB)

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