

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: August 29, 2017

CASE NO(S): PL170337

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

Appellant:	Yousuf Alam
Applicant:	James Richard Camelford
Subject:	Minor Variance
Variance from By-law No.:	438-86
Property Address/Description:	118 Beechwood Ave
Municipality:	City of Toronto
Municipal File No.:	A1041/16NY
OMB Case No.:	PL170337
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OMB Case Name:	Alam v. Toronto (City)

Heard: August 14, 2017, Toronto, ON

APPEARANCES:

<u>Parties</u>	<u>Counsel*/Representative</u>
Yousuf Alam	Self-represented
Jim and Jennifer Camelford	Johanna Shapira*

**MEMORANDUM OF ORAL DECISION DELIVERED BY SHARYN VINCENT ON
AUGUST 14, 2017 AND ORDER OF THE BOARD**

INTRODUCTION

[1] Yousuf Alam, the owner of 191 York Mills Road, and neighbour to the north of the subject lands, appealed the decision of the City of Toronto Committee of Adjustment which granted variances to permit the construction of a two-storey and one-storey addition to an existing detached side split located at 118 Beechwood Avenue.

[2] A total of nine variances were granted, only three of which concerning maximum building length and depth were the basis of the appeal. The other variances to a large extent permit the maintenance of existing front yard and side yard setbacks, allow lot coverage of 35.4% whereas the zoning restricts the maximum to 35%, and permit a canopy projection into a side yard to provide weather protection over a side entrance. The area of the canopy equates to the coverage exceedance.

[3] The proposed additions result in a building length of 23.08 metres, and a building depth of 23.26 metres, which include the proposed covered porch located across approximately 60% of the width of the rear of the dwelling. The actual depth of the dwelling to the most northerly limit of the one-storey 'pop out' of the kitchen is 19 metres and will generally align with the rear wall location of the renovated or replacement housing located in the block to the east of the subject property.

[4] The canopy and porch will be located 15.24 metres from Mr. Alam's lot line and will not in any way encroach into the minimum required rear yard for this 44.2 metre deep lot. The minimum setback is 25% of lot depth, or 11.05 metres.

[5] The rear yard of 118 Beechwood has been developed with an in ground pool which will be removed with the proposed renovation, and the yard will be restored to a more passive amenity area. The three existing coniferous trees along the property line shared with Mr. Alam will be preserved and three additional deciduous trees will be planted to generally complement and enhance the buffering currently afforded but comparatively lacking in the northwest corner of the site.

[6] The Board heard the un-contradicted evidence of Michael Bissett who was qualified to give expert opinion evidence on matters of land use planning.

[7] Upon hearing Board's clarification of the proposed building length and depth variances, and that there would be no encroachment into the generous rear yard setback, Mr. Alam conceded that the proposed addition would not be as imposing when experienced from his rear windows or rear yard as he had interpreted from the notice of hearing. Mr. Alam stated that had this clarification been given at the Committee hearing, he likely would not have appealed.

[8] Mr. Bissett demonstrated that the variances individually and cumulatively met the four tests under the *Planning Act* by maintaining the intent and purpose of the Official Plan and zoning by-laws, and would result in appropriate development, consistent with and in conformity with the Provincial Planning Statement and the Growth Plan respectively.

[9] The proposed enlarged residence is compatible with and complementary to the rejuvenation occurring elsewhere in the block, and the resulting foot print generally conforms with the rear wall and rear yard patterns characteristic of the properties to the east in particular which have been similarly enlarged.

[10] The Board therefore finds that the proposal will result in an appropriate development for the property and the variances are either technical in nature or minor in that there will be no adverse impact arising from undue overlook or loss of privacy affecting the use and enjoyment of adjacent properties.

ORDER

[11] The Board dismisses the appeal and authorizes the variances in accordance with Attachment 1, appended to and forming part of this decision.

"Sharyn Vincent"

SHARYN VINCENT
MEMBER

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

Ontario Municipal Board

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ATTACHMENT 1

PL170337

Minor Variances:

1. Chapter 10.20.30.40.(1), Zoning By-law No. 569-2013

The maximum permitted lot coverage is 35% of the lot area.

The proposed lot coverage is 35.4% percent of the lot area including the covered/excavated rear porch.

2. Chapter 10.20.40.20, Zoning By-law No. 569-2013

The maximum permitted building length is 17m.

The proposed building length is 23.08m including the rear excavated and covered porch.

3. Chapter 10.20.40.30.(1), Zoning By-law No. 569-2013

The permitted maximum building depth for a detached house is 19.0m.

The proposed building depth is 23.26m.

4. Chapter 10.20.40.70.(3), Zoning By-law No. 569-2013

The minimum required east side yard setback is 1.8m.

The existing and proposed east side yard setback is 1.2m.

5. Section 12.4(a), Zoning By-law No. 7625

The minimum required front yard setback is 6.5m.

The proposed front yard setback is 5.91m.

6. Section 12.6, Zoning By-law No. 7625

The maximum permitted lot coverage is 35% of the lot area.

The proposed lot coverage is 35.4% of the lot area including the rear excavated and covered porch.

7. Section 12.4(b), Zoning By-law No. 7625

The minimum required east side yard setback is 1.8m.

The existing and proposed east side yard setback is 1.2m.

8. Section 12.5A, Zoning By-law No. 7625

The maximum permitted building length is 16.8m.

The proposed building length is 23.08m including the excavated covered rear porch.

9. Section 6(9)(j), Zoning By-law No. 7625

Canopies 2.3m² or less in area shall be permitted to project into one minimum side yard setback not more than 1.6m, but no closer than 0.6m from any side lot line.

The proposed side canopy exceeds 2.3m² in area and is located 0.3m from the west lot line.