

# DECISION AND ORDER

**Decision Issue Date** Thursday, July 12, 2018

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

Appellant(s): KIMBERLY FAWCETT SMITH

Applicant: SUSTAINABLE TO

Property Address/Description: 7 BROOKLAWN AVE

Committee of Adjustment Case File Number: 17 233310 ESC 36 MV

TLAB Case File Number: **17 279307 S45 36 TLAB**

**Hearing date:** Thursday, May 17, 2018

**DECISION DELIVERED BY L. McPherson**

## APPEARANCES

Name	Role	Representative
Sustainable TO	Applicant	
Curtis James Smith	Owner	
Kimberly Fawcett Smith	Appellant	Denitza Koev
Martin Rendl	Expert Witness	
Doug Colby	Party	
Wendy Hooker	Party	
Denise Hodgson	Party	
Patrick Henry	Party	

<b>Name</b>	<b>Role</b>	<b>Representative</b>
Alan Burt	Party	

## **INTRODUCTION**

This is an appeal to the Toronto Local Appeal Body (TLAB) by the Applicant of the decision of the Committee of Adjustment (Committee) for the City of Toronto (City) to refuse minor variances to construct a one-storey rear addition, a covered rear deck, a front garage addition, and a covered front porch at 7 Brooklawn Ave (subject site). The proposed alterations are for accessibility purposes. The subject site is located south of Kingston Road and east of Brimley Road South. It is zoned Single Family Residential (S) under the Cliffcrest Community Zoning (By-law No. 9396), as amended and Residential Detached (RD) under the City of Toronto Zoning (By-law No. 569-2013), as amended.

## **BACKGROUND**

On November 8, 2017, the Committee refused the following variances:

By-law No. 569-2013

1. The proposed lot coverage is 49.4%  
Whereas the maximum permitted lot coverage is 33%
2. The proposed building length is 21.6 m, measured from the front wall to the rear wall  
Whereas the maximum permitted building length is 17 m
3. The proposed floor area is 278.1 m<sup>2</sup> or 0.62 times the lot area  
Whereas the maximum permitted floor area is 224.6 m<sup>2</sup> or 0.5 times the lot area
4. The proposed front yard setback is 4.9 m  
Whereas the minimum required front yard setback is 7.5 m
5. The proposed rear yard setback is 7.01 m  
Whereas the minimum required rear yard setback is 8.3 m
6. The proposed front porch projection into the front yard setback is 4.3 m  
Whereas the maximum permitted projection into the front yard setback is 2.5 m
7. The proposed rear deck projection into the rear yard setback is 4.5 m  
Whereas the maximum permitted projection into the rear yard setback is 2.5 m

By-law No. 9396

8. The proposed lot coverage is 52.6%

Whereas the maximum permitted lot coverage is 33%

9. The proposed front yard setback is 4.9 m

Whereas the minimum required front yard setback is 6 m

10. The proposed floor area is 265.5 m<sup>2</sup> or 0.6 times the lot area

Whereas the maximum permitted floor area is 0.4 times the lot area to a maximum of 232 m<sup>2</sup>

Note: a previous Committee of Adjustment decision approved a floor area of 219.9 m<sup>2</sup> or 0.5 times the lot area (A097/12SC)

11. The proposed rear yard setback is 7.01 m

Whereas the minimum required rear yard setback is 7.5 m

12. The proposed roof for the rear covered porch is 9.5 m by 7.72 m

Whereas the maximum permitted dimensions of an accessory building are 7.6 m by 7.6 m

13. The proposed front porch projection into the front yard setback is 2.71 m

Whereas the maximum permitted projection into the front yard setback is 1.55 m

14. The proposed rear deck projection into the rear yard setback is 3.54 m Whereas the maximum permitted projection into the rear yard setback is 1.55 m

There were six other Parties, all of them neighbours. The City was not a Party to the hearing.

At the outset of the Hearing, the Applicants counsel, Ms. D. Koev, challenged Mr. R. Brown's qualification to act as a representative for Mr. Alan Burt, one of the Parties. In an email sent to the TLAB and copied to and responded to by Mr. Brown (Exhibit 1), Ms. Koev indicated that they object to his participation within the proceeding. Specifically, Mr. Koev indicated that she does not believe that Mr. Brown satisfies the definition of "representative" as set out in the TLAB Rules of Practice and Procedure and as defined under the Statutory Powers and Procedures Act. She noted that a representative means a person authorized under the Law Society Act, or by by-law, to represent a person in a proceeding. Accordingly, only the following persons are permitted to act as a representative in these proceedings:

1. a lawyer;
2. a paralegal; or,
3. an individual who provides the legal services only for and on behalf of a friend or a neighbour, in respect of not more than three matters per year, and who does not expect and does not receive any compensation, including a fee, gain or reward, direct or indirect, for the provision of legal services (pursuant to paragraph 4 of Section 30 of the Law Society By-law 4).

The email response of Mr. Brown indicated that he would respond to the claim at the beginning of the hearing if required to do so by the TLAB member.

Ms. Koev indicated that she had written to Mr. Brown to express these concerns and to inquire whether or not he qualifies as a representative under item 3 above. She advised

that Mr. Brown advised the he intends to represent all of the Parties that indicated that they are opposed to the appeal (even though Form 5 had not been submitted by all of those Parties) but did not respond to the question of his qualification or compensation. Ms. Koev indicated that she asked Mr. Brown to demonstrate that he meets the statutory requirements for a representative.

The TLAB asked Mr. Brown for his response to Ms. Koev's assertions. Mr. Brown replied that to respond he should seek counsel advice on the issue and moved to have the hearing adjourned until such a time that he could seek appropriate counsel. The TLAB considered Ms. Koev's submissions and letter and Mr. Brown's response. The TLAB denied the request for an adjournment and ruled that Mr. Brown could not act as a Representative in the Hearing. As indicated at the Hearing, both the TLAB's Public Guide and the TLAB's Rules of Practice and Procedure clearly define a Representative as follows:

"Representative" means a Person who acts for a Party or Participant in a Proceeding and is authorized under the Law Society Act, or is otherwise authorized by law to represent a Party or Participant in a Proceeding.

The TLAB ruled that it was Mr. Brown's responsibility to demonstrate that he qualified as a Representative. He was aware of the concern of the Applicant's counsel prior to the hearing and did not provide a response to the TLAB other than to ask for an adjournment. The TLAB is committed to fixed and definite Hearing dates. Rule 23.3 of the TLAB's Rules of Practice and Procedure states that: " in deciding whether or not to grant a Motion for an adjournment the Local Appeal Body may, among other things, consider:

- a) the reason for the adjournment;
- b) the interests of the Parties in having a full and fair Proceeding;
- c) the integrity of the Local Appeal Body's process;
- d) the timeliness of an adjournment;
- e) the position of the other Parties on the request;
- f) whether an adjournment will cause or contribute to any existing or potential harm or prejudice to others, including possible expense to other Parties;
- g) the effect an adjournment may have on Parties, Participants or other Persons;  
and
- h) the effect an adjournment may have on the ability of the Local Appeal Body to conduct a Proceeding in a just, timely and cost effective manner. "

The TLAB would have expected Mr. Brown to be prepared to address the concerns that were going to be raised at the Hearing. It is noted that at the beginning of the Hearing, Mr. Brown identified himself as a “neighbour” but did not offer the TLAB any information in this regard.

As a result, Mr. Burt requested an adjournment in order to retain a different Representative. The TLAB also denied the request and ruled that it was also the Party’s responsibility to ensure that the Representative they retain is permitted to represent a Party in the Hearing.

The TLAB advised that the Parties could elect a spokesperson to act as their representative as the TLAB Rules permit a Party to participate fully including being a witness, cross-examining witnesses, and making submissions in the Proceeding. The TLAB recognizes that the decision to disqualify Mr. Brown may have been unexpected by the Parties and the TLAB appreciates the Parties efforts to participate fully in the Hearing in a timely and organized manner.

The Hearing proceeded. The TLAB was advised by Ms. Koev that the Applicant had revised the proposal resulting in a reduction in the number and extent of the requested variances. The revisions included reconfiguring the one-storey rear addition and covered rear deck in an attempt to address concerns expressed by the adjacent property owners. The other Parties were still opposed to the revised proposal. The revised drawings were resubmitted in accordance with TLAB’s Rules of Disclosure and the requested variances are outlined below (bolded where a change has been made).

By-law No. 569-2013

1. The proposed lot coverage is **45.5%**

Whereas the maximum permitted lot coverage is 33%

2. The proposed building length is **21.07** m, measured from the front wall to the rear wall

Whereas the maximum permitted building length is 17 m

3. The proposed floor area is **276.83 m<sup>2</sup>** or **0.616** times the lot area

Whereas the maximum permitted floor area is 224.6 m<sup>2</sup> or 0.5 times the lot area

4. The proposed front yard setback is 4.9 m

Whereas the minimum required front yard setback is 7.5 m

5. The proposed rear yard setback is **7.53** m

Whereas the minimum required rear yard setback is 8.3 m

6. The proposed front porch projection into the front yard setback is 4.3 m

Whereas the maximum permitted projection into the front yard setback is 2.5 m

7. The proposed rear deck projection into the rear yard setback variance **no longer required**.

By-law No. 9396

8. The proposed lot coverage is **49.4%**

Whereas the maximum permitted lot coverage is 33%

9. The proposed front yard setback is 4.9 m

Whereas the minimum required front yard setback is 6 m

10. The proposed floor area is **255.27 m<sup>2</sup>** or **0.568** times the lot area

Whereas the maximum permitted floor area is 0.4 times the lot area to a maximum of 232 m<sup>2</sup>

Note: a previous Committee of Adjustment decision approved a floor area of 219.9 m<sup>2</sup> or 0.5 times the lot area (A097/12SC)

11. The proposed rear yard setback variance **no longer required**

12. The proposed roof for the rear covered porch is **9.49 m** by **5.71 m**

Whereas the maximum permitted dimensions of an accessory building are 7.6 m by 7.6 m

13. The proposed front porch projection into the front yard setback is 2.71 m

Whereas the maximum permitted projection into the front yard setback is 1.55 m

14. The proposed rear deck projection into the rear yard setback **no longer required**

I accept that the proposed revisions are minor as they are reductions from the Applications before the Committee and no new variances are being introduced. No further notice or consideration is required under s. 45 (18)1.1 of the Planning Act.

## **MATTERS IN ISSUE**

The matter at issue is whether the revised variances meet the applicable tests under Section 45(1) of the Planning Act and provincial policy.

## **JURISDICTION**

### **Provincial Policy – S. 3**

A decision of the 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 any 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**

### **Evidence of Martin Rendl**

Mr. Martin Rendl, Principal of Martin Rendl Associates, provided evidence on behalf of the Applicant. He was qualified to give expert land use planning evidence (Exhibit 2, 3 and 4 – Expert Duty form, Expert Witness Statement and Document Book).

The subject site is in an established residential neighbourhood. Some of the homes are from the original development in the 1950's and 1960's and exhibit typical suburban characteristics. There are a variety of building footprints for both the original homes as well as new homes and additions to homes. The subject site has a frontage of 13.41 m and a depth of 33.5 m for a total lot area of 449.3m<sup>2</sup>, which Mr. Rendl described as a typical lot size for the period in which the area developed.

The existing house (Tab 17- Exhibit 4) was developed following a minor variance which permitted a floor space index (fsi) of 0.5 whereas 0.4 was permitted.

Mr. Rendl described the neighbourhood as stable but not static with the physical character consisting of one and two storey detached homes (Appendix B –Exhibit 3). Throughout the neighbourhood there are many examples of new houses that replaced the original houses in the area. He noted that these new replacement houses are generally larger and higher than the houses they replaced. Many of these new houses have involved minor variances to permit construction of the new larger house.

Mr. Rendl defined a neighbourhood study area for his planning analysis bounded by Kingston Road on the north, Brimley Road on the west, Dorset Road on the east, the Scarborough Bluffs and Lake Ontario on the south (Appendix C – Exhibit. 3). He noted that this study area is characterized by the same Zoning By-law provisions, similar block patterns, lot configurations, lot sizes, and building types. It is generally within 500 metres of 7 Brooklawn Avenue, or about a five minute walk, which is a typical radius often used by planners.

He indicated that there have been approximately 65 minor variance applications approved in his neighbourhood study area for existing and new houses, from 2008 to 2018 In addition, there have been a number of new lots created through consent applications to divide original lots.

Mr. Rendl explained that the purpose of this minor variance application is to permit additions to the existing two-storey detached dwelling to accommodate the accessibility and physical therapy needs of the Applicant, Ms. Fawcett. Ms. Fawcett sustained

serious injuries which has resulted in significant restriction of her mobility and requires the use of a wheelchair. In addition, she engages in an ongoing physical therapy program related to her injuries. Several adaptations and modifications to Ms. Fawcett's home have been recommended by medical professionals which are intended to provide safety, accessibility and health as she continues to live in her home which include:

- A sheltered primary entry to the home;
- An indoor hydrotherapy pool in an enclosed rear three season room;
- A secondary means of accessible egress from the basement.

Mr. Rendl advised that the modifications to the exterior of the house related to the minor variances were tailored to her special needs by a team of professionals in health care, accessibility and architecture.

The proposed sheltered primary entry involves a landing inside the garage with a wheelchair lift from the garage floor to the main floor of the house. The existing garage would be extended 3.12 m to accommodate the landing and wheelchair lift to provide an enclosed parking space in the garage. Mr. Rendl explained that this solution is preferable to a lift on the outside of the house which would be visually unattractive and unprotected from the elements. The existing front steps would be altered and the roof over the front porch and steps would be extended along the garage and above the front walkway to provide a protected passage to the front door. Mr. Rendl indicated that he had been advised by the architects that the alterations to the front have been designed as compactly as possible to minimize the encroachment into the front yard.

The enclosed three-season room would accommodate a hydrotherapy pool, prescribed for Ms. Fawcett's home. Since the Committee meeting, the size of the proposed room has been reduced by substituting 2 smaller pools for the original single larger pool. This has resulted in a reduction in depth of the rear addition to 4.08 m. In addition, the depth of the rear deck has been reduced from 3.63 m to 1.63 m. These revisions have reduced 7 variances and eliminated 3 variances.

The sheltered secondary egress is to provide a basement exit in the case of an emergency by way of a new exterior stairwell from the basement to grade which would be covered by an extension of the deck roof. The deck roof also provides protection for a wheelchair lift from grade to the rear deck.

Mr. Rendl indicated that the revisions have reduced the lot coverage, the gross floor area, building length; increased the rear yard setback under Bylaw 569-2013; eliminated the rear yard setback variance under By-law 9396; eliminated the projection into the rear yard setback; and reduced the dimensions of the rear deck roof under Bylaw 9396.

With respect to provincial policy, Mr. Rendl advised that Section 2 of the Planning Act requires that in carrying out their responsibilities under the Act a municipal council, a local board and the Ontario Municipal Board shall have regard to matters of provincial interest. Subsection 2(h.1) includes "the accessibility for persons with disabilities to all



facilities, services and matters” as a provincial interest to which the Planning Act applies.

In Mr. Rendl’s opinion, the variances are consistent with the PPS. The purpose of the variances is to modify the existing home to provide for the accessibility and other special needs of the owner. Policy 4.6 of the PPS states that the PPS shall be implemented in a manner that is consistent with the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms.

The Ontario Human Rights Code provides for freedom from discrimination in the area of housing and prohibits discrimination based on a person’s disability. Section 15 of the Canadian Charter of Rights and Freedoms states that every individual is equal before the law regardless of physical disability and has the right to the equal benefit of the law without discrimination. In Mr. Rendl’s opinion, the foregoing shows that planning decisions in Ontario must have regard to accommodating the needs of the disabled.

He advised that in this regard, the proposed development achieves:

- Improved accessibility for persons with disabilities ... preventing and removing land use barriers which restrict their full participation in society (PPS Policy 1.1.1(f)).

Furthermore, the variances are consistent with the PPS policies that deal with planning for special needs, in particular PPS Policy 1.4.3(b)(1) which requires planning authorities to meet the requirements of residents by:

- “permitting and facilitating all forms of housing required to meet the social, health and well being requirements of current and future residents, including special needs requirements” of people in housing. Special needs is defined as :

“any housing, including dedicated facilities, in whole or part, that is used by people who have specific needs beyond economic needs including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities.”

Mr. Rendl advised that the PPS is consistent with an emerging recognition of the benefit to considering adaptability in residential design to ensure that homes and residences can be modified to accommodate the future mobility needs of residents. This will help persons to “age in place” and avoid having to move from their home should their needs change in the future. It also benefits individuals whose change in health requires modifications to their home. He noted that the applicable zoning regulations do not anticipate or address the accessibility and mobility requirements of the occupants of housing, resulting in the need for minor variances from the Zoning By-law.

In addition, he indicated that the proposal represents modest intensification and, as such, are consistent with the PPS policies for managing and directing land use to achieve efficient and resilient development and land use patterns.

Further, Mr. Rendl advised that, to the extent that the policies are applicable to the proposal, it is his opinion that variances conform and do not conflict with the Growth Plan.

With respect to the Official Plan, it was Mr. Rendl's opinion that the minor variances maintain the general intent and purpose of the Toronto Official Plan. The subject site is designated Neighbourhoods in the Toronto Official Plan. He indicated that Chapter 2: Urban Structure of the Official Plan, Policy 2.3 acknowledges that Neighbourhoods are "stable but not static" and that "neighbourhoods will not stay frozen in time." Further, physical change is expected to occur in neighbourhoods like this over time through enhancements, additions and infill housing. He advised that the objective is to reinforce the stability of the neighbourhood by ensuring new development respects the existing physical character of the area. In this regard Policy 2.3.1.1 states that development within Neighbourhoods "will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas". He explained the objective is to reinforce the stability of the neighbourhood by new development respecting the neighbourhoods existing physical character.

In Mr. Rendl's opinion, "respect" does not mean duplicate the same architectural style, massing, height and other characteristics of the existing housing stock. New development is to be compatible with existing development in the neighbourhood. In his opinion, "compatible" does not mean be the same or even similar to. Rather, it means that something can exist in harmony with its surroundings. Policy 4.1, which sets out the policies for the Neighbourhoods designation. Changes to established neighbourhoods are expected to be "sensitive, gradual and generally 'fit' the existing physical character" by respecting and reinforcing the general physical patterns in neighbourhoods. In his opinion, the Official Plan's use of the terms "general" and "generally" means development does not have to replicate or copy existing development in the vicinity.

Policy 4.1.5 requires that development in established Neighbourhoods respect and reinforce the existing physical character of the neighbourhood. The intent of this policy is further expressed in a series of development criteria which are to be considered in assessing the appropriateness of the development with regard to matters such as:

- Massing, scale, and dwelling type of nearby residential properties;
- Prevailing building types;
- Setbacks of buildings from lot lines.

Policy 4.1.6 states that the Official Plan relies on the numerical standards of the zoning by-law to ensure new development is compatible (i.e., not identical to but able to co-exist) with the physical character of established residential neighbourhoods. These standards for development deal with building type, height, density and building setbacks from lot lines.

Mr. Rendl advised that single storey additions proposed limit the additional massing on the subject site and the resulting massing and the setbacks from the front and rear lot lines respect and reinforce the existing physical character of the area. He indicated that

the existing physical character of the neighbourhood consists of a variety of heights, styles and types including the original smaller detached houses and new and larger two storey houses. In Mr. Rendl's opinion, the proposal altered house satisfies the criteria, fits within this existing context and would not be out of keeping with the physical character of the neighbourhood. Section 4.1.8 deals with the relationship between the Official Plan and zoning By-laws. Zoning By-laws will have specific standards to ensure that new development is compatible with the physical characteristic of the neighbourhood.

In his opinion, the variances do satisfy the general intent and purpose and that the additions to the house do respect and reinforce the existing physical character of its surroundings and neighbourhood. A key concern of the plan is that new development does not destabilize the neighbourhood. In his opinion the variances do not in any way represent a change that threatens the stability of the neighbourhood envisaged by the Official Plan.

Mr. Rendl stated that in neighbourhoods across the City there is organic change taking place that maintains the stability, quality of life and continued livability of the neighbourhood, while adapting the housing stock to meet the needs of families and households.

With respect to the Zoning By-laws, Mr. Rendl noted that the By-laws do not include provisions intended to accommodate the mobility or accessibility needs of persons except with regard to parking. He advised that the general intent and purpose of the Zoning By-laws is to protect the stable and mature low density character of the Neighbourhood through performance standards. He grouped the variances into:

- Lot Coverage;
- Building Length;
- Floor Area;
- Front Yard Setback and Projections into the Front Yard;
- Rear Yard Setback, Projections into the Rear Yard and Dimensions of the Deck Roof.

#### Lot Coverage

Mr. Rendl indicated that the general intent and purpose of regulating lot coverage is to ensure that an appropriate amount of outdoor amenity space is maintained in the front and rear yards and appropriate side yards. He noted that the garage addition is in the area of the existing driveway and does not reduce the amount of landscaped area in the front yard. From a streetscape point of view, the variance does not alter the amount of landscaped open space. The rear addition maintains the 7.5 m rear yard setback of By-law 9396 and a full sized backyard amenity area. He referred to a lot coverage map of the immediate area (Tab 12 - Exhibit 4) which shows a number of dwellings with coverage greater than the By-law requirement of 33%. In his opinion, the changes to the dwelling do not constitute an overdevelopment of the lot and maintain the general intent and purpose of the Zoning By-laws.

### Building Length

Mr. Rendl indicated that the purpose of regulating length is to avoid a dwelling extending unreasonably into the rear yard and reducing its functionality. He noted by-law 9396 does not regulate building length. The front addition extends 3.12 m for the length of the single car garage. The length of the house along the south wall with the garage extension will be 16.91 which is below the 17 m maximum building length. The existing south wall is setback 1.5 m from the south lot line which has a solid wood fence.

The length of the house along the north wall with the rear addition will be 16.35 m which is also below the maximum length. The addition is inset 2.31 m from the existing south wall of the house. In Mr. Rendl's opinion, the 1.5 m side yard setback combined with the 2.31 m inset shifts the building from the south lot line mitigating its impact. The building length variance maintains the previous rear yard setback minimum of 7.5 m. In Mr. Rendl's opinion, the general intent and purpose of the Zoning By-laws is maintained.

### Floor Area

Mr. Rendl indicated that the general intent and purpose of regulating maximum floor area is to control the massing and built form of a house on a lot. The extension of the garage does not impact the floor area. In Mr. Rendl's opinion, limiting the addition to 1-storey minimizes the scale of the additional floor area. He advised that the proposed fsi is consistent with the built form of many 2-storey houses in the neighbourhood and within the range of other approvals. In his opinion, the variances maintain the general intent and purpose of the Zoning By-laws.

### Front Yard Setback

Mr. Rendl indicated that the intent and purpose is to provide appropriate separation between the front wall of a house and the street. The reduction in setback is the result of the garage extension to accommodate the wheelchair lift in the garage. The unenclosed roof to cover the walkway extends into the required front yard setback (each By-law has a different standard).

Mr. Rendl noted that the front yard setbacks in the neighbourhood are not identical with new construction providing a variety of front walls. He noted that 9 Brooklawn Ave projects beyond the main front wall into the front yard while 5 Brooklawn Ave does not. Further he noted that in certain instances, garages project beyond the front wall of the adjacent houses. In his view, these cases, as well as the proposal, the projection of a garage into the front yard setback maintains adequate setback from the street and does not reduce or affect the amount of landscaping and amenity in the front yard. As a result, it is his opinion that the variances maintain the general intent and purpose of the Zoning By-laws.

Rear Yard Setback and Dimension of Roof Addition

Mr. Rendl noted that the proposed setback of 7.53 m maintains the historic requirement under By-law 9396 of 7.5 m which set the standard for the physical character of the neighbourhood. In Mr. Rendl's opinion, the rear yard setback maintains an adequate, conventional outdoor amenity area expected in a rear yard and meets the general intent of the Zoning By-laws.

By-law 9396 limits the dimensions of a roof over a rear porch to 7.6 m by 7.6 m or 57.76 m<sup>2</sup>. The proposed depth of the roof is 5.71 m which extends less into the rear yard than permitted. The width is 9.49 m does not extend the entire width of the house and in Mr. Rendl's opinion, does not dominate the rear. The total area of the roof is less than permitted. In Mr. Rendl's opinion, the rectangular roof achieves a better outcome in terms of the extending less into the rear yard.

In his opinion, the variances maintain the general intent of the Zoning By-laws.

Mr Rendl's opinion, the variances result in a development that is desirable and appropriate for the lot and area. Mr. Rendl noted that the variances provide for specific modifications to the existing house to accommodate the owner's special needs. City Planning staff reviewed the application and did not object to any of the original variances and recommended that any approval be conditional to the owner building substantially in accordance with the plans submitted (Tab 10 – Exhibit 4). Mr. Rendl agrees with this recommendation. In his opinion, any shadow, privacy and overlook impacts are not materially different than the current condition.

With respect to the test for minor, Mr. Rendl indicated that the generally acknowledged test of whether a variance is minor is the nature and extent of any adverse impacts on adjacent properties. In his opinion, the variances, individually and cumulatively do not create any impacts that adversely affect overlook/privacy, views, or diminish the enjoyment of the front or rear yard amenity areas of nearby properties. In his opinion, the variances, individually and cumulatively are minor, both numerically and substantively.

In summary, it is Mr. Rendl's opinion that the variances meet the four tests of the Planning Act, are consistent with the PPS and the Growth Plan and represent good planning.

In cross examination by Ms. Hooker, Mr. Rendl acknowledged that none of the variances in his table "matched" the range of variances proposed. He further indicated that he did not think that a new Zoning Review was required and he was confident that the variances identified were correct.

**OTHER PARTIES**

Evidence of Denise Hodgson

Ms. Hodgson, along with Mr. Henry, are the owners and residents of 5 Brooklawn Ave, the house directly to the south of the subject site (Exhibit 5 – Witness Statement and Exhibit 5b – Attachments prepared by A. Burt). They are life long residents of the area and enjoy the mature and open green space character which is why they chose there house. They have lived in their home for 14 years. Mr. Hodgson has serious concerns regarding the overall massing of the building. Her evidence focused on the impact of the rear addition on their view and privacy.

They were unable to contest the variance in 2012 which increased the fsi from 0.4 to 0.5. She indicated that the current side wall of the house at 5 Brooklawn Ave already extends beyond their rear wall by 6.10 m or 20 ft. Her home is 8.534 m or 28 ft. The 2-storey wall extends over 1/3 of her yard blocks the view of the tree canopy, blue sky and nature as shown on the air photos (Exhibit 5b- Attachment A and B). They currently have a view of a 2-storey wall.

She indicated that the requested variances would increase the length of the house by almost 6 m or 20 ft and would extend almost 12.19 m or 40 ft past their rear wall, or almost the entirety of their backyard which is 16.76 m. As a result, almost the entirety of their yard would be beside a house and not another backyard, which in her view is not in keeping with the physical character of the neighbourhood or the prevailing physical character of a suburban backyard. Their backyard should sit beside open green space and not another house.

She considers the proposal an overdevelopment of the property. Her backyard has been improved with trees and shrubs to enhance greenspace and increase privacy to enjoy the amenities in their backyard, and she feels the addition would negatively affect the open space feel and view looking north. The addition would further block the view of the open sky and neighbourhood trees and their current view north. They live in the suburbs to have a backyard with open space and amenity. While the addition is 1-storey, she noted that it is above grade and their current shrubbery will provide minimal screening. With windows on the south side, the occupant would have a clear view of their amenity area and would eliminate their privacy. There is another deck proposed which she estimates that there would leave her with only 3 m or 10 ft of unobstructed view and no longer a view of the tree canopy and nature to north and northwest. In addition the view from the dining room will be obstructed. In her opinion, the extent of the proposal is not necessary for accessibility.

With respect to view and privacy, she provided a rendering of what the structure would look like from the back of her yard which indicated that a large portion of her view would be lost (Exhibit 5b - Attachment D and E). Mr. Hodgson referred to a diagram (Exhibit 5b -Attachment F) which indicated the change in the north facing silhouette with the proposed additions.

She is concerned with the potential flooding and water damage to her foundation and as the water table is high in this area. Many houses have sump pumps. The proposal

would incrementally increase the impermeable spaces and little grass to absorb rainwater and melting snow. If all of the variances are approved, she is concerned with the lack of greenspace as shown on her diagram (Exhibit 5b - Attachment C).

In summary, it is her opinion that the variances would negatively impact their quality of life. She noted that the neighbours were not consulted on a revised plan as instructed by the Committee. In her view, the revisions to the proposal have been minor in nature and are not sufficient to alleviate their concerns. Further it is her opinion that the variances are not minor and represent inappropriate development of the property and fail the tests. She requested that the applications be denied.

#### Evidence of Mr. Patrick Henry

Mr. Henry resides with Ms. Hodgson at 5 Brooklawn Ave (Exhibit 6 – Witness Statement and Visuals). His evidence was focused on the proposed variances to the front elevation. Mr. Henry also believes there are other options to accommodate the accessibility needs of the Applicant. Mr. Henry advised that they currently enjoy a view from their porch and den looking north. Mr. Henry indicated that while there is an existing hedge on the north side of their property, the leaves are gone from late Fall to early Spring. If the front extension is approved, their view to the north would be of a brick wall.

He is concerned that, if approved, the variances for the garage extension would set a precedent and imbalance in harmony. The prevailing pattern is that of an aligned streetwall. In his opinion, the proposal would not fit within the prevailing physical character of the neighbourhood and if approved would change the streetwall forever.

Mr. Henry referred to an air photo, produced by Mr. Rendl, to indicate that there is little variety in the front yard setback, with new buildings also conforming to the streetwall. He acknowledged that there are some minor adjustments in some of the houses, but not many to the extent of the proposal.

As a result, in his opinion, the proposed variances does not respect and reinforce the existing prevailing physical character of the neighbourhood and in particular the open space patterns and setbacks of buildings from the street as outlined in the Official Plan. If approved, there would be a wall of 3.12 m extending past their house in the front and 12.192 m in back. He was also concerned with water damage as outlined by Ms. Hodgson.

Mr. Henry requested the variances be denied. In his opinion, the variances are not minor and do not respect the prevailing physical character and open space patterns of the neighbourhood and streetwall.

#### Evidence of Mr. Doug Colby

Mr. Colby is the owner and occupant of 3 Brooklawn Ave, two houses to the south of the subject property (Exhibit 7 – Witness Statement). He has lived at the location for 20 years and has the same concerns as outlined by the owners of 5 Brooklawn Ave. He noted that the current house on the subject property already exceeds the By-law and a further 11 variances would be an overdevelopment of the subject property. He noted none of the other variance applications had 11 variances and none are of a similar size.

Mr. Colby is concerned that that in the front yard, his current view of trees would become a view of a wall. In the rear, he enjoys a view of open space and the rear variances would result in a roofline covering the entire yard. He is also concerned with the raised nature of the rear addition and the reduction in privacy in and enjoyment of their backyard. He also noted that the Applicant did not consult with the neighbours.

#### Evidence of Wendy Hooker and Alun Burt

Ms. Hooker and Mr. Burt are the owners and occupants of 50 Sunnypoint Crescent, the east backyard property abutting the subject property. (Exhibit 8 – Witness Statements and Attachments). Ms. Hooker purchased the then single storey house because of the light, space and privacy it provided and the natural beauty of the area. A second storey addition was later added in 1989 without the need for variances. Other improvements have been made to accommodate their needs, increase privacy and expand open space.

Ms. Hooker is concerned that the variances would result in a further loss of privacy as the proposed rear addition would be elevated with windows and, in her submission, 10 ft away from the shared rear property line. In her opinion, the proposal is not minor, desirable or appropriate for the development of the lands and does not respect and reinforce the character of Brooklawn Ave and the surrounding area. She considers the proposed revisions to be negligible and not less intrusive.

Ms. Hooker is concerned that the variances will set a precedent in the community and applications for increasingly larger houses will have larger negative impacts on the surrounding area and the neighbours. She also noted that the Applicant did not discuss the proposal with the neighbours as recommended by the Committee. In her opinion, the proposal is an overdevelopment of the property and does not meet the intent and purpose Official Plan policies and zoning bylaw

Ms. Hooker referred to the floor plans and various documents (Exhibit 4 -Tabs 9, 11, 12, 16 and 17). She noted the revisions only reduce the length by 20 inches. Ms. Hooker also questioned the need for the 2 water therapy pools and noted that other options may exist (Exhibit 8b - Attachment 1). Similarly for accessibility, she noted that there are other options.

In conclusion, it is Ms. Hooker's opinion that the latest set of plans is inappropriate



development of the property and fails to meet the four tests of the Planning Act. She requested the variances be denied.

Mr. Burt provided his background and education as an environmental scientist. He noted that the subject property is located within the desirable community of the Scarborough Bluffs, and indicated that the residents prize and nurture the open green spaces, generous tree canopy, abundant light and air which positively defines the physical character of the neighbourhood. In his view, the current plans do not respect and reinforce the prevailing physical character and the physical streetscape of the neighbourhood and interferes with the streetscape and the open space rear yard pattern. He is concerned that the extended garage, front covered walkway and rear addition will further restrict natural light and limit the privacy of adjacent neighbours. These are advocated as desired features of Toronto's Healthy Neighbourhoods as outlined in Section 2.3.1 (Policies 1 and 2c) of the Official Plan.

He is concerned that the addition had no consideration for an existing underground stream that flows through the area that was diverted into the storm sewer system to minimize flooding. The backyards are equipped with weeping tiles. He advised that deeper basements pierce the high water table requiring sump pumps. As a result, Mr. Burt is concerned with the increasing stress on the aging infrastructure which will not be updated until the 2020's. He is concerned with the impact of climate change in their area and the high frequency storms which may result in flooding.

Mr. Burt referred to the Growth Plan identifies concerns with the impacts of climate change and the need for protection and efficient use of land. He noted the Official Plan (Section 4.1) identifies that By-laws remain in place and establish the benchmark for what is to be permitted. With respect to the PPS, he noted that environmental health dependent on efficient land use and development. It promotes using land and resources uses wisely and protecting green spaces. In his opinion, the proposal deviates from these concerns in terms of the additions and reduction of green permeable surfaces.

In Mr. Burt's opinion, there will be a negative impact on the residents. Their privacy has been reduced by the removal of vegetation. He noted that their privacy has been reduced over 2 years by the removal of a mature tree in the neighbours backyard and the removal of their mature shrub. In his estimation, the proposed addition is elevated and 3.3 m or 10.11 ft from their property line resulting in a loss of privacy. Attachment 9 of Exhibit 8 shows a 3-D rendering that Mr. Burt prepared. He noted that the Applicant's rendering was inaccurate as the tree shown does not exist. He advised that they would need to incur significant expense to plant mature plants to provide natural screening.

Mr. Burt is also concerned with the precedent being established with the incremental development of large homes and increasing property tax, eliminating affordable housing and displacing long time residents. He concluded that the proposal results in inappropriate development of the property and fails the 4 tests of the Planning Act. He requested the TLAB to uphold the Committee decision.

In reply evidence, Mr. Rendl explained how the stormwater is managed with the existing house. He noted that the issue is dealt with at the building permit stage where drainage changes grading are reviewed by qualified staff.

## **ANALYSIS, FINDINGS, REASONS**

The TLAB has carefully considered the evidence of the Parties. The application before the TLAB is somewhat unique in that the variances are to accommodate the accessibility and special needs of the resident and are not for the purpose of increasing year-round, livable space. The Applicant has made efforts (resulting in relatively minor changes) to address some of the concerns raised at the Committee meeting. It is important to note that the TLAB considers the proposed variances based on the four tests of the Planning Act and provincial policy. While the previous minor variance application resulting in the current house and the actions of the Applicant and are relevant in terms explaining the existing context, they are not a factor in this decision.

It is noted that while Section 45(1) does not have a specific test related to “need”, the broader tests require a review of provincial policy. Provincial policy directs that the Official Plan is the appropriate policy framework to evaluate applications, however, such framework must be interpreted through the lens of provincial policy at the time of the decision. In this case, as outlined in detail by Mr. Rendl, the provincial policy context supports the accommodation of the needs of disabled persons.

The objections of the neighbours generally focused on massing, loss of views and privacy. The TLAB appreciates the sincere concerns of the neighbours that the addition will have significant impact on their views, privacy and enjoyment of their properties. In this regard, the TLAB found some of the submissions of the neighbours to be factually incorrect, in the case of the setbacks of the rear addition from the side and rear property lines. With respect to the visuals prepared by Mr. Burt, the efforts to illustrate the impact of the proposal with photographs and overlays cannot be accepted as an accurate portrayal of the impact on views and privacy as issues relating to perspective, scale, accuracy and other matters could not be sworn to and verified by a qualified professional.

The rear yard setback maintains the required setback of the By-law 9396. The addition is generally in at a similar location and height as the existing deck. It is acknowledged that a new, narrow deck is proposed; however, the deck is not subject to a variance under either By-law (other than the dimensions of the for the roof under By-law 9396). It is noted that the current house, at 14.24 m, already exceeds the depth of the house at 5 Brooklawn Ave which is 8.5 m in length. Both homes are below the maximum By-law permission of 17.0 m. Subject to meeting the other requirements of the By-law, the Applicant’s house could have been extended by an additional 2.76 m. The proposed addition is one-storey in height and set back further from the side yard than the required side yard setback. The plans show a planter along the east side. From the visual

evidence, there are houses in the immediate area that have accessory structures in the backyard obscuring clear views through backyards. The TLAB considers the incremental impact of the rear addition on the property to the south to be minimal. In addition, the TLAB accepts Mr. Rendl's opinion that the 7.53 m rear yard is appropriate and acceptable. It is noted that the current rear yard is lacking in vegetation which would help mitigate the appearance of the addition at the rear. This can be addressed in the conditions.

With respect to the front yard variances, it is accepted that there will be some impact to the north facing view of 5 Brooklawn Ave, although it is also recognized that there is a mature hedge along the property line, which, at some times of the year, already affects the view. The TLAB agrees that the reduction does not constitute a sufficiently adverse impact to warrant refusal of the requested variances, particularly under the circumstance of accommodating a recognized and acknowledged disability. The evidence of Mr. Rendl demonstrated that the neighbourhood contains houses with varied setbacks and that the extension will not result in any destabilization of the area.

The resulting coverage and density are within the range of other approvals as demonstrated by Mr. Rendl's evidence. The coverage is at the high end of approvals; however, as noted by Mr. Rendl, the front addition is on an area previously covered by driveway and, as such, does not affect the amount of landscaped open space in the front yard. With respect to density, there are a number of houses in the immediate area with an fsi of over 0.6.

The other Parties noted that there has not been any other minor variance applications approved for the same combination or scale of variances as the proposal. The TLAB agrees with Mr. Rendl that each design is different and that there have been similar variances approved within the range of other approvals. There was concern by the neighbours that an approval would cause a negative precedent. While each application is reviewed on its own merits in its context, it is noted that the proposed variances are for a very specific purpose. The intent and purpose of the By-law is to maintain the stability of low density neighbourhoods and there was no evidence that the stability of the neighbourhood arising in response to the very specific purpose demonstrated here will be affected by the proposal.

Mr. Burt raised concerns regarding stormwater and other environmental issues. It is noted that City Engineering staff did not comment on the applications or raise any concerns. As noted by Mr. Rendl, matters related to stormwater runoff, grading, foundations and flooding are dealt with by qualified staff at the City at the Building permit stage. This is the case whether a variance is required or not. The issue of housing affordability is an important consideration for the City; however the TLAB does not find that the proposed variances, in the context, would cause a concern related to the overall affordability of housing the area.

The TLAB accepts Mr. Rendl's professional opinion that the scale, massing, front wall alignment and rear yard setbacks are in keeping with the character of the area and

meet the general intent and purpose of the Official Plan and Zoning By-laws, both individually and cumulatively. In addition, the TLAB agrees that the variances are minor and, in context, desirable for the appropriate development of the lands and building.

In addition, the TLAB is satisfied that the Applications are consistent with the PPS and conform to the Growth Plan.

## **DECISION AND ORDER**

The Appeal is allowed in part (due to revisions to the proposal) and the decision of the Committee of Adjustment dated November 8, 2017 is set aside. The following variances are authorized:

By-law No. 569-2013

1. The proposed lot coverage is 45.5%

Whereas the maximum permitted lot coverage is 33%

2. The proposed building length is 21.07 m, measured from the front wall to the rear wall

Whereas the maximum permitted building length is 17 m

3. The proposed floor area is 276.83 m<sup>2</sup> or 0.616 times the lot area

Whereas the maximum permitted floor area is 224.6 m<sup>2</sup> or 0.5 times the lot area

4. The proposed front yard setback is 4.9 m

Whereas the minimum required front yard setback is 7.5 m

5. The proposed rear yard setback is 7.53 m

Whereas the minimum required rear yard setback is 8.3 m

6. The proposed front porch projection into the front yard setback is 4.3 m

Whereas the maximum permitted projection into the front yard setback is 2.5 m

By-law No. 9396

7. The proposed lot coverage is 49.4%

Whereas the maximum permitted lot coverage is 33%

8. The proposed front yard setback is 4.9 m

Whereas the minimum required front yard setback is 6 m

9. The proposed floor area is 255.27 m<sup>2</sup> or 0.568 times the lot area

Whereas the maximum permitted floor area is 0.4 times the lot area to a maximum of 232 m<sup>2</sup>

10. The proposed roof for the rear covered porch is 9.49 m by 5.71 m

Whereas the maximum permitted dimensions of an accessory building are 7.6 m by 7.6 m

11. The proposed front porch projection into the front yard setback is 2.71 m

Whereas the maximum permitted projection into the front yard setback is 1.55 m

Conditions

**Decision of Toronto Local Appeal Body Panel Member: L. McPherson**  
**TLAB Case File Number: 17 279307 S45 36 TLAB**

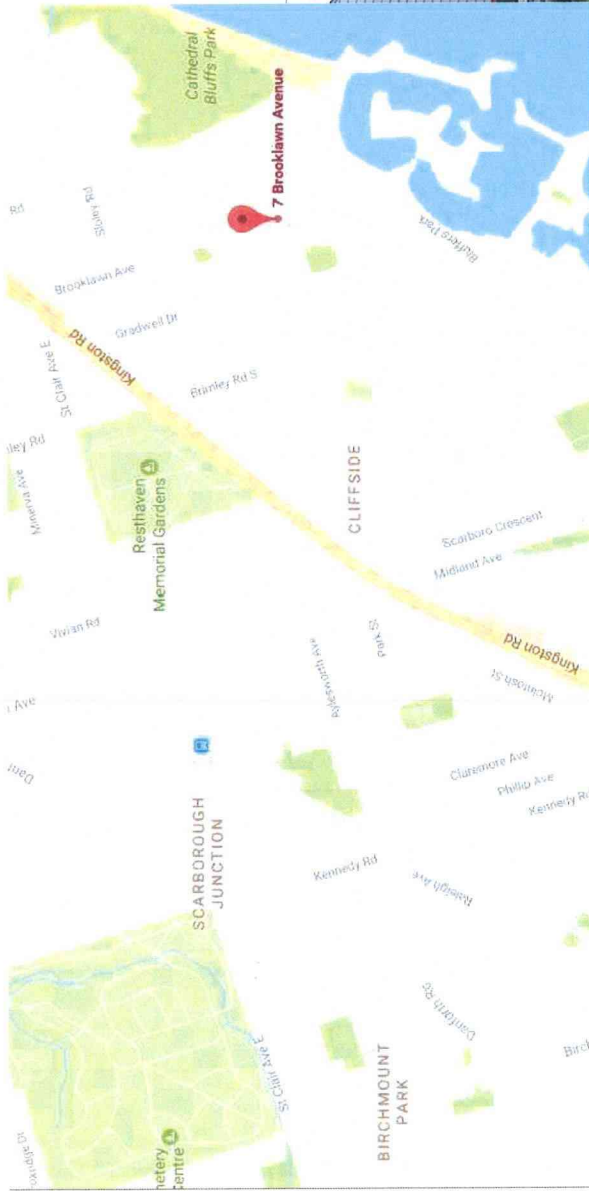
1. The owner shall build substantially in accordance with the Site Plan and Elevations prepared by Sustainable TO and dated February 12, 2018 and attached hereto,
2. The owner shall, prior to the issuance of a building permit, plant an effective and continuous tree screen (except where prohibited by an existing utility or accessory structure), not less than 1.5 m high, along the rear (east) property line of the subject site (in addition to any other fencing or landscaping improvements determined by the owner).

Note: If there are any difficulties implementing these conditions, the TLAB may be spoken to.

**X** 

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Laurie McPherson  
Panel Chair, Toronto Local Appeal Body



A0.0	COVER PAGE
A0.1	EXISTING SURVEY
A0.1b	ACCESSIBLE RECOMMENDATIONS
A0.2a	EXISTING SITE PLAN AND STATS
A0.2b	PROPOSED SITE PLAN AND STATS
A1.0a	EXISTING BASEMENT LEVEL PLAN
A1.0b	PROPOSED BASEMENT LEVEL PLAN
A1.1a	EXISTING GROUND LEVEL PLAN
A1.1b	PROPOSED GROUND LEVEL PLAN
A1.2a	EXISTING SECOND LEVEL PLAN
A1.2b	PROPOSED SECOND LEVEL PLAN
A1.3a	EXISTING ROOF LEVEL PLAN
A1.3b	PROPOSED ROOF LEVEL PLAN
A2.1a	EXISTING WEST (FRONT) ELEVATION
A2.1b	PROPOSED WEST (FRONT) ELEVATION
A2.2a	EXISTING SOUTH (SIDE) ELEVATION
A2.2b	PROPOSED SOUTH (SIDE) ELEVATION
A2.3a	EXISTING EAST (REAR) ELEVATION
A2.3b	PROPOSED EAST (REAR) ELEVATION
A2.4a	EXISTING NORTH (SIDE) ELEVATION
A2.4b	PROPOSED NORTH (SIDE) ELEVATION

# 7 BROOKLAWN AVE

## TORONTO, ON

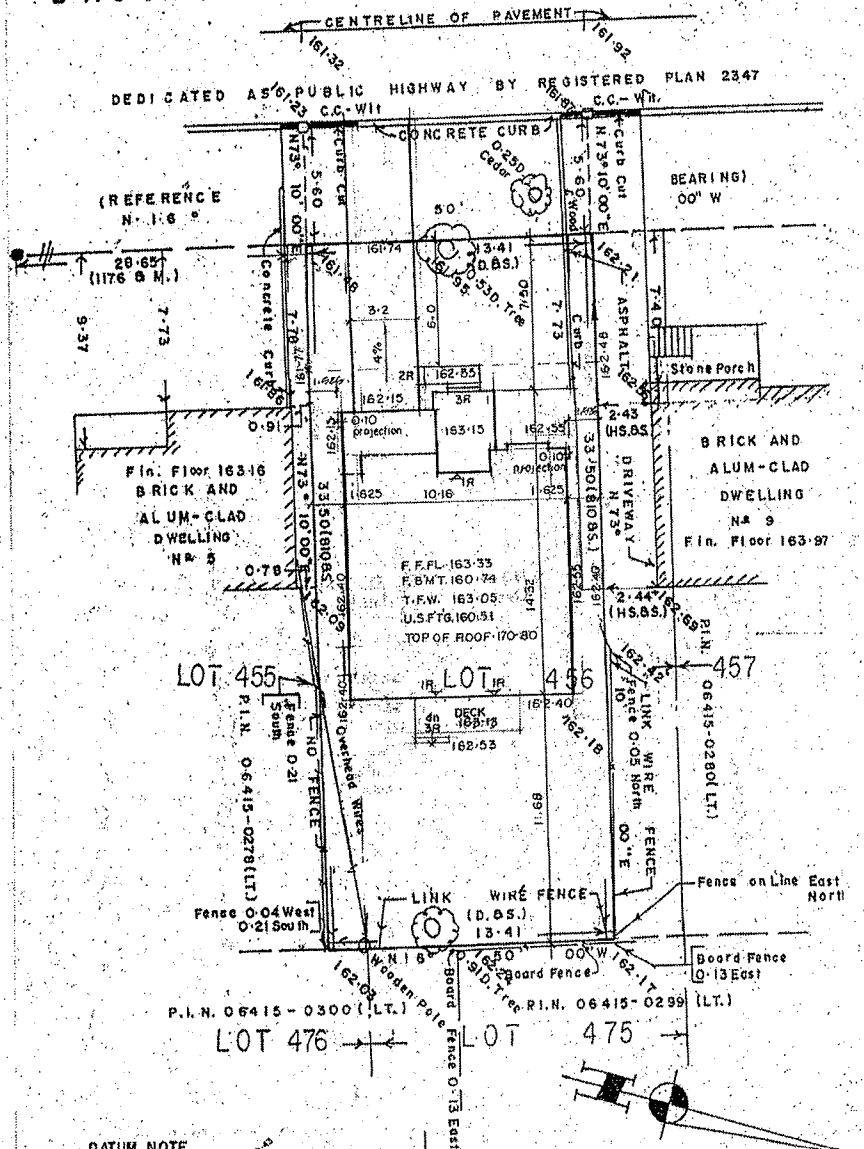
6	2018.02.13	ISSUED FOR TLAB	PROJECT NAME	DRAWING TITLE	PROJECT NO	17-071	SHEET NO
5	2017.12.07	C OF A HEARING	7 BROOKLAWN AVE	COVER PAGE AND	DATE	2018.02.12	
4	2017.08.11	ISSUED FOR C OF A	TORONTO, ON	DRAWING INDEX	SCALE	N.T.S	A0.0
3	2017.08.30	REVISED FOR ZON			DRAWN BY	B.T	
2	2017.08.30	REVISED FOR ZON			CHECKED BY	P.D.	
1	2017.08.30	REVISED FOR ZON					

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FRONT YARD	1253.5 SQ. FT. (116.5m <sup>2</sup> )
DRIVEWAY	28010 SQ. FT. (26.0m <sup>2</sup> ) 22.3%
LANDSCAPED	973.5 SQ. FT. (90.5m <sup>2</sup> ) 77.7%
HARD LANDSC.	168.5 SQ. FT. (4.5m <sup>2</sup> ) 3.9%
SOFT LANDSC.	925.4 SQ. FT. (86.3m <sup>2</sup> ) 96.1%

# BROOKLAWN AVENUE

P.I.N. 06415-0536 (LT.)



PART OF LOTS 455 AND 456  
REGISTERED PLAN 2347  
CITY OF TORONTO  
(FORMERLY CITY OF SCARBOROUGH)

SCALE 1:150

**DATUM NOTE**  
ELEVATIONS SHOWN THUSLY HOODS AND ARE REFERRED TO THE TOP OF THE CURB OPPOSITE THE NORTH LIMIT OF THE PROPERTY HAVING AN ASSUMED ELEVATION OF 100.000.

**NOTE**  
I HAVE REVIEWED THE PLANS FOR THE CONSTRUCTION OF A DETACHED TWO STORY BRICK DWELLING AT 7 BROOKLAWN AVENUE AND HAVE PREPARED THIS PLAN TO INDICATE THE COMPATIBILITY OF THE PROPOSED WITH ALL ADJACENT PROPERTIES AND EXISTING MUNICIPAL SERVICES. IT IS MY BELIEF THAT ADHERENCE TO THE PROPOSED ELEVATIONS WILL PRODUCE ADEQUATE DRAINAGE AND PROPER FACILITY OF THE MUNICIPAL SERVICES WITHOUT DETRIMENTAL EFFECT TO THE EXISTING DRAINAGE PATTERN OR ADJACENT PROPERTIES.

Aug. 22.2012

Rajesh K. Singh

PROFESSIONAL ENGINEER

PROFESSIONAL LAND SURVEYOR

PREScribed ACCESSIBLE RECOMMENDATIONS

GARAGE

- 1a NEW EXTENDED GARAGE TO ACCOMMODATE VEHICLE PARKING AND WHEELCHAIR CLEARANCE
- 1b NEW RASPED PRESSURE TREATED WOOD LANDING FLUSH WITH EXISTING ENTRY SILL
- 1c NEW PEDESTRIAN STAIR WITH BILATERAL HANDRAILS
- 1d NEW PORCH-LIFT UNIT EQUIPPED WITH TWO CALL/SEND STATIONS AND BATTERY BACK-UP SYSTEM
- 1e NEW EXTERIOR DOOR WITH AUTOMATED OPEN/CLOSE MECHANISM AND LOW THRESHOLD

EXTERIOR

- 2a NEW STEPS AND LANDING AT FRONT ENTRY COMPLETE WITH BILATERAL HANDRAILS AND MOTION-DETECT LIGHT
- 2b EXTENDED COVERING OVER FRONT ENTRYWAY
- 2c NEW REAR DECK WITH RAISED ACCESSIBLE PLANTER BEDS
- 2d NEW EXTERIOR WALKOUT COMPLETE WITH FLOOR DRAIN, SLIP-RESISTANT FLOOR SURFACE, AND MOTION-DETECT LIGHT
- 2e NEW EXTERIOR STAIR COMPLETE WITH BI-LATERAL HANDRAILS
- 2f NEW PAVED WALKWAY AT SOUTH SIDE AND REAR OF HOUSE
- 2g NEW EXTENDED ROOF OVER BASEMENT WALKOUT AND WHEELCHAIR LIFT

KITCHEN

- 3a NEW UPPER AND LOWER CABINETS WITH HEAT RESISTANT COUNTERTOPS AND PULL-OUT/PULL-DOWN SHELVING
- 3b NEW FULL-HEIGHT PANTRY WITH PULL-OUT SHELVING
- 3c NEW ADJUSTABLE HEIGHT COUNTERS AT KITCHEN SINK AND COOKTOP
- 3d NEW OPEN ACCESS KITCHEN SINK WITH LONG HANDLED PRESSURE/TEMPERATURE BALANCED LEVER TYPE FAUCET CONTROLS, PULL-OUT SPRAY NOZZLE, AND OFFSET PLUMBING
- 3e NEW WALL-MOUNTED OVEN AND MICROWAVE WITH SIDE SWING DOOR
- 3f NEW BUILT-IN DISHWASHER
- 3g NEW KITCHEN ISLAND WITH ADJUSTABLE HEIGHT COUNTER AND UNDER-CABINET STORAGE DRAWERS
- 3h RELOCATED THERMOSTAT CONTROL

WASHROOMS

- 4a NEW HEIGHT-ADJUSTED COMFORT TOILET WITH GRAB BARS
- 4b NEW STANDARD-DEPTH ROLL-UNDER COUNTER VANITY
- 4c NEW OPEN ACCESS ROLL-IN SHOWER COMPLETE WITH HAND-HELD SHOWER NOZZLE ON HEIGHT-ADJUSTABLE SLIDE BAR, PRESSURE/TEMPERATURE BALANCED LEVER-TYPE FAUCET CONTROLS, HEIGHT ADJUSTED GRAB BARS, AND FOLD-DOWN BATH BENCH

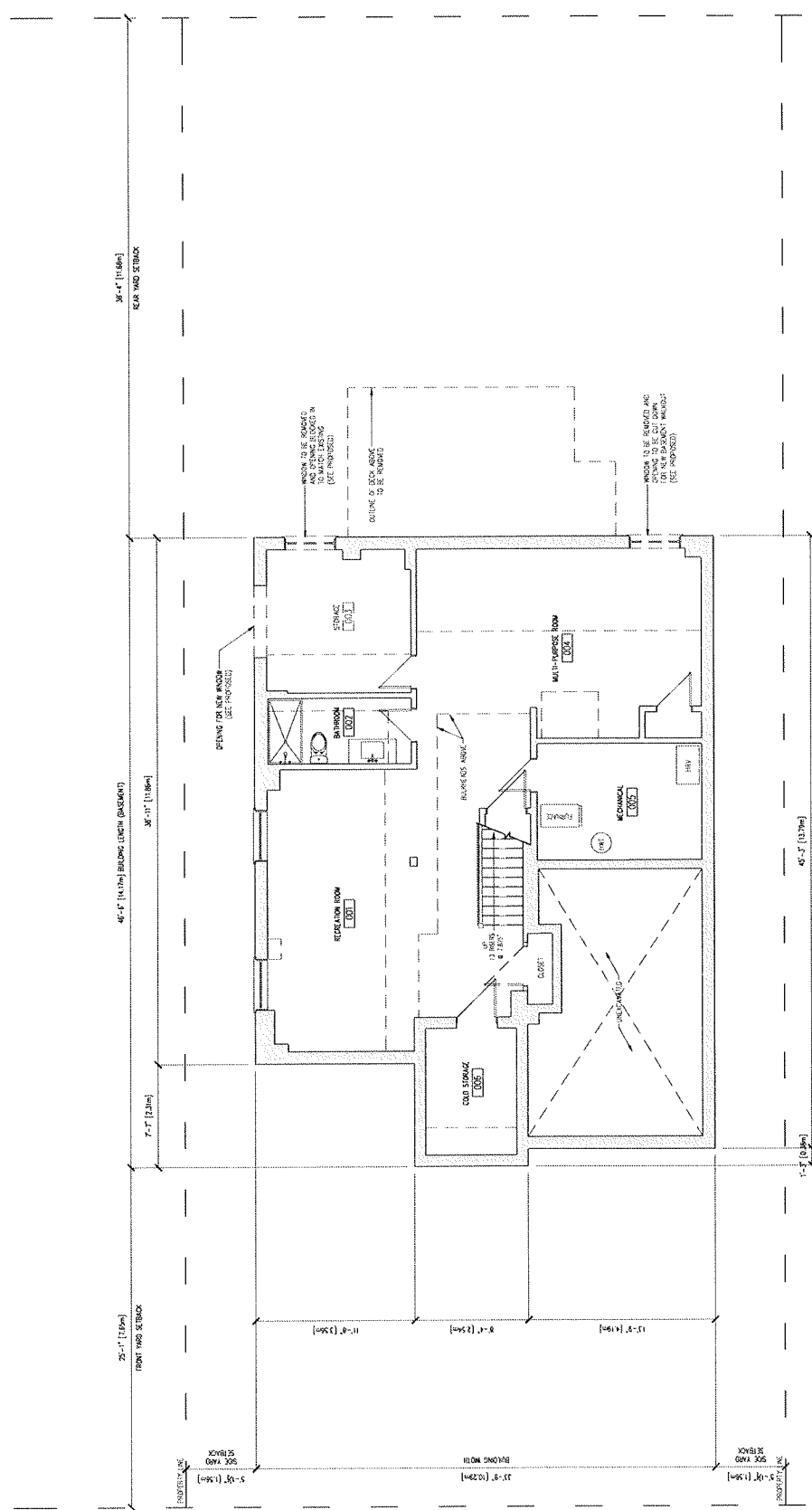
SUNROOM

- 5a NEW ENCLOSED THREE-SEASON SUNROOM FLUSH WITH EXISTING MAIN FLOOR LEVEL COMPLETE WITH OPERABLE WINDOWS FOR NATURAL VENTILATION
- 5b NEW HYDROTHERAPY TUB WITH ACCESS PROVIDED BELOW SUNROOM
- 6a GENERAL
- 6b EXISTING WINDOW RETAINED AND RELOCATED
- 6c NEW STAIRS WIDENED WITHIN EXISTING OPENING TO ACCOMMODATE NEW STAIR LIFT
- 6d NEW SAFETY GATES TO MATCH EXISTING STAIR RAILS
- 6e NEW 36" INTERIOR DOOR
- 6f RECONFIGURED CLOSETS WITH ADAPTABLE PULL-DOWN HANGERS
- 6g EXTENDED LAUNDRY ROOM WITH RECONFIGURED APPLIANCES
- 6h NEW SLIP-RESISTANT CERAMIC TILE FLOORING
- 6i NEW WINDOW TO PROVIDE ADEQUATE NATURAL LIGHTING
- 6j NEW VIDEO INTERCOM SYSTEM

6	2016-02-13	ISSUED FOR ILLAB	<b>SUSTAINABLE TO</b>	PROJECT NAME	DRAWING TITLE	PROJECT NO.	17-071	SHEET NO.
5	2017-02-07	C OF A HEARING	<b>ARCHITECTURE + BUILDING</b>	7 BROOKLAWN AVE	ACCESSIBLE	DATE	2016-02-12	
4	2017-09-11	ISSUED FOR C OF A	941 GREEN STREET EAST	TORONTO, ON	RECOMMENDATIONS	SCALE	N.T.S.	A0.1b
3	2017-08-30	REVISED FOR ILLAB	SUITE 200			DRAWN BY	B.T.	
RD	DATE	REVISION	416-619-0848			CHECKED BY	P.D.	
			www.sustainableto.ca					







EXISTING BASEMENT AREA: 1205 SQ. FT. (11,240 sq. ft.)

DEMOLITION PLAN LEGEND

---	EXISTING WALL TO REMAIN
---	EXISTING WALL TO BE REMOVED
---	EXISTING DOOR TO REMAIN
---	EXISTING DOOR TO BE REMOVED



ISSUED FOR TAB

6	2018.02.13	C. OF A. HEADING
5	2017.12.07	ISSUED FOR C. OF A.
4	2017.08.01	ISSUED FOR C. OF A.
3	2017.08.01	RECEIVED FOR ZON.
2	2017.08.01	RECEIVED FOR ZON.
1	2017.08.01	RECEIVED FOR ZON.

**SUSTAINABLE TO**  
ARCHITECTURE + BUILDING  
341 DUNDAS STREET EAST  
SUITE 200  
TORONTO, ONTARIO  
M4W 1L6  
416-693-0846  
www.sustainableto.ca

PROJECT NAME  
**7 BROOKLAWN AVE**  
TORONTO, ON

DRAWING TITLE  
**EXISTING BASEMENT**  
**LEVEL PLAN**

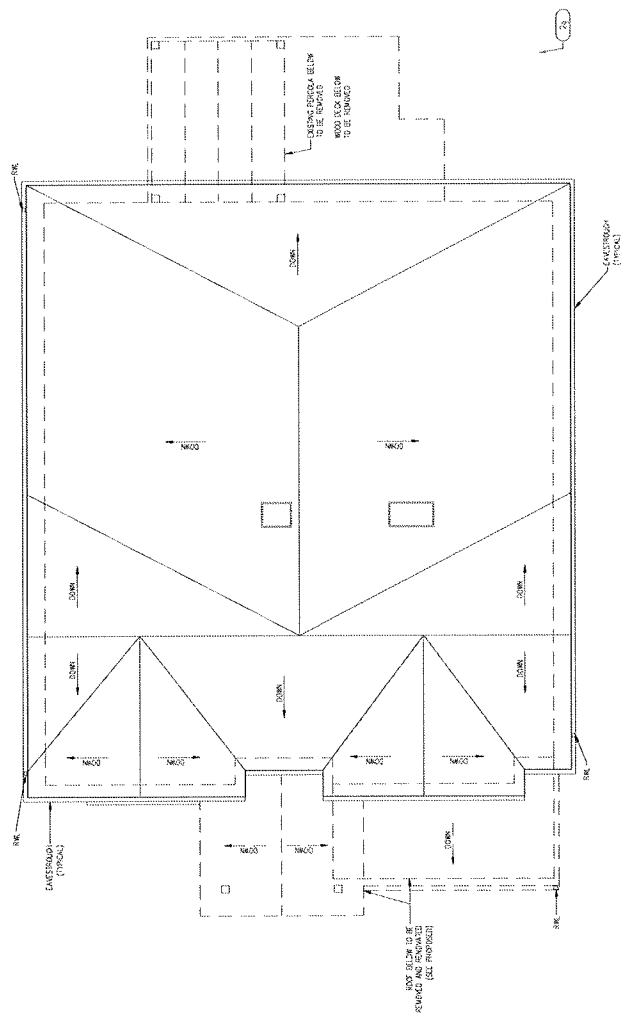
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DATE 2018.02.12  
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DRAWN BY B.I.  
CHECKED BY P.D.





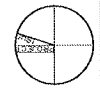
PROPERTY LINE

PROPERTY LINE



DEMOLITION PLAN LEGEND

- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED
- EXISTING DOOR TO REMAIN
- EXISTING DOOR TO BE REMOVED



NO.	DATE	REVISION
6	2018.02.13	ISSUED FOR TAB
5	2017.12.07	C OF A HEARING
4	2017.08.01	ISSUED FOR C OF A
3	2017.08.30	REISSUED FOR ZON

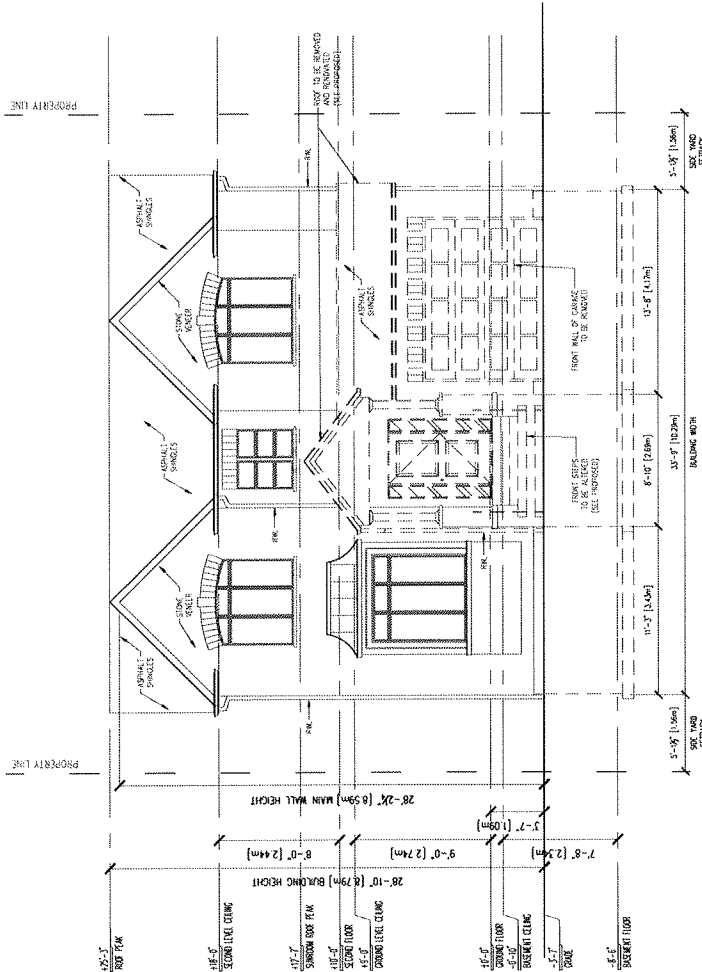
**SUSTAINABLE TO**  
ARCHITECTURE + BUILDING  
341 CATHY STREET EAST  
SUITE 200  
TORONTO, ONTARIO  
M4M 1J6  
416-695-1816  
www.sustainable.to

PROJECT NAME  
**7 BROOKLAWN AVE**  
TORONTO, ON

DRAWING TITLE  
**EXISTING ROOF**  
**LEVEL PLAN**

PROJECT NO.	17-071	SHEET NO.
DATE	2018.02.12	
SCALE	1/8" = 1'-0"	
DRAWN BY	B.I.	
CHECKED BY	P.D.	

**A1.30**



PROJECT NO. 17-071 SHEET NO. 17-071  
 DATE 2018.02.12  
 SCALE 1/8" = 1'-0"  
 DRAWN BY S.T.  
 CHECKED BY P.D.

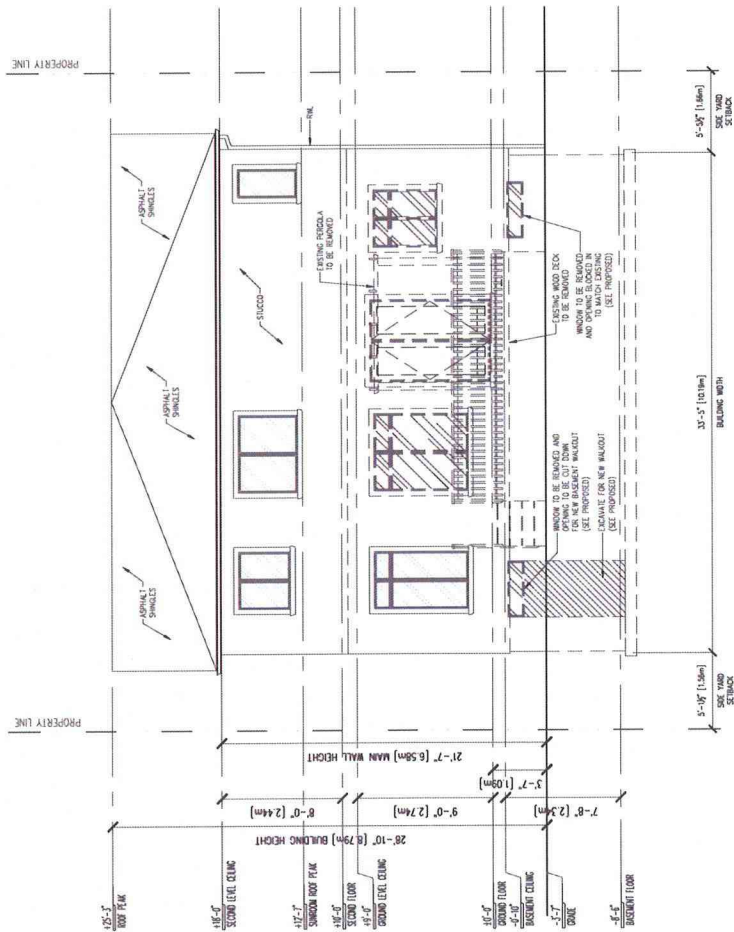
DRAWING TITLE  
 EXISTING WEST  
 (FRONT) ELEVATION

PROJECT NAME  
 7 BROOKLAWN AVE  
 TORONTO, ON

**SUSTAINABLE TO**  
 ARCHITECTURE + BUILDING  
 415-618-0846  
 415-618-0846  
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NO. DATE  
 6 2018.02.13 ISSUED FOR I.L.B.  
 5 2017.12.07 C.O.F.A. HEARING  
 4 2017.09.11 ISSUED FOR C.O.F.A.  
 3 2017.08.20 REVISED FOR ZONING





PROJECT NO. 17-071 SHEET NO. A2.30  
DATE 2018.02.12  
SCALE 1/8" = 1'-0"  
DRAWN BY B.T.  
CHECKED BY P.D.

DRAWING TITLE  
EXISTING EAST  
(REAR) ELEVATION

PROJECT NAME  
7 BROOKLAWN AVE  
TORONTO, ON

**SUSTAINABLE TO**  
ARCHITECTURE + BUILDING  
943 QUEEN STREET EAST  
SUITE 200  
TORONTO, ONTARIO  
M4M 1B5  
416-618-0846  
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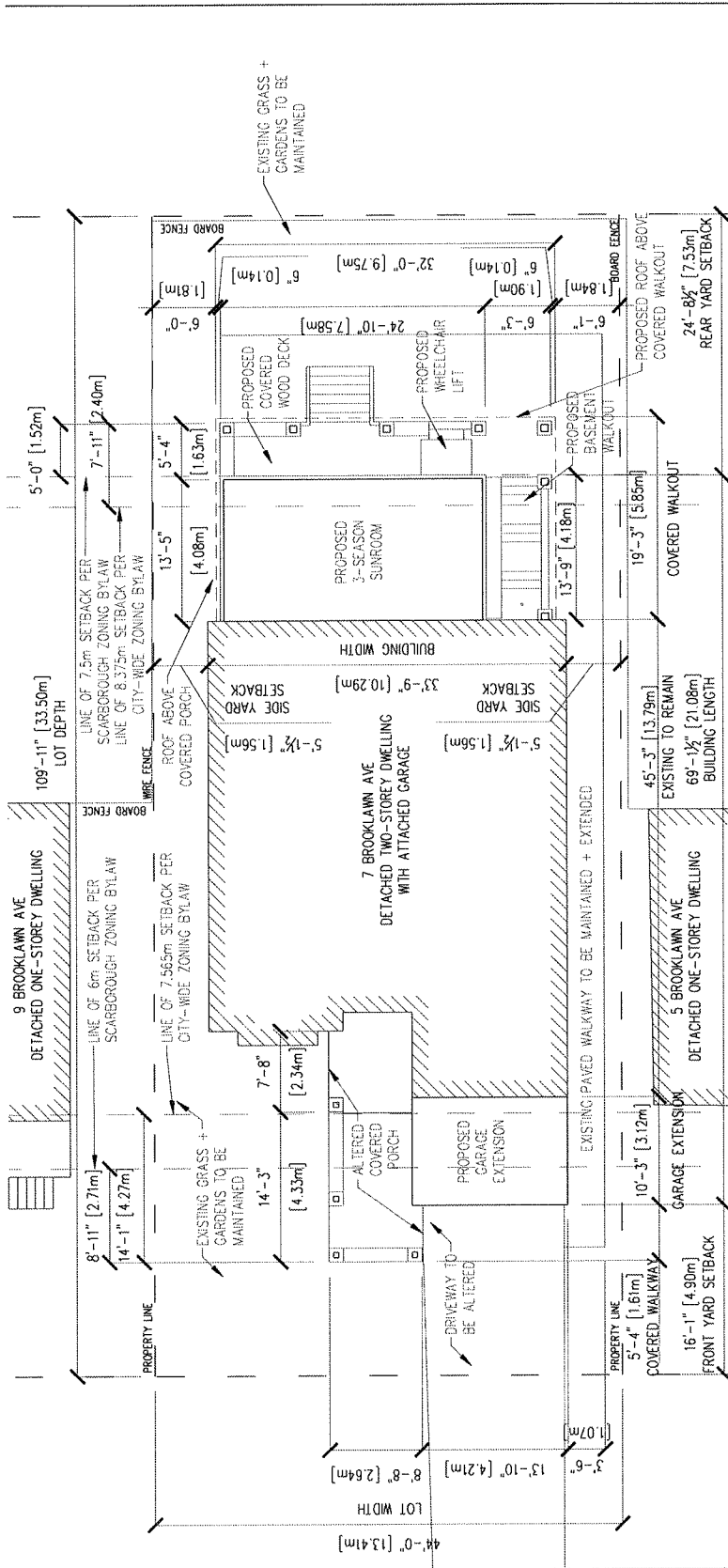
NO.	DATE	REVISION
6	2018.02.13	ISSUED FOR TAB
5	2017.12.07	C OF A HEARING
4	2017.09.11	ISSUED FOR C OF A
3	2017.08.30	REISSUED FOR ZON







SITE PLAN PREPARED WITH SURVEY  
INFORMATION PREPARED BY:  
RALPH W. PAUL O.L.S.  
DATED 22 AUG 2012



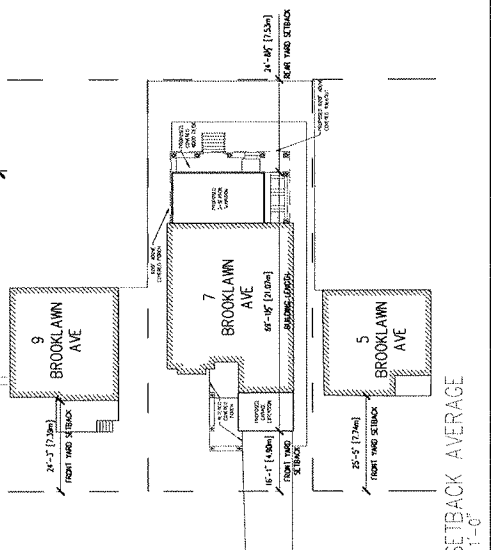
1 PROPOSED SITE PLAN  
3/32" = 1'-0"

LEGAL DESCRIPTION	LOT 465 CITY OF TORONTO
ZONING	R2 - RESIDENTIAL DETACHED (CITY OF TORONTO BY-LAW 569-2013)
TYPE OF BUILDING	SINGLE FAMILY SEMI-DETACHED DWELLING
LOT AREA	4,635 sq ft (428.3 m <sup>2</sup> )
REQUIREMENT	PERMITTED (CITY-WIDE) PERMITTED (SCARBOROUGH) EXISTING 2,148 sq ft (199.6 m <sup>2</sup> ) 2,148 sq ft (199.6 m <sup>2</sup> ) (50% OF LOT AREA) (VARIANCE 400/750)
MAX GROSS FLOOR AREA	1,596 sq ft (146.3 m <sup>2</sup> ) 1,596 sq ft (146.3 m <sup>2</sup> ) (33% OF LOT AREA) (33% OF LOT AREA)
LOT COVERAGE	1,596 sq ft (146.3 m <sup>2</sup> ) 1,596 sq ft (146.3 m <sup>2</sup> ) (33% OF LOT AREA) (33% OF LOT AREA)
FRONT YARD SETBACK (WEST)	24'-0" (7.32m)
SIDE SETBACK (NORTH)	7'-0" (2.13m)
SIDE SETBACK (SOUTH)	7'-0" (2.13m)
REAR SETBACK (EAST)	27'-0" (8.23m)
MAX DEPTH	52'-0" (15.85m)
MIN. PARKING	1
HEIGHT	29'-0" (8.84m)
MIN. LOT FRONTAGE	34'-0" (10.36m)

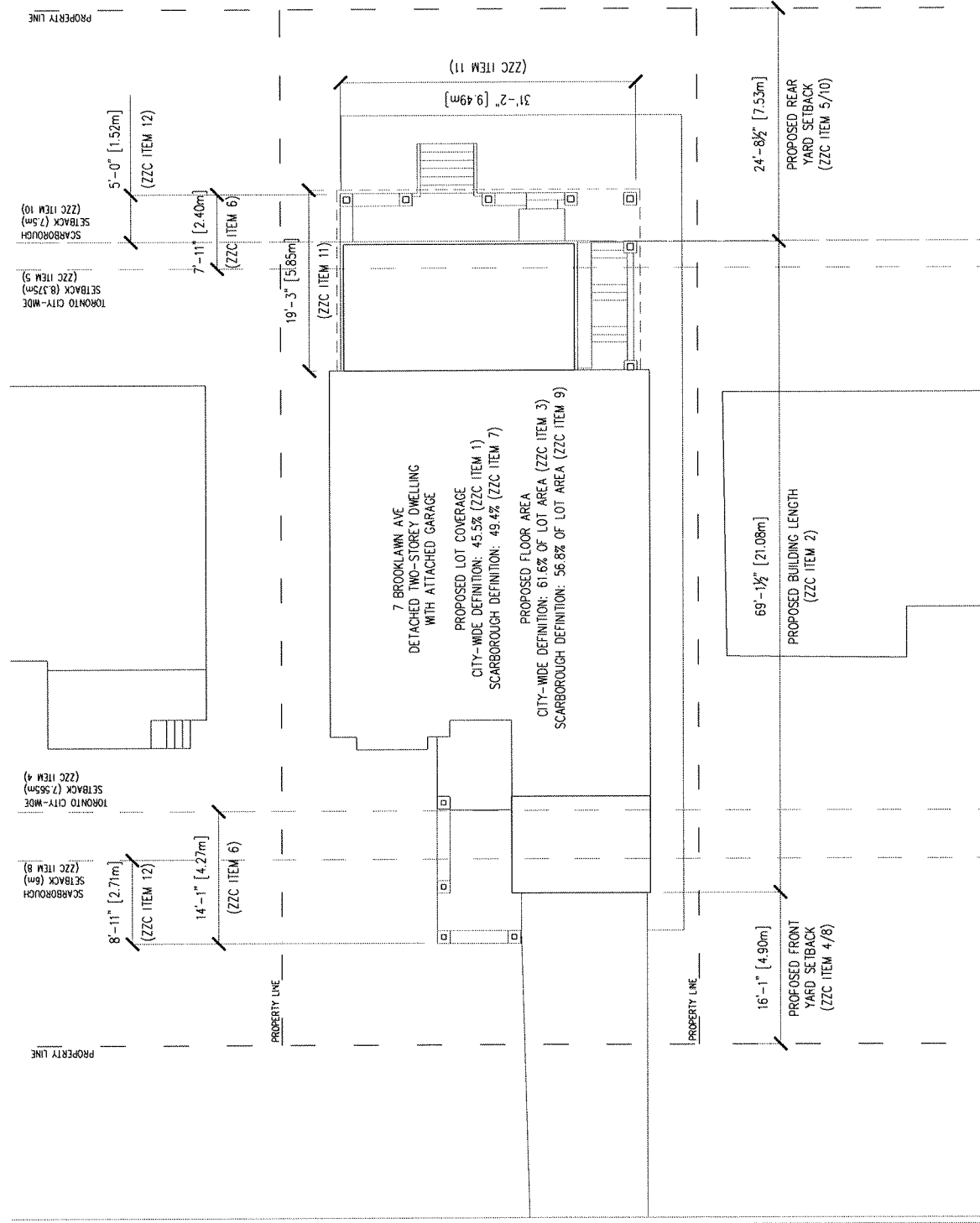
SITE STATISTICS

PROJECT NAME	7 BROOKLAWN AVE TORONTO, ON
PROPOSED SITE	PLAN AND STAIRS
PROJECT NO.	17-071 SHEET NO.
DATE	2016.02.12
SCALE	3/32" = 1'-0"
DRAWN BY	B.L.
CHECKED BY	P.D.

SUSTAINABLE TO  
ARCHITECTURE + BUILDING  
7 BROOKLAWN AVE  
TORONTO, ON  
416-609-0846  
www.sustainable-to.com



2 SITE SETBACK AVERAGE  
1/32" = 1'-0"



PROJECT NO

17-071

SHEET NO

A030

DATE

2018.02.12

SCALE

3/32" = 1'-0"

DRAWN BY

BS

CHECKED BY

P.D.

DRAWING TITLE

PROPOSED SITE PLAN

PROJECT NAME

7 BROOKLAWN AVE  
TORONTO, ON

ISSUED FOR PLAN

2018.02.13

C.O.F.A. HEARING

2017.12.07

ISSUED FOR C.O.F.A.

2017.08.11

ISSUED FOR ZCC

2017.08.20

REVISION

NO DATE

SUSTAINABLE TO

ARCHITECTURE + BUILDING

300 BAYVIEW STREET EAST

SUITE 100

TORONTO, ONTARIO

M4M 1B8

416-619-3848

www.sustainable.to

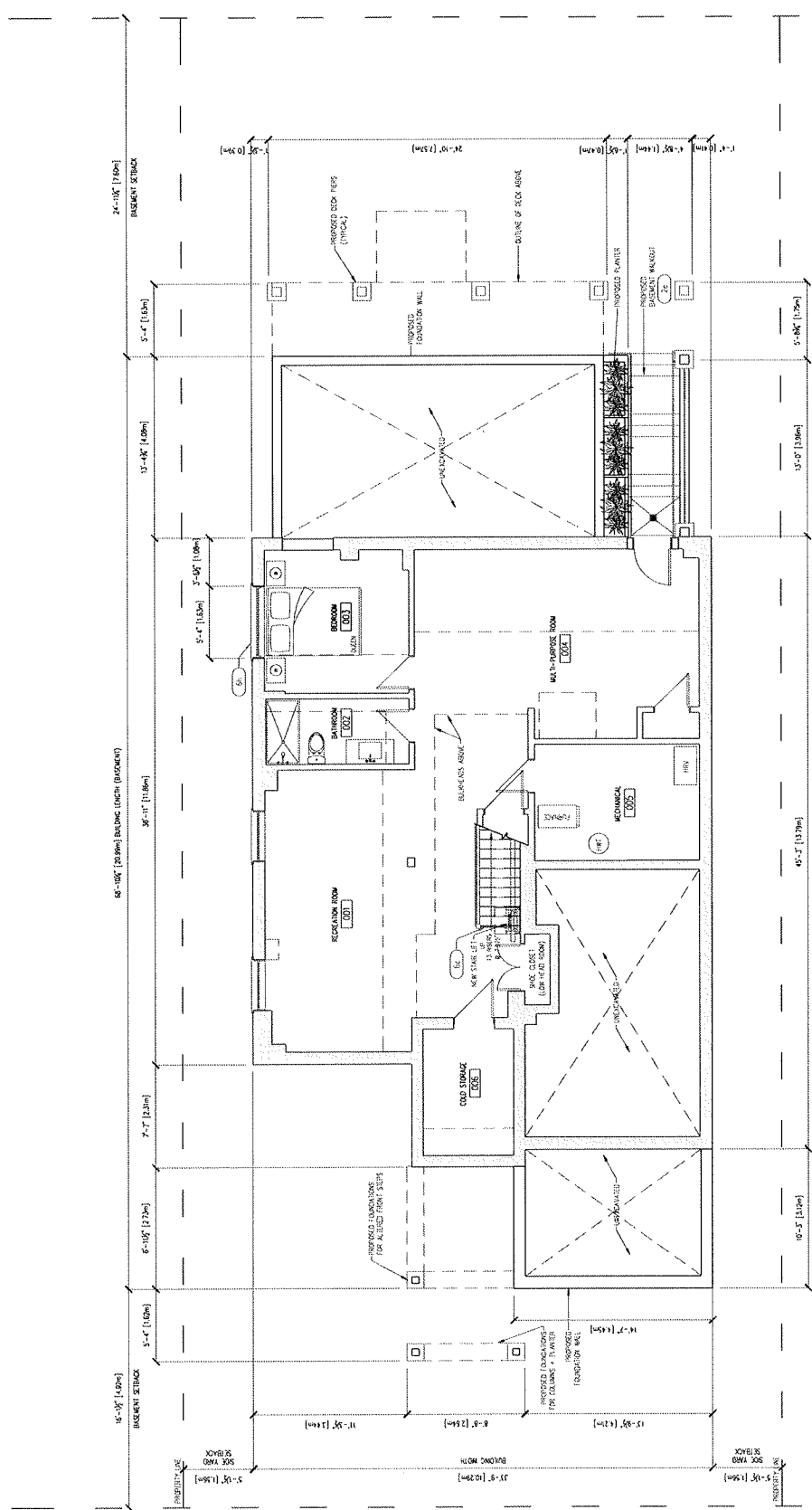
PROJECT NO

17-071

SHEET NO

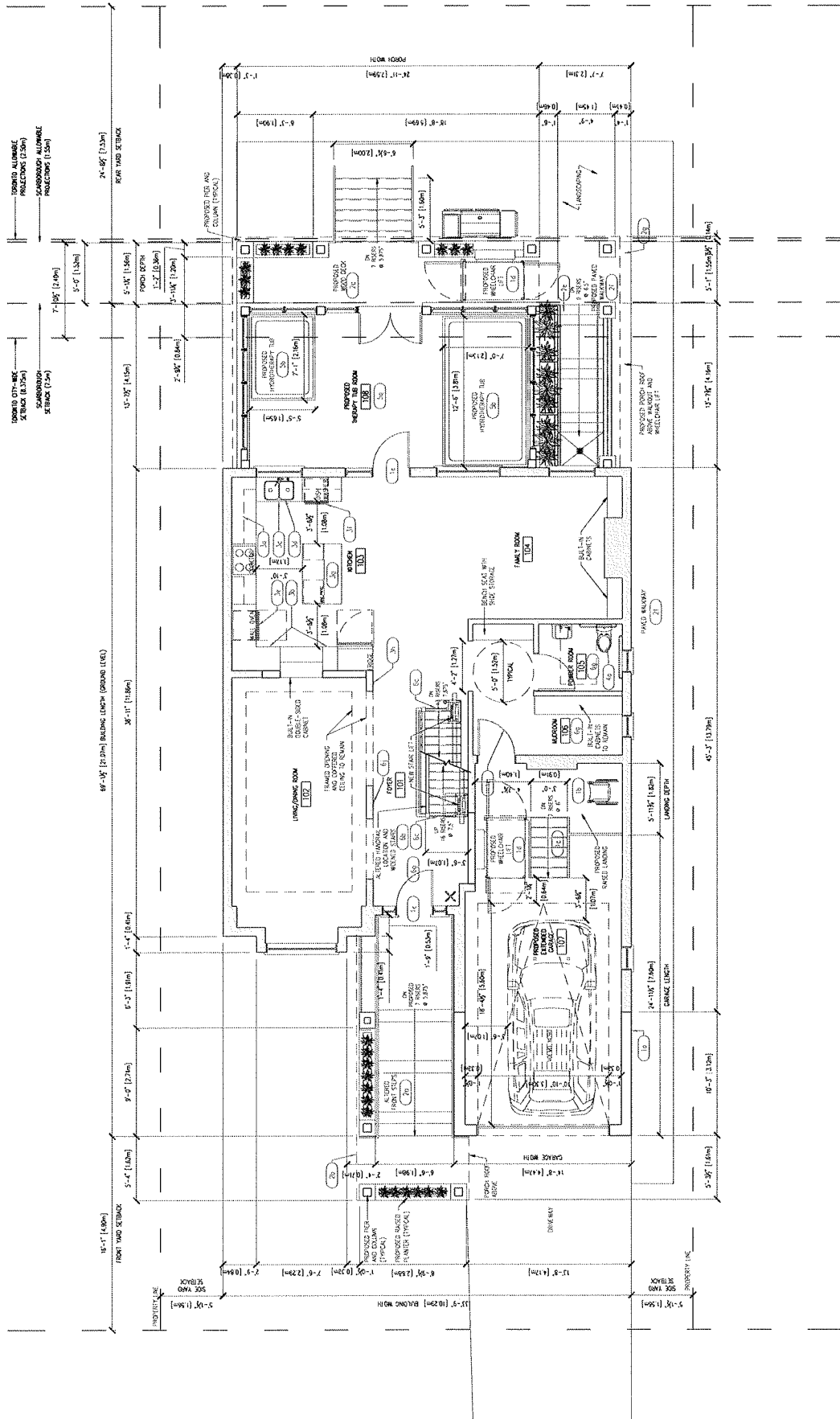
A030

BROOKLAWN AVE



PROPOSED BASEMENT AREA: 1220 SQ. FT. (111.6mm<sup>2</sup>)

ISSUED FOR TAB		PROJECT NAME		DRAWING TITLE		PROJECT NO.		SHEET NO.	
1	2017 02 07	C OF A HEARING	7 BROOKLAWN AVE	PROPOSED BASEMENT	17-D71	2018.02.12	2018.02.12	1/8" = 1'-0"	A1.00
2	2017 08 11	ISSUED FOR C OF A	943 QUEEN STREET EAST	LEVEL PLAN					
3	2017 08 15	REVISED FOR JDS	SUITE 200						
4	2017 08 15	REVISED FOR JDS	TORONTO, ONTARIO						
5	2017 08 15	REVISED FOR JDS	415-619-0949						
6	2017 08 15	REVISED FOR JDS	WWW.SUSTAINABLETO.COM						
7	2017 08 15	REVISED FOR JDS							
8	2017 08 15	REVISED FOR JDS							
9	2017 08 15	REVISED FOR JDS							
10	2017 08 15	REVISED FOR JDS							
11	2017 08 15	REVISED FOR JDS							
12	2017 08 15	REVISED FOR JDS							
13	2017 08 15	REVISED FOR JDS							
14	2017 08 15	REVISED FOR JDS							
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98	2017 08 15	REVISED FOR JDS							
99	2017 08 15	REVISED FOR JDS							
100	2017 08 15	REVISED FOR JDS							



PROPOSED GROUND LEVEL AREA: 1433 SQ. FT. (13266 SQ. FT.)

PROJECT NO. 17-071 SHEET NO. 17-071  
DATE 2018.02.13  
SCALE 1/8" = 1'-0"  
DRAWN BY B.T.  
CHECKED BY P.D.

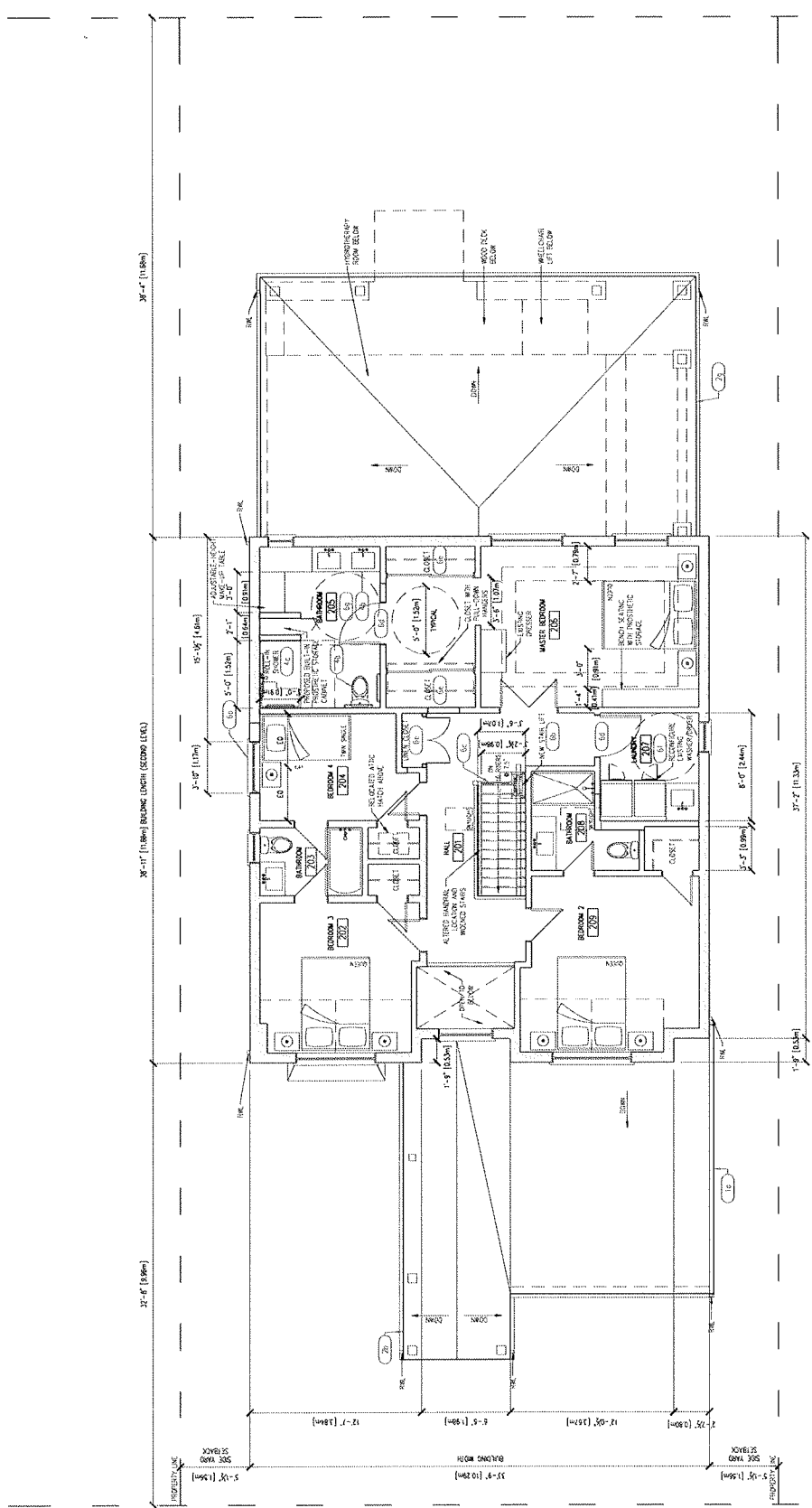
DRAWING TITLE  
PROPOSED GROUND  
LEVEL PLAN

PROJECT NAME  
7 BROOKLAWN AVE  
TORONTO, ON

**SUSTAINABLE TO**  
ARCHITECTURE + BUILDING  
1000 SHEPPARD AVE. EAST  
SUITE 200  
TORONTO, ONTARIO  
M4X 1E8  
416-618-0848  
www.sustainableto.ca

NO.	DATE	REVISION
6	2018.02.13	ISSUED FOR LAB
5	2017.12.07	C.O.P. A HEARING
4	2017.09.11	ISSUED FOR C.O.P. A
3	2017.08.30	REVISED FOR 2017





PROPOSED SECOND LEVEL AREA: 1207 SQ. FT. (11074 sqm)

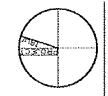
PROJECT NO. 17-021 SHEET NO.  
 DATE 2018.02.13  
 SCALE 1/8" = 1'-0"  
 DRAWN BY B.T.  
 CHECKED BY P.D.

DRAWING TITLE  
 PROPOSED SECOND  
 LEVEL PLAN

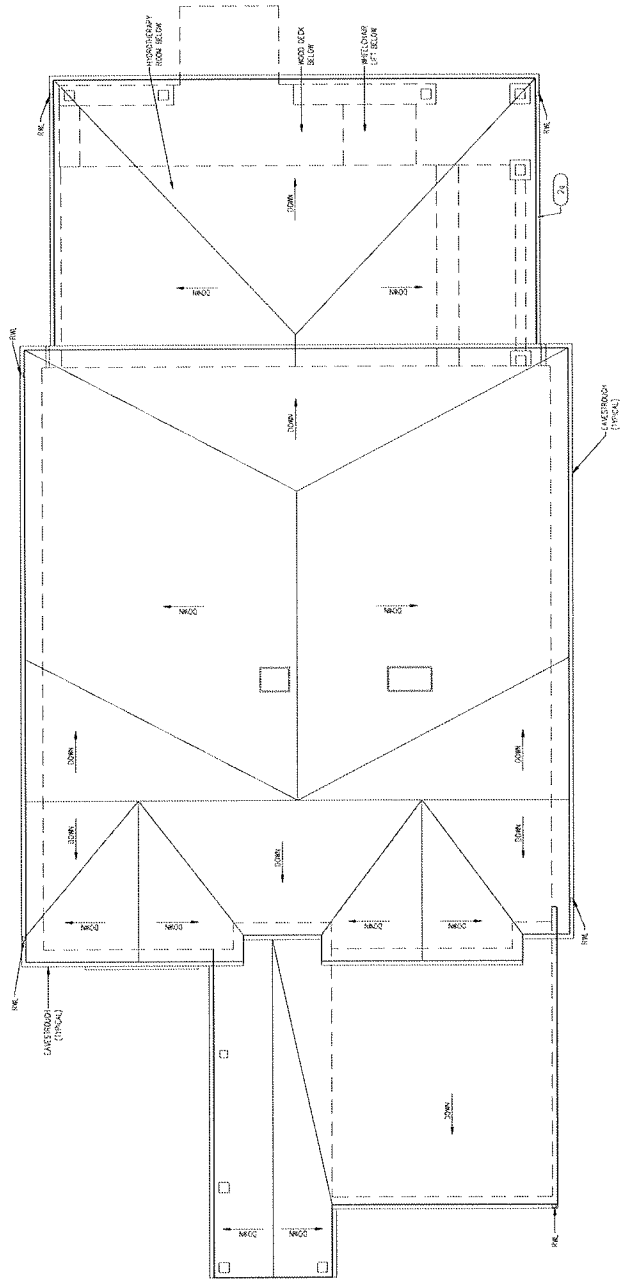
PROJECT NAME  
 7 BROOKLAWN AVE  
 TORONTO, ON

**SUSTAINABLE TO**  
 ARCHITECTURE + BUILDING  
 843 QUEEN STREET EAST  
 TORONTO, ON M5G 1H8  
 416-698-0848  
 WWW.SUSTAINABLETO.COM

NO.	DATE	REVISION
6	2018.02.13	ISSUED FOR I.L.B.
5	2017.12.07	C.O.P. A HEARING
4	2017.09.11	ISSUED FOR C.O.P. A
3	2017.08.30	REVISED FOR I.L.B.



81



6	2018.02.13	ISSUED FOR LAB
5	2017.12.07	C OF A HEARING
4	2017.09.11	ISSUED FOR C OF A
3	2017.08.30	REVISED FOR ZOS
2	2017.08.30	REVISED FOR ZOS
1	2017.08.30	REVISED FOR ZOS
0	2017.08.30	REVISED FOR ZOS

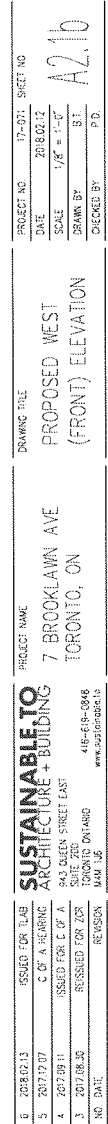
**SUSTAINABLE TO**  
**ARCHITECTURE + BUILDING**  
 643 QUEEN STREET EAST  
 SUITE 200  
 TORONTO, ONTARIO  
 M4M 1B5  
 416-619-2848  
 www.sustainableto.ca

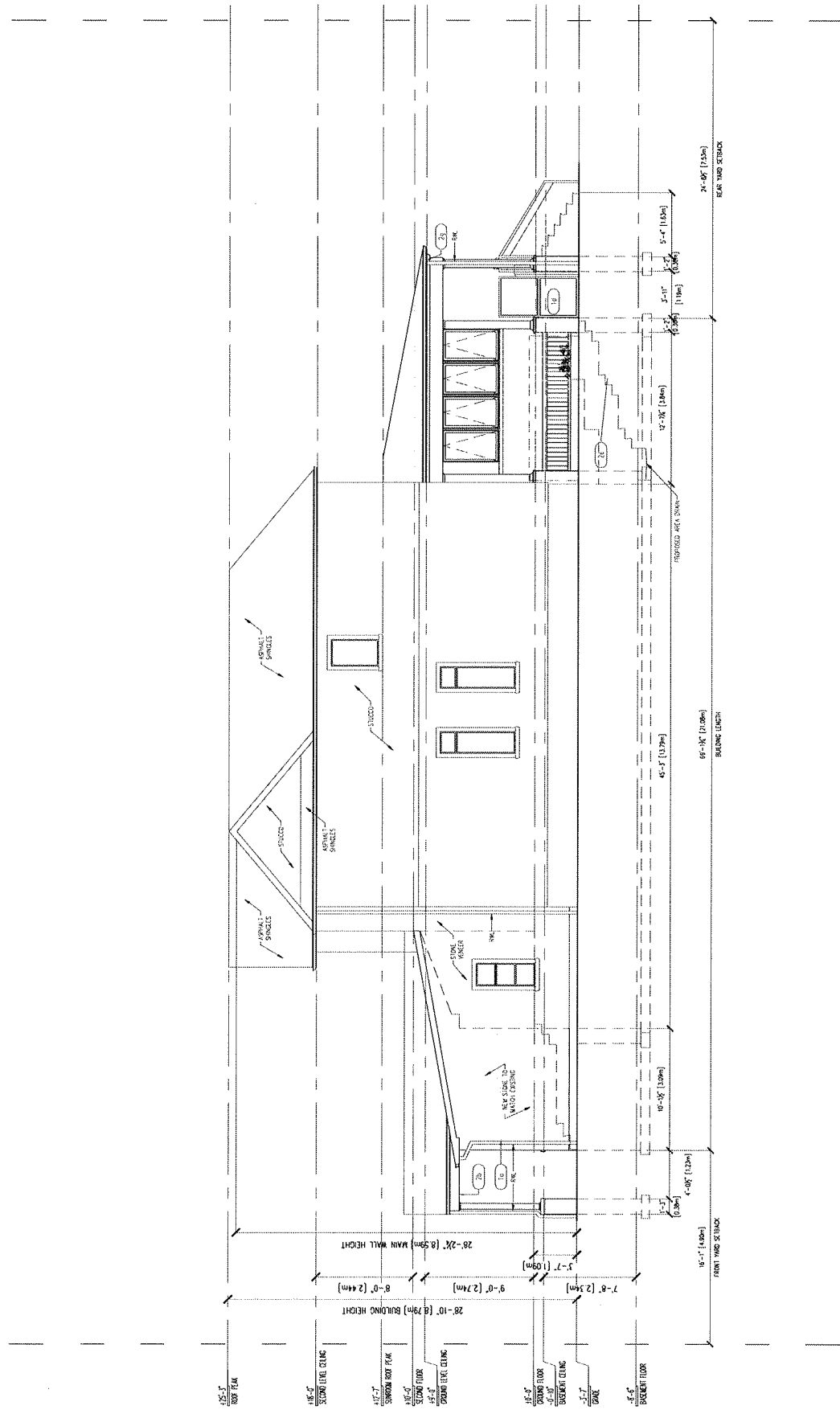
PROJECT NAME  
 7 BROOKLAWN AVE  
 TORONTO, ON

DRAWING TITLE  
 PROPOSED ROOF  
 LEVEL PLAN

PROJECT NO.	17-071	SHEET NO.
DATE	2018.02.12	
SCALE	1/8" = 1'-0"	A1.30
DRAWN BY	ST	
CHECKED BY	PD	

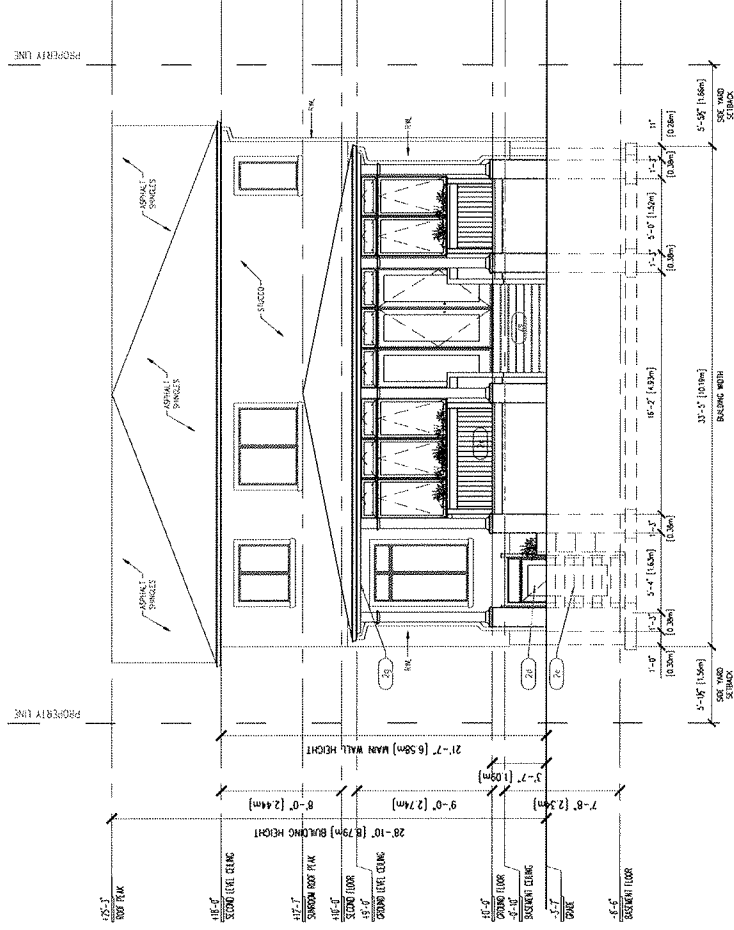






PROJECT NO. 17-071		SHEET NO. 2018.02.12	
DATE 2017.12.07		SCALE 1/8" = 1'-0"	
DRAWN BY BT		CHECKED BY P.D.	
PROJECT NAME 7 BROOKLAWN AVE TORONTO, ON		DRAWING TITLE PROPOSED SOUTH (SIDE) ELEVATION	
ISSUED FOR E.A.B. C OF A HEARING		SUSTAINABLE.TO ARCHITECTURE + BUILDING	
ISSUED FOR C OF A		943 QUEEN STREET EAST	
REVISED FOR JCS		SUITE 200, 416-608-0848	
NO. DATE		WWW.SUSTAINABLE.TO	
REVISION		REV. 1.0	

84



PROJECT NO. 17-071 SHEET NO.  
DATE 2016.02.12  
SCALE 1/8" = 1'-0"  
DRAWN BY B.T.  
CHECKED BY P.D.

DRAWING TITLE  
PROPOSED EAST  
(REAR) ELEVATION

PROJECT NAME  
7 BROOKLAWN AVE  
TORONTO, ON

**SUSTAINABLE TO**  
ARCHITECTURE + BUILDING  
843 QUEEN STREET EAST  
SUITE 200  
TORONTO, ONTARIO  
416-619-2845  
www.sustainableto.ca

ISSUED FOR: R.A.B.  
C OF A HEARING  
ISSUED FOR: C OF A  
REVISED FOR: J.O.  
NO. DATE

REVISIONS

