

November 1, 2017

Our File No.: 000031

**Hand Delivered**

Committee of Adjustment  
Etobicoke York Panel  
Etobicoke Civic Centre  
2 Civic Centre Court, 4<sup>th</sup> Floor  
Toronto, ON M9C 5A3

**Attention: Ms. Susanne Pringle, Manager and Deputy Secretary-Treasurer**

Dear Ms. Pringle:

**Re: Notices of Appeal – 49-51 Springmount Avenue (the “Subject Properties”)  
Minor Variance and Consent Applications (the “Applications”)  
File Nos. B0043/17EYK, B0044/17EYK, A0478/17EYK, A0479/17EYK, A0480/17EYK**

We are the solicitors for Brentlane Developments Inc. (“Brentlane”), agent for the owners of the Subject Properties, Elizabeth De Jonge, Molly Stroyman and Victor Levin, and for the applicant in the above-noted Applications, Andrew Deane from Richard Wengle Architect Inc. On behalf of Brentlane, we hereby appeal the October 12, 2017 decisions of the Committee of Adjustment (“CofA”) to refuse the Applications, pursuant to subsections 45(12) and 53(14) of the *Planning Act*.

The Subject Properties are located in the Regal Heights neighbourhood, north of Davenport Road and west of Oakwood Avenue, at the intersection of Springmount Avenue and Regal Road. Each of the Subject Properties is currently improved with a two storey duplex which is significantly elevated from street level, with vehicular parking provided via an easement over a private laneway at the rear which is accessed from Highview Crescent. The purpose of the Applications is to demolish the existing dwellings and to sever the Subject Properties into three separate lots to facilitate the construction of three new three-storey detached dwellings with integral garages. Three new driveways and curb cuts are proposed along Springmount Avenue, to be configured in a manner that enables the preservation of the City-owned tree at the front of the Subject Properties.

No variances are required from either the Former City of Toronto Zoning By-law 438-86 (the “Old By-law”) or the new City of Toronto Zoning By-law 569-2013 (the “New By-law”) in connection with the severance of the two existing lots into three new lots or the proposed lot areas or frontages. However, variances are necessary to permit the construction of the proposed new dwellings. The variances required under the Old By-law relate to front yard setbacks, side yard setbacks and

building height. The variances required under the New By-law relate to floor space index, side yard setbacks, building depth, building height, front yard landscaping and exterior stair encroachments. As noted in the report from Community Planning, “many of the proposed variances are the result of the existing grade of the property”, and are therefore technical in nature.

## **Committee of Adjustment Decisions**

The Applications were submitted on May 18, 2017 and scheduled to be heard by the CofA on October 12, 2017. In advance of the hearing, the CofA received correspondence from both Community Planning (as noted above) and Engineering and Construction Services which confirmed that those departments have no concerns or objections to the Applications. Urban Forestry expressed concern in respect of a few of the existing private trees on the Subject Properties, and requested a condition requiring the applicant to apply for a permit to injure or remove private trees in the event that the CofA approved the application. Various residents in the neighbourhood also made submissions to the CofA and some were in attendance to speak in opposition to the Applications.

## **Reasons for Appeal**

Given that four self-contained dwelling units currently exist on the Subject Properties, the proposal to sever the lots to facilitate the construction of three new detached dwellings is both reasonable and appropriate, and fits comfortably within the neighbourhood context.

The front walls of the proposed new dwellings are designed to line up with the existing dwelling to the east, while the proposed rear walls are approximately halfway between the rear walls of the existing dwellings to the east and west, following the natural curve of the street. Although building depth variances are required under the New By-law as a result of the manner in which the front yard setback is defined, the actual length of each of the new dwellings is only 17 metres, consistent with the by-law requirement. The required building height variances are also primarily a function of the topography of the Subject Properties, while the density is deployed in a manner that respects the surrounding properties. The proposed setbacks are consistent with the setbacks which currently exist throughout the neighbourhood. Finally, the proposed front yard landscaping will maintain the existing City-owned tree on the boulevard and will otherwise constitute a significant improvement over the shrubs and other unkempt vegetation which currently exist in the front yard of the Subject Properties and which unnecessarily restrict views to and from the existing dwellings.

Having regard to the local context and all of the subdivision criteria set out in subsection 51(24) of the *Planning Act*, the proposed severances represent good planning and should be approved.

It is also respectfully submitted that the requested variances satisfy all four tests in subsection 45(1) of the *Planning Act*, both individually and collectively, and that the proposal generally represents good planning. More specifically:

- The proposed variances maintain the general intent and purpose of the Official Plan by respecting the existing physical character of the surrounding lot patterns, building types,

streetscapes and rear and side yard open spaces. The proposed new dwellings represent an attractive modern design and will fit harmoniously within the existing aesthetic and character of the neighbourhood, which is defined by an eclectic mix of older and newer dwellings of varying architectural styles.

- The intent and purpose of both the Old By-law and the New By-law is to ensure an appropriate built form that fits within the context of the neighbourhood without creating undue adverse impacts. In our view, the proposed new dwellings achieve these objectives by replacing older building stock with three new houses which generally align with the types, styles and locations of dwellings in the surrounding area. Transportation Services has confirmed that the required curb cuts and proposed integral garages are acceptable.
- The proposal is desirable for the appropriate use of the land. It provides for reinvestment which will further the natural evolution of this stable and desirable residential neighbourhood, with a built form and landscaping that is aesthetically pleasing and that respects the established character of the surrounding properties.
- The requested variances are minor and will result in no adverse or negative impacts on the adjacent residential properties or streetscape. The proposed setbacks, building height, building depth, floor space index, density and landscaping are reasonable when considered in the local context with regard to the existing topography. Community Planning has confirmed that it is comfortable with the magnitude of deviation from the existing zoning standards.

Finally, with respect to the submissions from the area residents, our client is open to further discussions as to how the proposal might be modified to address some of the stated concerns.

## **Enclosures**

Please find enclosed five completed TLAB Appeal Forms, five certified cheques for \$300 made payable to the “City of Toronto” and copies of the CofA decisions refusing the Applications.

Please do not hesitate to contact us if any additional information is required.

Yours very truly,

**GOODMANS LLP**

**Per:**



Ian Andres  
IDA/ms