

Clause embodied in Report No. 5 of the Downtown Community Council, as adopted by the Council of the City of Toronto at its meeting held on June 26, 27 and 28, 2001.

5

**Draft Zoning By-law -
885 Logan Avenue
(Toronto-Danforth, Ward 30)**

(City Council on June 26, 27 and 28, 2001, adopted the following recommendation:

"It is recommended that the report dated June 25, 2001, from the Commissioner of Urban Development Services, embodying the following recommendation, be adopted:

'It is recommended that the project be approved and the City Solicitor be instructed to amend the by-law to include a setback of the second storey of 1.67 metres from the west elevation of the building.' "

The Downtown Community Council submits this matter to Council without recommendation.

The Downtown Community Council reports, for the information of Council, that notice of the public meeting was given in accordance with the Planning Act. The public meeting was held on June 12, 2001 and the following addressed the Downtown Community Council:

- Ms. Sheila Furness and Mr. Robin Barker, Toronto;
- Ms. Ruth King; Toronto;
- Mr. John Benczkowski, Toronto; and
- Mr. David Sooley, Toronto.

The Downtown Community Council submits the following report (May 18, 2001) from the Director, Community Planning, South District:

Purpose:

This report reviews and recommends approval of an application to amend the Zoning By-law to convert an existing building to a residential unit by adding a second storey addition, making interior renovations and providing indoor parking at 885 Logan Avenue.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) Amend the Zoning By-law 438-86 for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Appendix C.
- (2) Authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
- (3) Prior to the introduction of the Bills in Council, require the owner to execute an undertaking to secure the following:
 - (a) provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes, if required in connection with the development;
 - (b) provide and maintain private refuse collection services for this project;
 - (c) submit to, and have approved by the Commissioner of Works and Emergency Services, prior to the introduction of a Bill in Council, a Noise Impact Statement in accordance with the City Council's requirements;
 - (d) have a qualified Architect/Acoustical Consultant certify, in writing, to the Commissioner of Works and Emergency Services that the development has been designed and constructed in accordance with the Noise Impact Statement approved by the Commissioner of Works and Emergency Services;
 - (e) provide, maintain and operate the noise impact measures, facilities and strategies stipulated in the plan approved by the Commissioner of Works and Emergency Services;
 - (f) submit to the Commissioner of Works and Emergency Services:
 - (i) a Reference Plan of Survey in metric units and referenced to Ontario Co-ordinate System, delineating thereon by separate PARTS, the lands under application and any appurtenant rights-of-way;
 - (ii) final approved drawings of the development with sufficient horizontal and vertical dimensions of the exterior walls of the proposed addition to enable the preparation of building envelope plans;
 - (iii) a digital copy of the final site in DGN, DWG or DXF formats;

and such plans be submitted at least 3 weeks prior to the introduction of Bills in Council.

Background:

Proposal

This project is to construct a small second storey addition on an existing building at 885 Logan Avenue and make interior alterations to convert it into a detached dwelling unit with indoor parking. An existing one-storey building covers the entire site and is currently vacant.

Site History

This proposal was before the Committee of Adjustment in February 2000. The application was refused by the Committee and not appealed to the Ontario Municipal Board. The applicant then submitted a rezoning application for the property.

Site and Surrounding Area

The property is located on the southwest corner of two public lanes running east/west and north/south generally between Fenwick and Logan Avenues, just south of Danforth Avenue. It is located to the rear of the properties on the east side of Logan Avenue, behind premises Nos. 871 - 883 Logan Avenue. The site is situated just south of the Danforth Avenue commercial strip and surrounded on three sides by residential properties.

Official Plan

This site falls within a Low Density Residence Area under the former City of Toronto Official Plan Part I. Low Density Residence Areas will be regarded as stable. No changes will be made through zoning or other public action which are out of keeping with the physical character of such areas. It is the policy of Council to undertake measures that will protect and enhance Low Density Residence Areas. In Low Density Residence Areas, Council may pass by-laws to permit residential buildings having a gross floor area up to 1.0 times the area of the lot, provided that appropriate regard is had for the effect of such buildings upon the stability and general residential amenity and physical character of the Residence Area, and surrounding areas.

The proposed density of the project is 0.94 times the area of the lot and, therefore, no Official Plan amendment is required.

Zoning By-law 438-86

The zoning of this property is R2 Z0.6. The height limit is 10 metres. Residential uses are permitted with residential standards applied to new development. As the existing building sits on the site, covering the property lot line to lot line, the residential standards such as setbacks from lot lines are not achievable.

Site Plan Control

An application for site plan approval is not required given that the application for rezoning is for one residential unit.

Reasons for Application

An amendment to the Zoning By-law is required given that the proposal does not comply with the Zoning By-law in the following ways:

- a) the residential development exceeds the 0.6 times the area of the lot area;
- b) front, rear and side yard setbacks;
- c) the parking layout;
- d) frontage; and
- e) landscaped open space.

Community Consultation

A public meeting was held in the community on January 29, 2001, with approximately 20 persons in attendance. Many of the residents on Logan Avenue wrote letters of concern (see Appendix B). There were four major issues raised by the neighbours. They include light, view, privacy and property values.

Subsequent to the meeting, the applicant agreed to amend the plans so that no windows face west or south. The landscaped deck located on the roof is screened from the west so that no overlook is possible.

Indoor parking was raised as an issue by the neighbours. The plans showed four cars with direct parking access from the lane. The concern expressed by the residents was that too much parking was provided on site, potentially leading to the creation of additional units in the building. As a result of this concern, the applicant has agreed to reduce the parking provided on site to three cars.

Agency Circulation

The application was circulated to all appropriate agencies and City departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

Comments:

The owner of 885 Logan Avenue has requested permission to convert the existing building into a residential unit and add a small second storey addition. Although the site represents a house behind a house situation, the existing building has been in transition for many years from its original industrial use. A house on a lane would be a compatible use with the surrounding neighbourhood. The benefit of a residential use here would mean that the non-conforming status of the site would cease to exist.

The main issues involve overlook, light, view and privacy matters. No openings, windows or doors will occur on the west or south elevation which abut the adjoining residential lots. The second storey has been designed to not interfere with the light on the backyards of the Logan properties. Shadow studies have been conducted to ensure the shadows fall on the project itself.

This matter has been reviewed by staff. No one to the east of the site where the windows do face has expressed concern with the project and several residents have supported it. The last issue of concern is the number of parking spaces proposed for the site. The applicant has agreed to reduce the number of parking spaces to three cars instead of four. All of these changes have been made to the plans.

Conclusions:

An application has been submitted to the City for consideration of a Zoning By-law amendment to permit the conversion of an existing building with a partial second storey addition to a residential dwelling. The building sits on a rear lane with no frontage on Logan Avenue. It has a separate address, and is fully serviced. Conversion to a residential use would be more in keeping with the Official Plan and Zoning By-law policy and more compatible with the neighbourhood. While the proposed second storey addition would be visible by the neighbours to the west, it would have minimal impact due to its careful design.

Sufficient parking would be provided within the building and there would be no windows to the west or to the south facing directly onto any existing backyards. The conversion of this building to residential would ensure the non-conforming status of the site would cease to exist. In my opinion, with the proposed changes to the project, there will be minimal impact on the adjacent residents or their properties. I am, therefore, recommending approval of the project.

Contact:

Denise Graham; Senior Planner

Telephone: (416) 392-0871; Fax: (416) 392-1330; E-mail: dgraham1@city.toronto.on.ca

Application Data Sheet

Site Plan Approval:	No	File Number:	100004
Rezoning:	Yes	Application Number:	ZBA20000008
O.P.A.:	No	Application Date:	03/16/2000
Municipal Address:	885 Logan Ave	Revised Date:	08/03/2000
Nearest Intersection:	East side of Logan Avenue; north of McConnell Avenue.		
Project Description:	Legalize non-conformity to it's legal zoning and add 2nd. Storey monitor of 52.79 sq. m.		

Applicant:

John F. Benczkowski
111 Davisville Av.
Toronto M4S1G5
(416) 486-4180

Agent:

John F. Benczkowski
111 Davisville Av.
Toronto M4S1G5
(416) 486-4180

Planning Controls (For verification refer to Chief Building Official)

Official Plan Designation:	Low Density Residence Area	Site Specific Provision:	No
Zoning District:	R2 Z0.6	Historical Status:	No
Height Limit (m):	10	Site Plan Control Area:	Yes

Project Information

Site Area:	451	Height:	Storeys: 2
Frontage:	30.96		Meters: 6.5
Depth:	14.47		Indoor Outdoor
Ground Floor GFA:	451.0	Parking Spaces:	3 0
Residential GFA:	52.9	Loading Docks:	0
Non-Residential GFA:	0	Loading Docks Type:	
Total GFA:	499		

Dwelling

Floor Area Breakdown

Tenure Type:	Freehold		Above Grade Below Grade
Rooms:	0	Residential GFA:	421.93
Bachelor:	0	Retail GFA:	0
1 Bedroom:	1	Office GFA:	0
2 Bedroom:	0	Industrial GFA:	0
3+ Bedroom:	0	Industrial/Other GFA:	0
Total Units:	1		
Total Proposed Density:	0.94		

Comments Application received.

Current Status:	Open	<u>Latest Event</u>	<u>Target Date</u>	<u>Actual Date</u>	<u>Outcome</u>
		Revision		08/03/2000	
		Revision		07/25/2000	
		Received		03/16/2000	

Data Valid: Aug 9, 2000 11:20:18 AM Planner: Denise Graham Phone: (416)392-0871
Area: East Planning Office: Toronto

Appendix A

Comments from Civic Officials

1. Urban Development Services, Building Division, September 5, 2000

Our comments concerning this proposal are as follows:

Description: Construct 2nd storey addition, make interior alterations

Zoning Designation: R2 Z0.6

Map: 52H 322

Applicable By-law(s): 438-86, as amended

Plans prepared by: Sol Arch Limited

Plans dated: March 13, 2000

Zoning Review

The list below indicates where the proposal does not comply with the City's Zoning By-law 438-86, as amended, unless otherwise referenced.

1. The proposed parking lay out does not comply with this definition in that the parking spaces will be obstructed and not accessible. (Section 2 "parking space")
Note: each parking space is to have minimum dimensions of 2.6 metres by 5.9 metres.
2. The proposed "detached house" does not have a "front lot line" of 3.5 metres fronting or abutting a highway assumed for public highway purposes, as required. (Section 4(11)(a))
3. The use of a residential building in the rear of another is not permitted. (Section 4(11)(b))
4. The by-law limits the residential gross floor area to 0.6 times the area of the lot (270.61 square metres). The proposed residential gross floor area of the building exceeds the maximum permitted by approximately 151.32 square metres. (Section 6(3) PART I 1)
5. The minimum required front lot line setback of 6.0 metres has not been provided, as required. (Section 6(3) PART II 2)
6. The minimum required 6.0 metre setback from the flanking street has not been provided, as required. (Section 6(3) PART II 3.A)
7. The minimum required side lot line setback of 0.45 metres, for that portion of the addition having a depth not exceeding 17.0 metres, has not been provided, as required. (Section 6(3) PART II 3.(B)(I))
8. The minimum required side lot line setback of 7.5 metres, for that portion of the addition exceeding a building depth of 17.0 metres, has not been provided, as required. (Section 6(3) PART II 3 B.(II))
9. The minimum required setback of 7.5 metres from the rear lot line has not been provided, as required. (Section 6(3) PART II 4)
10. The minimum required landscaped open space of 30% of the area of the lot has not been provided, as required. (Section 6(3) PART III 1(a))

11. The minimum required front yard landscaped open space of 50% of the area of the portion of the lot between the front wall and the front lot line, has not been provided, as required. (Section 6(3) Part III 3(a))

Other Applicable Legislation and Required Approvals

1. The proposal DOES NOT require Site Plan approval under Section 41 of the Planning Act.
2. The proposal DOES NOT require conveyance of land for parks purposes, or payment in lieu thereof pursuant to Section 42 of the Planning Act.
3. The proposal DOES NOT require the approval of Heritage Toronto under the Ontario Heritage Act.
4. The issuance of any permit by the Chief Building Official will be conditional upon the proposal's full compliance with all relevant provisions of the Ontario Building Code.

2. Works and Emergency Services, December 12, 2000

This is in reference to the application by Sol-Arch Ltd., for the above-noted site located to the rear of the properties on the east side of Logan Avenue, behind Premises Nos. 871 – 883 Logan Avenue and south of Danforth Avenue. The proposal is for the construction of a second storey addition on the existing single storey building containing 1 residential dwelling unit.

This proposal has been reviewed and the following comments and recommendations are provided.

Comments:

Survey Requirements

The plan of survey submitted with the application is illegible. In the absence of registered agreements, a legible, up-to-date and fully monumented plan of survey of the site is necessary for building permit approval, inspection purposes and the preparation of plans to be attached to the site plan by-law.

If registered agreements are to be entered into, a Reference Plan of survey in metric units and referenced to the Ontario Co-ordinate System, delineating thereon by separate PARTS, the lands under application and any appurtenant rights-of-way will be required for the preparation of legal descriptions. For the purposes of the preparation of legal descriptions and building envelope plans, the applicant should be required to provide final approved drawings of the development with sufficient horizontal and vertical dimensions of the exterior walls of the proposed addition.

The Reference Plan of survey and final approved drawings must be submitted at least 3 weeks prior to the introduction of Bills in Council.

Municipal Servicing

The existing City water distribution system and sewer system with regard to sanitary sewage are adequate to accommodate the change in land use.

With regard to storm drainage, the owner must be made aware of the City's standard storm drainage procedures for private properties.

Lane Widening

The two abutting public lanes are substandard, which in accordance with the City standard for residential lanes, should be widened ultimately to a minimum of 5 m. Given that the existing building to be retained extends up to the existing lane limits, it is not considered practicable to require a lane widening in this instance.

Noise Impact Statement

The owner is required to submit a satisfactory Noise Impact Statement for this development.

Refuse Collection

The plans indicate the width of the existing east-west lane to be 3.05 m which does not provide sufficient manoeuvring space for City refuse collection vehicles to safely enter and exit the abutting streets in a forward motion to service the subject development. This would require the provision of minimum inside and outside turning radii of 9m and 16 m and a minimum lane width of 3.5 m. As a result, this site will require the services of a private refuse collection firm.

Work within the Public Right-of-Way

Approval for any work to be carried out within the lane allowance must be received from this Department. For further information, the applicant should contact the Right-of-Way Management Division, District 1, Construction Activities at 392-7877.

Encroachment

The design drawings show the roof of the proposed second floor addition encroaching onto the lanes and will require the submission of a separate application to the Right-of-Way Management Division, District 1, Construction Activities at 392-7877, if this is to remain.

Recommendations:

As a result of the foregoing, it is recommended that:

1. The owner be required, to:

- (a) provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes, if required in connection with the development;
- (b) provide and maintain a minimum of 1 parking space on the site to serve the project;
- (c) provide and maintain private refuse collection services for this project;
- (d) submit to, and have approved by the Commissioner of Works and Emergency Services, prior to the introduction of a Bill in Council, a Noise Impact Statement in accordance with the City Council's requirements;
- (e) have a qualified Architect/Acoustical Consultant certify, in writing, to the Commissioner of Works and Emergency Services that the development has been designed and constructed in accordance with the Noise Impact Statement approved by the Commissioner of Works and Emergency Services;
- (f) provide, maintain and operate the noise impact measures, facilities and strategies stipulated in the plan approved by the Commissioner of Works and Emergency Services;
- (g) submit to the Commissioner of Works and Emergency Services:
 - (i) a Reference Plan of Survey in metric units and referenced to Ontario Co-ordinate System, delineating thereon by separate PARTS, the lands under application and any appurtenant rights-of-way;
 - (ii) final approved drawings of the development with sufficient horizontal and vertical dimensions of the exterior walls of the proposed addition to enable the preparation of building envelope plans;
 - (iii) a digital copy of the final site in DGN, DWG or DXF formats;

and such plans be submitted at least 3 weeks prior to the introduction of bills in Council;

2. That the owner be advised:

- (a) of the need to obtain the approval of Commissioner of Works and Emergency Services and obtain any required construction permits for all work to be carried out within the abutting public right-of-way;
- (b) of the need to file an application to the Commissioner of Works and Emergency Services for the proposed roof encroachment; and
- (c) that the public lanes used to access and egress the parking spaces are given lower priority for snow clearance.

Appendix B

Letters from the adjacent neighbours

1. Mary Cranston and Kevin Spencer, January 25, 2001

We are very upset to know that the development of a second storey at 885 Logan Avenue is being discussed again. We thought that last year when the Committee of Adjustment ruled against the variances to zoning laws a decision had been made and we're hoping that it will be upheld.

We saved for a long time to buy a house in Toronto – one that we could afford. Our back yard is tiny but we love it. It offers a bit of breathing space in a very busy and bustling area. We've worked on our back garden conscientiously since we moved in two years ago. Our first child was born last summer and his room is at the back of the house.

If the changes proposed are allowed to go through, the light will be blocked in our back garden and our plants will suffer. Our son's room will have dwelling stuck right outside his window. This wouldn't be fair. We knew what we were getting ourselves into buying a house on Logan – heavy traffic, no parking spot, garbage blowing in our front yard—but we didn't count on this and it isn't fair.

We don't understand how someone can buy a piece of property knowing that there are rules and regulations guiding its development and then they try to do everything they can to change those rules. Please make sure that these changes do not take place.

2. Blair Turner, February 5, 2001

I am contacting you regarding the planning application for 885 Logan Avenue.

I was in attendance of the January 29th meeting at Franklin Community Centre and had an opportunity to learn more of the proposed conversion as well as to hear of some of the neighbours' concerns.

After taking some time to think about the proposal I would like to register my total support for the owner's proposal to convert the property to a single-family residence. My feeling is that the overall benefits of the City allowing the present owner to proceed with his plans would far outweigh any negative effects to the community.

3. G. Wayne Fraser and Robert Cox, January 23, 2001

The decision made by the Committee of Adjustment (February 29, 2000) ruled that the application for 7 variances to the Zoning By-law requested by 885 Logan not be approved. We

expect that decision to be respected and upheld. These are not minor variances and will result in major intrusions and impingements on the quality of our home life.

We are one of seven properties that abut the 885 Logan property. We live in a hectic and densely populated area of the city with a school/community centre across the street, and several commercial ventures that already contribute to excessive noise, air pollution from idling cars and little respect for the properties or residents. Our backyards and gardens provide some respite from the noise, busyness, and direct encounter with gas fumes. The proposed development will significantly diminish the enjoyment of our backyards in the following ways:

The backyard of our property, and it is similar for the other six properties, is very small. We are only about 25 feet from the wall of the 885 building. Any added height to the existing structure, such as the proposed 2nd storey will intrude on our small outdoor living space. The extra height will block and limit the morning sun so important to the gardens, obstruct light to living spaces at the back, and interfere with the flow and quality of air. The 2nd storey is an unwanted and unfair infringement.

The addition of a second storey will certainly intrude on our privacy. Windows and terraces on the proposed development will make it impossible for those living at 885 Logan not to intrude on residents enjoying their living spaces and gardens at the back. It is not acceptable to force us to feel like we are living in a fish bowl when we access our backyards. Owning a home has everything to do with enjoying the privacy of ones' backyard and garden. The 2nd storey is an unwanted and unfair infringement.

We would like to point out the obvious. The 885 property is huge. There has already been a proposed development in 1998 to build 5 town house style structures and we see no reason why this is not the eventual goal of the current owner and developer. A single family dwelling of this size defies credibility.

This proposed development with its' infringements can only lower our property values. We have consulted with a real estate agent who concurs.

We reiterate our opposition to the proposed development and request a copy of the Decision to be mailed to the above address.

4 Nick Dimitriou and Katina Dimitriou, January 4, 2001

We are one of the seven residents whose backyards abut the above noted building. The proposed addition of a second storey to the building would have an extremely negative impact on our view, light, noise levels, privacy and property values and we strongly oppose it.

The building at 885 Logan Avenue is set in the laneway. We are opposed to a second storey of any height. This would obstruct sunlight to the gardens and the back rooms of the houses and we would lose our only view of the treeline. Also exhaust fumes from the Danforth and Logan Avenue would be trapped in backyards.

It would be unacceptable to allow windows on the west side of the building allowing a direct view into our backyard. We are entitled to our privacy.

In our particular location, we are already experiencing unusual sound reverberation as we are sandwiched between the warehouse on the east and Frankland School and Community Centre on the west. We believe that extending the height of the building will increase this problem.

Because of the large size of the building at 885 Logan, we also question the likelihood that this property will be used as a single-family dwelling.

Again, we emphasize that we strongly oppose the proposed development and request a copy of the decision to be mailed to the above address.

5. Robin Barker and Sheila Furness, January 24, 2001

We are one of the seven residents whose backyards abut the above noted building. The proposed addition of a second storey to the building would have an extremely negative impact on our view, light, noise levels, privacy and property values and we strongly oppose it.

The building at 885 Logan Avenue is set in the laneway. We are opposed to a second storey of any height. This would obstruct sunlight to the gardens and the back rooms of the houses and we would lose our only view of the treeline. Also exhaust fumes from the Danforth and Logan Avenue would be trapped in backyards.

It would be unacceptable to allow windows on the west side of the building allowing a direct view into our backyard. We are entitled to our privacy.

In our particular location, we are already experiencing unusual sound reverberation as we are sandwiched between the warehouse on the east and Frankland School and Community Centre on the west. We believe that extending the height of the building will increase this problem.

Because of the large size of the building at 885 Logan, we also question the likelihood that this property will be used as a single-family dwelling.

Again, we emphasize that we strongly oppose the proposed development and request a copy of the decision to be mailed to the above address.

6. Ruth King and Joe King, January 17, 2001

We oppose all requested variances to the Zoning By-laws concerning the above property.

The building at 885 Logan Avenue is set in the laneway. There are seven properties that abut the said building. It would be unacceptable to allow windows on the west side of the building allowing eye-to-eye and nose-to-nose contact, which could happen if by-laws are changed. We are also concerned about losing our privacy if a second storey of any height is erected.

We strongly oppose any changes to the existing by-laws. The by-laws are there to protect us. We expect those by-laws to continue to do so.

7. Kelly Jean Adair, January 25, 2001

I am writing to you after receiving the Public Notice regarding the above noted address. In February of 2000, the Committee of Adjustment made a ruling that several variances to the Zoning By-law requested by 885 Logan Avenue would not be approved.

I, unlike the seven other property homeowners to the north of me are in somewhat of a different situation. The property in question 885 Logan Avenue, is not directly facing my home, however my property is the first to the south of the building.

The addition of any second storey addition will definitely invade on my privacy. I now enjoy going out into my backyard in the summer and work in my garden or entertain friends. I certainly would not enjoy people intruding on my privacy when I am in my backyard or people being able to look into the windows of my home.

I would also like to point out that, not only for myself, but for all of the other property owners in the area, the value of our properties would lower considerably. My home has been in my family for over 60 years, I have lived at 869 Logan Avenue for over 40 years now and would really like to be able to stay there.

The building in question has always been a nuisance. I have no doubt that if there are modifications made to that building it will only get worse. One of which is excess traffic and illegal parking in an already unpatrolled laneway. The area has grown considerably over the last several years and with that growth there is more people, more vehicular traffic, more noise, more pollution from cars idling either on Logan Avenue or in the laneway. There is only so much that the current residents should have to endure.

I have opposed the application for the variances to the Zoning By-law in 1998, in 2000 and again I am voicing my opposition to the proposed development on the above noted property.

I respectfully request that you consider all the families that already live in the area surrounding 885 Logan Avenue and their opposition to the development of that property.

Appendix C

Proposed Zoning By-law Amendment

Authority:

Enacted by Council:

CITY OF TORONTO

BY-LAW No ____ - 2001

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands known as 885 Logan Avenue.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Section 2 “parking space”, Section 4 (11) (a) “front lot line”, Section 4 (11) (b) “house behind a house”, Section 6 (3) PART I 1 “residential gross floor area”, Section 6 (3) PART II 2 “front lot line setback, Section 6 (3) PART II 3 A “flanking street setback”, Section 6 (3) PART II 3 B (I) “side lot line setback”, Section 6 (3) PART II 3 B (II) side lot line setback exceeding depth”, Section 6 (3) PART II 4 “rear lot line”, Section 6 (3) PART III 1 (a) “landscaped open space”, Section 6(3) Part III 3(a) “front yard landscaped open space” of By-law 438-86, as amended, shall apply to prevent the use of the building on the lot for a residential unit provided:

- (1) the building does not exceed 6.5 metres in height;
- (2) no more than three parking spaces are provided on site;
- (3) no openings, windows or doors are located on the west or south elevations of the building;
- (4) no more than one residential unit is located on the *lot*;
- (5) the density does not exceed 1.0 times the area of the lot; and
- (6) the second floor addition does not contain more than 52.9 m².

The Downtown Community Council reports, for the information of Council, having also had before it during consideration of the foregoing matter, the following communications, and a copy thereof has been forwarded to Council under separate cover:

- (June 4, 2001) from G. Wayne Fraser and Robert Cox;
- (June 6, 2001) from Kelly J. Adair;
- (June 10, 2001) from Ruth King and Joe King;
- (May 29, 2001) from Nick and Katina Dimetriou;
- (June 10, 2001) from Robin Barker and Sheila Furness; and
- (June 9, 2001) from Akiko Lamb and Albert Veldstra.

Street Map

Attachment 1 – Site Plan

Attachment 2 – North & East Elevation

Attachment 3 – South and West Elevation

Attachment 4 – Zoning

(City Council on June 26, 27 and 28, 2001, had before it, during consideration of the foregoing Clause, the following report (June 25, 2001) from the Commissioner of Urban Development Services:

Purpose:

To report further on the outcome of an additional meeting with the residents, Ward Councillor, planning staff, the owner and architect on proposed changes to the development at 885 Logan Avenue in order to reduce the impact of the second storey addition on the adjacent neighbours.

Financial Implications and Impact Statement:

There are no financial implications on this project.

Recommendation:

It is recommended that the project be approved and the City Solicitor be instructed to amend the by-law to include a setback of the second storey of 1.67 metres from the west elevation of the building.

Background:

On June 12, 2001, Downtown Community Council dealt with a rezoning application to permit an addition and conversion of an existing building to a residential dwelling located at 885 Logan Avenue, an internal site located on a lane. Downtown Community Council referred the matter to City Council without recommendation and requested Urban Development Services staff to again meet with the applicant, his agent, the Ward Councillor and the adjacent residents. Councillor Layton suggested that all the parties meet on site and discuss the project further to see if some progress could be made on a settlement of concerns raised by the residents.

Comments:

The meeting took place on June 14, 2001, where the architect and owner reviewed the details of the addition. No one is opposed to the change in use at this location but the architectural details of the second storey addition were reviewed and changes suggested. Following the meeting, the architect, on behalf of the owner, agreed to the following changes to the project to help reduce the impact of the addition on the adjacent residents.

The changes proposed include the following:

- (1) The second floor addition has been shifted 1.67 metres from the west elevation of the building. The original proposal was not set back.*
- (2) The south portion of the roof structure has been raised to a height of 1.8 metres to ensure the privacy of the residents to the west.*
- (3) The south portion of the second floor addition will be glass as requested by the residents.*

- (4) *The second floor has been recessed 1.67 metres from the first floor west wall to allow for water run-off management.*
- (5) *The roof material will be copper rolled roofing with the west wall made of Dursol Acoustic sound panels.*
- (6) *A roof top garden will be located on the northwest corner of the building.*
- (7) *All services (exhausts, heating and cooling) will be along the east facing wall which fronts onto the laneway and through the flat roof.*

The changes proposed are in my opinion a step forward to deal with the concerns of the residents. I have no concerns with the revisions and would recommend approval of the project. I am, however, recommending one change to the proposed by-law in order to secure the change to the west elevation of the building and ensure that the second storey addition is not closer than 1.67 metres from the west elevation of the building as proposed.

In addition, the owner has agreed to participate in a construction committee to keep the neighbours informed as the construction progresses and mitigate any problems for the residents. Concerns with respect to the construction timing and noise will be dealt with in a comprehensive way.

Conclusions:

An application has been submitted to the City for a Zoning By-law amendment to permit the conversion of an existing building to a residential unit with a partial second storey addition. In view of the fact that the building is situated on a rear lane, several changes to the materials of the addition and the location have been made in order to reduce the perceived impact on the neighbours. The changes proposed will result in a good development for the owners and the neighbourhood. I am recommending the proposal be approved.

Contact:

Denise Graham, Senior Planner

Telephone: 416 392-0871; Fax: 416 393-1330; Email: dgraham1@city.toronto.on.ca)

(City Council also had before it, during consideration of the foregoing Clause, a communication (June 15, 2001) from the Acting City Clerk, forwarding submissions received from the following with respect to a draft Zoning By-law pertaining to 885 Logan Avenue (Toronto-Danforth, Ward 30):

- (June 4, 2001) from Mr. G. Wayne Fraser and Mr. Robert Cox;*
- (June 6, 2001) from Ms. Kelly J. Adair;*
- (June 10, 2001) from Ms. Ruth King and Mr. Joe King;*
- (May 29, 2001) from Mr. Nick Dimetriou and Ms. Katina Dimetriou;*
- (June 10, 2001) from Mr. Robin Barker and Ms. Sheila Furness; and*
- (June 9, 2001) from Akiko Lamb and Mr. Albert Veldstra.)*