

Date:	September 03, 2008
To:	Chairman and Members of the Committee of Adjustment Toronto and East York Panel
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 19, Trinity-Spadina
Reference:	A0622/08TEY- 12 Sully Cres Owner: Marcal Rites Agent: Victor Hipolito To be heard: September 10, 2008- Item No. 1

APPLICATION

This proposal is to demolish the existing two-storey detached dwelling and detached garage and to construct a new three-storey dwelling with a rear at-grade garage attached to the basement. A third-storey deck and a second-storey front and rear balcony are also proposed. Variances are sought with regard to residential gross floor area, front lot line setback, setback from a flanking street, side yard setback, rear yard setback, setback from the centre of a public lane, terrace over roof of first floor addition, and landscaped open space.

COMMENTS

Planning staff have reviewed the application, visited the site, and have concerns with the proposal and its impacts on adjacent properties.

The proposed gross floor area of 1.42 times exceeds the 0.6 times which is permitted by the Zoning By-law. The intent of the By-law is to maintain a stable built form in residential areas and protect against negative impacts on adjacent properties while the intent of the Official Plan in designated *Neighbourhood* areas is to permit development that “respects and reinforces the physical patterns and character of established *Neighbourhoods*.” The proposed dwelling would result in a building whose density and building depth of 21.36 metres is inconsistent with the predominant character of residential buildings in the area.

The intent of the Zoning By-law is also to provide a rear yard and side yard setback that maintains privacy, light and views for surrounding properties, prevents overlook into

neighbouring backyards and allows for an area of open space. The second and third-storey decks coupled with the height above grade and construction along the easterly lot line with a 0 metre side yard setback, result in a development which does not have regard for such potential impacts, does not meet the intent of the By-law, and should not be considered minor.

In regard to landscaped open space, the Zoning By-law requires 30% of the area of the lot to be provided as such in order to present relief from the built form, to allow residents some amenity space, and to manage stormwater. The built form character of the area is of dwellings fronting onto the public street, with open rear yards at the back of the dwellings, and garages off the laneways and the rear end of the properties. The proposed 21% landscaped open space does not include rear yard open space; thus, the rhythm and pattern of the backyard scape in the neighbourhood is not maintained nor does it provide appropriate relief from the built form.

Additional variances are sought with regard to front lot line setback and setback from a flanking street. Where a distance of 0.9 metres is required from the flanking street, the new building will be located 0.15 metres from Crawford Street and the front wall of the building will be set back 2.05 meters from Sully Street, instead of the required 2.35 metres. In addition, variance No. 7 refers to a second-storey balcony projecting from the front of the building which will result in a two-storey structure, further reducing the distance of the building to the front lot line.

It is the opinion of Planning staff that the proposal is not in keeping with the intent and purpose of the Official Plan or Zoning By-law, is not appropriate development, nor is it minor.

RECOMMENDATION

Planning Staff respectfully recommend that the Committee refuse application A0622/08TEY.

CONTACT

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SIGNATURE

Raymond David

Acting Director, Community Planning, Toronto and East York District

Cc: Victor Hipolito, Agent (by facsimile)
Councillor Joe Pantalone, Ward 19 (hand delivered)