STAFF REPORT
Committee of Adjustment
Application

Date: March 28, 2011

To: Chair and Committee Members of the Committee of Adjustment
   Toronto and East York District

From: Director, Community Planning, Toronto and East York District

Wards: Ward 21, St. Paul's

           Address: 1717 Bathurst Street
           Application to be heard: April 6, 2011

RECOMMENDATION

Planning Staff respectfully recommends that should the Committee of Adjustment approve this application that the Committee imposes the following conditions:

1) That the proposal is constructed substantially and in accordance with the plans date stamped March 28, 2011 by City Planning.

2) That the applicant provide screening along the rear lot line in the form of landscaping consisting of a row of cedar trees with the height of 5.5m.

APPLICATION

The applicant is seeking relief from the provisions of the Zoning By-law to sever the property into two residential lots and to construct two-storey semi-detached dwellings with an attached two-car garage.

Variances for: minimum required front yard setback; minimum required rear yard setback; maximum permitted building depth; maximum permitted width of a front yard walkway; permission for a first floor platform; maximum permitted wall height; maximum permitted floor space index; minimum required landscaped open space; and maximum permitted height of an uncovered platform are requested in this application.

COMMENTS

Planning staff have reviewed the application, and have been in contact with the applicant to identify planning concerns and to revise plans accordingly.
Planning staff have discussed planning concerns regarding the length of the rear deck. Subsequently, the applicant revised the plans to include Planning staff’s recommendation to minimize the rear deck to 4 meters to prevent potential privacy and overlook issues. Planning is satisfied with the revised plans, which indicates a 4m rear deck.

The applicant has agreed to provide screening along the rear lot line in the form of landscaping consisting of a row of cedar trees with the height of 5.5m.

CONTACT
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SIGNATURE

Gregg Lintern,
Director, Community Planning, Toronto and East York District

Copy: Councillor Mihevc Ward 21 – St. Paul’s
NOTICE OF DECISION
CONSENT
(Section 53 of the Planning Act)

File Number: B0120/10TEY
Owner(s): PRIME STREET PROPERTIES INC
Agent: MICHAEL GOLDBERG
Property Address: 1717 BATHURST ST
Legal Description: PLAN M335 LOT 20 PT LOT 19
Zoning: R1S Z1.0 (WAIVER)
Ward: St. Paul's (21)
Community: 

Notice was given and a Public Hearing was held on Wednesday, April 6, 2011, as required by the Planning Act.

THE CONSENT REQUESTED:
To obtain consent to sever the property into a total of two residential lots and to create access rights-of-way.

Conveyed - Parts 1-4
Right-of-way - Part 2
Address to be assigned
The lot frontage is 8.84 m and the lot area is 346.39 m². The existing residential building will be demolished and a two-storey semi-detached dwelling with an attached two-car garage will be constructed. Part 2 will be subject to a pedestrian and vehicular access right-of-way in favour of the south abutting property, Parts 5-9.

Retained - Parts 5-9
Right-of-way - Parts 5 & 9
Address to be assigned
The lot frontage is 9.41 m and the lot area is 367.12 m². The existing residential building will be demolished and a two-storey semi-detached dwelling with an attached two-car garage will be constructed. Parts 5 and 9 will be subject to a pedestrian and vehicular access right-of-way in favour of the north abutting property, Parts 1-4.

File Numbers B0120/10TEY, A0998/10TEY & A0999/10TEY were considered jointly.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Consent Application is Approved on Condition

The Committee has considered the provisions of Section 51(24) of the Planning Act and is satisfied that a plan of subdivision is not necessary. The Committee therefore consents to the transaction as shown on the plan filed with the Committee of Adjustment on the condition that before a Certificate of Consent is issued, as required by Section 53(42) of the Planning Act, the applicant is to file the following with the Committee office:
(1) Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.

(2) Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of Survey and Mapping Services, Technical Services.

(3) Two copies of the registered reference plan of survey integrated to NAD 83 CSRS (3 degree Modified Transverse Mercator projection), delineating by separate Parts the lands and their respective areas, shall be filed with City Surveyor, Survey & Mapping, Technical Services.

(4) Two copies of the registered reference plan of survey satisfying the requirements of the City Surveyor shall be filed with the Committee of Adjustment.

(5) Within ONE YEAR of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions and prepare for electronic submission to the Deputy Secretary-Treasurer, the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) or subsection 53(42) of the Planning Act, as it pertains to the conveyed land and/or consent transaction.
SIGNATURE PAGE

File Number: BO120/10T0Y
Owner(s): PRIME STREET PROPERTIES INC
Agent: MICHAEL GOLDBERG
Property Address: 1717 BATHURST ST
Legal Description: PLAN M335 LOT 20 PT LOT 19
Zoning R1S Z1.0 (WAIVER)
Ward: St. Paul's (21)
Community:

DECLARED AN INTEREST

__________________________  __________________________
Robert Brown               Gillian Burton
George Vasilopoulos

__________________________  __________________________
John Vassilopoulos          David Finch

DATE DECISION MAILED ON: Tuesday, April 12, 2011
LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Monday, May 2, 2011

CERTIFIED TRUE COPY

________________________________________________________________________
Adzita MacLeod
Manager & Deputy Secretary Treasurer
Toronto and East York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of $125.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of $25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at www.omb.gov.on.ca.

NOTE: Only individuals, corporations and public agencies may appeal a decision to the Ontario Municipal Board. The appeal may not be filed by an unincorporated association or group. However, the appeal may be filed in the name of an individual who is a member of the association or group on its behalf.
NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)

File Number: A0998/10TEY
Owner(s): PRIME STREET PROPERTIES INC
Agent: MICHAEL GOLDBERG
Property Address: 1717 BATHURST ST (PARTS 1-4)
Legal Description: PLAN M335 LOT 20 PT LOT 19

Zoning: R1S Z1.0 (WAIVER)
Ward: St. Paul’s (21)
Community:

Notice was given and a Public Hearing was held on Wednesday, April 6, 2011, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct the north half of a two-storey semi-detached dwelling with an attached two-car garage.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

1. Section 6.3(3), Part II.2(T), By-law 438-86
   The minimum required front yard setback is 6.5 m.
   The new dwelling will be located 6.22 m from the front lot line.
   Chapter 10.5.40.70.1.1, By-law 1156-2010
   The minimum required front yard setback is 6.5 m.
   The new dwelling will be located 4.27 m from the front lot line, measured to the cold storage cellar.

2. Section 6.3(3), Part II.5(T), By-law 438-86
   The maximum permitted dwelling depth is 17 m.
   The new dwelling will have a depth of 25.21 m, measured to the rear of the exterior stairs leading from the rear elevated deck.
   Chapter 10.10.40.30.(1)(A), By-law 1156-2010
   The maximum permitted dwelling depth is 17 m.
   The new dwelling will have a depth of 23.53 m.

3. Section 6.3(3), Part III.4, By-law 438-86
   The maximum permitted width of a walkway in a front yard is 1.06 m.
   The front walkway will have a width of 1.94 m.

4. Section 6.3(3), Part III.6(D), By-law 438-86
   The maximum permitted height of an uncovered platform is 1.2 m above grade.
   The proposed platform will be 1.4 m above grade.

5. Chapter 10.10.40.10.(2)(A), By-law 1156-2010
   The maximum permitted wall height is 7 m.
   The main walls will have a height of 9.7 m.
6. Chapter 10.10.40.40.(1), By-law 1156-2010
The maximum permitted floor space index is 1.0 times the area of the lot.
The new dwelling will have a floor space index equal to 1.15 times the area of the lot.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance Application is Approved on Condition

It is the decision of the Committee of Adjustment to approve this variance application for the following reasons:
- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):

(1) Prior to the issuance of a demolition and/or building permit, the applicant shall satisfy all matters relating to City and privately owned trees, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review.

(2) The dwelling shall be constructed substantially in accordance with the plans dated stamped received by Community Planning on March 28, 2011.

(3) The rear lot line of the property shall be screened with landscaping consisting of a row of cedar trees with the height of 5.5m.
SIGNATURE PAGE

File Number: A0998/10TEY
Owner(s): PRIME STREET PROPERTIES INC
Agent: MICHAEL GOLDBERG
Property Address: 1717 BATHURST ST (PARTS 1-4)
Legal Description: PLAN M335 LOT 20 PT LOT 19

Zoning: R1S Z1.0 (WAIVER)
Ward: St. Paul's (21)
Community:

DECLARED AN INTEREST

__________________________
Robert Brown

__________________________
Gillian Burton

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George Vasilopoulos

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John Tassiopoulos

__________________________
David Pond

DATE DECISION MAILED ON: Tuesday, April 12, 2011
LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, April 26, 2011

CERTIFIED TRUE COPY

[Signature]
Manager & Deputy Secretary Treasurer
Toronto and East York Panel

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