



**STAFF REPORT**  
**Committee of Adjustment**  
**Application**

<b>Date:</b>	March 28, 2011
<b>To:</b>	<b>Chair and Committee Members of the Committee of Adjustment Toronto and East York District</b>
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 21, St. Paul's
<b>Reference:</b>	File No. B0120/10TEY, A0998/10TEY, A0999/10TEY Address: 1717 Bathurst Street Application to be heard: April 6, 2011

**RECOMMENDATION**

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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**

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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**

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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**

Jennifer Renaud, Assistant Planner

Tel: 416-392-7554

Fax: 416-392-1330

E-mail: [jrenaud2@toronto.ca](mailto:jrenaud2@toronto.ca)

## **SIGNATURE**

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Gregg Lintern,

Director, Community Planning, Toronto and East York District

Copy: Councillor Mihevc Ward 21 – St. Paul's

Apr 13/11



City Planning Division  
Gary Wright, Acting, Chief Planner and Executive Director

Committee of Adjustment  
100 Queen Street West  
Toronto ON M5H 2N2  
Tel: 416-392-7686  
Fax: 416-392-0580

**NOTICE OF DECISION**  
**CONSENT**  
**(Section 53 of the Planning Act)**

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

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 m<sup>2</sup>. 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**

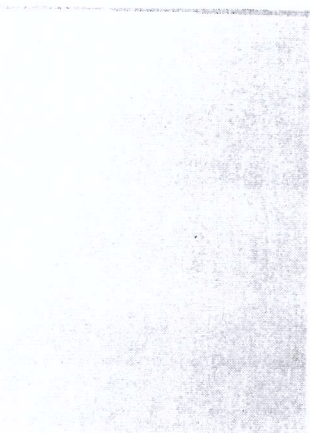
The lot frontage is 9.41 m and the lot area is 367.12 m<sup>2</sup>. The existing residential building will be demolished and a two-storey semi-detached dwelling with an attached two-car garage will be constructed. Parts 5 and 9 will be subject to a pedestrian and vehicular access right-of-way in favour 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:	B0120/10TEY	Zoning:	R1S Z1.0 (WAIVER)
Owner(s):	PRIME STREET PROPERTIES INC	Ward:	St. Paul's (21)
Agent:	MICHAEL GOLDBERG	Community:	
Property Address:	1717 BATHURST ST		
Legal Description:	PLAN M335 LOT 20 PT LOT 19		

**DECLARED AN INTEREST**

Robert Brown

Gillian Burton

George Vasilopoulos

John Tassiopoulos

David Pond

DATE DECISION MAILED ON: **Tuesday, April 12, 2011**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Monday, May 2, 2011**

CERTIFIED TRUE COPY

Anita M. 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](http://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.



City Planning Division  
Gary Wright, Acting, Chief Planner and Executive Director

Committee of Adjustment  
100 Queen Street West  
Toronto ON M5H 2N2  
Tel: 416-392-7585  
Fax: 416-392-0580

Apr 13/11

**NOTICE OF DECISION  
MINOR VARIANCE/PERMISSION  
(Section 45 of the Planning Act)**

File Number:	A0998/10TEY	Zoning	R1S Z1.0 (WAIVER)
Owner(s):	PRIME STREET PROPERTIES INC	Ward:	St. Paul's (21)
Agent:	MICHAEL GOLDBERG		
Property Address:	1717 BATHURST ST (PARTS 1-4)	Community:	
Legal Description:	PLAN M335 LOT 20 PT LOT 19		

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:**

- Section 6.(3), Part II.2(II), 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), 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.
- Section 6.(3), Part II.5(II), 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.
- Section 6.(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.
- Section 6.(3), Part II.8.D(I), 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.
- 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                      Zoning: R1S Z1.0 (WAIVER)  
Owner(s): PRIME STREET PROPERTIES INC      Ward: St. Paul's (21)  
Agent: MICHAEL GOLDBERG  
Property Address: 1717 BATHURST ST (PARTS 1-4)      Community:  
Legal Description: PLAN M335 LOT 20 PT LOT 19

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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

*Anita M. MacLeod*  
Manager & Deputy Secretary Treasurer  
Toronto and East York Panel

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