



Figure 1 *Before and after view toward the house from street*



Figure 2 *Aerial View toward rear of property*

An aerial view toward the rear of 199 MacDonell Avenue is shown above. Neighbours at 191, 193, 195, 201, 203 and 217 are in support of the application. Neighbours across the street (not shown in photo above) at the addresses of 190, 194, and 200 are also in support of the application.

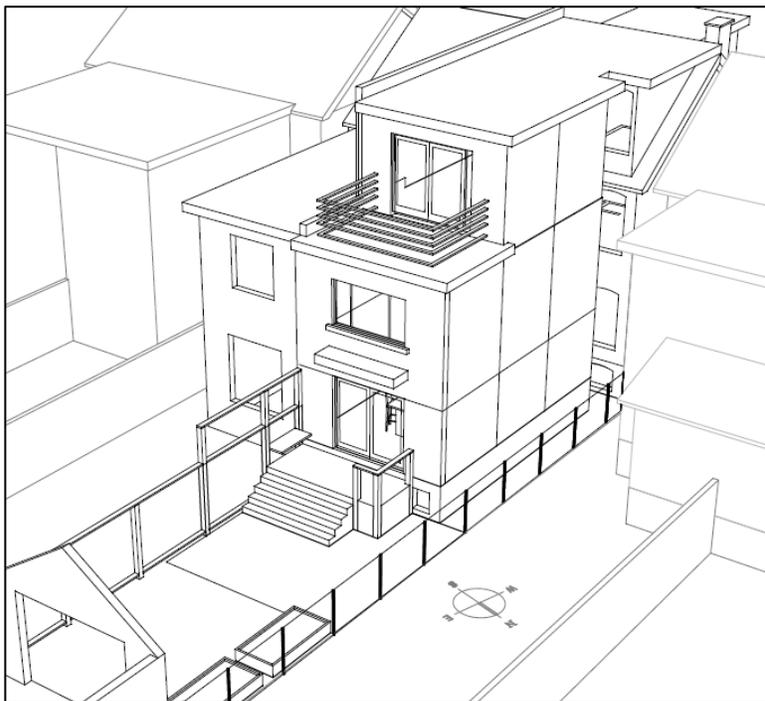


Figure 3 *Aerial view showing new work*

Discussion

There are essentially 3 variances associated with this project - Density, Setbacks and Height. The following discussion speaks to these variances in an attempt to show why they should be considered as minor. The project is described as a Third Floor and 2 storey rear addition.

Density

Variances 1 and 3 on the Public Hearing Notice and Variances 1 and 6 on the Zoning Notice refer to a maximum of 0.60 density whereas the density for this project will be 1.05. The ratio of building to lot size is a common variance in the city of Toronto and density numbers for houses are often found in the range of 1.05 and greater when smaller lots are considered.

In the case of this project, the increased density is more a function of the lot size rather than the size of the house. The lot is relatively small. The house, even though it will comprise a density ratio of 1.05 is not that large when compared with other houses on the street or in the area. In fact, from the street, the house will not appear to be any 'larger' than it already is (See fig. 1, pg. 1 for a view to the house from the street). For this reason, although the proposed density will be 1.05, the variance should be considered minor because the house will not be 'large' by comparison with other houses on the street or in the neighbourhood.

Setbacks

Variance 3 pertains to the setback of the roof eaves on the north wall. The overhang of the roof is small and the distance of the overhang to the property line is a result of where the existing wall is located on the lot. As it stands, the existing house (like many other houses in the area) is closer to the lot line than the bylaw allows. For the purpose of construction and design, it is desirable to build on top of the existing load bearing walls and as a result, the variance cannot be avoided. The existing setbacks of the building are not being reduced. For this reason, the setback of the roof eaves should be considered as a minor variance.

Variances 4, 5 and 7 from the Zoning Notice and Variances 1, 2 and 3 from the Public Hearing Notice (Old By-law) refer to side lot line setbacks for the north and south walls of the house. These variances are described differently in the old and new bylaws but in essence, the following variances are required with respect to the north and south walls of the building.

1. **South Wall** - The proposed south wall of the building will have a 0.00 m setback. This is in keeping with the semi-detached aspect of the building and for this reason, the variance should be considered as minor. The 0.00 m setback for the south wall is sought in the event that the neighbour to the south (197 MacDonell Avenue) will not consent to a party wall being constructed. If a party wall were constructed, no variance would be required for this aspect of the work. Also note that the 0.00m setback for the south wall contravenes the old bylaw, not the new one. See excerpt from Zoning Notice on page 6.
2. **North Wall** - The north wall of the building requires a 0.45 m setback where the sidewall contains no openings. In this case, the north wall of the 2 storey addition complies with the bylaw but the north wall of the third floor does not. The third floor wall is constructed directly on top of the load bearing masonry wall below. The existing north wall of the building does not comply with the setback requirements of the bylaw. The existing setback is not being reduced. For this reason, the variance should be considered as minor.

Height

Variance 2 from the Public Hearing Notice (and Zoning Notice) are taken from the new bylaw with regards to the maximum height of side exterior main walls facing a side lot line. The maximum height is 7.50 m and the proposed height will be 9.42 m. Note that this requirement did not exist under the old bylaw.

The proposed design is cognizant of the expectations of the new by-law regarding height and for this reason, the front facing aspect of the work maintains the existing roof line with the construction of a new dormer. This could be considered ‘in keeping’ with the general character and look of the other houses on the street. See figure 1, page 1 showing a street view for reference. The height variance concerns the rear aspect of the design and is not readily apparent from the street. For this reason, the variance regarding height should be considered minor.

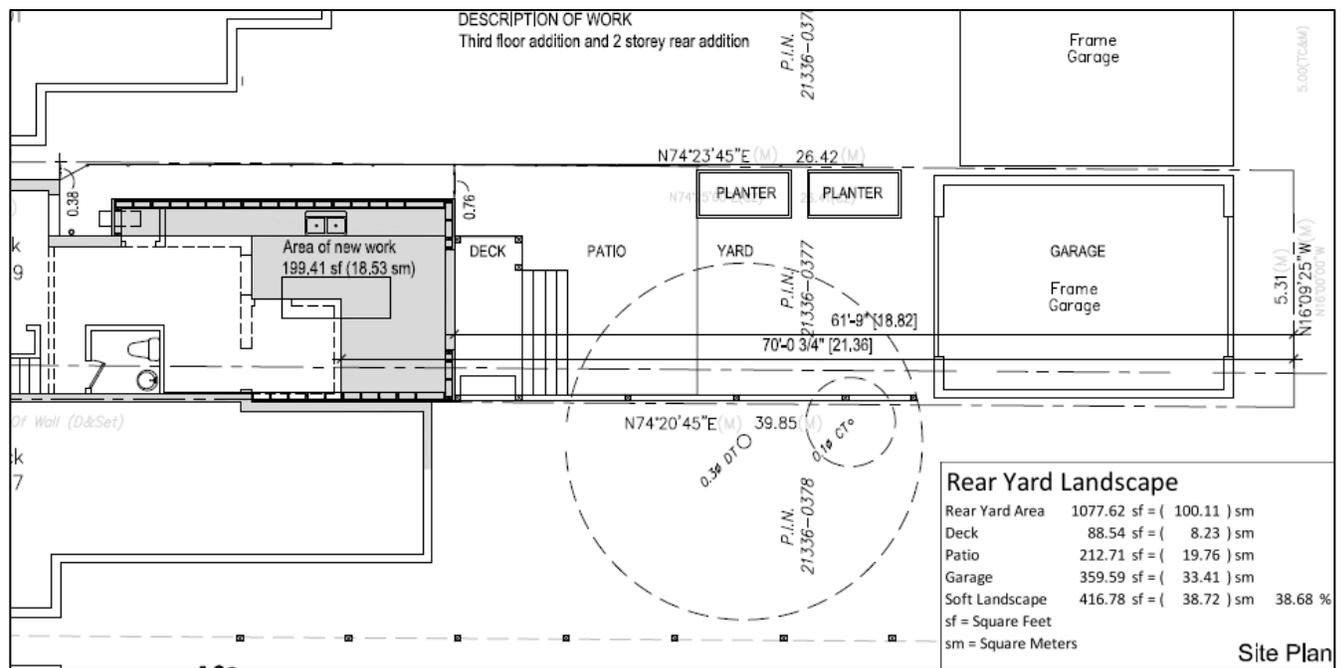


Figure 4 Partial Site Plan showing rear yard

A portion of the Site Survey is shown above with the area of new work shown shaded.

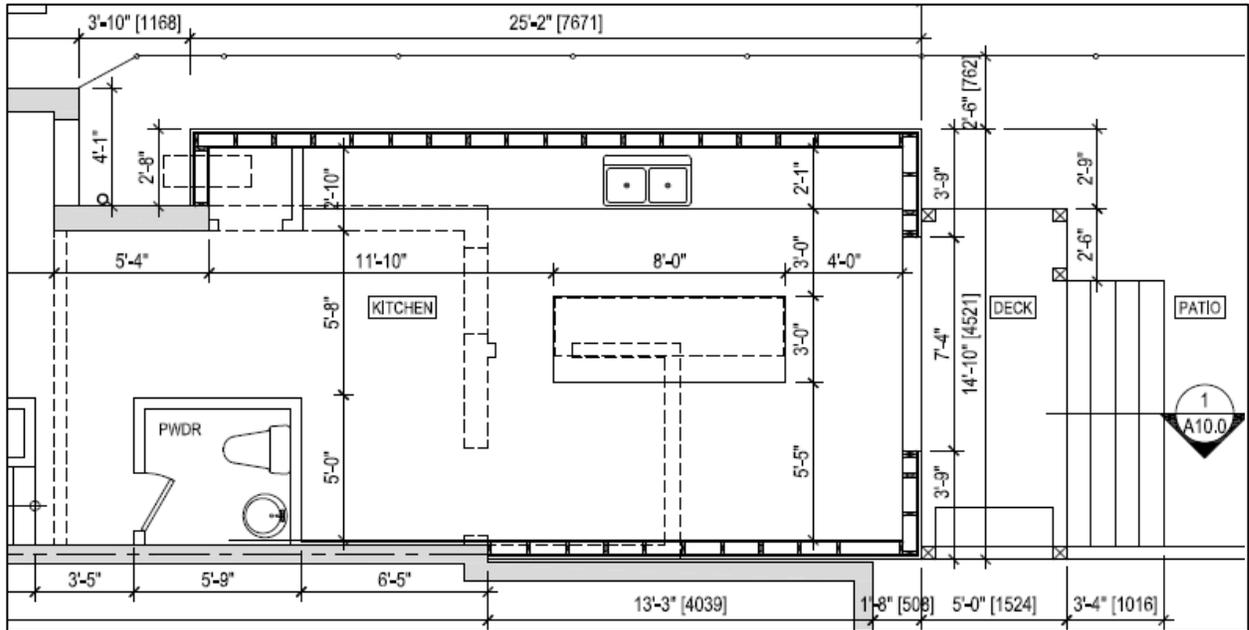


Figure 5 Ground Floor Plan

A Ground Floor Plan is shown above to illustrate the setback conditions of the south wall of the building. Walls shown shaded in gray are existing. The 'South Wall' of the building is the wall on the bottom of the image shown above. This wall requires a minor variance for 0.00 m setback.

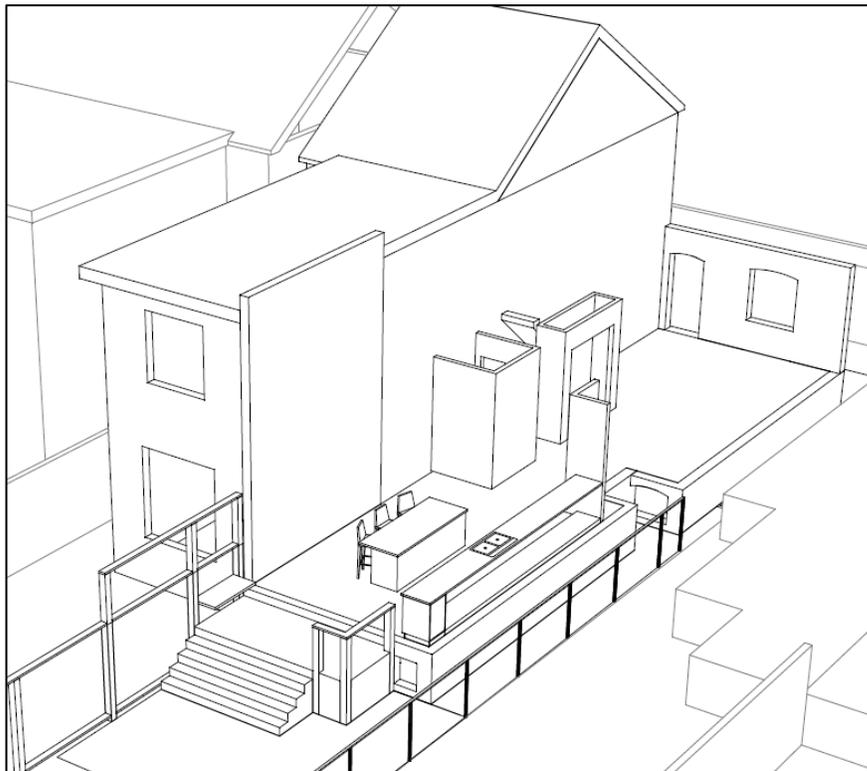


Figure 6 Cut away aerial view showing ground floor area of addition

A cut away aerial view showing the ground floor area is shown above to show the location of the existing party wall in relation to the proposed south wall of the building.

References to the variances as listed in the Zoning Notice and the Public hearing notice are provided here for reference. The 'City-wide Zoning By-law' is referred to as the 'New By-law' and the 'Toronto Zoning By-law' is referred to as the 'Old Bylaw' in the discussion portion of this document.

Excerpt from the Zoning Notice

City-wide Zoning By-law NEW BY-LAW

Proposal to construct a new full third floor addition, a new two storey rear addition and carry out interior alterations to the existing dwelling.

Your property is subject to the City-wide Zoning By-law No. 569-2013, as amended. Based on By-law No. 569-2013, your property is zoned R (d0.6) (x296).

1. The permitted maximum floor space index is 0.60 times the area of the lot: 127.12 square metres. The proposed new two storey rear addition and new full third floor addition will increase the existing floor space index to 1.05 times the area of the lot: 222.95 square metres. [10.10.40.40.(1)(A) Floor Space Index]
2. The permitted maximum height of all side exterior main walls facing a side lot line is 7.50 metres. The proposed height of the side exterior main walls facing a side lot line for the proposed new full third floor addition is 9.42 metres. [10.10.40.10.(2)(B)(ii) Maximum Height of Specified Pairs of Main Walls]
3. Roof eaves may project a maximum of 0.90 metres provided that they are no closer than 0.30 metres to a lot line. The proposed new full third floor addition eaves project 0.30 metres and are 0.08 metres from the north lot line. [10.5.40.60.(7) Roof Projections]

Toronto Zoning by-law OLD BY-LAW

Your property is located in the former municipality of Toronto and is subject to Zoning By-law No. 438-86, as amended. Based on Zoning By-law No. 438-86, the property is zoned R2 Z0.6.

4. The by-law requires a semi-detached house in a R2 district to have a side lot line setback of 0.45 metres, where the side wall contains no openings. The proposed new two storey rear addition will have a side lot line setback of 0.00 metres on the south side. [6(3) Part II 3.C(I) - Side Lotline Setback, 0.45 m Min (Wall Without Openings)]
 5. The by-law requires a building to be located no closer than 0.90 metres to the side wall of an adjacent building that contains no openings. The proposed new two storey rear addition and new full third floor addition will be located 0.00 metres from the adjacent building on the south side. [6(3) Part II 3(I) - Setback From Adjacent Building Without Openings]
 6. The by-law limits the residential gross floor area in an area zoned 0.6 to 0.60 times the area of the lot: 127.12 square metres. The proposed new two storey rear addition and new full third floor addition will increase the existing residential gross floor area of the building to 1.05 times the area of the lot: 222.95 square metres, which exceeds the maximum permitted by approximately 95.83 square metres. [6(3) Part I 1 - Residential Gross Floor Area]
 7. The by-law requires a semi-detached house in a R2 district to have a side lot line setback of 0.45 metres, where the side wall contains no openings. The proposed new full third floor addition will have a side lot line setback of 0.38 metres on the north side and 0.00 metres on the south side. [6(3) Part II 3.C(I) - Side Lotline Setback, 0.45 m Min (Wall Without Openings)]
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Excerpt from the Public Hearing Notice

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

1. Chapter 10.10.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index of a semi-detached house is 0.6 times the area of the lot (127.12 m²).

The altered semi-detached house will have a floor space index equal to 1.05 times the area of the lot (222.95 m²).

2. Chapter 10.10.40.10.(2)(B)(ii), By-law 569-2013

The maximum permitted height of all side exterior main walls facing a side lot line is 7.50 m.

The height of the side exterior main walls facing a side lot line will be 9.42 m.

3. Chapter 10.5.40.60.(7), By-law 569-2013

Roof eaves may project a maximum of 0.9 m provided that they are no closer than 0.30 m to a lot line.

The roof eaves will be located 0.08 m from the north side lot line.

NEW BY-LAW

1. Section 6(3) Part II 3.C(I), By-law 438-86

The minimum required side lot line setback of a semi-detached house is 0.45 m where the side wall contains no openings.

The rear two-storey addition will be located 0.0 m from the south side lot line, and the full third storey addition will be located 0.38 m from the north side lot line, and 0.0 m from the south side lot line.

2. Section 6(3) Part II 3(I), By-law 438-86

The minimum required setback from the side wall of an adjacent building that does not contain any openings is 0.9 m.

The rear two storey and full third storey additions will be located 0.0 m from the side wall of the south adjacent building (197 MacDonell Avenue)

3. Section 6(3) Part I 1, By-law 438-86

The maximum permitted gross floor area of a semi-detached house is 0.6 times the area of the lot (127.12 m²).

The altered detached house will have a gross floor area equal to 1.05 times the area of the lot (222.95 m²).

OLD BY-LAW