



May 4, 2021

By E-mail Only to: coa.tey@toronto.ca

Ms. Barbara Bartosik
Manager and Deputy Secretary-Treasurer
Toronto and East York Committee of Adjustment
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

**Re: Application for Minor Variance
Committee of Adjustment File No. A0936/20TEY (the "Application")
136 Lyndhurst Avenue (the "Subject Property")
Letter of Opposition**

We, the Casa Loma Residents Association ("CLRA"), write to advise of our opposition to the Application on the Subject Property.

The Application would allow the construction of a new house, new rear deck and a rear third storey platform while maintaining the existing garage. The Committee should refuse the relief sought by the Applicant because the Application fails to meet the four tests of a minor variance as explained below.

Failure to Maintain the General Intent and Purpose of the Official Plan

The Subject Property is designated *Neighbourhoods* in the City of Toronto Official Plan and is subject to Site and Area Specific Policy 264.

Generally, the *Neighbourhoods* designation requires that proposed development be evaluated against the existing physical character of the surrounding area. The Casa Loma Neighbourhood is characterized by older homes on generous lots with traditional style sloped roofs and dormers. The proposed roof style, and the minor variances required to accommodate it, mark a meaningful departure from the traditional character of the Casa Loma Neighbourhood.

Section 4.1.5 of the Official Plan sets out the primary operative policy when considering minor variance applications. In this instance, the proposed development does not respect and reinforce the prevailing heights, massing or scale of nearby residential properties given the considerable height-related relief sought.

SASP 264 states, in part, “Buildings will have a scale that protects the distinctive characteristics of, and maintains views to and from the Nordheimer Ravine and the Lake Iroquois Escarpment, including the Casa Loma/Spadina House complex.” It is clear that the Official Plan places a high degree of importance on the distinctive scale and character of the Casa Loma Neighbourhood, a character the proposal is at odds with.

Failure to Maintain the General Intent and Purpose of the Zoning By-law

The Subject Property is zoned Residential *R (F10.5; u2; d0.6) (x929)* by By-law 569-2013. There are three variances required from By-law 569-2013 to permit the proposed development, which are discussed below.

Maximum Building Depth Sought is 19.92m Whereas 17.0m is Permitted

The requested building depth exceeds what is permitted by 2.92m. Building depth measures the length from the front yard setback to the furthest part of the rear main wall. The general purpose for controlling building depth is to ensure that buildings do not recede too far away from the street thereby interrupting its rhythm and character.

We understand this variance is required to allow the basement to extend into the rear yard and will not be clearly observable. However, a condition should be imposed restricting the building depth, and the building more generally, to being built substantially in compliance with the plans filed by Setless Architecture dated October 7, 2020 to ensure there is no misunderstanding about the extent of the variance, if granted.

Maximum Exterior Side Wall Heights of 11.71m and 11.64m Whereas 9.5m is Permitted

The requested exterior side walls exceed the already generous maximum of 9.5m by 2.21m on the south side and 2.14m on the north side. The purpose of maximum exterior side wall limits is to reduce the amount of livable space at height. It also exists to avoid circumstances where one dwelling ends up visually towering over its neighbours. Were this variance granted, the effect would be to enable a dwelling of essentially 3 storeys in an area where 2 and 2.5 storey dwellings prevail, thereby inviting the negative effects of overlook and permitting an imposing, uncharacteristic, structure.

Maximum Exterior Rear Wall Height of 11.71 Whereas 9.5m is Permitted

The requested exterior main wall height exceeds what is permitted by 2.21m. Like with side walls, the purpose of the maximum exterior rear wall height maximum is to reduce the amount of livable space at height to avoid exacerbating overlook and creating an imposing building that departs from its surroundings. This variance also contributes to the establishment of a 3 storey structure in an area typified by dwellings of 2 and 2.5 storeys with traditional rooflines and dormers and so does not maintain the general intent and purpose of By-law 569-2013.

Not Minor in Nature

The variances are not minor in nature. If granted, they would result in a building that, far from fitting harmoniously into context, strains to achieve discord. The building would be too tall. The facades too imposing. The negative impacts on the public realm too great.

Not Desirable and Appropriate for the Use of the Land

The variances, if granted, would not result in a development that is desirable or appropriate for the use of the land. As expressed above, it is contrary to the long-established character of the Casa Loma Neighbourhood and the policies intended to protect it. Overall, the variances would result in an overly intensive built form that is incompatible with its surroundings.

Request of the Committee

The Application should be refused. Please add the CLRA to the Notice List for receipt of the Committee's Decision.

Sincerely yours,



Robert Levy
President, Casa Loma Residents Association
11 Lyndhurst Court

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Copy: Michael Lafreniere, Architect