

Complainant: Helena Lazar & Doug Vanderbij;
6 Rutherglen Rd. Toronto, Ont. M4G 1L6

Date: April 4, 2024

File Number: A0079/24NY
Property: 33 Randolph Rd.

We are completely opposed to the proposed application to alter the current zoning for 33 Randolph Rd. and specifically the addition of a two-story Garden Suite. We understand that small variances are requested and passed, but **these minor variances are major variances** and significantly will alter the face of Rutherglen Rd.

33 Randolph Rd. is a corner lot situated at the corner of Randolph and Rutherglen Rd. It backs onto the southside of Rutherglen Rd, which only has two family dwellings (1 & 15 Rutherglen Rd). Rutherglen Road is a small street comprised of 9 houses with an additional 3 corner houses – 1 facing Southvale Dr. and the other 2 facing Randolph.

Our opposition to the two-story **Garden Suite** are as such:

- 1) As this is a corner lot, the garden suite will be exposed and facing Rutherglen Rd and will become an additional dwelling.
 - a. This essentially changes the zoning of this property. The garden suite is a disguise for another dwelling and essentially appear as another home on a very small street.
 - b. This will impact also parking on an already busy street that accommodates the overflow of parking for the Leaside Community Centre and seniors home on Millwood.
 - c. In order to accommodate the garden suite, the minor variances requested are significant
 - i. Minimum rear yard setback for an ancillary building containing a garden suite is 2.99m and the build is requesting 0.96m (**Chapter 150.7.60.20 (2)(A), By-law 569-2013**). This is in **violation** to the Ontario Building Code for Fire Department Access to the building, which requires a **minimum** of 1.0 metres wide for Firefighter/Emergency Access. It is also our understanding that this requirement **cannot** be varied by way of a Minor Variance through the Committee of Adjustment.
 - ii. There are **NO fire hydrants located on Rutherglen Rd!** If a Fire vehicle was to park in front of this Garden Suite, the closest fire hydrant is well over 80 metres away. This is in contrary to a City of Toronto Bylaw that states that a Garden Suite must be located within 45 metres of a fire hydrant. Fire hydrants are located 22 & 48 Randolph and 13 & 30 Southvale. If a firefighting vehicle did park in front of 33 Randolph Rd and with this Garden Suite located at the rear of this lot, there would be access challenges due to the proposed south side setback of .63m. Contrary to the 1.0m required by the Ontario Building Code to access the

- Garden Suite. Emphasis must be on the ease of access for Firefighters and their firefighting equipment. This is again brought up in a point below...
- iii. Required side yard setback is 1.5m and proposing 0.91m north side yard setback **Chapter 150.7.60.20 (6), By-law 569-2013**. This setback would be not in character with the other two dwellings on the north Side.
 - iv. The Build of the Garden suite is in violation of the lot line. **Chapter 150.7.60.30 (2)(A)(ii), By-law 569-2013 & Chapter 150.7.60.30 (2)(A)(iii), By-law 569-2013**.
 - v. The lot size is not large enough to accommodate the Garden suite. This is evident by the propose canopy variance and its encroachment on the north lot line. Totally out of character with all the other buildings along Rutherglen Ave. **Chapter 150.7.60.60 (5), By-law 569-2013**. Again, it must be emphasized that this lot is a corner lot that faces Randolph Rd and runs along Rutherglen Road. There are only two dwellings on the south side of Rutherglen Rd and this build will not be in the character of the street.
- 2) We would like more clarification about the proposed pool. On the map received, it shows an elevation of 5.5'. Does this mean we are going to have a pool overlooking the length of Rutherglen Road?
 - 3) Has the builder applied to the City of Toronto for a Zoning Applicable Law Certificate for this pool? As the bylaw states the swimming pool enclosure must be locked at all times except when in use. So, this means the Garden Suite would have its own entrance off of Rutherglen Road – This constitutes a 2nd dwelling on the property!
 - 4) The proposed addition of a pool along with the Garden Suite, suggests that the property may be used as an AirBnB...

Opposition to the **main dwelling**

- 1) The proposed building length of 18.9m significantly exceeds the permitted building length of 17m. **Chapter 10.80.40.20.(1), Bylaw 569-2013**. There are several mid age trees that add to the street tree canopy, that will have to be taken down. Which we are against.
- 2) Several of the Variances requested: **Chapter 10.80.40.50.(1)(B), Bylaw 569-2013, Chapter 10.80.40.40.(1)(A), Bylaw 569-2013, Chapter 10.5.40.60.(5)(A), Bylaw 569-2013**, are asking for a residential dwelling structure setback to be closer to the residential structures on the south and east side of this new build. I have concern of residential structures having reduce setbacks in case of a potential fire and immediate exposure to the structure next to it. This is totally in violation of the Ontario Building Code/City of Toronto's Fire Code.

In Summary, our overall issues with the proposed detached dwelling and garden suite:

- 1) The footprint of both buildings represents a significant part of the overall property and far exceed the building to property ratio
 - a. No other home on the street has a garden suite
 - b. Property is far too narrow and small to accommodate two structures
 - c. Essentially, changing the zoning for this property
 - d. It is in contrary to Ontario Building Code for Firefighter/Emergency Access.
- 2) Is not in keeping with the rest of the street
 - a. This impacts the environment as there is little green space left
 - b. Trees will need to be removed which impacts the overall canopy of the street.

We are expressing very strong opposition to this build and are asking the Committee to deny this application and for the builder to resubmit a build in accordance to the environment of the neighbourhood.

Sincerely,

Helena Lazar



Doug Vanderbij



6 Rutherglen Road
Toronto

Mr. and Mrs. Hanna
31 Randolph Road
Toronto, Ontario
M4G 3R6

April 4, 2024

Attention: Committee of Adjustment

Email: coa.ny@toronto.ca

Re: File Number: **A0079/24NY** (hereinafter the "Application")
Application Number: 24115069NNY15MV
Property Address: **33 Randolph Road**
Legal Description: Plan 2120 Pt Lot 769
Agent: Hirman Architect Inc.
Owner(s): Rana Javaheri Bina
Zoning: RM (d0.6) (x263){ZAP}
Ward: Don Valley West (15)
Community: East York

To Whom It May Concern:

We write this letter as the immediate neighbours (on the south side) of the subject property. We are writing to express our **opposition** to the above Application.

As you know, the Application is made pursuant to section 45 of the *Planning Act*, RSO 1999 c. P.13 ("*Act*"), and it is from section 45 that this Committee derives its powers.

Section 45 (1) provides as follows:

Powers of committee

45 (1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is **desirable for the appropriate development or use of the land, building or structure**, if in the opinion of the committee **the general intent and purpose of the by-law and of the official plan, if any, are maintained**.

Criteria

(1.0.1) The committee of adjustment shall authorize a minor variance under subsection (1) **only if, in addition to satisfying the requirements of that subsection, the minor variance conforms with,**

- (a) the prescribed criteria, if any; and
- (b) the criteria established by the local municipality by by-law, if any.

As this Committee is aware, section 45(1) of the *Act* establishes the following **four part test**:

1. Do the variances maintain the general purpose and intent of the Toronto Official Plan;
2. Do they maintain the general purpose and intent of Zoning By-Law No. 569-2013;
3. Are they minor; and
4. Are they desirable for the use of the property?¹

In our respectful submission, the Application does not meet the four prongs of this test.

More specifically, and for the reasons set out below, the variances do not maintain the general purpose and intent of the Toronto Official Plan, they are not minor, and they are not desirable for the use of the property. Accordingly, and with the utmost respect to our neighbours, the Application for variances ought to be denied by this Committee.

Section 4.1.5 of the Toronto Official Plan provides as follows:

“physical changes to our established neighbourhoods must be **sensitive, gradual and “fit” the existing physical character**. A key objective of this Plan is that new development **respect and reinforce the general physical patterns in a neighbourhood.**”²

The overall design, size and scale of the proposed main dwelling and garden suite in the Application, including the nature and number of variances requested, are not sensitive, gradual and will not “fit” the existing physical character of the Leaside community.

With respect to the main dwelling, this includes the following notable elements:

- a proposal to **exceed the maximum area of a second storey platform** (i.e. the second storey deck in the back/side yard) by 1.57m – more than 39% larger than what is permitted by by-law;
- a proposal to **exceed the maximum building length** by 1.9m (11% greater than what is permitted by the by-law);

¹ *Zarrabi et. al. v. Toronto (City)*, OMB Case No. PL141041.

² Toronto Official Plan, December 2023 Consolidation, at page 4-3

- the proposal to **exceed the maximum height** of the front and exterior walls by 0.5m (7% greater than what is permitted); and
- the proposal to **exceed the minimum required side yard setbacks** (roughly 30% more than what is permitted by the by-law).

In addition, we are opposed to the proposal to build a two-storey flat-roof garden suite that penetrates into numerous required 45-degree angular planes, and which intrudes significantly into the required rear (south) yard setback.

To be clear, we are not opposed to a new residence being built on the subject property. In fact, we welcome it. However, we are opposed to the number and specific nature of the variances requested.

The combined effect of the variances proposed in the Application is significant and not in keeping with the physical characteristic of the neighbourhood. **In short, if the Application is approved, the result will be two buildings (main dwelling and garden suite) that are physically domineering and intrusive to neighbouring properties.**

As immediate neighbours to the subject property, our principal concerns can be summarized as follows:

1. The proposal to exceed the required south yard set back will compromise our ability to have work done on our home – including maintenance and repairs to the existing stucco siding (which requires scaffolding to be erected).
2. At the rear of our house, we have a large bay window that overlooks the backyard (with shelving embedded inside the window bay for the purpose of housing plants, and providing them with access to sunlight). The proposal for a two-storey garden suite with improper angular planes will significantly block sunlight to our property, and in particular to this window.
3. In addition, the proposal leaves little room for any green space on the property – nearly the entire property is covered with buildings and other structures (including the decks and pool). This is not in keeping with the neighbourhood.
4. The construction of a two-storey garden suite with improper angular planes renders that building domineering and intrusive to our property, including our backyard, and it invades our privacy.
5. The proposal will also block sunlight to the other neighbouring property (on Rutherglen Road), which we understand will jeopardize the vitality of that neighbour's award-winning garden.
6. The proposal for the principal dwelling to exceed the maximum building length (in combination with the proposal for a larger-than-permitted second-storey canopy) will significantly invade our privacy. This intrusion into our privacy will apply both

while we are in our backyard and while we are inside our home. The proposed length of the main dwelling is such that the Applicant will be able to see directly into the bay window at the back of our home (because the length of the home will significantly exceed ours). This means that we will see our neighbours, and they will see us, at all times. Notably, it appears the plans for the property include no measures to protect our privacy. To the contrary, the second-storey canopy is proposed to be made of glass, again offering a clear line of sight into our house and backyard at all times. It is unfortunate that no efforts were made by the Applicant to consult with us in advance of submitting this proposal.

In summary, the proposed variances do not align with the general purpose and intent of the Toronto Official Plan, as they are not respectful of or in keeping with the physical character of the Leaside community.

The Toronto Official Plan provides, at 4-6, that “no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the overall physical character of the entire neighbourhood.”

In addition, the variances are neither minor or desirable for the use of the property.

Accordingly, we kindly ask that you deny the Application.

Sincerely,

Mr. and Mrs. Hanna

PATRICIA ELFER
22 RANDOLPH RD.
TORONTO, ONT. M4G 3R7
416-467-6466

The Committee of Adjustment
North York Civic Centre
5100 Yonge Street, North York, ON M2N 5V7
Email: coa.ny@toronto.ca Phone: (416) 395-6446

March 30, 2024

Dear Sir/Madam,

Re: **LETTER OF OBJECTION**
MINOR VARIANCE/PERMISSION (Section 45 of the Planning Act)
File Number: **A0079/24NY** Property Address: **33 RANDOLPH RD**

I oppose the variances request to demolish and to replace the classic **1940s Leaside style Brick Bungalow** at 33 Randolph Road with TWO new massive buildings ie. a 2-Storey House plus a **2-Storey Garden Suite** which is visible from the street (height is like a 3-storey building as it's on an elevated plot), and also a **Swimming Pool**, rendering the place with literally **No Green**.

And not only will this egregious proposition remove many matured **trees**, it will also wipe out an **Award Winning Garden** in the adjacent neighbor's front yard due to **sunlight blockage** by the Garden Suite, as well as potentially killing a matured **Spruce Tree** which expert commented some 40% of the roots will be removed due to **insufficient Tree Protection Zone (TPZ)**.

According to the Planning Act, each variance must satisfy each of the Four Tests. And this proposal **fails** to meet the Official Plan requirements in preserving residential neighbourhoods (Chapter 4, Section 4.5 "No changes shall be made through rezoning , minor variance , consent of other public action that is not in keeping with the physical character of the neighbourhood."), destruction of the green including an award winning garden, as well as plausible violation of law including but not limited to public safety risks (both fire risks and sightline obstruction):-

1. The requested Minor Variances are **too large** and **too important** to be considered Minor (excessive FSI, coverage, building and wall heights, and deficient side yard setbacks, and plausible violation of safety laws, particularly fire risks).
2. **Not desirable** for the appropriate development of the land, and fails to preserve the character of the street and community. Additionally, the Garden Suite will also destroy the **award winning garden**, and loss of green of literally the entire plot, as well as potential destruction of the **massive spruce tree**. And as such,
3. **Do not** maintain the general intent and purpose of the Zoning By-law (as above).
4. **Do not** maintain the general intent and purpose of the Official Plan (as above).

Conclusion: The variances request is neither desirable nor appropriate, and plausibly unlawful considering there are safety risks posed to the general public. The total negative impact of the proposed variances are too great, and together with the failure to follow the Leaside Residential Character Preservation Guidelines, as well as loss of green and many matured trees, destruction of the award winning garden, and also potential destruction of the massive spruce tree. This proposal is therefore not in line with the intent of the existing zoning by-laws and does not meet the tests for approval of minor variances.

And as such, I wish to express my very **strong opposition** and sincerely demand the Committee to **DENY** this application in the interest of the neighbourhood and the society as a whole.

Yours truly,



CC: -

1. Sai-Man Lam, Manager & Deputy Secretary-Treasurer, Sai-Man.Lam@toronto.ca
2. Olivia Antonel, Senior Planner, NY Committee of Adjustment, Olivia.Antonel@toronto.ca
3. Giovanna Rizzo, Support B, grizzo@toronto.ca
4. Emily Greco, C of A case manager, Emily.Greco@toronto.ca (416) 395-7132
5. Jenny Kottas, Application Technician, Jenny.Kottas@toronto.ca (416) 395-1073
6. Councillor Jaye Robinson, councillor_robinson@toronto.ca (416) 395-6408

The Committee of Adjustment
North York Civic Centre
5100 Yonge Street, North York, ON M2N 5V7

March 30, 2024

Dear Sir/Madam,

Re: **LETTER OF OBJECTION** -- File Number: **A0079/24NY** Property Address: **33 RANDOLPH RD**

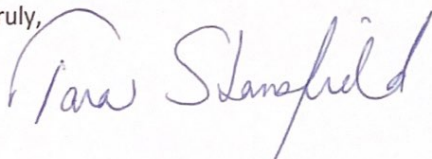
I object to the variances request to replace of the classic **1940s Leaside style Brick Bungalow** at 33 Randolph Road with **TWO** new massive buildings ie. a **2-Storey House** plus a **2-Storey Garden Suite**, and also a **Swimming Pool**, rendering the place with literally **No Green**, as well as many matured **Trees** will be removed as a result. The proposition will also wipe out an **Award Winning Garden** in the adjacent neighbor's front yard due to **sunlight blockage** by the Garden Suite, also potentially killing a massive **Spruce Tree** due to insufficient Tree Protection.

Conclusion: This application fails to meet the Four Tests of the Planning Act:-

1. The requested Minor Variances are **too large** and **too important** to be considered Minor (excessive FSI, coverage, building and wall heights, and deficient side yard setbacks, etc.).
2. **Not desirable** for the appropriate development of the land, and fails to preserve the character of the street and community. And as such,
3. **Do not** maintain the general intent and purpose of the Zoning By-law (as above).
4. **Do not** maintain the general intent and purpose of the Official Plan (as above).

I therefore wish to express my **opposition** and sincerely appeal to the Committee to **deny** this application in the interest of the neighbourhood and the society as a whole.

Yours truly,


Tara Stansfield
10 Randolph Road.