

April 8, 2019

Committee of Adjustment  
Toronto and East York District  
City Hall  
100 Queen Street West, 18<sup>th</sup> floor  
Toronto, ON M5H 2N2

**RECEIVED***By Committee of Adjustment TEY at 12:58 pm, Apr 11, 2019*

Dear Members of the Committee:

**Re: Application for Minor Variance  
9-11 Madison Avenue**

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As you are aware, we are the planning consultants for the Estonian (Toronto) Credit Union Limited, the owners of 11 Madison Avenue, and International Estonian Centre Inc., the owners of 9 Madison Avenue, with respect to the subject site (9 and 11 Madison Avenue).

Further to a Site Plan Approval application submitted on March 27, 2018 (File 18 135022 STE 20 SA), we submitted a Minor Variance application on November 5, 2018 to permit the redevelopment of the subject site for a 3-storey "U"-shaped mixed-use building to house the Estonian Centre, a cultural centre, community hub and gathering place for Toronto's Estonian community.

While addressing circulation comments from City staff in advance of a Site Plan Approval resubmission, it was determined that a minor increase to the building height would be required, from 12.0 metres to 12.85 metres, in order to facilitate adequate minimum floor-to-ceiling heights and roof elements. The project team met with City staff on March 20, 2019 to review the revised building height.

**Requested Variances**

A height variance is required to each applicable by-law, as follows:

By-law	Zoning Reference	Description
569-2013	40.10.40.10(2)(A) – Maximum Height	A height of 12.85 metres is proposed, whereas a height of 12.0 metres is permitted.
438-86	4(2)(a)	A height of 12.85 metres is proposed, whereas a height of 12.0 metres is permitted.

## **Planning Analysis**

In our opinion, the revised Minor Variance application continues to satisfy the four tests set out in Section 45(1) of the *Planning Act* namely: (1) it maintains the general intent and purpose of the Official Plan; (2) it maintains the general intent and purpose of the Zoning By-law; (3) it is minor in nature; and (4) it is desirable for the appropriate development and use of the lands. Each of these tests is addressed in turn below with respect to the revised building height. The analysis in our November 5, 2018 letter continues to apply.

### *(1) Maintains the intent and purpose of the Official Plan*

In our opinion, the proposed mixed-use building, with a revised height of 12.85 metres, maintains the intent and purpose of the Official Plan. The proposal continues to conform with the *Mixed Use Areas* development criteria, providing a modest 3-storey building and creating a logical transition from the one- to 3-storey house-form buildings along Madison Avenue to the taller development to the south along Bloor Street West, including Tartu College.

Furthermore, the proposal will conform with SASP 334, the proposed direction in OPA 365 (which would amend SASP 334) and SASP 198. Although 11 Madison Avenue is not a listed or designated heritage building, it is identified as a contributing property by the Madison Avenue Heritage Conservation District (HCD) Plan. The proposal conserves the heritage elements of 11 Madison Avenue identified in the HCD Plan, and the 12.85 metre height is still below the height of the roof peak of the conserved building.

### *(2) Maintains the intent and purpose of the Zoning By-law*

The proposal continues to generally comply with both By-law 438-86 and By-law 569-2013, and in our opinion, continues to maintain the intent and purpose of the Zoning By-law. The proposed 12.85 metre height is only slightly taller than the permitted and previously-proposed 12.0 metre height, and the overall building height of 17.0 metres (12.0 metres plus the 5.0 metre mechanical penthouse and elevator/stair overrun) is to be maintained.

### *(3) Minor in Nature*

An assessment of the requested variances against the test of “minor” is not solely a numerical assessment but rather predominantly involves an assessment of impact. In this regard, the proposed development will not create any significant additional adverse impacts onto the surrounding area.

In this regard, the proposed increase in height is not anticipated to have any adverse impacts on the surrounding area. The increased height will only affect the southerly portion of the building, generally located on the 9 Madison Avenue property, given that the 11 Madison Avenue property includes the conserved houseform building and the mechanical penthouse in behind, at the east of the site. As such, no additional overlook or privacy impacts are anticipated onto residential properties to the north.

In addition, we note that immediately to the east of the subject site, at 300 Bloor Street West and 478 Huron Street, a resubmission has recently been made to permit a 29-storey mixed-use residential building. Although this proposal has yet to be approved, we note that the resubmission was made following a lengthy consultation process with City staff, the Councillor and various community groups in the surrounding area.

(4) *Desirable for the Appropriate Development and Use of the Land*

The additional requested variances to permit a height of 12.85 metres are appropriate and desirable, as they will permit adequate floor-to-ceiling heights for a distinctive new non-residential building that will add to the diverse mix of building types and uses in the surrounding neighbourhood. The proposed redevelopment of this surface parking will include a new public square (a POPS), new non-residential uses and a new home for the Estonian community centre, along with a new mid-block connection to Huron Street, as envisioned in the Bloor Corridor/Annex Block Planning Study (OPA 365), all within walking distance of two interchange subway stations.

The requested variances will allow a building that incorporates and conserves the existing house at 11 Madison *in situ*, with no variances requested for gross floor area, and the requested height increase only affecting the south portion of the building. Overall, the non-residential development will allow for a well-designed and functional building that improves the public realm along Madison Avenue, implements the Official Plan direction for the subject site, and is desirable for the appropriate development and use of the land.

### **Conclusion**

The applicant is requesting two additional variances, one each to By-law 438-86, as amended, and By-law 569-2013, as amended, to permit a modest height increase for a portion of the building. In our opinion, as set out above, the requested variances would meet the four tests set out in Section 45(1) of the *Planning Act*, in that (1) they maintain the intent of the Official Plan; (2) they maintain the intent of the Zoning By-law; (3) they are minor in nature; and (4) they are desirable for the appropriate development and use of the lands.



In support of the revised Minor Variance application, please find enclosed herewith digital versions of:

- this cover letter;
- Revised Architectural Drawings prepared by Kongats Architects; and
- a Revised Zoning Waiver identifying the two additional variances.

If you have any questions and/or require any clarification regarding this submission, please do not hesitate to contact me.

Yours very truly,  
**Bousfields Inc.**

Mike Dror, MCIP, RPP