

**Zoning Review of Duern Street and Handel Avenue Area
Proposals Report**

Date:	January 30, 2007
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward No. 11 – York-South Weston
Reference Number:	File No. 06 196615 WET 11 TM

SUMMARY

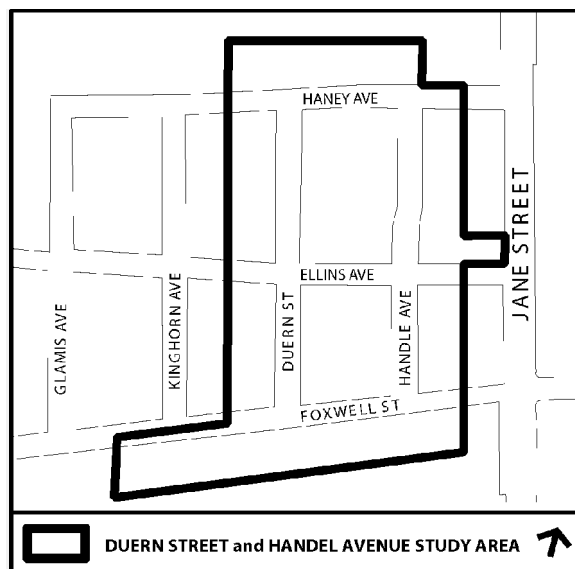
This report reviews and evaluates the zoning in the Duern Street and Handel Avenue study area with the view to addressing the concern of area residents that the current zoning does not maintain and promote compatible development in keeping with the existing physical character of the area.

This report seeks Community Council's directions to hold a community consultation meeting in March 2007 to discuss the findings of an area study and the proposed zoning changes.

RECOMMENDATIONS

The City Planning Division recommends that:

1. staff be directed to schedule a community consultation meeting together with the Ward Councillor;
2. notice for the community



- consultation meeting be given to landowners and residents within 120 metres of the study area; and
3. notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

On September 15, 2005, a community consultation meeting was held with the local Councillor, area residents and planning staff. The purpose of the meeting was to listen to the concerns and comments of the residents in the area around Duern Street, and to discuss and understand the proposed development of two pairs of semi-detached dwellings on Duern Street.

Planning staff advised that the proposed semis were permitted under the existing R2 zoning designation, and that related Committee of Adjustment applications did not seek zoning variances but were only required for the severance of the lots, in keeping with the existing R2 zoning regulations.

On January 5, 2006, the Etobicoke York Committee of Adjustment approved the two consent applications to create lots for the construction of the semi-detached dwellings on Duern Street. The semi-detached dwellings were subsequently constructed in 2006.

On January 23, 2006, area residents submitted a written petition to the local Councillor, requesting a re-designation of the area from an R2 District Zone to and R1 District Zone.

The Etobicoke York Community Council at its meeting of February 7, 2006 requested the Director of Community Planning to initiate a study of the area to change the Zoning designation of the area from R2 to R1.

ISSUE BACKGROUND

Official Plan

The new Official Plan is now in effect, with the exception of two housing policies (Policies 3.2.1.5 (b) and 3.2.1.9), the definitions of affordable rental housing and affordable ownership housing, Policy 3.1.2.5 (Built Form), Policy 4.2.3 (c) (Apartment Neighbourhoods), as well as the floodplain “Special Policy Areas” policies. Policies in the former Official Plans and Metro Plan respecting these policy areas remain in effect. The Plan applies to all lands within the City other than those that are listed on the Schedules to the Board Order approving the Plan. The former Official Plans and Metro Plan continue to apply to these lands.

The City of Toronto Official Plan designates the entire study area as *Neighbourhoods*, which are physically stable areas made up of residential uses in lower scale buildings.

The policies of the plan state that for *Neighbourhoods*, physical changes to established neighbourhoods must be sensitive and fit within the existing character of the area. New development must respect and reinforce the general physical patterns of the neighbourhood.

Furthermore, the criteria contained in the Plan to guide development in neighbourhoods, also requires that new development have heights, massing, scale and dwelling type compatible with adjacent residential properties to be in keeping with the physical character of the neighbourhood.

Zoning

Under the former City of York By-law 1-83, the properties within the study area are zoned R2 Residential District Zone. Detached houses, semi-detached houses, second suites in detached and semi-detached houses, and duplex dwellings, are all permitted residential uses within this zone designation.

The following regulations apply for residential dwellings in R2 zones:

Table 1: R2 Zoning Regulations for Residential Uses

Dwelling Type/Use	Min. Lot Frontage	Max. Height	Min. Side Yard Width	Min. Rear Yard Depth	Max. Floor Space Index
Detached House	8.0 metres	11.0 metres with not more than 3 storeys	0.5 metres on one side and 1.2 metres on the other	7.5 metres	0.8
Semi-detached house	6.0 metres	11.0 metres with not more than 3 storeys	1.2 metres	7.5 metres	0.8
Duplex House	12.0 metres	11.0 metres with not more than 3 metres	0.5 metres on one side and 1.2 metres on the other	7.5 metres	0.8

Furthermore, on September 27, 2006, City Council enacted By-law 972-2006 amending By-law 1-83 with respect to driveway width dimensions and landscaping.

As a result, the following front yard landscaping provisions also apply to detached, semi-detached and duplex houses:

1. For lots with a frontage less than 6 metres, the front yard not covered by a permitted driveway shall be maintained as landscaping.
2. For lots with frontage of 6 metres to less than 15 metres, a minimum of 50% of the front yard shall be maintained as landscaping.

3. For lots with a frontage of 15 metres and greater, a minimum of 60% of the front yard shall be maintained as landscaping.
4. A minimum of 75% of the front yard not covered by a permitted driveway shall be maintained as soft landscaping.

For definition purposes, landscaping means trees, shrubs, grass, flowers, vegetables, and other vegetation, decorative stonework, walkways, patios, screening, or other horticultural or landscape-architectural elements, or any combination of these. Landscaping does not include driveways or parking areas, and directly associated elements such as curbs or retaining walls.

Soft landscaping means trees, shrubs, grass, flowers, vegetables, and other vegetation, but does not include hard surfaced areas such as but not limited to driveways, parking areas, decorative stonework, walkways, patios, screening, or other landscape-architectural elements.

Residents Concerns

Residents within the study area of Duern Street, Handel Avenue, Foxwell Street and Haney Avenue (the Duern Street and Handel Avenue Area Study) have expressed concerns to the Ward Councillor regarding the ability of the existing R2 District zoning to protect the area from redevelopment that does not maintain and promote the character of the stable residential neighbourhood. These concerns have been raised as a result of the recent demolition of two existing single family dwellings on Duern Street, the severance of their lots, and the redevelopment with two pairs of semi-detached dwellings. This building type is viewed by the residents as being out of character with the existing built form of the neighbourhood, as very few semi-detached dwellings exist in the area.

COMMENTS

Description of the Study Area and Context

The neighbourhood within which Duern Street and Handel Avenue is situated, extends from Jane Street on the east to Scarlett Road on the west, and is contained between Smythe Park on the north and the Ontario Hydro One transmission corridor to the south. The area is residential, characterized by predominantly one and two storey single detached dwelling houses, with a limited number of other low density residential housing types. An R1 District zoning applies to the properties located generally to the west of a mid block line extending north-south along the rear of the properties between Kinghorn Avenue and Duern Street. The balance of this larger area extending easterly to Jane Street is zoned R2 District.

Properties that front onto Jane Street, an arterial road, are varied in terms of building type and land use. Although the buildings are generally one and two storeys in height, detached dwelling houses are mixed among other multiple residential dwellings and some mixed commercial-residential uses. The properties fronting onto Jane Street, although also within an R2 zone, have been excluded from the area zoning review because of the

lack of similarity of building type and their location on the edge of the residential neighbourhood on a main street.

The remaining area that is the focus of this study, includes properties on Duern Street, Handel Avenue, and the easterly sections of Haney Avenue, Ellins Avenue and Foxwell Street, the area that is referred to as the Duern Street/Handel Avenue Study Area.

Study Area Evaluation

The Duern Street/Handel Avenue study area is a stable neighbourhood built in the 1940's. The physical characteristics of the area have been evaluated using data collected from municipal assessment records and site inspections of the 153 residential properties that make up the area.

The area is characterized by primarily one and two storey dwellings which account for approximately 95% of the total buildings surveyed. The predominant dwelling type is single detached dwellings (89%) which are situated on lots that vary in width from 6 metres to greater than 12.2 metres. However, almost two thirds of the dwellings (64%) are built on lots with frontages of 9 metres or greater.

Parking for the majority of the dwellings is provided in detached garages located at the rear of the properties (over 70%), and accessed by driveways in the side yard. Houses are generally aligned with their neighbouring dwellings, providing a consistent setback from the street, and creating a continuous pattern and identity that defines the character of the area.

A visual overview of the area, reveals relatively large lots with a compact dwelling house footprint, resulting in an area with a generally consistent lotting pattern and ample open space area in the front and rear yards. See attachment 3 for Property Data Map.

All the corner lots have driveways accessed from the flanking street and leading primarily to rear yard detached garages. This form of detached dwelling house development is permitted by and complies with the R2 District zoning provisions.

Recent developments within the study area have been mostly 3-level semi-detached dwellings with integral garages, some of them below grade, accessed by sloping driveways. For these semi-detached dwellings, where each dwelling is situated on a lot generally with a frontage of 7 metres or less, front landscaping has been significantly reduced and replaced by hard surface paving, to accommodate the front driveway and walkway access to the main entrance.

This form of development, while permitted under the existing R2 District zone designation, has been less sensitive to the prevailing context, and has altered some of the streetscapes of the neighbourhood. See Attachment 4 for Land Use Data.

Proposed Zoning

The review and evaluation of the built form of the study area reveals that the area has identifiable built form characteristics, with single detached dwellings being the prevailing building type. Furthermore, the majority of properties have lots with wide frontages, and parking spaces are provided at grade in the side or rear yard, within attached or detached garages located at the rear of the properties.

With the greater percentage of dwellings being single detached (89.5%), consideration should be given to rezone the area from R2 to R1. The existing R1 zoning designation restricts residential dwelling types to single detached houses on lots with a minimum frontage of 12 metres and a lot area of 370 square metres.

Zoning By-law 3623-97, which amends all the R1 District zoning regulations in the former City of York (By-law 1-83), and which is under appeal at the Ontario Municipal Board, also restricts dwelling types in R1 District zones to single detached dwellings. It maintains the 12 metre minimum lot frontage requirements, but has eliminated the minimum lot area requirement. Attachment 5 provides the existing R1 zoning standards, and those introduced by By-law 3623-97.

While introducing an R1 District zoning provision will protect and promote the single detached dwelling house character, the existing R1 zoning standards, including the minimum lot frontage and lot area requirement, will not completely address all concerns raised by the area residents regarding the preservation of the existing character of the neighbourhood. Also, the introduction of an R1 District zoning designation will not have regard for existing development that might be rendered legal non-conforming by changing the District zoning from R2 to R1, exclusively.

Therefore, to appropriately balance the issues of maintaining the predominant building type and built form characteristics of the area; continuing to allow for compatible redevelopment and additions, alterations and renovations to existing housing stock; and having regard for the limited number of existing non-single detached dwelling development in the area, it is proposed that the zoning designation be changed to R1 and that an area specific by-law be applied. The area specific by-law would restrict residential uses to single detached dwellings, and set new performance standards to regulate new development so as to maintain compatibility with the physical character of the residential neighbourhood.

The proposed development standards for the study area are summarized as follows:

1. The minimum lot frontage shall be 9 metres.
2. Integral garages on lots having a frontage of less than 9 metres will be prohibited. For the purpose of the recommended standard, and integral garage shall mean: “ a portion of a building that has a ceiling with habitable space above and/or direct access to the habitable portion of the building, is designed and capable of being used for sheltering no more than three (3) motor vehicles, each within a parking

space, that is used only by the occupants of the premises on which it is located, and in which no service profit is rendered.”

3. For corner lots, vehicle access shall be from the flanking street.
4. On a lot having a frontage of less than 9 metres, the front yard not covered by a permitted driveway, shall be landscaped.
5. On a lot having a frontage of 6 metres or greater, a minimum of 50% of the front yard shall be maintained as landscaping.
6. Below grade garages will be prohibited.
7. A maximum floor space index of 0.6 will be permitted, with decreasing additional density as the lot increases in size.
8. Properties developed with existing semi-detached dwellings, duplexes, or multiple dwelling units within the study area, are permitted to continue to be used or redeveloped with the same dwelling type currently in existence, subject to the R2 zoning requirements. No new semi-detached dwellings will be permitted. It is noted that within the study area, a total of 14 units are developed with semi-detached or two-unit dwelling houses, and only 2 contain three-unit dwelling houses.
9. The front yard landscaping provisions enacted by By-law 972-2006, as previously noted, will continue to apply to require sizeable front yard landscaped areas.

Next Steps

A community consultation meeting with residents from the area should be arranged, to present the study and the proposed zoning changes, and to obtain public comments. A Final Report for this area zoning review is proposed for the second quarter of 2007.

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SIGNATURE

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ATTACHMENTS

Attachment 1: Official Plan

Attachment 2: Zoning

Attachment 3: Property Data Map

Attachment 4: Land Use Data

Attachment 5: R1 District Zoning Regulations

Attachment 1: Official Plan



TORONTO City Planning
Official Plan

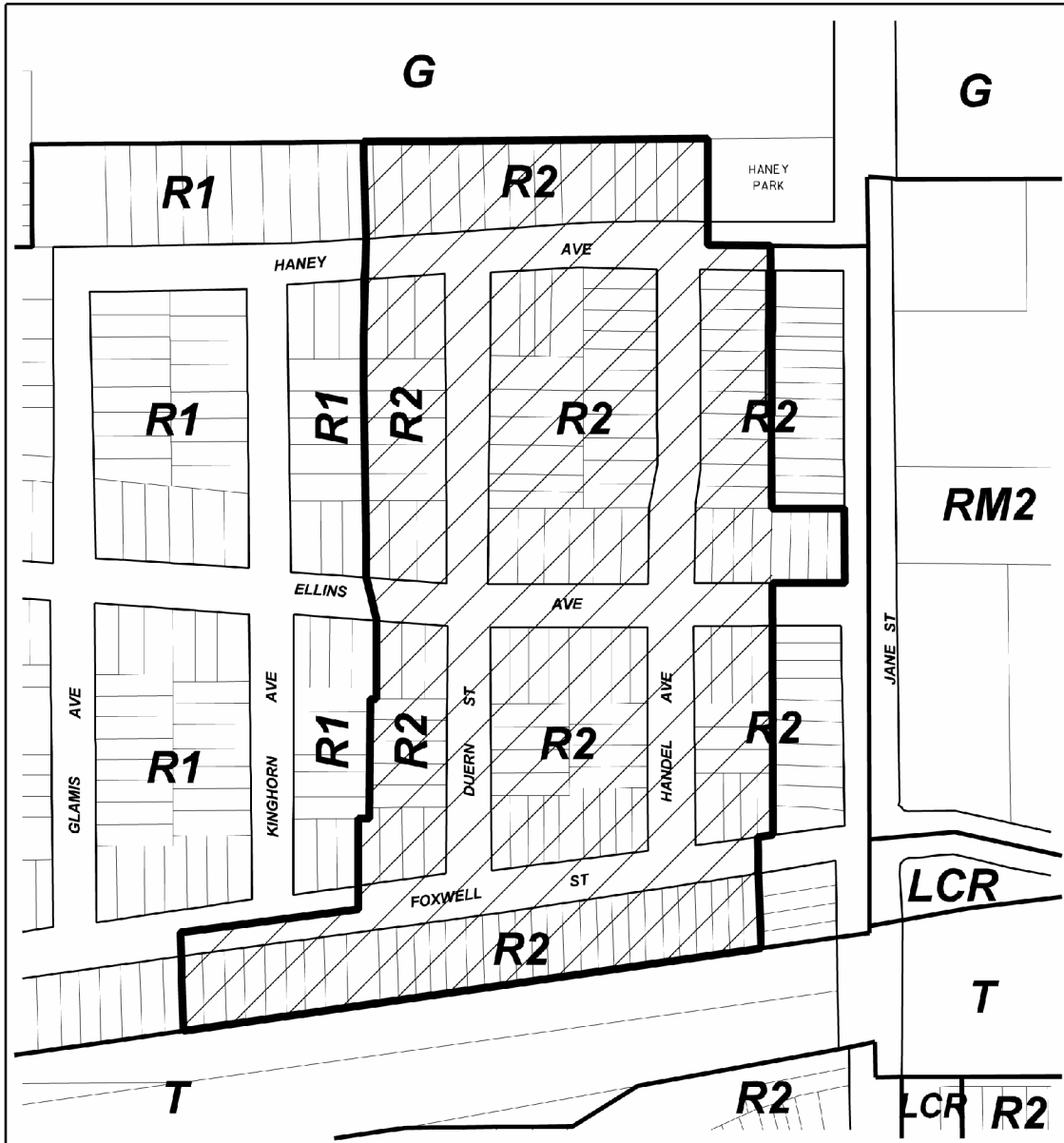
Duern Street and Handel Avenue Study Area

File # 06_196615

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|--------------------------|-----------------|------------------|
| Study Area | Mixed Use Areas | Open Space |
| Neighbourhoods | Natural Areas | Employment Areas |
| Apartment Neighbourhoods | Parks | |

Not to Scale
12/20/06

Attachment 2: Zoning



Duern Street and Handel Avenue Study Area

File # 06_196615

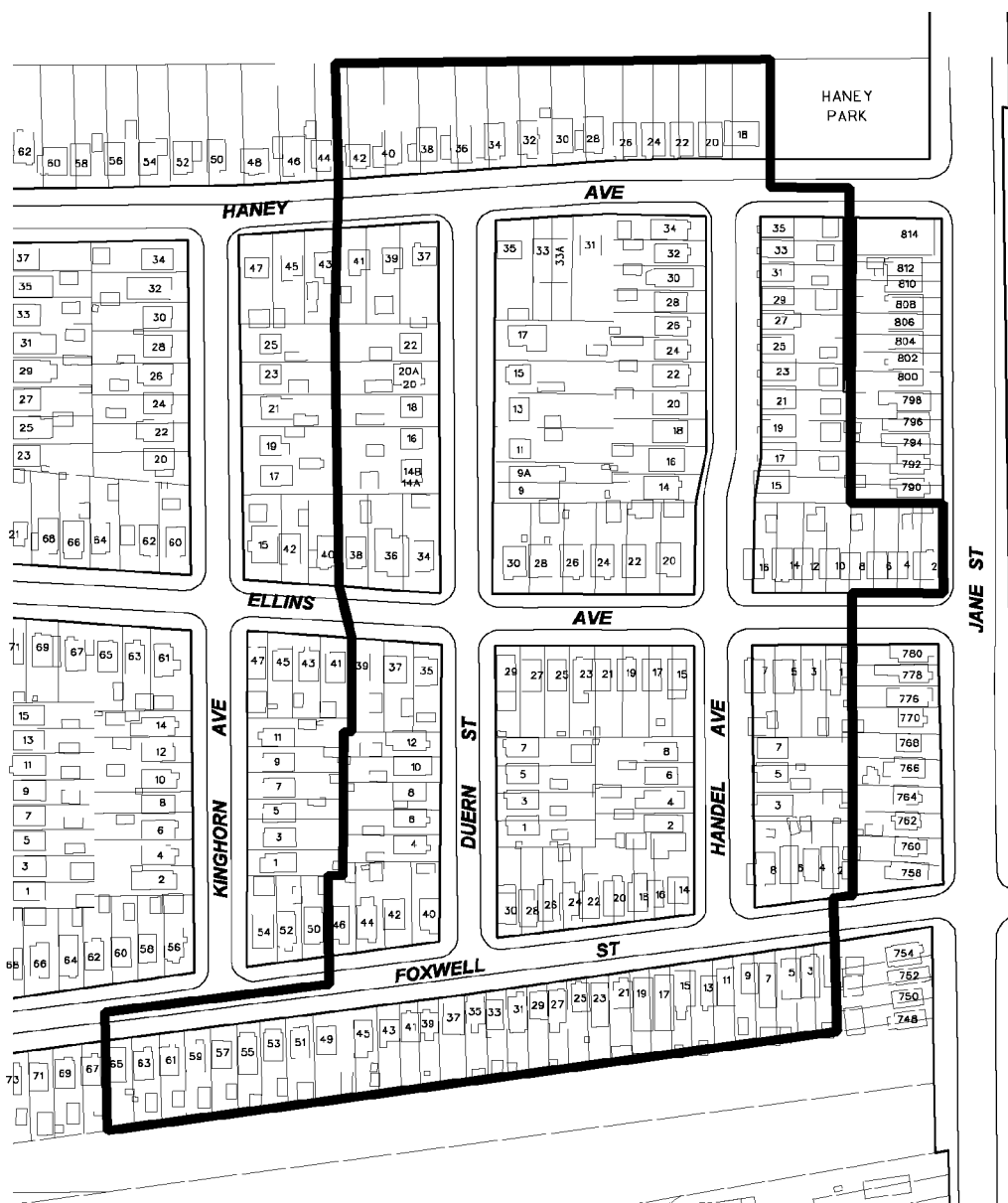
- R1 Residential Zone
- R2 Residential Zone
- RM2 Residential Multiple Zone
- LCR Local Commercial Residential

- T Transportation & Utilities
- G Green Open Space
- Study Area



Not to Scale
Former York Zoning By-law 1-83
Extracted 01/17/07- KP

Attachment 3: Property Data Map



Property Data Map

Duern Street and Handel Avenue Study Area

□ Study Area

Not to Scale
01/24/07



File # 06_196615

Attachment 4: Land Use Data

The analysis included 153 residential properties on Duern Street, Handel Avenue, Foxwell Street, Ellins Avenue and Haney Avenue within the study area.

Lot Frontage

40 ft and +		35 to 39.9 ft.		30 to 34.9 ft.		25 to 29.9 ft.		20 to 24.9 ft.		TOTAL	
12.2 m and +		10.7 m to 12.1 m		9.1 m to 10.6 m		7.6 m to 9		6 m to 7.5 m			
#	%	#	%	#	%	#	%	#	%	#	%
26	16.99	18	11.76	54	35.29	42	27.45	13	8.50	153	100

Dwelling Type

Single Detached		Semis and Duplex		Multiple 3 Units and +		TOTAL	
#	%	#	%	#	%	#	%
137	89.54	14	9.15	2	1.31	153	100

Number of storeys above grade

1		2		3		TOTAL	
#	%	#	%	#	%	#	%
121	79.08	24	15.69	8	5.23	153	100

Type of Garage

Attached		Detached		Integral		No Garage		Park on driveway		TOTAL	
#	%	#	%	#	%	#	%	#	%	#	%
7	4.58	103	67.32	17	11.11	7	4.58	19	12.42	153	100

Location of Parking Space

Front		Rear		Park on driveway No garage		TOTAL	
#	%	#	%	#	%	#	%
20	13.07	108	70.59	25	16.34	153	100

Level of Garage

Grade		Sloped		Park on driveway No garage		TOTAL	
#	%	#	%	#	%	#	%
119	77.78	9	5.88	25	16.34	153	100

Location of Driveway for corner lots (17 properties)

Side to Rear		Front to Rear		TOTAL	
#	%	#	%	#	%
17	100	0	0	153	100

Note: Information obtained from Municipal Assessment Data and Site Inspections

Attachment 5: R1 District Zoning Regulations

Table 2: R1 Zoning Regulations for Residential Uses (By-law 1-83)

Dwelling Type/Use	Min. Lot Area	Min. Lot Frontage	Max. Height	Min. Side Yard Width	Min. Rear Yard Depth	Max. Floor Space Index
Detached House	370 square metres	12.0 metres	11.0 metres with not more than 3 storeys	1.2 metres	9 metres	0.4

The minimum front yard setback shall be the established front yard depth, or no closer than a line between the front corners of the abutting buildings.

Table 3: R1 Zoning Regulations for Residential Uses (By-law 3623-97 under OMB appeal)

Dwelling Type/Use	Min. Lot Area	Min. Lot Frontage	Max. Height	Min. Side Yard Width	Min. Rear Yard Depth	Max. Floor Space Index
Detached House	No requirement	12.0 metres	11.0 metres with not more than 3 storeys	1.2 metres	9 metres	0.6 for the first 370 m ² of lot area. 0.4 for the next 230 m ² of lot area over 370 m ² but less than 600 m ² . 0.2 for the portion of the lot exceeding 600 m ² .

The minimum required front yard setback shall be 1 metre less than the average existing setback of the abutting buildings.