

**Zoning Amendment for Duern Street and Handel Street Area - Final Report**

<b>Date:</b>	May 14, 2007
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward No. 11 – York-South Weston
<b>Reference Number:</b>	File No: 06 196615 WET 11 TM

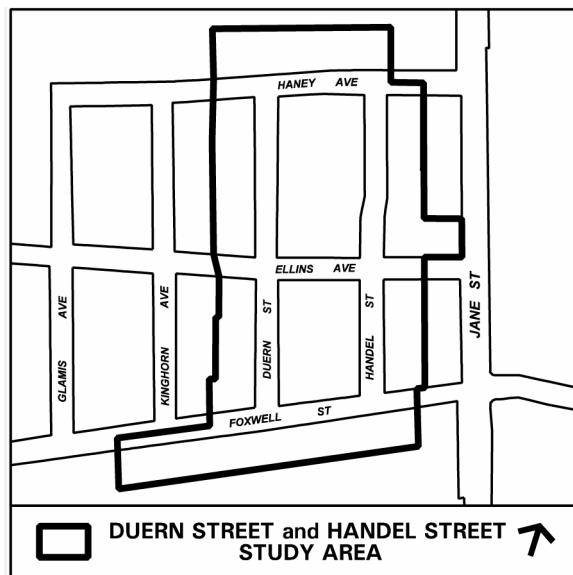
**SUMMARY**

This report reviews and recommends zoning amendments for the Duern Street and Handel Street Study Area to maintain and promote compatible development in keeping with the existing physical character of the residential area.

**RECOMMENDATIONS**

The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 1-83 of the former City of York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1; and
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.



## **Financial Impact**

The recommendations in this report have no financial impact.

## **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 discuss and understand the proposed development of two pairs of semi-detached dwellings on Duern Street and to listen to the concerns and comments of the area residents.

Planning staff advised that the two pairs of semis were permitted under the existing R2 zoning designation and were being constructed in compliance with the zoning by-law regulations, and that the related Committee of Adjustment consent applications for the dwellings did not seek zoning variances but were only required for the severance of the lots.

On January 5, 2006, the Etobicoke York Committee of Adjustment approved the two consent applications to create lots for the two pair of semi-detached dwellings on Duern Street.

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 an R1 District Zone, to restrict further development of semi-detached dwelling houses.

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.

Following the area review, planning staff submitted a Proposals Report entitled “Zoning Review of Duern Street and Handel Street Avenue Area” to Etobicoke York Community Council. The report presented the findings of the area review and the proposed zoning changes, to address the concerns of area residents that the current zoning does not maintain and promote compatible development in keeping with the existing built form character of the residential area.

At its meeting of February 13, 2007, Etobicoke York Community Council adopted the recommendations of the Proposals Report to schedule a community consultation meeting, together with the Ward Councillor, to review the findings of the area study and discuss the proposed zoning changes.

The Proposals Report can be viewed at:

<http://www.toronto.ca/legdocs/mmis/2007/ey/bgrd/backgroundfile-1293.pdf>

## **ISSUE BACKGROUND**

### **Description of the Study Area and Context**

The neighbourhood within which Duern Street and Handel Street are 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 study area extends from the south side of Foxwell Street to the north side of Haney Avenue, and from the west side of Duern Street to the east side of Handel Street. 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.

### **Official Plan**

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.

The criteria contained in the Plan to guide development in Neighbourhoods, also requires that new development will respect and reinforce the existing character including the height, massing, scale, dwelling type and size of lot. The prevailing building type would be the predominant form of development in the neighbourhood.

### **Zoning**

Under the former City of York By-law No. 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.

### **Community Consultation**

A Community Consultation meeting to discuss the proposed zoning as set out in the Proposals Report was held on March 22, 2007. The meeting was attended by the Ward Councillor, Community Planning staff and approximately 55 members of the public.

Planning staff presented an overview of the findings of the area study and the existing and proposed zoning standards, to facilitate an understanding of the proposed zoning changes.

The issues raised by the area residents in the discussion of the proposed zoning were related to the following matters:

- Overall height of the recent developments in relation to the neighbourhood scale.

- New requirement for minimum lot frontage, which would affect redevelopment of undersized properties.
- Impact of the proposed zoning by-law on a proposed detached dwelling located within the study area at 36 Haney Avenue, which is presently under site plan approval review and complies with the current R2 zoning provisions.

Residents were generally in support of the proposed zoning changes, and their comments have been taken into consideration in preparing the final draft of the area specific by-law.

## **COMMENTS**

### **Proposed Zoning and Community Consultation Issues**

As previously noted in the Proposals Report, the review and evaluation of the built form of the study area revealed that the area has identifiable built form characteristics, with one and two storey 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, within attached garages or detached garages located at the rear of the properties.

With the greater percentage of dwellings being single detached (89.5%), a change of the zoning designation of the entire study area from an R2 to an R1 zoning district is proposed.

However, 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 height requirements, 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 sensitive redevelopment and additions, alterations or renovations to existing housing stock; and having regard for the limited number of existing non-single detached dwelling development in the area (less than 10%), 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.

It is noted that within the study area, 15 properties are already developed with semi-detached or duplex dwellings. These will be permitted to continue to be used or redeveloped with the same building type, in compliance with the R2 regulations. This measure is being proposed to have regard for existing development that would otherwise

not conform to the proposed zoning provisions, and to minimize the creation of legal non-conforming uses.

Approximately 95% of the dwellings within the study area are one and two storeys. Recent developments have been mostly 3-level dwellings with the lowest (basement) level being at or marginally below grade. The height of these dwellings approaches the maximum height of 3 storeys and 11 metres that is permitted under both the existing R2 and the R1 designations. Although this maximum height provision has existed in the area since the inception of the R2 zoning in 1958, the area was developed prior to this time, below this maximum height limit. Area residents view a permitted height of 3 storeys and 11 metres as being out of character with the height of existing development in the area. In consideration of these concerns, the building height has been limited to a maximum of two storeys and 9.5 metres in the proposed by-law. This would continue to permit a 3 level dwelling house where the lowest level is greater than 1 metre below grade.

Several residents with existing properties that would not meet the minimum lot frontage of 9 metres proposed in the area specific by-law, were concerned that their redevelopment opportunity would be restricted by the proposed by-law.

In response to their concerns, planning staff advised that general provisions currently existing in zoning By-law No. 1-83 allow additions and alterations to existing dwellings permitted in the zone on undersized lots having a frontage of 6 metres or more.

The existing provisions also allow for the redevelopment of new detached dwellings, provided that all the other applicable provisions of the by-law, other than the lot frontage, are complied with. There are no properties within the study area with lot frontages less than 6 metres.

As noted at the meeting, a proposed new detached dwelling at 36 Haney Avenue is under site plan approval review. The proposed new dwelling presently complies with the existing R2 zoning provisions, and once site plan approval is given, the owners are expected to make an application for a building permit.

The detached dwelling meets all the requirements of the proposed area specific by-law, except for a 0.5 metre width of one of the side yards.

In the event that the proposed by-law is enacted prior to the issuance of a building permit for the proposed dwelling, the owners would be required to seek relief from the Committee of Adjustment for a variance to the 1.2 metre minimum side yard setback provision in the by-law.

In recognition that the proposed dwelling is currently under site plan review, a provision has been included in the proposed by-law to permit a side yard width reduction to 0.5 metres on one of the side yards for the property located at 36 Haney Avenue.

The proposed specific by-law for the study area will restrict residential dwelling house uses to only detached dwellings, subject to area specific zoning standards.

The proposed development standards for the study area are summarized below. The detailed development standards are contained in Attachment 1: Draft Zoning By-law Amendment.

1. The minimum lot frontage shall be 9 metres.
2. The maximum height shall be 9.5 metres with no more than 2 storeys.
3. 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.”
4. For corner lots, vehicle access shall be from the flanking street.
5. On a lot having a frontage of less than 9 metres, the front yard not covered by a permitted driveway, shall be landscaped.
6. On a lot having a frontage of 6 metres or greater, a minimum of 50% of the front yard shall be maintained as landscaping.
7. Below grade garages will be prohibited.
8. A maximum floor space index of 0.6 will be permitted, with decreasing additional density as the lot increases in size.
9. 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 15 units are developed with semi-detached or two-unit dwelling houses.
10. The front yard landscaping provisions enacted city-wide by By-law 972-2006, will continue to apply to require sizeable front yard landscaped areas.
11. Garages or carports that are part of a dwelling house will not be allowed to be constructed closer to the front lot line than any other portion of the dwelling house.

**CONTACT**

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**SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Director Community Planning  
Etobicoke York District

**ATTACHMENTS**

Attachment 1: Draft Zoning By-law Amendment

## **Attachment 1: Draft Zoning By-law Amendment**

Authority: Etobicoke York Community Council Report No. ~, Clause No. ~,  
as adopted by City of Toronto Council on ~ 2007.  
Enacted by Council: ~ 2007

### **CITY OF TORONTO**

### **BY-LAW No. ~ -2007**

#### **To amend for City of York Zoning By-law No. 1-83, as amended, in respect of lands in the Haney Avenue/Foxwell Street and Duern Street/Handel Street Area of the former City of York**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and held at least one public meeting in accordance with the *Planning Act*;

THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

1. That Section 6 of Zoning By-law No. 1-83, as amended, be further amended by adding a new Subsection (78) as follows:

#### **Lands - Haney Avenue, Foxwell Street, Duern Street and Handel Street Area**

“(78) MAP 21

By changing the area shown on District Map 21 more particularly shown on Schedule “A” hereto, from an R2-Residential Zone (R2) to an R1 – Residential Zone (R1) and Section 16 (427).

#### **SECTION 16 AMENDED:**

2. That Section 16 of Zoning By-law 1-83, as amended, of the former City of York, be further amended by adding a new Subsection (427) as follows:

“(427) LANDS – HANEY AVENUE, FOXWELL STREET, DUERN STREET,  
and HANDEL STREET AREA

Notwithstanding the provisions of Subsections 3.4.12 and 7(3) of Zoning By-law 1-83, and subject to clauses k), l) and m) below, no person shall erect or use any building for a detached dwelling house unless the following regulations are complied with:

- a) the minimum lot frontage shall be 9 metres;



- b) the maximum height of the main building shall be 9.5 metres with not more than 2 storeys;
- c) the minimum side yard width shall be 1.2 metres;
- d) the minimum rear yard depth shall be 9 metres;
- e) the maximum floor space index shall be equal to the sum of the following:
  - floor space index of 0.6 for the first 370 m<sup>2</sup> of lot area; plus
  - floor space index of 0.4 for that portion of the lot area in excess of 370 m<sup>2</sup> but less than or equal to 600 m<sup>2</sup>, if any, plus,
  - floor space index of 0.2 for that portion of the lot area in excess of 600 m<sup>2</sup>, if any;
- f) the minimum required front yard setback shall be equal to 1.0 metre less than the average front yard setback of the abutting residential buildings on each side of the lot. If there is an abutting residential building on one side only, the minimum required front yard setback shall be equal to 1.0 metre less than the setback of that residential building. If there are no abutting residential buildings on either side of the lot, the minimum required front yard setback shall be 6 metres;
- g) no garage shall have a finished floor elevation lower than the elevation of the centreline elevation of the driveway at the property line;
- h) integral garages on lots having a frontage of less than 9 metres shall be prohibited. For the purpose of this Subsection, an 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;
- i) vehicle access to an on site parking space or to an area used for the storage of a vehicle on a corner lot shall be provided from the flanking street;
- j) notwithstanding the provisions of Section 3.4.9 of Zoning By-law 1-83 and this Subsection, the following properties municipally known as:
  - 7, 8 and 23 Foxwell Street;
  - 4 Ellins Avenue; and
  - 7 Duern Street, more particularly described in Schedule “B” hereto,may:

- i. continue to be used for a duplex dwelling house provided that any additions or alterations to the duplex house existing on the property as of the date of passage of this By-law to introduce this Subsection, complies with the provisions of Section 8.3 of By-law 1-83.
  - ii. be used to build a duplex house following the demolition of the existing duplex house provided that the more restrictive provisions of Section 8.3 of By-law 1-83 and the provisions of clauses b), g), h), i) and j) of this Subsection are complied with;
- k) notwithstanding the provisions of Section 3.4.9 of Zoning By-law 1-83 and this Subsection, the following properties municipally known as:  
47 and 49 Foxwell Street;  
33 and 33A Haney Avenue; and  
9A, 9B, 14A, 14B, 20 and 20A Duern Street, more particularly described in Schedule “B” hereto,

may:

- i. continue to be used for a semi-detached house provided that any additions or alterations to the semi-detached house existing on the property as of the date of passage of this By-law to introduce this Subsection, complies with the provisions of Section 8.3 of By-law 1-83.
  - ii. be used to build a semi-detached house following the demolition of the existing semi-detached house provided that the more restrictive provisions of Section 8.3 of By-law 1-83 and the provisions of clauses b), g), h), i) and j) of this Subsection are complied with;
- l) notwithstanding the provisions of clause c) of this Subsection, the following property municipally known as:  
36 Haney Avenue; more particularly described in Schedule “B” hereto,

may:

- i. continue to be used as a detached house provided that any additions or alterations to the detached house existing on the property as of the date of passage of this By-law to introduce this Subsection, complies with the provisions of this By-law, and where one of the side yards shall be a minimum of 0.5 metres in width; and
  - ii. be used to build a detached house following the demolition of the existing detached house provided that all the provisions of this By-law are complied with, and where one of the side yards shall be a minimum of 0.5 metres in width;
- m) that portion of a residential building containing a private garage, or a carport, shall not be constructed closer to the front lot line than the portion of the residential building that does not contain the private garage or carport; and

- n) all other provisions of By-law 1-83 shall continue to apply except where the provisions of this Subsection are in conflict, in which case the provisions of this Subsection shall prevail.
- 3. Subject to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, this By-law shall come into force and effect on the date of its passing.

ENACTED AND PASSED this ~ day of ~ , 2007.

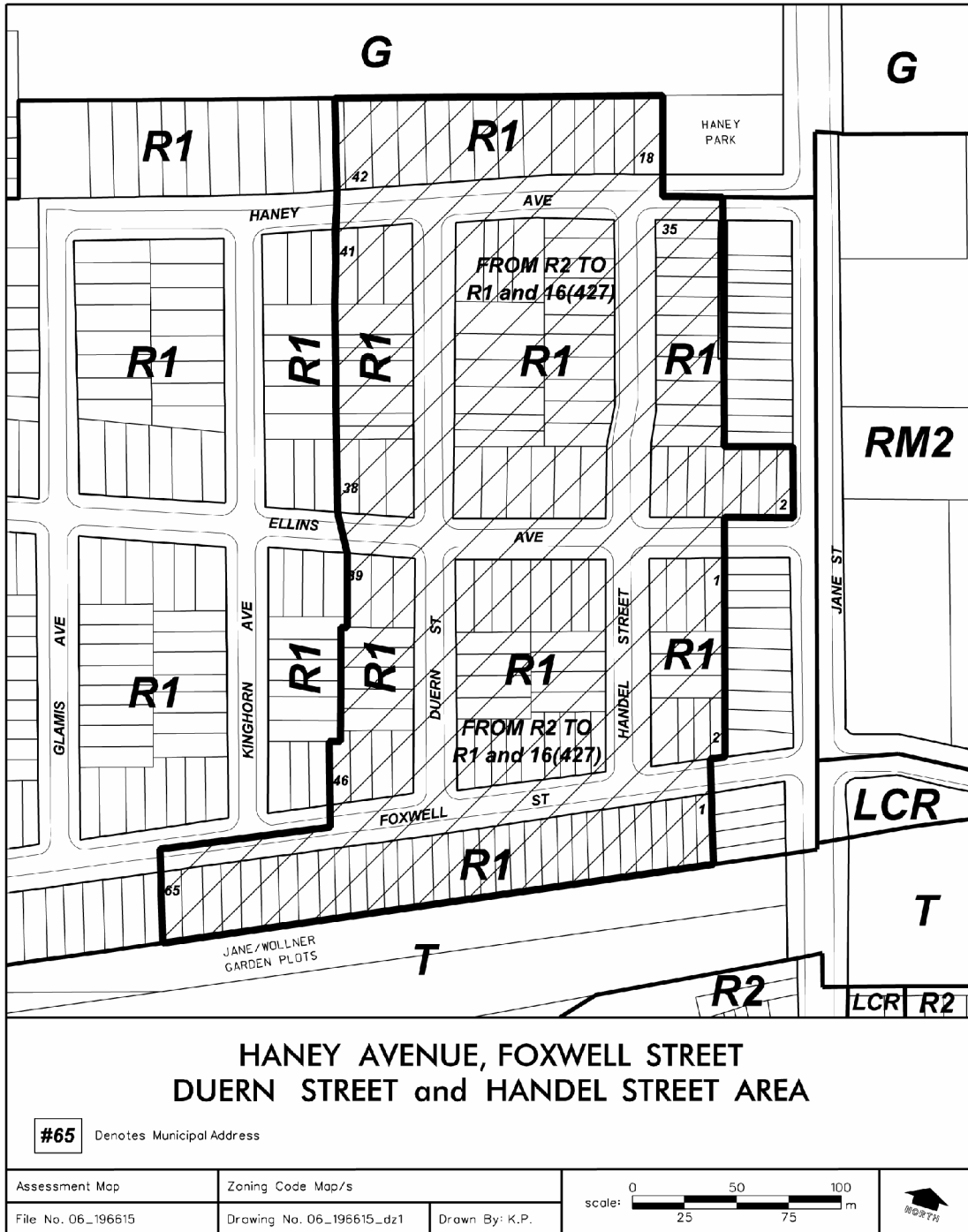
DAVID MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)



Schedule 'A' to BY-LAW \_\_\_\_\_  
and to Section 16(427) of Zoning By-Law 1-83



Schedule 'B' to By-law \_\_\_\_\_  
and to Subsection 6(78) and Subsection 16(427) of Zoning By-law 1-83