

TORONTO STAFF REPORT

September 26, 2006

To: The Chairman and Members of
The Committee of Adjustment
City of Toronto - North York District

From: THOMAS C. KEEFE
Director, Community Planning
North York District

Subject: **STAFF REPORT**

Owner(s):	B0061/06NY, A0706/06NY & A0707/06NY TAL HAYEK JOSEPH FREIMAN	Zoning	R4 - Single Family Detached Dwelling Zone
Agent:	MICHAEL GOLDBERG GOLDBERG GROUP	Ward:	Willowdale (23)
Property Address:	304 CHURCHILL AVE	Community:	
Legal Description:	CON 3186 S 8		

PURPOSE OF THE APPLICATIONS:

This is an application under Sections 50, 53 and 54 of the Planning Act for consent to the division of a parcel of residential lands into two parts for conveyance purposes for the creation of a new residential building lot, and under Section 45 of the Planning Act for variance from the provisions of the North York Zoning By-law 7625, as amended, to permit the construction of a two storey dwelling on each of the proposed lots.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW :

A0706/06NY West 10.63m (34.87') of 304 Churchill Avenue

1. Lot frontage and width of 10.63m (34.87')
WHEREAS a minimum lot frontage and width of 15m (49.2') is required;
2. Lot area of 305.79m² (3,291.6sq.ft.)
WHEREAS a minimum lot area of 550m² (5,920.34sq.ft.) is required;
3. East side yard setback of 1.2m (4') to the proposed dwelling
WHEREAS a minimum setback of 1.5m (5') is required;
4. West side yard setback of 1.2m (4') to the proposed dwelling
WHEREAS a minimum setback of 1.5m (5') is required;

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5. Rear yard setback of 9.35m (30.67') to the proposed dwelling
WHEREAS a minimum setback of 9.5m (31.2') is required;
6. Proposed lot coverage of 33% (100.9m²) (1,086.11sq.ft.)
WHEREAS a maximum lot coverage of 30% (91.94m²) (989.66sq.ft.) is permitted; and
7. The elevation of the floor of the entrance of the garage to be located below the established grade (centre line of the road) on a lot created by severance
WHEREAS the elevation of the floor of the garage shall be located at or above the established grade (centre line of the road) on a lot created by severance.

A0707/06NY East 10.63m (34.87') of 304 Churchill Avenue

1. Lot frontage and width of 10.63m (34.87')
WHEREAS a minimum lot frontage and width of 15m (49.2') is required;
2. Lot area of 306.35m² (3,297.63sq.ft.)
WHEREAS a minimum lot area of 550m² (5,920.34sq.ft.) is required;
3. East side yard setback of 1.2m (4') to the proposed dwelling
WHEREAS a minimum setback of 1.5m (5') is required;
4. West side yard setback of 1.2m (4') to the proposed dwelling
WHEREAS a minimum setback of 1.5m (5') is required;
5. Rear yard setback of 9.31m (30.67') to the proposed dwelling
WHEREAS a minimum setback of 9.5m (31.2') is required;
6. Proposed lot coverage of 33% (101.1m²) (1,088.3sq.ft.)
WHEREAS a maximum lot coverage of 30% (91.91m²) (989.34sq.ft.) is permitted; and
7. The elevation of the floor of the entrance of the garage to be located below the established grade (centre line of the road) on a lot created by severance
WHEREAS the elevation of the floor of the garage shall be located at or above the established grade (centre line of the road) on a lot created by severance.

Location:

The subject property is located in the area north of Sheppard Avenue West, east of Bathurst Street, and west of Senlac Road on the north side of Churchill Avenue. The property has a frontage of 21.27m (69.7'), an average depth of 28.71m (94.17') and an area of 612.14m² (6,589.24sq.ft.). The lands are designated Residential Density One (RD1) in the former City of North York Official Plan and Neighbourhoods in the new City of Toronto Official Plan.

Comments:

The applicant is proposing to divide the property into two parts in order to create two residential building lots. The proposed lots are designated as Parts 1 and 2 on a Draft Reference Plan being held on file and would have

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frontages of 10.63m (34.87'), average depths of 28.73m (24.25') and areas of 305.79m² (3,291.6sq.ft.) and 306.35m² (3,297.63sq.ft.). The existing dwelling would be demolished and a new two storey dwelling is proposed to be constructed on each of the proposed lots. Variances are requested as noted above.

To assist the Committee in their review of this proposal, staff have conducted a lot size analysis of the single family residential properties found within a 122m (400') radius surrounding the subject lands. The study includes regular shaped properties fronting onto Catalda Court, Churchill Avenue, Ellerslie Avenue, Horsham Avenue, Stafford Road and Wynn Road. The properties are zoned R6(4) and R4. The properties are listed below in order of increasing lot frontage. Excluded from the list are the subject properties.

NUMBER OF LOTS	LOT FRONTAGE (ft)	LOT AREA (sq. ft.)
4	40	5,200
1	40	5,366
1	40	11,703.2
1	40	11,710
1	40	11,716.4
1	40	11,720
1	40	5,777.9
1	40.5	11,836.1
1	42.5	5,775.1
1	42.5	5,445.9
1	42.5	5,686.1
1	42.5	6,375
1	47	7,047
1	48.7	7,305
1	48.7	7,511.1
1	48.7	7,514.2
1	48.8	7,517.3
1	48.8	7,526.5
1	49.5	6,930
1	49.5	7,185.4
1	50	6,633
1	50	6,644
1	50	6,705
2	50	6,708.5
1	50	6,858.5
2	50	7,000
2	50	7,250
2	50	7,258
4	50	7,475
8	50	7,500
1	50	14,500
1	50	14,691.5
2	50	14,775
1	50	15,000
1	50.3	7,549.5
1	50.3	14,772.9

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1	50.5	7,569
2	51	7,624.5
1	51.3	7,687.5
1	52	6,916
4	53	6,996
3	53	7,049
1	53	7,055.4
1	53.8	7,793.8
1	54	7,168
1	54	7,171.2
1	54	7,173.9
1	54	7,177.1
1	54	7,179.8
1	54	7,182
1	54.5	7,231.6
2	56.9	9,953.4
3	57	7,552.5
1	57.3	7,585.6
1	57.6	7,669.5
1	59	8,850
1	66	8,083
2	66.7	8,672.3
1	70	20,708.1
1	70	20,976.2
1	75	10,875
1	80	7,680
TOTAL = 90		

A total of 90 residential properties were included in the lot size analysis, ranging in frontage from 12.2m (40') to 24.4m (80') and in lot areas from 483.1m² (5,200sq.ft.) to 1,948.7m² (20,976.2sq.ft.). Of the lots studied, there are no properties having frontages or areas similar the proposed lots.

The lot study indicated that there are 67 lots having frontages of 15m (50') or greater.

Official Plan

The New City of Toronto Official Plan:

The subject property is designated as Neighbourhoods in the New City of Toronto Official Plan which came into effect on July 6, 2006. Chapter 2, Section 2.3.1 – Healthy Neighbourhoods sets out the description of Healthy Neighbourhoods. This section of the plan states

“By focusing most new residential development in the Centres, along Avenues and in other strategic locations, we can preserve the shape and feel of our neighbourhoods. However, these neighbourhoods will not stay frozen in time.... Some physical change will occur over time as enhancements, additions and infill housing occurs on individual site. A cornerstone policy is to

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ensure that new development in our neighbourhoods respects the existing physical character of the area, reinforcing the stability of the neighbourhood.”

Chapter 4 sets out further policies for Neighbourhoods. “The stability of our Neighbourhoods’ physical character is one of the keys to Toronto’s success”. Physical changes to our established Neighbourhoods must be sensitive, gradual and generally “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 as stated in the following:

5. *Development will respect and reinforce the existing physical character of established Neighbourhoods, with particular regard to:*
 - b) *Size and configuration of lots;*
 - c) *Heights, massing, scale and type of dwelling unit compatible with that permitted by the zoning by-law for nearby residential properties;*
 - d) *Prevailing building types;*
 - e) *Setbacks of buildings from the street or streets;*
 - f) *Prevailing patterns of rear and side yard setbacks and landscaped open space*
6. *Zoning By-laws will contain numerical site standards for matters such as building type and height, density, lot sizes, lot depths, lot frontages, parking, building setbacks for lot lines, landscaped open space and any other performance standards to ensure that new development will be compatible with the physical character of established residential Neighbourhoods*

VariANCES Requested:

Further to the proposed severance, the applicant proposes to construct a new two storey dwelling with a below grade garage on each of the proposed lots. VariANCES are requested with respect to lot frontage and width, lot area, east and west side yard setbacks, rear yard setback, lot coverage and below grade garages.

The proposed lots would have frontages of 10.63m (34.87’) and areas of 305.79m² (3,291.6sq.ft.) and 306.35m² (3,297.63sq.ft.). The by-law requires a minimum lot frontage and width of 15m (49.2’) and a minimum lot area of 550m² (5,920.34sq.ft.). The proposed lots are significantly smaller than the by-law requirement. The property to the west is a one storey dwelling built in 1962, on a lot having a frontage of 15.24m (50’). The property to the east is a two storey dwelling on a lot having a frontage of 24.4m (80’).

The proposed dwellings would have east and west side yard setbacks of 1.2m (4’). The by-law requires a minimum side yard setback of 1.5m (5’).

The proposed dwellings would have rear yard setbacks of 9.35m (30.67’). The by-law requires a minimum setback of 9.5m (31.2’). There are no other properties in the immediate area which have been granted for a reduction in the rear yard setback due to the depth of the lots.

The proposed dwellings would have a lot coverages of 33% (100.9m²) (1,086.11sq.ft.) and 33% (101.1m²) (1,088.3sq.ft.) The by-law permits a maximum lot coverage of 30% (91.94m²) (989.66sq.ft.), and 30% (91.91m²) (989.34sq.ft.). The subject property is located in an area where, traditionally in the past, variANCES to lot coverage has been granted in the 32% range.

The applicant is proposing to locate the garages within the basement level of the dwellings. Below grade

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garages are not permitted on lots having frontages less than 13.7m (45') that have been created by severance. While there may be some below grade garages found in the area, the majority of the lots maintain frontages greater than 13.7m (45') and would not be permitted below grade garages as of right.

The subject property maintains an R4 zoning. In order to develop the property under this proposal within the current zoning, there are a significant number of variances required. Staff believe that both singularly and cumulatively, the variances requested do not maintain the general intent of the Zoning By-law and the Official Plan, and do not represent an appropriate development of the property.

Conclusion:

The lands are located in an area with a mix of larger lot frontages. The existing property has a lot frontage of 21.27m (69.7'). There are 7 other properties in the study area that have frontages greater than 18m (60'). While the existing lot frontage may be among the larger frontages in the area, the lot has a minimal depth of 28.71m (94.17') and any subdivision of the lands would result in lots that are substantially smaller than the properties found within the study area and would not be representative of the character of the area. The subject lot and the property to the east, 302 Churchill Avenue, with depth of 28.71m (94.17'), are 10.36m (34') shallower than the shortest lot in the study area. The properties located along the north side of Churchill Avenue maintain lot depths of 88.4m (290') or greater.

The existing dwelling on the property is designed to fit on the wide, shallow lot that exists. Any new construction on this lot would best be represented by building in this fashion. The proposal before this Committee results in dwellings, that while shorter than the by-law permission, result in a rear yard setback variance and lot coverage variances.

There are no other lots in the study area having frontages of 10.63m (34.87') or areas of 305.79m² (3,291.6sq.ft.) and 306.35m² (3,297.63sq.ft.). The resulting lots would be the smallest lots in terms of both lot area and lot frontage, in the area and would be contrary to the by-law requirements. The existing lot has dimensions that both meet the by-law requirements and are representative of the character of the lots found in this area. Given the existing pattern of lot frontages and lot areas found within the study area, staff are of the opinion that the creation of smaller lots by severance is not desirable or appropriate in this instance. The zoning for this property is R4 which sets out performance standards suitable for this lot. Developing this lot within those standards would maintain the existing character of the street and the study area.

This is a stable residential neighbourhood where regeneration and intensification of the existing housing stock on existing lots is occurring. There would appear to be no need for the introduction of smaller lots in this area.

Staff are of the opinion that the size and dimensions of the proposed lots are contrary to the criteria set out in Section 51 (24) of the Planning Act and are not within the intent and purpose of Official Plan.

Respectfully submitted,

Thomas C. Keefe
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North York District

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