

TORONTO STAFF REPORT

January 8, 2009

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**

File Number: B0087/08NY, A0721/08NY & A0722/08NY Zoning: R4 - Single Family Detached Dwelling Zone

Owner(s): NATLE MALTESE IN TRUST Ward: Willowdale (24)

Agent: PETER BARTON
AVTECH DESIGNS

Property Address: **100 CRESTHAVEN DR** Community: North York

Legal Description: PLAN M1057 LOT 449

PURPOSE OF THE APPLICATIONS:

These are applications under Sections 50, 53 and 54 of the *Planning Act* for consent to the division of a residential property into two parts for the creation of two lots 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 new two storey dwelling on each of the proposed lots.

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

A0721/08NY NORTH 12.28M OF 100 CRESTHAVEN DRIVE (Part 1)

1. Lot frontage and width of 11.64m (38.2')
WHEREAS a minimum lot frontage and width of 15m (49.2') is required;
2. Lot area of 379.7m² (4,087.19sq.ft.)
WHEREAS a minimum lot area of 550m² (5,920.34sq.ft.) is required;
3. North side yard setback of 1.8m (6') to the proposed dwelling
WHEREAS a minimum setback of 3m (10') is required;
4. South side yard setback of 1.27m (4.2') to the proposed dwelling
WHEREAS a minimum setback of 1.8m (6') is required;
5. Proposed lot coverage of 30.8% (117m²) (1,259.42sq.ft.)
WHEREAS a maximum lot coverage of 30% (113.91m²) (1,226.15sq.ft.) is permitted;

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6. Proposed building length of 17.74m (58.2')
WHEREAS a maximum building length of 16.8m (55') is permitted; and
7. Proposed number of parking spaces is 1
WHEREAS the minimum number of parking spaces required is 2.

A0722/08NY SOUTH 12.28M OF 100 CRESTHAVEN DRIVE (Part 2)

1. Lot frontage and width of 11.64m (38.2')
WHEREAS a minimum lot frontage and width of 15m (49.2') is required;
2. Lot area of 387.2m² (4,167.92sq.ft.)
WHEREAS a minimum lot area of 550m² (5,920.34sq.ft.) is required;
3. South side yard setback of 1.27m (4.2') to the proposed dwelling
WHEREAS a minimum setback of 1.8m (6') is required;
4. Proposed lot coverage of 31% (120m²) (1,291.71sq.ft.); and
WHEREAS a maximum lot coverage of 30% (116.16m²) (1,250.4sq.ft.) is permitted;
5. Proposed building length of 18.34
WHEREAS a maximum building length of 16.8m is permitted.

Comments:

The applicant is proposing to divide the existing lot, having a lot frontage of 24.55m (80.54'), an average depth of 35.73m (117.22') and an area of 766.9m² (8,255.11sq.ft.) into two lots having frontages, measured 7.5m (24.6') back from the front lot line of, 11.64m (38.2'), an average depth of 35.73m (117.22') and areas of 379.7m² (4,087.19sq.ft.) and 387.2m² (4,167.92sq.ft.).

To assist the Committee in the review of this proposal, staff have conducted a lot study of the single family residential properties found in the area surrounding the subject lands. The study includes properties fronting Cresthaven Drive, Dexter Boulevard, Drysdale Crescent, Michael Drive, , Myers Lane, Prestwick Crescent and Threadneedle Crescent. The properties are zoned R4. A summary of the lot study is attached to this report. Excluded from the list are the subject properties.

A total of 155 residential properties were included in the analysis, ranging in frontage from 12.7m (41.8') to 25.4m (83.5') and in lot area from 389.7m² (4,195.3sq.ft.) to 1,047.3m² (11,273.7sq.ft.). Of the lots studied, there are twenty (20) properties having frontages similar to the proposed lots.

The lot study indicates that the majority of the lots in the area have frontages in the 15.2m (50') range. While the proposed lots would be the smallest in the area for both lot frontage and area, there are only three (3) other lots located within the study area that have frontages similar to the existing lot having a frontage of 24.55m (80.54')

The subject property is designated as *Neighbourhoods* in the City of Toronto Official Plan. A key objective of the *Plan* is that new development respect and reinforce the existing physical character of the existing neighbourhood. It is staff's opinion that the proposal as submitted would be in keeping with the existing

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physical character and would generally "fit" the character of the surrounding neighbourhood with respect to the size and configuration of the lots, the heights massing scale and type of the dwelling units.

The applicant proposes to construct a new two storey dwelling with an integral at 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, dwelling length, lot coverage building height and parking spaces provided on site.

The proposed lots would have frontages, measured 7.5m (24.6') back from the front lot line, of 11.64m (38.2') and lot areas of 379.7m² (4,087.19sq.ft.) and 387.2m² (4,167.92sq.ft.). The By-law requires lot frontages and widths of 15m (49.2') and lot areas of 5580m² (5,920.34sq.ft.).

The subject property is a reverse corner lot, meaning that the side lot line is a continuation of the front lot line of the dwelling to the rear. Reverse corner lots have a side yard setback requirement of 3m (10'). The proposed dwelling on the Part1 would have a north side yard setback of 1.8m (6').

The proposed dwellings would have south side yard setbacks of 1.2m (4'). The By-law requires a minimum setback of 1.8m (6'). The proposed setbacks are to the garage and second floor area located above, only. The remainder of the dwellings comply with the minimum setback requirements of 1.8m (6').

The applicant is requesting a lot coverage of 30.8% (117m²) (1,259.42sq.ft.) for Part 1 and of 31% (120m²) (1,291.71sq.ft.) for Part 2. The By-law permits a maximum lot coverage of 30% (113.91m²) (1,226.15sq.ft.) for Part 1 and 30% (116.16m²) (1,250.4sq.ft.) for Part 2. The proposed lot coverage is within the range that is consistent with other Committee of Adjustment decisions and is considered appropriate for this proposal.

The dwelling on the proposed north lot would have a length of 17.74m (58.2') and the dwelling on the proposed south lot would have a length of 18.34m (60.17'). The By-law permits a length of dwelling of 16.8m (55'). The second storey portion of the south dwelling would have a length of 16.83m (55.2').

Conclusion:

The properties are located in an area where the majority of the lot frontages are within the 15.2m (50') range. The proposed lots having street frontages of 12.28m (40.28') and lot frontage and widths of 11.64m (38.2')

A search of Departmental records indicates that in comparison to other areas of the north district, the property is located in an area where there have been minimal minor variance applications and building permit applications for new construction and additions/alterations to the existing dwellings. While the proposed lots would be the smallest in the area, the applications before the Committee could be considered an appropriate form of re-investment and intensification. The existing lot is greater in frontage than the minimum By-law requirement and the majority of lot sizes found within the neighbourhood. There are three (3) other lots located within the study area that have frontages similar to the existing lot having a frontage of 24.55m (80.54') that could potentially be severed in the future.

Recommendation:

Should the Committee consider this application as submitted, staff recommend that the consent application be approved subject to the following conditions:

1. Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division.


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2. The requirements of Technical Services Division being met, with respect to the 6.1m corner rounding and the triangular shaped piece, from the existing south east corner, to 1m behind the existing sidewalk along the existing south property line to the intersection point of the proposed property line back to the existing south east corner.
3. Payment of Parks Fund Charges - \$1000.00.
4. A draft Certificate of Official, as prescribed in O.Reg. 197/96 as Form 2 or 4 in a form satisfactory to the Deputy Secretary-Treasurer, that includes a completed and registerable description of the land that is the subject of the consent, shall be submitted to the Deputy Secretary-Treasurer within one year of the date of the giving of notice of this decision.
5. Copies of a deposited Reference Plan of Survey, integrated with the Ontario Co-ordinate System, and clearly delineating the parcels of land approved by the Committee of Adjustment. A listing of the PARTS and their respective areas is required.
6. A copy of a letter from the Executive Director of Technical Services advising that the applicant has obtained the necessary adjustment to the municipal addressing of the land. Contact Survey and Mapping Services, Technical Services at (416) 392-7755. The application for municipal addressing must be accompanied by a copy of the deposited Reference Plan of Survey, integrated with the Ontario Co-ordinate System, and specify the PART numbers that will comprise each of the new parcels.
7. This Decision shall become null and void within 12 months unless the Certificate of the Committee of Adjustment is affixed to the relevant documents.

Staff recommend that any approval of the minor variance applications be approved subject to the following condition:

1. The property being developed essentially in accordance with the site plan attached to this report.
2. Site Plan Approval being obtained.

Respectfully submitted,

per: 
Thomas C. Keefe
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North York District

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