



## STAFF REPORT

### Committee of Adjustment Application

<b>Date:</b>	August 30, 2011
<b>To:</b>	<b>Chair and Committee Members of the Committee of Adjustment North York District</b>
<b>From:</b>	Allen Appleby, Director, Community Planning, North York District
<b>Wards:</b>	Ward 23 (Willowdale)
<b>Reference:</b>	File Nos. B033/11NY, A454/11NY & A455/11NY Address: <b>58 FLORENCE AVE</b> Application to be heard: Wednesday September 7, 2011 at 10:00 a.m.

## RECOMMENDATION

---

Staff recommend that, should the Committee approve these applications, that the approval be in accordance with the revised minor variances, as described below.

## APPLICATION

---

### THE CONSENT REQUESTED:

To divide the lands into two parts for the creation of a new building lot. The existing dwelling would be demolished and a new dwelling would be constructed on each of the resulting lots.

The lands to be severed, being Part 2 on the plan attached to this notice, would have 7.6m fronting onto the north side of Florence Avenue, a depth of 39.62m and an area of 301.9m<sup>2</sup>.

The lands to be retained, being Part 1 on the plan attached to this notice, would have 7.6m fronting onto the north side of Florence Avenue, a depth of 39.62m and an area of 301.9m<sup>2</sup>.

### REQUESTED VARIANCES TO THE ZONING BY-LAW:

#### A454/11NY - WEST 7.6M OF 58 FLORENCE AVE (PART 1)

#### North York Zoning By-law 7625

1. Proposed lot frontage and width of 7.6m  
WHEREAS a minimum lot frontage and width of 15m is required;
2. Proposed lot area of 301.39m<sup>2</sup>  
WHEREAS a minimum lot area of 550m<sup>2</sup> is required;

3. East side yard setback of 0.61m to the proposed dwelling  
WHEREAS a minimum setback of 1.5m is required
4. West side yard setback of **1.2m** to the proposed dwelling  
WHEREAS a minimum setback of 1.5m is required;
5. Proposed building height of **9.2m**  
WHEREAS a maximum building height of 8.8m is permitted
6. Proposed finished first floor elevation of 1.86m  
WHEREAS a maximum finished first floor elevation of 1.5m is permitted;
7. Proposed lot coverage of 31.4% (94.64m<sup>2</sup>)  
WHEREAS a maximum lot coverage of 30% (90.42m<sup>2</sup>) is permitted;
8. Proposed rear deck projection of 2.34m  
WHEREAS a maximum projection of 2.1m is permitted; and
9. Rear deck width of 3.7m  
WHEREAS a maximum deck width of 3.05m is permitted

#### **A455/11NY - EAST 7.6M OF 58 FLORENCE AVE (PART 2)**

##### **North York Zoning By-law 7625**

1. Proposed lot frontage and width of 7.6m  
WHEREAS a minimum lot frontage and width of 15m is required;
2. Proposed lot area of 301.39m<sup>2</sup>  
WHEREAS a minimum lot area of 550m<sup>2</sup> is required;
3. East side yard setback of **1.2m** to the proposed dwelling  
WHEREAS a minimum setback of 1.5m is required
4. West side yard setback of 0.6m to the proposed dwelling  
WHEREAS a minimum setback of 1.5m is required;
5. Proposed building height of **9.2m**  
WHEREAS a maximum building height of 8.8m is permitted
6. Proposed finished first floor elevation of 1.76m  
WHEREAS a maximum finished first floor elevation of 1.5m is permitted;
7. Proposed lot coverage of 31.4% (94.64m<sup>2</sup>)  
WHEREAS a maximum lot coverage of 30% (90.42m<sup>2</sup>) is permitted;
8. Proposed rear deck projection of 2.34m  
WHEREAS a maximum projection of 2.1m is permitted; and
9. Rear deck width of 3.7m  
WHEREAS a maximum deck width of 3.05m is permitted

## COMMENTS

---

The property is rectangular in shape and has existed in its current form since the 1920s. The subject property is designated *Neighbourhoods* in the Toronto Official Plan. *Neighbourhoods* are considered to be stable areas, however the Official Plan recognizes that *Neighbourhoods* are not static, meaning there will be change in these areas. It is expected that some physical change will occur in the form of enhancements, additions and infill housing. Development within *Neighbourhoods* will respect and reinforce the existing physical character of buildings, lot sizes, streetscapes and open space patterns in these areas.

Policy 4.1.5 outlines the criteria for development within *Neighbourhoods*. Development will respect and reinforce the existing physical character of the neighbourhood, with particular regard to:

- b) size and configuration of lots;
- c) heights, massing, scale and dwelling type of nearby residential properties;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space;

The Plan goes on to assert that no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood.

The property is zoned R4 in the former City of North York Zoning By-law 7625, as amended. The intent of the Zoning By-law is to establish precise standards as to how land is developed. Restrictions on side yard setbacks are used, in part, to ensure adequate separation between adjacent buildings, to avoid potential losses of daylight, and to achieve more uniform and consistent built form streetscapes, thereby contributing to a more predictable pattern of development. The R4 zoning designation requires a side yard setback of 1.8m, however section 13.2.3A permits a reduction in the required side yard setbacks at a rate of 0.1m on each side for every 1 metre of frontage less than 15m, to a minimum of 1.5m. This exception to the standard side yard setback requirement is not reflected in the zoning review or the public hearing notice, but should nevertheless be applied.

Attached for the Committee's consideration is a study examining the lot frontages, depths and areas found in the neighbourhood generally bound by Poyntz Avenue to the north, Cameron Avenue to the south, mid-block between Botham and Pewter Roads to the west, and Yonge Street to the east. The properties in this area are zoned R4, R6 and R7 (North York Zoning By-law 7625) and comprise a large portion of Registered Plans 1743 and M 412. The prevailing lot pattern ranges from 25' to 50' lots oriented in a north-south direction. Of the 169 lots studied, more than 20% have frontages of less than 30 feet (9.1 metres), similar to the proposed severed lots.

As a result of discussions regarding City Planning staff's concerns with the original proposal, the applicant has agreed to increase the exterior side yard setbacks for both dwellings to 1.2m, reduce the building heights to 9.2m, and to eliminate the variance for a three-storey dwelling by lowering the entrance to the front door to be no more than 1.5m above established grade and by lowering the basement slab to be more than 0.6m below established grade. As such, staff recommend that, should the Committee approve these applications, that the approval be in accordance with the revised minor variances, as described above.

Respectfully submitted,

Christopher May, Assistant Planner

Tel: 416-395-7124

Fax: 416-395-7200

E-mail: [cmay@toronto.ca](mailto:cmay@toronto.ca)

**SIGNATURE**

---

Allen Appleby

Director, Community Planning, North York District