



STAFF REPORT
Committee of Adjustment
Application

Date:	January 28, 2015
To:	Chair and Committee Members of the Committee of Adjustment North York District
From:	Allen Appleby, Director, Community Planning, North York District
Ward:	Ward 16 (Eglinton-Lawrence)
Reference:	File No: A499/14NY Address: 154 HILLHURST BOULEVARD Application to be heard: Thursday, February 5, 2015

RECOMMENDATION

Should the Committee choose to approve this application, staff recommend that the following variances first be modified to be more in keeping with the intent of the Zoning By-law and the Official Plan:

- Variance no. 2 with respect to the proposed first floor height; and
- Variances nos. 4 and 8 with respect to the proposed floor space index/gross floor area.

APPLICATION

To construct a new two-storey detached dwelling with an integral garage. The existing dwelling would be demolished. This application was previously deferred from the Committee of Adjustment hearing of August 7, 2014 to allow the applicant to submit a revised list of variances and a revised set of plans.

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

- 1. Chapter 10.20.40.10.(2), By-law No. 569-2013**
B)(ii) The permitted maximum height of all side exterior main walls facing a side lot line is 7.5m.
The proposed height of the east side exterior main walls facing a side lot line is 8.33m for 16.5% of the east wall and the proposed height of the west side exterior main wall facing a side lot line is 8.33 metres for 32.6% of the west wall.
- 2. Chapter 10.20.40.10.(6), By-law No. 569-2013**
The maximum permitted height of the first floor above established grade is 1.2m.

The proposed height of the first floor above established grade is 2.16m.

3. **Chapter 10.20.40.20.(1), By-law No. 569-2013**
The maximum permitted building length is 17.0m.
The proposed building length is 18.3m.
4. **Chapter 10.20.40.40.(1), By-law No. 569-2013**
A) The permitted maximum floor space index is 0.35 times the area of the lot: 217.28m².
The proposed floor space index is 0.9516 times the area of the lot: 590.76m².
(Please note, the lowest level is included in floor space index as it is the first floor)
5. **Chapter 10.20.40.50.(1), By-law No. 569-2013**
The permitted maximum area of each platform at or above the second storey of a detached house is 4.0m².
The proposed area of the front platform at or above the second storey is 19.2m² and the proposed area of the rear platform at or above the second storey is 16.86m² and the west side platform at or above the second storey is 10m².
6. **Chapter 10.20.40.70.(1), By-law No. 569-2013**
The minimum required front yard setback is 8.46m.
The proposed front yard setback is 7.54m.
7. **Chapter 10.20.40.50(1), By-law No. 569-2013**
A) The permitted maximum number of platforms at or above the second storey of a detached house is 4 and no more than one on each of the front, rear and each side of the detached house.
The proposed number of platforms at or above the second storey is 4 and there are 2 on the west side.
8. **Section 6(3) Part I 1, By-law No. 438-86**
The by-law limits the residential gross floor area in an area zoned R1 to 0.35 times the area of the lot: 217.28m².
The proposed residential gross floor area of the building is 0.6769 times the area of the lot: 420.17m².
9. **Section 6(3) Part II 2(II), By-law No. 438-86**
The minimum required front lot line setback is 8.46m.
The proposed front lot line setback is 7.54m.
(Please note, the front yard porch is included in length and setbacks as it is greater than 1.2m above grade).
10. **Section 6(3) Part II 3.B(II), By-law No. 438-86**
The minimum required side lot line setback for that portion of the building exceeding 17.0m in depth is 7.5m.

The proposed east side lot line setback for that portion of the building exceeding 17.0m in depth is 1.21m.

11. Section 6(3) Part II 3.B(II), By-law No. 438-86

The minimum required side lot line setback for that portion of the building exceeding 17.0m in depth is 7.5m.

The proposed west side lot line setback for that portion of the building exceeding 17.0m in depth is 1.21m.

12. Section 6(3) Part IV 3(II), By-law No. 438-86

The by-law does not permit an integral garage in a building where the floor level of the garage is located below grade and the vehicle access to the garage is located in a wall facing the front lot line.

The proposed integral garage is below grade.

COMMENTS

The subject property is located on the north side of Hillhurst Boulevard, west of Avenue Road. The property is zoned *R1* under the former City of Toronto Zoning By-law No. 438-86, and *RD(f9.0; d0.35)(x961)* under City of Toronto Zoning By-law No. 569-2013.

The subject property is designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are considered stable areas where new development will maintain the existing physical character of the area. Section 4.1 outlines the development policies for *Neighbourhoods*. The preamble to the development criteria states that, *physical changes to our established Neighbourhoods must be sensitive, gradual, and generally "fit" the existing physical character of the neighbourhood, including in particular:*

c) height, massing, scale and dwelling type of nearby residential properties;

Zoning By-law provisions ensure that development is appropriate on a given site, and compatible with the surrounding context. The Official Plan states that no changes will be made to the Zoning By-law through re-zoning, minor variance, consent, or other public actions that are not in keeping with the character of the neighbourhood.

Finished first floor height is devised, in part, to regulate the number of front porch steps as well as to maintain a consistent building scale. The front elevation shows a total of ten steps to reach the finished first floor. Staff recommend that there be a total of five steps which would generally maintain the intent of the by-law provision and generally maintain a consistent building scale between neighbouring properties. The existing dwelling has approximately six steps to the finished first floor. The proposed finished first floor height is contrary to the intent of the Zoning By-law and the Official Plan.

Gross floor area (GFA) is devised, in part, to regulate the size of structures on a given lot. Staff have reviewed previously approved gross floor areas for new residential dwellings

close to the subject property. The highest approved gross floor area is 0.64 times the area of the lot as measured in former City of Toronto Zoning By-law 438-86. The proposed gross floor area of 0.6769 times the area of the lot is contrary to the intent of the Official Plan and the Zoning By-law.

Should the Committee choose to approve this application, staff recommend that the proposed finished first floor height and proposed GFA/FSI, first be reduced to be more in keeping with the intent of the Zoning By-law and the Official Plan.

CONTACT

Sarah Ovens, Assistant Planner

Tel: 416 395-7129

Fax: 416-395-7155

E-mail: sovens@toronto.ca

SIGNATURE

Allen Appleby
Director, Community Planning, North York District
A499/14NY