



**STAFF REPORT**  
**Committee of Adjustment**  
**Application**

<b>Date:</b>	July 24, 2017
<b>To:</b>	<b>Chair and Committee Members of the Committee of Adjustment North York District</b>
<b>From:</b>	Joe Nanos, Director, Community Planning, North York District
<b>Ward:</b>	Ward 23 (Willowdale)
<b>Reference:</b>	File No: B0021/17NY, A0292/17NY & A0293/17NY Address: <b>90 JOHNSTON AVE</b> Application to be heard: Thursday, August 3, 2017 at 9:30 a.m.

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## **RECOMMENDATION**

City Planning staff recommend:

1. The Committee of Adjustment refuse applications B0021/17NY, A0292/17NY, and A0293/17NY. The requested consent to sever fails to satisfy all of the consent criteria under section 51(24) of the *Planning Act* and the requested minor variance applications do not meet the four tests for minor variance under Section 45(1) of the *Planning Act*.

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## **APPLICATION**

### **THE CONSENT REQUESTED**

#### **B0021/16NY- 64 JOHNSTON AVENUE**

### **THE CONSENT REQUESTED:**

To obtain consent to sever the property into two residential lots.

#### **CONVEYED - PART 1**

Part 1 has a lot frontage of 7.62m and a lot area is 301.3m<sup>2</sup>. The lot will be redeveloped with a new detached residential dwelling.

#### **RETAINED - PART 2**

Part 2 has a lot frontage of 7.62m and a lot area is 301.3m<sup>2</sup>. The lot will be redeveloped with a new detached residential dwelling.

**File Numbers B0021/17NY, A0292/17NY and A0293/17NY will be considered jointly.**

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

**A0293/17NY- 90 JOHNSTON AVENUE (PART 1)**

To construct a new two-storey dwelling. The existing dwelling would be demolished.

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

1. **Chapter 10.20.30.40, By-law No. 569-2013**  
The maximum permitted lot coverage is 30% of the lot area.  
The proposed lot coverage is 32% of the lot area.
2. **Chapter 10.20.40.70, By-law No. 569-2013**  
The minimum required side yard setback is 1.8m.  
The proposed west side yard setback is 0.9m.
3. **Chapter 10.20.40.70, By-law No. 569-2013**  
The minimum required side yard setback is 1.8m.  
The proposed east side yard setback is 0.9m.
4. **Chapter 10.5.40.10.(5), By-law No. 569-2013**  
A minimum of 10m<sup>2</sup> of the first floor must be within 4m of the main front wall.  
The proposed first floor within 4m of the main front wall is 2.2m<sup>2</sup>.
5. **Chapter 10.5.40.60(1), By-law No. 569-2013**  
The minimum required side lot line for the front porch is 1.8m.  
The proposed front porch is 1.15m from the side lot line.
6. **Chapter 10.20.30.20, By-law No. 569-2013**  
The minimum required lot frontage is 15m.  
The proposed lot frontage is 7.62m.
7. **Chapter 10.20.30.10, By-law No. 569-2013**  
The minimum required lot area is 550m<sup>2</sup>.  
The proposed lot area is 301.3m<sup>2</sup>.
8. **Chapter 10.20.40.10, By-law No. 569-2013**  
The maximum permitted wall height is 7.5m.  
The proposed wall height is 7.8m for 81% and 8.7m for 19% of the side walls.
9. **Section 13.2.1 & 6(8), By-law No. 7625**  
The minimum required lot frontage and width is 15m.  
The proposed lot frontage and width is 7.62m.
10. **Section 13.2.2, By-law No. 7625**  
The minimum required lot area is 550m<sup>2</sup>.  
The proposed lot area is 301.3m<sup>2</sup>.

11. **Section 13.2.4, By-law No. 7625**  
The maximum permitted lot coverage is 30% of the lot area.  
The proposed lot coverage is 32% of the lot area.
12. **Section 13.2.3A, By-law No. 7625**  
The minimum required side yard setback is 1.8m.  
The proposed west side yard setback is 0.9m.
13. **Section 13.2.3A, By-law No. 7625**  
The minimum required side yard setback is 1.5m.  
The proposed east side yard setback is 0.9m.
14. **Section 13.2.6, By-law No. 7625**  
The maximum permitted building height is 8.8m.  
The proposed building height is 9.1m.

**A0292/17NY- 90 JOHNSTON AVENUE (PART 2)**

To construct a new two-storey dwelling. The existing dwelling would be demolished.

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

1. **Chapter 10.20.30.40, By-law No. 569-2013**  
The maximum permitted lot coverage is 30% of the lot area.  
The proposed lot coverage is 32% of the lot area.
2. **Chapter 10.20.40.70, By-law No. 569-2013**  
The minimum required side yard setback is 1.8m.  
The proposed west side yard setback is 0.9m.
3. **Chapter 10.20.40.70, By-law No. 569-2013**  
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A minimum of 10m<sup>2</sup> of the first floor must be within 4m of the main front wall.  
The proposed first floor within 4m of the main front wall is 2.2m<sup>2</sup>.
5. **Chapter 10.5.40.60(1), By-law No. 569-2013**  
The minimum required side lot line for the front porch is 1.8m.  
The proposed front porch is 1.15m from the side lot line.
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The minimum required lot frontage is 15m.  
The proposed lot frontage is 7.62m.
7. **Chapter 10.20.30.10, By-law No. 569-2013**  
The minimum required lot area is 550m<sup>2</sup>.  
The proposed lot area is 301.3m<sup>2</sup>.

8. **Chapter 10.20.40.10, By-law No. 569-2013**  
The maximum permitted wall height is 7.5m.  
The proposed wall height is 7.8m for 81% and 8.7m for 19% of the side walls.
9. **Section 13.2.1 & 6(8), By-law No. 7625**  
The minimum required lot frontage and width is 15m.  
The proposed lot frontage and width is 7.62m.
10. **Section 13.2.2, By-law No. 7625**  
The minimum required lot area is 550m<sup>2</sup>.  
The proposed lot area is 301.3m<sup>2</sup>.
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The maximum permitted lot coverage is 30% of the lot area.  
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14. **Section 13.2.6, By-law No. 7625**  
The maximum permitted building height is 8.8m.  
The proposed building height is 9.1m.

## COMMENTS

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The subject property is located on the north side of Johnston Avenue, west of Yonge Street and south of Sheppard Avenue West. The application proposes to sever the existing lot, creating two smaller lots requiring variances for lot frontage and lot area under both Zoning By-law Nos. 7625 and 569-2013. The application also proposes the construction of a new two-storey dwelling on each of the newly created lots.

The subject property is designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are considered stable areas where new development will respect and reinforce the existing physical character. 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." Policy 4.1.5 of the development criteria for *Neighbourhoods* requires that "development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- b) size and configuration of lots."

The Plan states that no changes will be made through re-zoning, minor variance, consent, or other public action that are not in keeping with the character of the neighbourhood.

The subject property is zoned *R4* under North York Zoning By-law No. 7625 and *RD(f15.0; a550)(x5)* under City of Toronto Zoning By-law No. 569-2013. The *R4* and *RD(f15.0; a550)(x5)* zones require a minimum lot frontage of 15.0 metres and a minimum lot area of 550 square metres. Lot frontage and lot area standards are established in order to achieve a consistent streetscape and pattern of development. The proposed lots would each have lot frontages of 7.62 metres and lot areas of approximately 301.3 square metres.

The subject applications propose the construction of a new dwelling on each of the newly created lots. The dwellings require variances to permit the undersized lot frontage and area, substandard side yard setbacks, increased lot coverage and building height, among other variances.

Staff conducted a review of the frontages, depths, and areas of 820 lots in the neighbourhood bounded generally by Bogert Avenue to the north, Gwendolen Crescent to the west, Cameron Avenue to the south, and Yonge Street to the east. The zoning within the study area ranges between *R4* and *R7* under Zoning By-law No. 7625 and *RD(f9.0; a275)* and *RD(f15.0; a550)(x5)* under Zoning By-law No. 569-2013.

An in-depth analysis of the 820 lots found that there are distinct lotting patterns within the selected study area. All lots west of Pewter Road are either zoned *R4* or *R6* under Zoning By-law No. 7625 and *RD(f12.0; a370)* or *RD(f15.0; a550)(x5)* under Zoning By-law No. 569-2013. The majority of these lots either comply with or exceed the minimum lot frontage requirements of both Zoning By-laws. The few exceptions of undersized lot frontages are generally historic and have no record of land division.

Lots located east of Pewter Road and west of Botham Road are subject to a greater range of lot frontage and lot area requirements under the Zoning By-laws. These lots are either zoned *R4*, *R6*, or *R7* under Zoning By-law No. 7625 and *RD(f9.0; a275)*, *RD(f12.0; a370)* or *RD(f15.0; a550)(x5)* under Zoning By-law No. 569-2013. Although there is the presence of some narrower lots within this segment of the selected study area, the lots are generally reflective of the zoning requirements, with the exception of lots that are the product of consents on Cameron Avenue. The subject property is located within this segment of the selected study area.

Lots east of Botham Road, between Poytnz Avenue and Cameron Avenue have a more distinctive lotting pattern. The emerging context for lots within this segment of the selected study area are that of narrower frontages which have typically been created through consent applications. These lots within the first block east of Yonge Street, are considered an appropriate location for lots that are narrower than the Zoning By-laws require. Staff are of the opinion that the physical character within this segment of the study area varies from the physical character of the broader neighbourhood. The subject application although proposing similar lot frontages to those located in this segment of the neighbourhood, is not in this study area.

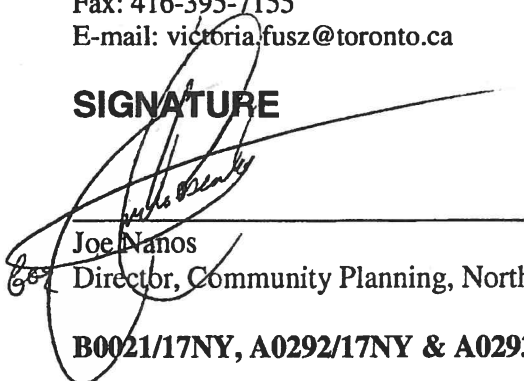
The size of the lots proposed are not consistent with the lots found within the segment of the study area in which the subject property is located. Staff are of the opinion that the subject property is not an appropriate property to sever, as it's currently proposed. The surrounding area within the broader neighbourhood has a character that differs from those properties located within the first block east of Yonge Street, between Poyntz Avenue and Cameron Avenue, where a consent application of this nature is more readily found. The lot frontages of the proposed lots are not consistent with the lots surrounding the subject property, as the lots west of Botham Road either meet or exceed the minimum frontage provisions required under the Zoning By-laws.

Staff are of the opinion that this proposal does not respect the existing character of the neighbourhood or the intent of the Zoning By-laws. Staff recommend that the Committee refuse these applications for consent and minor variance as the proposal is not in keeping with the intent of the Official Plan or the intent of the Zoning By-laws.

## **CONTACT**

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## **SIGNATURE**



Joe Nanos  
Director, Community Planning, North York District

**B0021/17NY, A0292/17NY & A0293/17NY - 90 JOHNSTON AVE**

## **ATTACHMENTS**

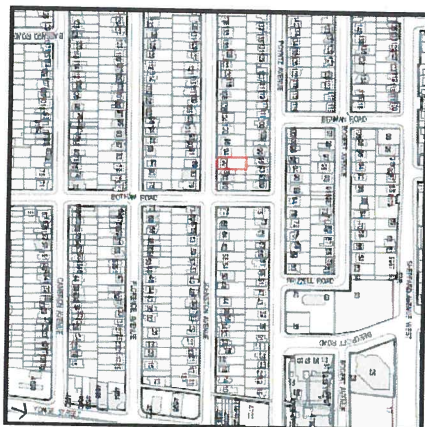
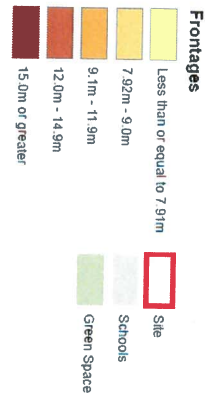
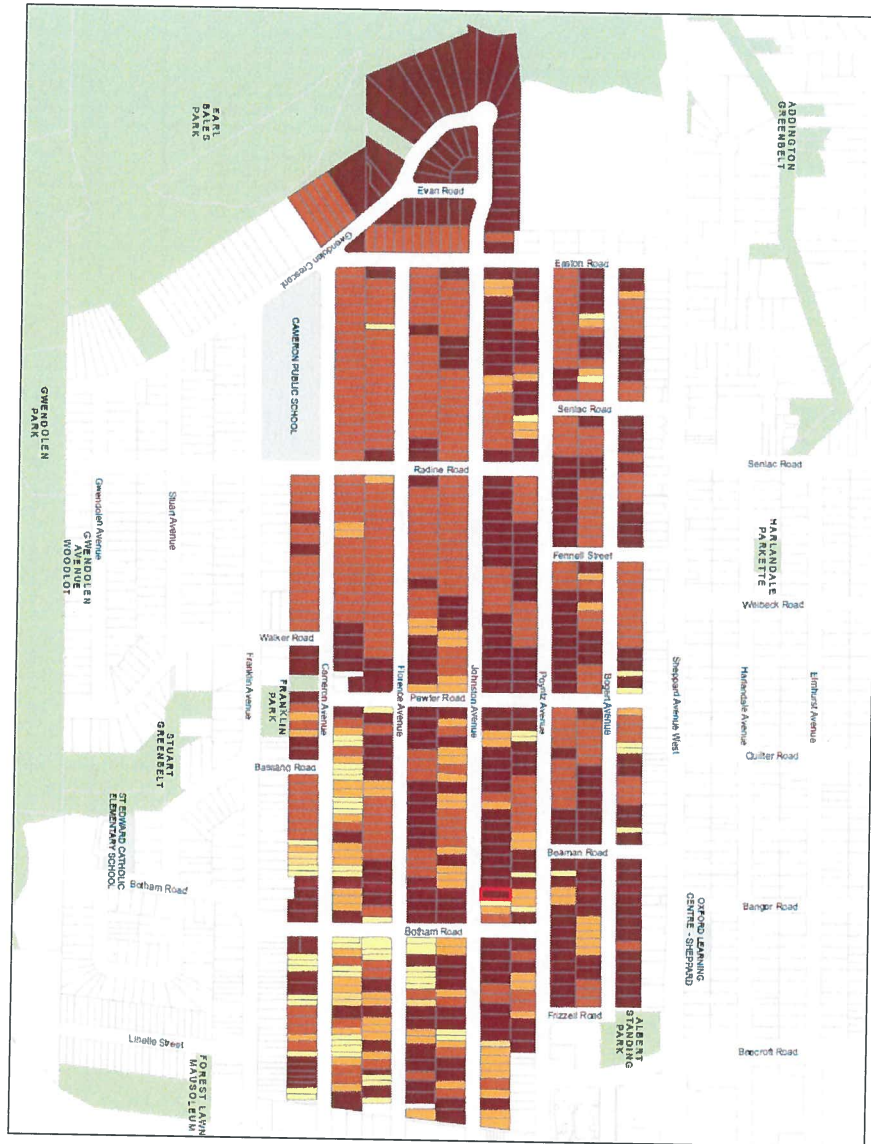
Attachment 1: Lot Frontage Map

# Attachment 1: Lot Frontage Map

**City of Toronto**

90 Johnston Avenue

**Lot Frontages**



July 2017