



STAFF REPORT
Committee of Adjustment
Application

Date:	August 21, 2017
To:	Chair and Committee Members of the Committee of Adjustment North York District
From:	Joe Nanos, Director, Community Planning, North York District
Ward:	Ward 23 (Willowdale)
Reference:	File No: B0024/17NY, A0299/17NY & A0300/17NY Address: 116 BOGERT AVENUE Application to be heard: Thursday, August 31, 2017 at 9:00 a.m.

RECOMMENDATION

City Planning staff recommend:

1. The Committee of Adjustment refuse applications B0024/17NY, A0299/17NY, and A0300/17NY. 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*.

APPLICATION

B0024/17NY- 116 BOGERT AVENUE

THE CONSENT REQUESTED:

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

CONVEYED - Part 3

Part 3 has a proposed lot area of 255.8 m². The proposed lot frontage is 7.62 m. The property will be redeveloped as the site of a new detached dwelling requiring variances to the applicable zoning By-law(s) as outlined in application A0299/17NY

RETAINED - Part 1 & Part 2

Part 1 and Part 2 have a proposed lot area of 255.8 m². The proposed lot frontage is 7.62 m. The property will be redeveloped as the site of a new detached dwelling requiring variances to the applicable zoning By-law(s) as outlined in application A0300/17NY

File Numbers B0024/17NY, A0299/17NY, A0300/17NY will be considered jointly.

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

A0299/17NY- 116 BOGERT AVENUE

To construct new detached dwelling with integral garage. The existing dwelling will be demolished.

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

- 1. Chapter 10.5.4.010.(5), By-law No. 569-2013**
A minimum of 10 m² of the first floor area must be within 4 m of the front wall.
There is 4.2 m² proposed within 4 m of the front wall.
- 2. Chapter 10.5 40.60.(1), By-law No. 569-2013**
A platform without main walls, attached to or less than 0.3 m from a building, with a floor no height than the first floor of the building above established grade may encroach into the required rear yard setback 2.5 m if it is no closer to a side lot line than 1.36 m.
The proposed platform encroaches 2.1 m into the required rear yard setback and is 0.6 m from the west side lot line.
- 3. Chapter 10.5.60.20.(6), By-law No. 569-2013**
The minimum side yard setback for an ancillary building containing a parking space where it is on a corner lot, and vehicle access is front the street abutting the side lot line, is 6.0 m.
The proposed side yard setback for the ancillary building is 0.91 m.
- 4. Chapter 10.20.30.10.(1), By-law No. 569-2013**
The required minimum lot area is 550 m².
The proposed lot area is 255.8 m².
- 5. Chapter 10.20.30.20.(1), By-law No. 569-2013**
The required minimum lot frontage is 15 m.
The proposed lot frontage is 7.62 m.
- 6. Chapter 10.20.30.40.(1), By-law No. 569-2013**
The permitted maximum lot coverage is 30% of the lot area.
The proposed lot coverage is 41.9 % of the lot area.
- 7. Chapter 900.3.10(5), By-law No. 569-2013**
The required minimum side yard setback is 1.8 m.
The proposed east side yard setback is 0.9 m.
- 8. Chapter 900.3.10(5), By-law No. 569-2013**
The required minimum side yard setback is 1.8 m.
The proposed west side yard setback is 0.6 m.
- 9. Section 13.2.1, By-law No. 7625**
The minimum required lot frontage is 15 m.
The proposed lot frontage is 7.62 m.

- 10. Section 13.2.2, By-law No. 7625**
The minimum required lot area is 550 m².
The proposed lot area is 255.8 m².
- 11. Section 13.2.3(a), By-law No. 7625**
The minimum required front yard setback is 7.5 m.
The proposed front yard setback is 4.57 m.
- 12. Section 13.2.4, By-law No. 7625**
The maximum permitted lot coverage is 30% of the lot area.
The propose lot coverage is 41.9% of the lot area.
- 13. Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8.8 m.
The proposed building height is 9.17 m.
- 14. Section 6(30)a, By-law No. 7625**
The maximum finished first floor height is 1.5 m.
The proposed finished first floor height is 2.06 m.
- 15. Section 6(8), By-law No. 7625**
The minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed.
- 16. Section 6A(2)a, By-law No. 7625**
The minimum required number of parking spaces is 2 spaces.
The proposed number of parking spaces is 1 space.
- 17. Section 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.8 m.
The proposed east side yard setback is 0.9 m
- 18. Section 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.8 m.
The proposed west side yard setback is 0.6 m.
- 19. Section 6(23)D(I) & (II), By-law No. 7625**
A garage shall not be located closer than 5 m from the side or rear lot line abutting a street that the vehicle entry door faces.
The proposed garage is located 0.91 m from the side lot line.
- 20. Section 6(24)(d), By-law No. 7625**
In the rear yard, unexcited porches and decks attached to or detached from the main building shall be located no closer to the side lot lines than the minimum side yard setback for the main building. The minimum side yard setback is 1.8 m.
The proposed deck is located 0.6 m from the side lot line.

A0300/17NY- 116 BOGERT AVENUE

To construct new detached dwelling with integral garage. The existing dwelling will be demolished.

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

1. **Chapter 10.5.4.010.(5), By-law No. 569-2013**
A minimum of 10 m² of the first floor area must be within 4 m of the front wall.
There is 3.44 m² proposed within 4 m of the front wall.
2. **Chapter 10.5 40.60.(1), By-law No. 569-2013**
A platform without main walls, attached to or less than 0.3 m from a building, with a floor no height than the first floor of the building above established grade may encroach into the required rear yard setback 2.5 m if it is no closer to a side lot line than 2.2 m.
The proposed platform encroaches 2.1 m into the required rear yard setback and is 0.6 m from the west side lot line.
3. **Chapter 10.5.50.10.(1), By-law No. 569-2013**
A minimum of 75% of the required front yard landscaping must be soft landscaping.
The proposed front yard soft landscaping area is 52%.
4. **Chapter 10.20.30.10.(1), By-law No. 569-2013**
The required minimum lot area is 550 m².
The proposed lot area is 255.8 m².
5. **Chapter 10.20.30.20.(1), By-law No. 569-2013**
The required minimum lot frontage is 15 m.
The proposed lot frontage is 7.62 m.
6. **Chapter 10.20.30.40.(1), By-law No. 569-2013**
The permitted maximum lot coverage is 30% of the lot area.
The proposed lot coverage is 32 % of the lot area.
7. **Chapter 900.3.10(5), By-law No. 569-2013**
The required minimum side yard setback is 1.8 m.
The proposed east side yard setback is 0.6 m.
8. **Chapter 900.3.10(5), By-law No. 569-2013**
The required minimum side yard setback is 1.8 m.
The proposed west side yard setback is 0.9 m.
9. **Chapter 10.20.40.10.(2), By-law No. 569-2013**
The permitted maximum height of all side exterior main walls facing a side lot line is 7.5 m
The proposed height of the side exterior main walls facing the west side lot line is 8.53 m.
10. **Section 13.2.1, By-law No. 7625**
The minimum required lot frontage is 15 m.
The proposed lot frontage is 7.62 m.
11. **Section 13.2.2, By-law No. 7625**

- The minimum required lot area is 550 m².
The proposed lot area is 255.8 m².
12. **Section 13.2.3(a), By-law No. 7625**
The minimum required front yard setback is 7.5 m.
The proposed front yard setback is 4.57 m.
 13. **Section 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.8 m.
The proposed east side yard setback is 0.6 m.
 14. **Section 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.8 m.
The proposed west side yard setback is 0.9 m.
 15. **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.
 16. **Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8.8 m.
The proposed building height is 9.43 m.
 17. **Section 6(30)a, By-law No. 7625**
The maximum finished first floor height is 1.5 m.
The proposed finished first floor height is 1.77 m.
 18. **Section 6(30)a, By-law No. 7625**
The maximum finished first floor height is 1.5 m.
The proposed finished first floor height is 1.77 m.
 19. **Section 6A(2)a, By-law No. 7625**
The minimum required number of parking spaces is 2 spaces.
The proposed number of parking spaces is 1 space.
 20. **Section 7.4A, By-law No. 7625**
The minimum required soft landscaping is 75%.
The proposed soft landscaping is 52%.
 21. **Section 6(24)(d), By-law No. 7625**
In the rear yard, unexcited porches and decks attached to or detached from the main building shall be located no closer to the side lot lines than the minimum side yard setback for the main building. The minimum side yard setback is 1.8 m.
The proposed deck is located 0.6 m from the side lot line.

COMMENTS

The subject property is located on the north side of Bogert 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 255.8 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 and front yard setback, and increased lot coverage, building height, and first floor height, among others.

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 neighbourhood. 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 neighbourhood, specifically on Cameron Avenue, the lots are generally reflective of the zoning requirements, particularly those lots located north of Florence Avenue. The subject property is located within this segment of the neighbourhood.

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 neighbourhood varies from the physical character of the broader neighbourhood.

The size of the lots proposed are not consistent with the lots found within the segment of the neighbourhood in which the subject property is located. Staff are of the opinion that the subject property is not appropriate for severance. The lot frontages of the proposed lots are not consistent with the lots surrounding the subject property, as the lots west of Botham Road typically 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 general intent and purpose of the Zoning By-laws. Staff recommend that the Committee refuse these applications for consent and minor variance, as the proposal fails to satisfy Section 51(24) and Section 45(1) of the *Planning Act*.

CONTACT

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SIGNATURE

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B0024/17NY, A0299/17NY & A0300/17NY- 116 BOGERT AVE

ATTACHMENTS

Attachment 1: Lot Frontage Map

Attachment 1: Lot Frontage Map

