



**STAFF REPORT**  
Committee of Adjustment  
Application

**Date:** November 3, 2020

**To:** Chair and Committee Members of the Committee of Adjustment, North York District

**From:** Giulio Cescato, Director (Acting), Community Planning, North York District

**Ward:** 18 – Willowdale

**File No:** B0021/20NY, A0335/20NY, and A0336/20NY

**Address:** 217 Churchill Avenue

**Hearing Date:** November 10, 2020

## **RECOMMENDATIONS**

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Staff recommend that Application Nos. B0021/20NY, A0335/20NY, and A0336/20NY be refused. The requested consent to sever fails to satisfy 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**

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### **THE CONSENT REQUESTED**

#### **B0021/20NY – 217 Churchill Avenue**

To obtain consent to sever the property into two lots.

#### **Conveyed - PART 1**

Address to be assigned

The Lot Frontage is 10.67 m and has a Lot area of 461.7 m<sup>2</sup>

The property will be redeveloped as the site of a new detached dwelling, requiring variances to the Zoning By-law(s), as outlined in application #A0336/20NY

#### **Retained - PART 2**

Address to be assigned

The Lot Frontage is 10.67 m and has a Lot area of 461.9 m<sup>2</sup>

The property will be redeveloped as the site of a new detached dwelling, requiring variances to the Zoning By-law(s), as outlined in application #A0335/20NY

*File numbers B0021/20NY, A0335/20NY, A0336/20NY will be jointly considered.*

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

### A0336/20NY – 217 Churchill Avenue – Part 1

To construct a new dwelling.

1. **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.
2. **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 1.21 m.
3. **Chapter 10.5.40.50(2), By-law No. 569-2013**  
In the Residential Zone category, a platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3 m of a building, must comply with the required minimum building setbacks for the zone. The required minimum deck side yard setback is 1.8 m.  
The proposed west deck side yard setback is 1.22 m.
4. **Chapter 10.5.50.10.(1)(B), By-law No. 569-2013**  
On a lot with a detached house, semi-detached house, duplex, triplex, fourplex or townhouse, with a lot frontage of 6.0 m to less than 15.0 m, or a townhouse unit at least 6.0 m wide, a minimum of 50% of the front yard must be landscaping.  
The proposed front yard landscaping is 44.60%.
5. **Chapter 10.20.30.10.(1)A), By-law No. 569-2013**  
The required minimum lot area is 550 square metres.  
The proposed lot area is 461.7 square metres.
6. **Chapter 10.20.30.20.(1)A), By-law No. 569-2013**  
The required minimum lot frontage is 15 m.  
The proposed lot frontage is 10.67 metres.
7. **Chapter 10.20.30.40.(1)A), By-law No. 569-2013**  
The permitted maximum lot coverage is 30% of the lot area.  
The proposed lot coverage is 31.66% of the lot area.
8. **Chapter 10.20.40.10.(2)B)(ii), 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 a side lot line is 8.84 m.
9. **Chapter 10.20.40.20.(1), By-law No. 569-2013**  
The permitted maximum building length is 17.0 m.  
The proposed building length is 17.15 m.

10. **Chapter 10.5.40.60.(5)(B)(ii), By-law No. 569-2013**  
A chimney breast on a building may encroach into a required building setback a maximum of 0.6 m, if it is no closer to a lot line than 0.3 m.  
The proposed chimney encroaches 0.90 m into the required west building setback.
11. **Section 13.2.6, By-law No. 7625**  
The maximum permitted building height is 8.8 m.  
The proposed building height is 9.42 m.

*File numbers B0021/20NY, A0335/20NY, A0336/20NY will be jointly considered.*

### **A0335/20NY – 217 Churchill Avenue – Part 2**

To construct a new dwelling.

1. **Chapter 900.3.10(5), By-law No. 569-2013**  
The required minimum side yard setbacks are 1.8 m each side.  
The proposed east side yard setback is 1.21 m and the proposed west side yard setback is 0.90 m.
2. **Chapter 10.5.40.50(2), By-law No. 569-2013**  
The required minimum deck side yard setback is 1.80 m.  
The proposed east deck side yard setback is 1.22 m.
3. **Chapter 10.20.30.10.(1)A), By-law No. 569-2013**  
The required minimum lot area is 550 m<sup>2</sup>.  
The proposed lot area is 461.90 m<sup>2</sup>.
4. **Chapter 10.20.30.20.(1)A), By-law No. 569-2013**  
The required minimum lot frontage is 15 m.  
The proposed lot frontage is 10.67 m.
5. **Chapter 10.20.30.40.(1)A), By-law No. 569-2013**  
The permitted maximum lot coverage is 30 percent of the lot area.  
The proposed lot coverage is 31.65 percent of the lot area.
6. **Chapter 10.20.40.10.(2)B)(ii), By-law No. 569-2013**  
The permitted maximum height of all side exterior main walls facing a side lot line is 7.50 m.  
The proposed height of the side exterior main walls facing a side lot line is 8.83 m.
7. **Chapter 10.20.40.20.(1), By-law No. 569-2013**  
In the RD zone with a minimum required lot frontage of 18.0 m or less, the permitted maximum building length for a detached house is 17.0 m.  
The proposed building length is 17.15 m.

8. **Chapter 10.5.50.10.(1)(B), By-law No. 569-2013**  
On a lot with a detached house, semi-detached house, duplex, triplex, fourplex or townhouse, with a lot frontage of 6.0m to less than 15.0 m, or a townhouse dwelling unit at least 6.0 m wide, a minimum of 50% of the front yard must be landscaping.  
The proposed front yard landscaping area is 45.45%.
9. **Chapter 10.5.40.60.(5)(B)(ii), By-law No. 569-2013**  
A chimney breast, on a building, may encroach into a required building setback a maximum of 0.6 m, if it is no closer to a lot line than 0.3 m.  
The proposed chimney encroaches 0.88 m into the required west building setback.
10. **Section 13.2.6., By-law No. 7625**  
The maximum permitted building height is 8.8 m.  
The proposed building height is 9.50 m.
11. **Section 6(30)a, By-law No. 7625**  
The maximum finished first floor height is 1.50 m.  
The proposed finished first floor height is 1.56 m.

*File numbers B0021/20NY, A0335/20NY, A0336/20NY will be jointly considered.*

## **COMMENTS**

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The subject property is located on the south side of Churchill Avenue, southwest of Senlac Road and Finch Avenue West. The property is zoned *RD(f15.0; a550)(x5)* under City of Toronto Zoning By-law No. 569-2013 and *R4* under the former City of North York Zoning By-law No. 7625. The application is requesting consent to sever the property, known municipally as 217 Churchill Avenue, into two lots. The application also proposes to construct a new dwelling on each of the newly created lots.

The subject property is designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are considered physically 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 '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 each geographic neighbourhood, including in particular:

- b) prevailing size and configuration of lots; and
- g) prevailing patterns of rear and side yard setbacks and landscaped open space".

Policy 4.1.5 of the Official Plan goes on to state that the "prevailing building type and physical character of a geographic neighbourhood will be determined by the most frequently occurring form of development in that neighbourhood".

Lot frontage and lot area standards are established in order to achieve a consistent streetscape and pattern of development. The proposed lots have a lot frontage of 10.67 metres and lot areas of approximately 461 square metres.

City Planning staff conducted a review of the lot frontage and lot patterns of 1073 residential lots generally bounded by Yorkview Drive to the north, Bathurst Street to the west, Park Home Avenue to the south, and Senlac Road to the east. The neighbourhood study area contains 3 zones: *RD(f15.0; a550)(x5)*, *RD(f12.0; a370)*, and *RD(f9.0; a275)*. The subject property is subject to the zoning permissions of the *RD(f15.0; a550)(x5)* zone, which requires a minimum lot frontage of 15.0 metres and minimum lot area of 550 square metres. The *RD(f12.0; a370)* zone requires a minimum lot frontage of 12.0 metres and minimum lot area of 370 square metres and the *RD(f9.0; a275)* zone requires a minimum lot frontage of 9.0 metres and minimum lot area of 275 square metres. The lots in the neighbourhood study area with a frontage that meets or exceeds 15.0 metres accounts for 778 out of 1073, or 72% of the total number of lots. The lots with a frontage that are less than or equal to 10.67 metres account for 22 lots, or 2% of the total number of lots.

The Official 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. Policy 4.1.5 of the *Neighbourhood* policies in the Official Plan states that the physical character of the geographic neighbourhood includes: "both the physical characteristics of the entire geographic area in proximity to the proposed development (the broader context) and the physical characteristics of the properties that face the same street as the proposed development in the same block and the block opposite the proposed development (the immediate context)". The immediate context includes 37 lots fronting Churchill Avenue. Staff found that the prevailing character of lots in the immediate context have frontages that are 15.0 metres or greater. There are 31 properties, or 83% of the total number of lots that follow this physical character on the same block and the blocks opposite the proposed development. Staff found that the proposed lot frontages of 10.67 metres do not form the prevailing character of lots found in the immediate context and broader context. As a result, Staff are of the opinion that the proposed lot frontages fail to satisfy the general intent and purpose of the Official Plan and Zoning By-law.

Application No. A0335/20NY and A0336/20NY propose side yard setbacks of 1.2 metres and 0.9 metres, as measured under Zoning By-law No. 569-2013, whereas a minimum side yard setback required is 1.8 metres. Side yard setback provisions are intended, in part, to ensure adequate separation distance between neighbouring structures, access to the rear yard for building maintenance, as well as to establish a consistent rhythm along the streetscape. Staff found that the proposed side yard setbacks are not in keeping with the prevailing pattern of side yard setbacks within the geographic neighbourhood and are not consistent with the existing streetscape and

character of the neighbourhood. As a result, Staff are of the opinion that the proposed side yard setbacks fail to satisfy the general intent and purpose of the Official Plan and Zoning By-law.

As the application does not conform to the Official Plan, and the dimensions and shapes of the lots are not adequate, Staff recommend that Application No. B0021/20NY be refused as it fails to satisfy the consent criteria listed in Section 51(24) of the *Planning Act* and Application Nos. A0335/20NY, and A0336/20NY for minor variance be refused as they fail to satisfy each of the four tests under Section 45(1) of the *Planning Act*.

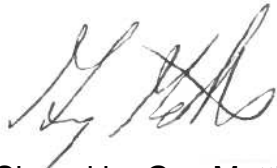
## **CONTACT**

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## **SIGNATURE**

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Signed by Guy Matthew, Manager (Acting), Community Planning, North York District on behalf of Giulio Cescato, Director (Acting), Community Planning, North York District