STAFF REPORT
Committee of Adjustment
Application

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<th>Date:</th>
<th>January 14, 2011</th>
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<tr>
<td>To:</td>
<td>Chair and Committee Members of the Committee of Adjustment North York District</td>
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<tr>
<td>From:</td>
<td>Allen Appleby, Director, Community Planning, North York District</td>
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<td>Wards:</td>
<td>Ward 23 (Willowdale)</td>
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| Reference: | File No. A0559/10NY  
Address: **219 HOLLYWOOD AVE**  
Application to be heard: Wednesday January 26, 2011 at 11:00 a.m. |

RECOMMENDATION

Staff recommend that this application **be refused** in order to maintain the existing physical character of the neighbourhood and to prevent an overdevelopment of the site.

APPLICATION

To permit the construction of a new three-storey dwelling with a below-grade garage. The existing dwelling would be demolished.

**North York Zoning By-law 7625**

1. Proposed lot coverage of 31.61% (157.38m² or 1,693.95sq.ft.)  
   WHEREAS a maximum of 30% (149.36m² or 1,607.6sq.ft.) is permitted;

2. Proposed front yard landscaping of 40.8%  
   WHEREAS a minimum of 50% is required;

3. Proposed garage floor is located below the established grade  
   WHEREAS the elevation of the floor of the entrance to the garage is to be located at or above the established grade;

4. Proposed building length of 18.1m  
   WHEREAS a maximum of 15.3m is permitted; and

5. Proposed front yard soft landscaping of 68.5%  
   WHEREAS a minimum of 75% is required;

**City of Toronto Zoning By-law 1156-2010**

1. Proposed lot coverage of 31.61% (157.38m² or 1,693.95sq.ft.)  
   WHEREAS a maximum of 30% (149.36m² or 1,607.6sq.ft.) is permitted;
2. Proposed main wall height of 8m
   WHEREAS a maximum of 7m is permitted;

3. Proposed building height of 10.24m
   WHEREAS a maximum of 10m is permitted;

4. Proposed dwelling length of 18.1m
   WHEREAS a maximum of 17m is permitted;

5. Proposed front yard landscaping of 40.8%
   WHEREAS a minimum of 50% is required;

6. Proposed front yard soft landscaping of 68.5%
   WHEREAS a minimum of 75% is required;

7. Proposed below-grade garage
   WHEREAS a below-grade garage is not permitted;

8. Proposed front balcony area of 16.04m²
   WHEREAS a maximum of 4m² is permitted;

9. Proposed rear balcony area of 14.86m²
   WHEREAS a maximum of 4m² is permitted; and

10. Proposed three-storey dwelling
    WHEREAS a maximum of two storey are permitted.

COMMENTS

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.

Section 4.1 establishes the development policies for Neighbourhoods. The preamble to the development criteria states “Physical changes to our established Neighbourhoods must be sensitive, gradual and generally “fit” the existing physical character. A key objective of this Plan is that new development respect and reinforce the general physical patterns in a Neighbourhood”.

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:

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

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 subject lands are zoned R6 in the former City of North York Zoning By-law No. 7625, as amended. This zoning designation permits a maximum building length of 15.3 metres and permits a maximum balcony area of 3.8m². The property is also zoned RD in the harmonized City of Toronto Zoning By-law 1156-2010. This zoning designation permits a maximum building length of 17.0 metres, and permits a
maximum second floor platform of 4.0m². The intent of the Zoning By-law is to establish precise standards as to how land is developed. Restrictions on building lengths and balcony areas are used, in part, to prevent the overdevelopment of a site and to avoid potential losses of privacy. These standards are designed to achieve more uniform and consistent built form streetscapes, thereby contributing to a more predictable pattern of development.

There are several below-grade garages along this portion of Hollywood Avenue, having been granted minor variances as they are on lots wider than 45 feet. At its December 1, 2009 meeting, City Council passed By-law 100-2009, which applies to lands in the former City of North York. This By-law requires that for a one-family detached dwelling, the elevation of the lowest point of an opening to an area used for parking or vehicle storage located inside or adjacent to the dwelling shall be higher than the elevation of the street, arterial road or minor arterial road the lot abuts measured at its centreline, directly across from the driveway leading to the parking space. The intent of this By-law is to provide one mechanism to eliminate basement flooding within the City of Toronto.

Attached for their consideration are several decisions previously rendered by the Committee of Adjustment for new detached dwellings near 219 Hollywood Avenue. In a review six previous Committee of Adjustment decisions where building length was approved, the average was 17.4 metres in length. Of particular note is the decision for the property at 276 Hollywood Avenue, where a requested building length variance of 16.45 metres was reduced by the Committee to 16.1 metres. For this reason, staff is of the opinion that the proposed building length is excessive, and would not respect and reinforce the existing physical character of the neighbourhood.

Staff is aware of only one approved variance for balcony area near the subject property, at 202 Elmwood Avenue, for 7.8m². The two proposed balconies, at 14.86m² and 16.04m², represent a significant departure from the prevailing built form of dwellings found nearby and could set a negative precedent for the area. Staff has concerns with the rear balcony in particular, as it would be 3 metres above grade, presenting overlook issues to the property to the east.

Given these examples illustrating the prevailing built form in the area, the proposal, in its current form, does not meet the intent and purpose of the Official Plan and does not meet the intent of either applicable Zoning By-law.

As such, staff recommend that this application be refused in order to in order to protect the privacy of the neighbouring property to the east, to maintain the existing physical character of the neighbourhood and to prevent an overdevelopment of the site.

Respectfully submitted,

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SIGNATURE

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Allen Appleby
Director, Community Planning, North York District