



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

<b>Date:</b>	April 18, 2011
<b>To:</b>	<b>Chair and Committee Members of the Committee of Adjustment North York District</b>
<b>From:</b>	Allen Appleby, Director, Community Planning, North York District
<b>Wards:</b>	Ward 23 (Willowdale)
<b>Reference:</b>	File Nos. B0062/10NY, A0722/10NY & A0723/10NY Address: 131 CHURCH AVE Application to be heard: Thursday April 28, 2011 at 10:00 a.m.

**RECOMMENDATION**

Staff recommend the applications be **refused** in order to maintain the existing physical character of the neighbourhood and to avoid an overdevelopment of the site.

**APPLICATION**

**THE CONSENT REQUESTED:**

To divide the subject property into two parts for conveyance purposes for the creation of a new building lot. The existing dwelling would be demolished and a new dwelling is proposed to be constructed on each of the resulting lots.

The lands concerned have 19.05m fronting onto the south side of Church Avenue, a depth of 38.71m and an area of 737.43m<sup>2</sup>. The lands presently contain the existing dwelling known municipally as 131 Church Avenue.

The lands to be severed, being Part 1 on the attached plan, would have 9.53m fronting onto the south side of Church Avenue, a depth of 38.71m and an area of 368.9m<sup>2</sup>.

The lands to be retained, being part 2 on the attached plan would have 9.53m fronting onto the south side of Church Avenue, a depth of 38.71m and an area of 368.9m<sup>2</sup>.

**REQUESTED VARIANCES TO THE ZONING BY-LAW:**

**A0722/10NY - WEST 9.53M OF 131 CHURCH AVE (PART 1)**

**North York Zoning By-law 7625**

1. Proposed lot frontage and width of 9.53m  
WHEREAS a minimum lot frontage and width of 15m is required;

2. Proposed lot area of 368.9m<sup>2</sup>  
WHEREAS a minimum lot area of 550m<sup>2</sup> is required;
3. West side yard setback of 1.27m to the proposed dwelling  
WHEREAS a minimum setback of 1.5m is required;
4. East side yard setback of 0.91m to the proposed dwelling  
WHEREAS a minimum setback of 1.5m is required;
5. Proposed building height of 9.1m  
WHEREAS a maximum building height of 8.8m is permitted;
6. Proposed finished first floor elevation of 1.94m  
WHEREAS a maximum finished first floor elevation of 1.5m is permitted;
7. Proposed lot coverage of 33.4% (123.21m<sup>2</sup>)  
WHEREAS a maximum lot coverage of 30% (110.67m<sup>2</sup>) is permitted;
8. Proposed building length of 17.37m  
WHEREAS a maximum building length of 16.8m is permitted;

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

9. Proposed lot frontage of 9.53m  
WHEREAS a minimum lot frontage of 15m is required;
10. Proposed lot area of 368.9m<sup>2</sup>  
WHEREAS a minimum lot area of 550m<sup>2</sup> is required;
11. West side yard setback of 1.27m to the proposed dwelling  
WHEREAS a minimum setback of 1.5m is required;
12. East side yard setback of 0.91m to the proposed dwelling  
WHEREAS a minimum setback of 1.5m is required;
13. Proposed lot coverage of 32.9% (121.36m<sup>2</sup>)  
WHEREAS a maximum lot coverage of 30% (110.67m<sup>2</sup>) is permitted;
14. Proposed main wall height of 8.13m  
WHEREAS a maximum main wall height of 7m is permitted; and
15. The proposed number of storeys is three (3)  
WHEREAS the maximum permitted number of storeys is two (2).

**A0723/10NY - EAST 9.53M OF 131 CHURCH AVE (PART 2)**

**North York Zoning By-law 7625**

1. Proposed lot frontage and width of 9.53m  
WHEREAS a minimum lot frontage and width of 15m is required;

2. Proposed lot area of 368.9m<sup>2</sup>  
WHEREAS a minimum lot area of 550m<sup>2</sup> is required;
3. West side yard setback of 0.91m to the proposed dwelling  
WHEREAS a minimum setback of 1.5m is required;
4. East side yard setback of 1.32m to the proposed dwelling  
WHEREAS a minimum setback of 1.5m is required;
5. Proposed building height of 9.1m  
WHEREAS a maximum building height of 8.8m is permitted;
6. Proposed finished first floor elevation of 1.94m  
WHEREAS a maximum finished first floor elevation of 1.5m is permitted;
7. Proposed lot coverage of 33.4% (123.21m<sup>2</sup>)  
WHEREAS a maximum lot coverage of 30% (110.67m<sup>2</sup>) is permitted;
8. Proposed building length of 17.37m  
WHEREAS a maximum building length of 16.8m is permitted;

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

9. Proposed lot frontage of 9.53m  
WHEREAS a minimum lot frontage of 15m is required;
10. Proposed lot area of 368.9m<sup>2</sup>  
WHEREAS a minimum lot area of 550m<sup>2</sup> is required;
11. West side yard setback of 0.91m to the proposed dwelling  
WHEREAS a minimum setback of 1.5m is required;
12. East side yard setback of 1.32m to the proposed dwelling  
WHEREAS a minimum setback of 1.5m is required;
13. Proposed lot coverage of 32.9% (121.36m<sup>2</sup>)  
WHEREAS a maximum lot coverage of 30% (110.67m<sup>2</sup>) is permitted;
14. Proposed main wall height of 8.13m  
WHEREAS a maximum main wall height of 7m is permitted; and
15. The proposed number of storeys is three (3)  
WHEREAS the maximum permitted number of storeys is two (2).

## COMMENTS

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The subject property is rectangular in shape and has existed in its current form since the 1950s. 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.

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:

- b) size and configuration of lots;
- 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 property is zoned R4 in the North York Zoning By-law 7625, as amended and is also zoned RD in the harmonized City of Toronto Zoning By-law 1156-2010. These zoning designations both require a minimum lot frontage and width of 15m (50') and a lot area of 550m<sup>2</sup> (5,920 sq. ft). The intent of the Zoning By-laws is to establish precise standards as to how land is developed. Restrictions on lot frontage, width and area are used, in part, to achieve more uniform and consistent built form streetscapes, thereby contributing to a more predictable pattern of development.

Attached for the Committee's consideration is a study examining the lot frontages, depths and areas found in the neighbourhood generally bound by Church Avenue to the north, Norton Avenue to the south, Dudley Avenue to the west, and Longmore Street to the east. This area is zoned R4 and R6 (North York Zoning By-law 7625) and RD (Toronto Zoning By-law 1156-2010) and comprises a large portion of Registered Plan 2633. The prevailing lot pattern is one with mostly 40' to 50' lots oriented in a north-south direction on Church Avenue, McKee Avenue and Norton Avenue, and in an east-west direction on Dudley Avenue, Willowdale Avenue and Longmore Street. Of the 135 lots studied, fewer than 2% have frontages of less than 31 feet (9.51 metres), similar to the proposed severed lots. These existing lots are remnant parcels from the original plan of subdivision, and were intended to be used as laneways serving the properties fronting onto Willowdale Avenue, rather than as building lots. Staff is of the opinion that the existing lot is more representative of the lot pattern in the study area and do not support the severance of the property into smaller lots.

The R4 and RD zoning designations for this property set out appropriate performance standards suitable for the existing lot. Developing the lot within those standards would maintain the existing character of the street. The requested lots, in terms of lot frontage and area, would be contrary the requirements of the Zoning By-laws.

The proposed severance application would result in development that does not meet the intent and purpose of the Official Plan and does not represent good planning. The associated Minor Variance applications are also not within the intent of the Zoning By-law and would not be appropriate in this instance. Staff are therefore of the opinion that the applications should **be refused**.

Respectfully submitted,

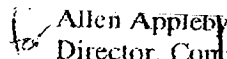
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**SIGNATURE**

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