



**STAFF REPORT**  
Committee of Adjustment  
Application

<b>Date:</b>	January 6, 2012
<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 No. A622/11NY Address: <b>140 SPRING GARDEN AVE</b> Application to be heard: Thursday January 19, 2012 at 10:00 a.m.

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**RECOMMENDATION**

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

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**APPLICATION**

To permit the construction of a new two-storey dwelling with an integral, at-grade garage. The existing dwelling would be demolished.

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

**North York Zoning By-law No. 7625**

1. Proposed lot coverage of 35.04% (195.3m<sup>2</sup> or 2102.3sq.ft.)  
WHEREAS a maximum of 30% (167.2m<sup>2</sup> or 1800sq.ft.) is permitted;
2. Proposed east side yard setback of 1.49m  
WHEREAS a minimum of 1.8m is required;
3. Proposed building length of 20.1m  
WHEREAS a maximum of 16.8m is permitted;
4. Proposed driveway width of 7.96m  
WHEREAS a maximum of 6m is permitted;
5. Proposed front yard landscaping of 39.4%  
WHEREAS a minimum of 60% is required; and
6. Proposed front balcony area of 6.6m<sup>2</sup>  
WHEREAS a maximum of 3.8m<sup>2</sup> is permitted.

## COMMENTS

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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;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space

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 R4 in the former City of North York Zoning By-law No. 7625, as amended. This zoning designation permits a maximum lot coverage of 30%, a maximum building length of 16.8m, a driveway width of 6m and requires a minimum of 60% of the front yard to be landscaped. The intent of the Zoning By-law is to establish precise standards as to how land is developed. Restrictions on lot coverage, building length, driveway width and front yard landscaping are used, in part, to achieve more uniform and consistent built form streetscapes, thereby contributing to a more predictable pattern of development.

In a review of previous Committee of Adjustment decisions in the area surrounding the subject property, the prevailing lot coverage is around 32% and only two approvals for building length variances of 17.1m and 22.34m. It should be noted that the approval for a building length of 22.34m was granted for a previous application for the subject property back in 2005, however this approval was never implemented. Staff is of the opinion that the proposed lot coverage and building length are excessive, and would not respect and reinforce the existing physical character of the neighbourhood.

Staff was unable to find any Committee of Adjustment decisions in this area allowing a reduction in the amount of front yard landscaping or an increase in driveway width. As such, staff is of the opinion that the proposal is not minor and is not desirable for the appropriate development or use of the land.

The applicant has informed staff that the dwelling has been designed to be accessible, as the property owner has mobility issues. That being said, staff suggested some design alternatives that would reduce the lot coverage, building length and driveway width, which would increase the amount of front yard landscaping. For example, one accessible parking space could be located in the garage and one could be located in front, rather than having two oversized parking spaces located side-by-side. The floor area of the garage could be reduced, presenting an opportunity to shift some of the living space at the rear of the dwelling toward the front, thus reducing the overall building length and lot coverage. These discussions, however, were unsuccessful. As such, staff recommend that the application **be refused** in order 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  
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