



STAFF REPORT
Committee of Adjustment
Application

Date:	May 11, 2011
To:	Chair and Committee Members of the Committee of Adjustment North York District
From:	Allen Appleby, Director, Community Planning, North York District
Ward:	Ward 25 (Don Valley West)
Reference:	File Nos: B021/12NY, B022/12NY, B023/12NY, A190/12NY, A191/12NY, A192/12NY, A193/12NY & A194/12NY Address: 184, 186 & 190 York Mills Road Application to be heard: May 23, 2012

RECOMMENDATIONS

Should the Committee choose to approve the severance applications, it is recommended that the approval of files B021/12NY, B022/12NY, B023/12NY be made subject to the following conditions:

- 1) Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division.
- 2) A draft Certificate of Official, as prescribed in O.Reg. 197/96 as Form 2 or 4 and in a form satisfactory to the Deputy Secretary-Treasurer, that includes a completed and registerable description of the land that is the subject of the consent, shall be submitted to the Deputy Secretary-Treasurer within one year of the date of the giving of notice of this decision.
- 3) Copies of a deposited Reference Plan of Survey, integrated with the Ontario Co-ordinate System, and clearly delineating the parcels of land approved by the Committee of Adjustment. A listing of the PARTS and their respective areas is required.
- 4) This Decision shall become null and void within 12 months unless the Certificate of the Committee of Adjustment is affixed to the relevant documents.

Should the Committee choose to consider the applications, it is recommended that the following variances be amended to be more in keeping with the requirements of the zoning by-law:

- 1) The request for a side yard setback of 0.61 metres, identified as Variance 4 for lots "A" to "E".
- 2) The request for a finished first floor height of 1.8 metres, identified as Variance 5 for lots "A" to "E".

Should the Committee choose to approve the variance applications, it is recommended that the approval of files A190/12NY, A191/12NY, A192/12NY, A193/12NY & A194/12NY be made subject to the following conditions:

- 1) Site Plan approval is obtained.
- 2) Lot "E", identified as Part 8 on the submitted draft-reference plan, shall obtain all vehicular access from Birchwood Avenue.

APPLICATION

CONSENT REQUESTED:

This is an application for the division of the lands into eight parts for the creation of five lots. The lands are comprised of four lots on Registered Plan M-518 and contain three detached dwellings. The existing dwellings would be demolished and a detached dwelling would be constructed on each of the proposed lots.

The lands concerned have 60.85 metres fronting onto the north side of York Mills Road, a depth of 38.1 metres and an area of approximately 2322m². It is proposed to sever them as follows:

Lot "A" being Part 1 on the attached Draft Reference Plan and would have a frontage of 12.19 metres, a depth of 38.1 metres and an area of 464.44 m².

Lot "B" would be comprised of Parts 2 and 3 on the attached Draft Reference Plan and would have a frontage of 12.19 metres, a depth of 38.1 metres and an area of 464.43 m².

Lot "C" would be comprised of Parts 4 and 5 on the attached Draft Reference Plan. The resulting lot would have a frontage of 12.19 metres, a depth of 38.1 metres and an area of 464.44 m².

Lot "D" would be comprised of Parts 6 and 7 on the attached Draft Reference Plan. The resulting lot would have a frontage of 12.19 metres, a depth of 38.1 metres and an area of 464.44 m².

Lot "E" being Part 8 on the attached Draft Reference Plan and would have a frontage of 12.19 metres, a depth of 38.1 metres and an area of 464.44 m².

REQUESTED VARIANCES TO FORMER CITY OF NORTH YORK ZONING BY-LAW 7625:

Lot A

1. Proposed lot frontage and width of 12.19 metres
WHEREAS a minimum lot frontage and width of 18 metres is required;
2. Proposed lot area of 464.44 m²
WHEREAS a minimum lot area of 690 m² is required;
3. East side yard setback of 1.22 metres to the proposed dwelling
WHEREAS a minimum setback of 1.8 metres is required;
4. West side yard setback of 0.61 metres to the proposed dwelling
WHEREAS a minimum setback of 1.8 metres is required;
5. Finished first floor elevation of 1.8 metres
WHEREAS a maximum finished first floor elevation of 1.5 metres is permitted;
6. Proposed dwelling height of 9.1 metres
WHEREAS a maximum building height of 8.8 metres is permitted;
7. Proposed front yard landscaping of 49.63%
WHEREAS a minimum front yard landscaping of 50% is required;
8. Proposed front yard soft landscaping of 65.76%
WHEREAS a minimum front yard soft landscaping of 75% is required.

Lot B

1. Proposed lot frontage and width of 12.19 metres
WHEREAS a minimum lot frontage and width of 18 metres is required;
2. Proposed lot area of 464.43 m²
WHEREAS a minimum lot area of 690 m² is required;
3. East side yard setback of 1.22 metres to the proposed dwelling
WHEREAS a minimum setback of 1.8 metres is required;

4. West side yard setback of 0.61 metres to the proposed dwelling
WHEREAS a minimum setback of 1.8 metres is required;
5. Finished first floor elevation of 1.8 metres
WHEREAS a maximum finished first floor elevation of 1.5 metres is permitted;
6. Proposed dwelling height of 9.1 metres
WHEREAS a maximum building height of 8.8 metres is permitted;
7. Proposed front yard landscaping of 49.63%
WHEREAS a minimum front yard landscaping of 50% is required;
8. Proposed front yard soft landscaping of 65.76%
WHEREAS a minimum front yard soft landscaping of 75% is required.

Lot C

1. Proposed lot frontage and width of 12.19 metres
WHEREAS a minimum lot frontage and width of 18 metres is required;
2. Proposed lot area of 464.43 m²
WHEREAS a minimum lot area of 690 m² is required;
3. East side yard setback of 1.22 metres to the proposed dwelling
WHEREAS a minimum setback of 1.8 metres is required;
4. West side yard setback of 0.61 metres to the proposed dwelling
WHEREAS a minimum setback of 1.8 metres is required;
5. Finished first floor elevation of 1.8 metres
WHEREAS a maximum finished first floor elevation of 1.5 metres is permitted;
6. Proposed dwelling height of 9.1 metres
WHEREAS a maximum building height of 8.8 metres is permitted;
7. Proposed front yard landscaping of 49.63%
WHEREAS a minimum front yard landscaping of 50% is required;
8. Proposed front yard soft landscaping of 65.76%
WHEREAS a minimum front yard soft landscaping of 75% is required.

Lot D

1. Proposed lot frontage and width of 12.19 metres
WHEREAS a minimum lot frontage and width of 18 metres is required;

2. Proposed lot area of 464.44 m²
WHEREAS a minimum lot area of 690 m² is required;
3. East side yard setback of 1.22 metres to the proposed dwelling
WHEREAS a minimum setback of 1.8 metres is required;
4. West side yard setback of 0.61 metres to the proposed dwelling
WHEREAS a minimum setback of 1.8 metres is required;
5. Finished first floor elevation of 1.8 metres
WHEREAS a maximum finished first floor elevation of 1.5 metres is permitted;
6. Proposed dwelling height of 9.1 metres
WHEREAS a maximum building height of 8.8 metres is permitted;
7. Proposed front yard landscaping of 49.63%
WHEREAS a minimum front yard landscaping of 50% is required;
8. Proposed front yard soft landscaping of 65.76%
WHEREAS a minimum front yard soft landscaping of 75% is required.

Lot E

1. Proposed lot frontage and width of 12.19 metres
WHEREAS a minimum lot frontage and width of 18 metres is required;
2. Proposed lot area of 464.44 m²
WHEREAS a minimum lot area of 690 m² is required;
3. East side yard setback of 1.22 metres to the proposed dwelling
WHEREAS a minimum setback of 1.8 metres is required;
4. West side yard setback of 0.61 metres to the proposed dwelling
WHEREAS a minimum setback of 1.8 metres is required;
5. Finished first floor elevation of 1.8 metres
WHEREAS a maximum finished first floor elevation of 1.5 metres is permitted;
6. Proposed dwelling height of 9.1 metres
WHEREAS a maximum building height of 8.8 metres is permitted;
7. Proposed front yard landscaping of 49.63%
WHEREAS a minimum front yard landscaping of 50% is required;

8. Proposed front yard soft landscaping of 65.76%
WHEREAS a minimum front yard soft landscaping of 75% is required.

COMMENTS

The application proposes to sever the four existing lots to create an additional building lot and to construct five detached dwellings. These lots would have a frontage 12.19 metres instead of the required 18 metres. These lots face onto York Mills, which is designated as a Major Street in the Official Plan. This is the only residential street in the immediate residential neighbourhood identified as a Major Street.

The subject property is designated *Neighbourhoods* in the Toronto Official Plan. Although *Neighbourhoods* are considered to be stable areas, it is recognized that some physical change will occur through time. It is expected that any development, however, will maintain the lot sizes, streetscapes, building types, and open space patterns that currently exist in the neighbourhood.

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 of the neighbourhood.*

A finished first floor height of 1.8 metres is proposed as opposed to the maximum of 1.5 metres. In order to access the first floor, the applicant is proposing eleven exterior steps due to the proposed height plus an additional five steps in the foyer. This is out of keeping with the character of the neighbourhood as required in the Official Plan and would have a negative impact the streetscape. While the number of steps is not a variance specifically, the height to which they rise is.

A side yard setback of 0.61 metres is proposed for the west side of each of the proposed dwellings whereas the By-law requires a minimum of 1.8 metres. The proposal is only one third of the requirement, which is inappropriate as it does not provide enough setback to allow for space to conduct maintenance or provide landscaping. The side yard setback on the proposed corner lot is especially inappropriate. Corner lots need to provide larger landscaped side yards so that they do not crowd the street and feel over bearing. Rather, they need to provide landscaped open space creating a pleasant streetscape. The other corner lots on Birchwood Avenue provide these greater setbacks and the proposal should do the same. The site is designated as *Neighbourhoods* in the Official Plan which requires that development “respect and reinforce” the existing physical character of the neighbourhood. The proposed side yards do not.

Additionally, the applicant proposes to provide parking via an integral garage accessed from York Mills Road, on each of the proposed lots. A two-car wide driveway intersecting the municipal boulevard is not appropriate and does not meet the City’s Staff Report - Committee of Adjustment Application 184-190 York Mills Road

Replacement Housing Guidelines. Rather, it should be tapered at the curb and public sidewalk, flaring to be wider at the garage door. This allows for more landscaping in the front yard, which is another variance the applicant is requesting. For lot "E", the applicant is proposing that the driveway be located off York Mills Road. In order to reduce the number of curb cuts, and vehicular movements on York Mills Road, vehicular access for lot "E" should be from Birchwood Avenue. This is a position supported by Transportation Services. There is also a bus stop in front of lot "E" and moving the driveway to the side lot will help reduce pedestrian/vehicle interactions while waiting to board a TTC bus. It will also allow for more vegetation in the front yard creating a pleasant streetscape for those people using the bus stop.

CONTACT

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SIGNATURE

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