



STAFF REPORT
Committee of Adjustment
Application

Date:	July 19, 2013
To:	Chair and Members of the Committee of Adjustment North York District
From:	Allen Appleby, Community Planning, North York District
Wards:	Ward 25 – Don Valley West
Reference:	File Nos. B033/13NY, A114/13NY, A115/13NY, A416/13NY, and A417/13NY Address: 240 LAWRENCE AVENUE EAST Application to be heard: Wednesday July 31, 2013

RECOMMENDATION

Staff recommend that the Committee refuse these applications.

APPLICATION

This property was subject to previous severance and minor variance applications (B015/11NY, A305/11NY, A306/11NY and A307/11NY) which resulted in the division of the then 45 metre lot into three lots. The western most lot has been developed with a detached dwelling. The applicant now proposes to sever the two eastern lots into four. A detached dwelling is proposed on each of the four lots.

Retained - Part 1

The lot frontage is 8.6m and the lot area is 308.3m². A new two-storey dwelling with an integral garage will be constructed which will require variances to the Zoning By-law, as outlined in application Number A417/13NY.

Conveyed - Part 2

The lot frontage is 8.6m and the lot area is 308.0m². A new two-storey dwelling with an integral garage will be constructed which will require variances to the Zoning By-law, as outlined in application Number A416/13NY.

Conveyed - Parts 3, 5 and 6

The lot frontage is 8.6m and the lot area is 307.2m². A new two-storey dwelling with an integral garage will be constructed which will require variances to the Zoning By-law, as outlined in application Number A415/13NY.

Part 5 will be subject to an easement/right-of way for vehicular and pedestrian access in favour of Parts 4 and 7.

Conveyed - Parts 4 and 7

The lot frontage is 9.59m and the lot area is 308.5m². A new two-storey dwelling with an integral garage will be constructed which will require variances to the Zoning By-law, as outlined in application Number A414/13NY.

A414/13NY - (PARTS 4 AND 7)

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

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

1. **Section 12.2, By-law No. 7625**
Proposed lot frontage and width of 9.59m
WHEREAS the minimum required lot frontage and width is 18.0m;
2. **Section 12.3, By-law No. 7625**
Proposed lot area of 308.5m²
WHEREAS the minimum required lot area is 690m²;
3. **Section 12.4(b), By-law No. 7625**
Proposed west side yard setback of 0.6m
WHEREAS the minimum required west side yard setback is 1.5m;
4. **Section 12.4(b), By-law No. 7625**
Proposed east side yard setback of 1.2m
WHEREAS the minimum required east side yard setback is 1.5m;
5. **Section 12.7, By-law No. 7625**
Proposed building height of 9.6m
WHEREAS the maximum permitted building height is 8.8m;
6. **Section 6A(5)a, By-law No. 7625**
Proposed driveway width of 1.74m
WHEREAS the minimum permitted driveway width is 2.6m;

7. **Section 6A(30)a, By-law No. 7625**
Proposed finished first floor height of 1.8m
WHEREAS the maximum permitted finished first floor height is 1.5m.

A415/13NY – (PARTS 3, 5, AND 6)

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

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

1. **Section 12.2, By-law No. 7625**
Proposed lot frontage and width of 8.6m
WHEREAS the minimum required lot frontage and width is 18.0m;
2. **Section 12.3, By-law No. 7625**
Proposed lot area of 307.2m²
WHEREAS the minimum required lot area is 690m²;
3. **Section 12.4(b), By-law No. 7625**
Proposed west side yard setback of 0.6m
WHEREAS the minimum required west side yard setback is 1.5m;
4. **Section 12.4(b), By-law No. 7625**
Proposed east side yard setback of 1.2m
WHEREAS the minimum required east side yard setback is 1.5m;
5. **Section 12.7, By-law No. 7625**
Proposed building height of 9.26m
WHEREAS the maximum permitted building height is 8.8m.

A416/13NY - (PART 2)

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

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

1. **Section 12.2, By-law No. 7625**
Proposed lot frontage and width of 8.6m
WHEREAS the minimum required lot frontage and width is 18.0m;
2. **Section 12.3, By-law No. 7625**
Proposed lot area of 308.0m²
WHEREAS the minimum required lot area is 690m²;

3. **Section 12.4(b), By-law No. 7625**
Proposed west side yard setback of 0.6m
WHEREAS the minimum required west side yard setback is 1.5m;
4. **Section 12.4(b), By-law No. 7625**
Proposed east side yard setback of 1.2m
WHEREAS the minimum required east side yard setback is 1.5m;
5. **Section 12.7, By-law No. 7625**
Proposed building height of 9.1m
WHEREAS the maximum permitted building height is 8.8m;
6. **Section 12.4(a), By-law No. 7625**
Proposed front yard setback of 6.4m
WHEREAS the minimum required front yard setback is 7.5m;
7. **Section 6(24)(c)(ii), By-law No. 7625**
Proposed rear deck width exceeds one-half the width of the dwelling
WHEREAS decks which are greater than 1m in height and projecting from the rear wall
of the building may not be wider than one-half the width of the dwelling.

A417/13NY - (PART 1)

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

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

1. **Section 12.2, By-law No. 7625**
Proposed lot frontage and width of 8.6m
WHEREAS the minimum required lot frontage and width is 18.0m;
2. **Section 12.3, By-law No. 7625**
Proposed lot area of 308.3m²
WHEREAS the minimum required lot area is 690m²;
3. **Section 12.4(a), By-law No. 7625**
Proposed front yard setback of 5.6m
WHEREAS the minimum required front yard setback is 7.5m
4. **Section 12.4(b), By-law No. 7625**
Proposed west side yard setback of 1.2m
WHEREAS the minimum required west side yard setback is 1.5m;

5. **Section 12.4(b), By-law No. 7625**
Proposed east side yard setback of 0.6m
WHEREAS the minimum required east side yard setback is 1.5m;
6. **Section 12.7, By-law No. 7625**
Proposed building height of 9.1m
WHEREAS the maximum permitted building height is 8.8m;
7. **Section 6(24)(c)(ii), By-law No. 7625**
Proposed rear deck width exceeds one-half the width of the dwelling
WHEREAS decks which are greater than 1m in height and projecting from the rear wall
of the building may not be wider than one-half the width of the dwelling.

COMMENTS

The subject property is located on the north side of Lawrence Avenue East, west of Wanless Crescent. The property is irregular in shape, having 35.4 metres fronting onto Lawrence Avenue East, a depth along the east lot line of 36.5 metres, a depth along the west lot line of 37.8 metres, and an area of 1,232.3 square metres. The applicant proposes to sever the lands into four parts. Three of the proposed lots would have lot frontages of 8.6 metres, and one would have a lot frontage of 9.6 metres. Each of the proposed lots would have an area of approximately 308 square metres. A detached dwelling is proposed on each of the lots.

The property is designated *Neighbourhoods* in the City of Toronto Official Plan, and is zoned *Single-Family Detached Dwelling – Third Density Zone (R3)* in North York Zoning By-law No. 7625, as amended. The boundary between Toronto and North York lies just west of the subject property. The properties to the west are subject to a different zoning by-law, and thus, different zoning provisions.

OFFICIAL PLAN

The subject property is designated *Neighbourhoods* in the Toronto Official Plan. *Neighbourhoods* are considered to be stable areas where new development will maintain 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 generally "fit" the existing physical character of the neighbourhood". This includes size and configuration of lots. The Plan goes on to state that "zoning by-laws will contain numerical site standards for matters such as building type and height, density, lot sizes, lot depths, lot frontages, parking, building setbacks from property lines, landscaped open space, and any other performance standards to ensure that new development will be compatible with the physical character of established residential *Neighbourhoods*".

ZONING BY-LAW

The subject property is zoned R3 under North York Zoning By-law No. 7625. In part, zoning by-law provisions ensure that development is appropriate on a given site, and compatible within its surrounding context. With respect to lot frontages and areas, the zoning by-law ensures that residential properties in a given zone are consistent with one another by imposing minimum requirements.

CONSENT

The area is characterized by two very distinct lotting patterns, which reflect the requirements of the two zoning by-laws. The majority of the lots east of the North York-Toronto boundary have lot frontages of 15.2 metres or greater, and lot areas of 535 square metres or greater. Conversely, the properties west of the North York-Toronto boundary have lot frontages of approximately 9.1 metres, and lot areas of approximately 376 square metres. As submitted, the proposal seeks to create lots that are similar in frontage and area to those to the west of the boundary, which are in a different zone, and subject to a different zoning by-law. The proposed lots would be much smaller in frontage and area than those east of the boundary, which are in the same zone as the subject property, and thus, subject to the same zoning provisions. Staff are of the opinion that the proposed lots are not appropriate, as they would not be in keeping with the character of the area, and thus, the intent of the Toronto Official Plan.

Three of the proposed lot frontages, and all of the proposed lot areas would be less than half the requirements of North York Zoning By-law No. 7625, which requires a minimum lot frontage of 18 metres, and a minimum lot area of 690 square metres. The smallest lot in the North York area has a frontage of 12.2 metres, and an area of 427 square metres. As such, the proposed lots would be the smallest in the North York area with respect to both frontage and area. Staff are of the opinion that creating lots with frontages and areas that are significantly less than the zoning bylaw requirements, and the dimensions of the adjacent lots which are a part of the same zone, would not be in keeping with the intent of North York Zoning By-law No. 7625.

MINOR VARIANCES

Each of the proposed developments requires variances to the Zoning By-law with respect to lot frontage, lot area, east and west side yard setbacks, and building height. Other variances required by some of the developments include front yard setback, driveway width, and finished first floor height.

The proposed dwellings would not be consistent with those east of the North York-Toronto boundary, which are in the same zone as the subject property. The properties to the east have larger frontages, larger lots areas, larger setbacks, and lower heights. Staff are of the opinion that the proposed variances would allow for the creation of lots and dwellings that are not appropriate for the proposed sites, not compatible with nearby

properties, and thus, not in keeping with the intent of the Toronto Official Plan or North York Zoning By-law No. 7625.

RECOMMENDATION


Staff are of the opinion that the proposed lots do not respect the distinct character of this area. Rather, the lots are representative of the lots to the west only, which are subject to a different zoning by-law, and thus, different zoning provisions. The lots would be much smaller than those east of the North York-Toronto boundary, which are subject to the same zoning by-law, and the same zoning provisions. Furthermore, several variances would be required to adequately develop the proposed lots, including significantly reduced lot frontages and lot areas. Staff are of the opinion that this proposal does not respect the existing character of the area, or the provisions of North York Zoning By-law No. 7625. The existence of two different zoning by-laws is evident in this area based on the differences in lotting pattern and built form. New development should respect these differences. Staff are of the opinion that this proposal does not.

Staff recommend that the Committee refuse these applications for consent and minor variance, as the proposal is not in keeping with the intent of the Toronto Official Plan or the intent of North York Zoning By-law No. 7625.

CONTACT

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SIGNATURE


per: Allen Appleby

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