



STAFF REPORT
Committee of Adjustment
Application

Date:	Thursday, October 31, 2013
To:	Chair and Committee Members of the Committee of Adjustment North York District
From:	Allen Appleby, Director, Community Planning, North York District
Wards:	Ward 23 (Willowdale)
Reference:	File No. B051/13NY, A636/13NY & A637/13NY Address: 155 CHURCH AVENUE Application to be heard: Wednesday, November 6, 2013 at 10:00 a.m.

RECOMMENDATION

Planning staff recommend that the application be refused.

APPLICATION

To obtain consent to sever the property into two undersized residential lots.

Retained - Parts 1 and 2

Address to be assigned

The lot frontage is 9.52m and lot area is 368.4m². The property will be redeveloped as the site of a new detached dwelling, requiring variances to the Zoning By-law, as outlined in Application A636/13NY.

Conveyed - Part 3

Address to be assigned

The lot frontage is 9.52m and the lot area is 368.65m². The property will be redeveloped as the site of a new detached dwelling, requiring variances to the Zoning By-law, as outlined in Application A637/13NY.

File Numbers: B051/13NY, A636/13NY and A637/13NY will be considered jointly.

A636/13NY – WEST 9.52M OF 155 CHURCH AVENUE (PART 1)

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

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

1. Section 13.21 and 6(8), By-law No. 7625

Proposed lot frontage and width of 9.52m

WHEREAS the minimum required lot frontage and width is 15.0m;

2. Section 10.20.30.20(1)(A), By-law No. 569-2013

Proposed lot frontage of 9.52m

WHEREAS the minimum required lot frontage is 15.0m;

3. Section 13.2.2, By-law No. 7625 & Section 10.20.30.10(1)(A), By-law No. 569-2013

Proposed lot area of 368.4m²

WHEREAS the minimum required lot area is 550.0m²;

4. Section 13.2.4(a), By-law No. 7625 & Section 10.20.30.40(1)(A), By-law No. 569-2013

Proposed lot coverage of 31.95% of the lot area

WHEREAS the maximum permitted lot coverage is 30% of the lot area;

5. Section 13.2.3A, By-law No. 7625

Proposed west side yard setback of 1.25m

WHEREAS the minimum required west side yard setback is 1.5m;

6. Section 13.2.3A, By-law No. 7625

Proposed east side yard setback of 1.25m

WHEREAS the minimum required east side yard setback is 1.5m;

7. Section 900.3.10(5), By-law No. 569-2013

Proposed west side yard setback of 1.25m

WHEREAS the minimum required west side yard setback is 1.8m;

8. Section 900.3.10(5), By-law No. 569-2013

Proposed east side yard setback of 1.25m

WHEREAS the minimum required east side yard setback is 1.8m;

9. Section 13.2.5A 1.1(b), By-law No. 7625

Proposed building length of 20.60m

WHEREAS the maximum permitted building length is 16.8m;

10. Section 13.2.6(ii), By-law No. 7625

Proposed building height of 9.09m

WHEREAS the maximum permitted building height is 8.8m;

11. Section 10.20.40.10(2), By-law No. 569-2013

Proposed main wall height of 7.82m

WHEREAS the maximum permitted main wall height is 7.5m;

12. Section 10.5.40.60(1)(C)(ii), By-law No. 569-2013

Proposed east side yard setback to the rear deck of 1.25m

WHEREAS the minimum required east side yard setback to the rear deck is 3.07m; and

13. Section 10.5.40.60(1)(A)(i), By-law No. 569-2013
Proposed east side yard setback to the front platform of 1.25m
WHEREAS the minimum required east side yard setback to the front platform is 1.8m.

A637/13NY – East 9.52M OF 155 CHURCH AVENUE (PART 2)

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

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

1. Section 13.21 and 6(8), By-law No. 7625

Proposed lot frontage and width of 9.52m
WHEREAS the minimum required lot frontage and width is 15.0m;

2. Section 10.20.30.20(1)(A), By-law No. 569-2013

Proposed lot frontage of 9.52m
WHEREAS the minimum required lot frontage is 15.0m;

3. Section 13.2.2, By-law No. 7625 & Section 10.20.30.10(1)(A), By-law No. 569-2013

Proposed lot area of 368.65m²
WHEREAS the minimum required lot area is 550.0m²;

4. Section 13.2.4(a), By-law No. 7625 & Section 10.20.30.40(1)(A), By-law No. 569-2013

Proposed lot coverage of 31.95% of the lot area
WHEREAS the maximum permitted lot coverage is 30% of the lot area;

5. Section 13.2.3A, By-law No. 7625

Proposed west side yard setback of 1.25m
WHEREAS the minimum required west side yard setback is 1.5m;

6. Section 13.2.3A, By-law No. 7625

Proposed east side yard setback of 1.25m
WHEREAS the minimum required east side yard setback is 1.5m;

7. Section 900.3.10(5), By-law No. 569-2013

Proposed west side yard setback of 1.25m
WHEREAS the minimum required west side yard setback is 1.8m;

8. Section 900.3.10(5), By-law No. 569-2013

Proposed east side yard setback of 1.25m
WHEREAS the minimum required east side yard setback is 1.8m;

9. Section 13.2.5A 1.1(b), By-law No. 7625

Proposed building length of 17.34m
WHEREAS the maximum permitted building length is 16.8m;

10. Section 13.2.6(ii), By-law No. 7625

Proposed building height of 9.09m
WHEREAS the maximum permitted building height is 8.8m;

11. Section 10.20.40.10(2), By-law No. 569-2013
Proposed main wall height of 7.82m
WHEREAS the maximum permitted main wall height is 7.5m;

12. Section 10.5.40.60(1)(C)(ii), By-law No. 569-2013
Proposed west side yard setback to the rear deck of 1.25m
WHEREAS the minimum required west side yard setback to the rear deck is 3.15m; and

13. Section 10.5.40.60(1)(A)(i), By-law No. 569-2013
Proposed west side yard setback to the front platform of 1.25m
WHEREAS the minimum required west side yard setback to the front platform is 1.8m.

COMMENTS

The subject property is located east of Yonge Street and north of Sheppard Avenue West and is designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are considered stable areas where new development will maintain the existing physical character of the area.

Section 4.1 of the Plan outlines the development policies for *Neighbourhoods*. The Official Plan acknowledges that *Neighbourhoods*, while stable, will be subject to physical change in the form of enhancements, additions, and infill housing. The key policy of the Plan is to ensure that new development will respect and reinforce the existing physical character of the neighbourhood. The preamble to the development criteria states, "Physical changes to our established *Neighbourhoods* must be sensitive, gradual and generally "fit" the existing character."

Policy 4.1.5 outlines development criteria for in established *Neighbourhoods*. Development in established *Neighbourhoods* will respect and reinforce the existing physical character of the area, with regard to:

- b) size and configuration of lots
- c) heights, massing, scale and dwelling type of nearby residential properties;

The Plan affirms that no changes will be made with respect to rezoning, minor variance, consent or other public action that are not in keeping with the physical character of the neighbourhood.

The subject property is zoned R4, in the former City of North York By-Law No. 7625 as amended and RD (f15.0; a550) in the Toronto Consolidated By-law 569-2013. The objective of Zoning By-Laws is to establish specific standards as to how land is developed.

The applicant is proposing to divide the subject lot with a frontage of 19.04m and lot area of 737.05 m² to two lots with a frontage of 9.52m and lot areas of 368.4 m² and 368.65 m². The applicant proposes to demolish the dwelling on the subject site and build two new houses on each lot created by consent.

The applicant has notified planning staff that there is a change in the elevation drawings for the following application due to the fact that the submitted drawings reflect a three storey dwelling. These new plans address this issue and remove the need for a three storey variance. These plans should be considered when reviewing this application and can be found attached to this report.

Planning staff have conducted two lot studies for the surrounding neighbourhood. The first reflects all zoning types in the neighbourhood and the other specifically considers like zoning designations to the subject property. After assessing the neighbourhood character and examining the findings of the study, staff recommend that a severance of this lot does not respect and reinforce the character of the neighbourhood in regards to lot frontage and depth and does not meet the intent of the Zoning By-laws for and R4 and RD zone.

In 2011, a severance at 131 Church Avenue was refused by the Committee of Adjustment for one lot with a total width of 19.05 m (62.5ft) with a total area of 737.43m² to be divided into two new lots with a frontage of 9.53m (31.2ft) and area of 368.9 m². The application was later appealed to the OMB and approved by the Board in 2012. Planning staff opposed this application.

Exactly a year later, a similar application for severance was brought forward to the Committee of Adjustment at 133 Church Avenue just east of the lot at 131 Church Avenue. The lot at 133 Church Avenue had a frontage of 19.04m and area of 737.04m² to be divided into two new lots with a frontage of 9.52m and area of 368.52 m². This application was refused at the Committee of Adjustment and later approved by the Board in 2012. Staff was not represented at the hearing or in opposition.

In September 2013, a severance at 210 Dunforest Avenue was dismissed at the Ontario Municipal Board, after being refused at the Committee of Adjustment. The application proposed to split the subject lot with a lot frontage of 19.06m and lot area of 781.90m² into two lots with a frontage of 9.53m and a lot areas of 391.20m² and 390.70m². The member stated in the Board Order that the variances for frontage and area did not meet the general intent and purpose of the Official Plan and Zoning By-law, were not minor in quantitative or qualitative terms and were not desirable for the appropriate development of the land given the existing lot fabric and the redevelopment and reinvestment that has occurred in the area and along the street.


The proposal before the Committee is similar to that of 210 Dunforest Avenue and located within the same neighbourhood. Planning staff recommend the following applications be refused in order to respect and reinforce the physical character of the neighbourhood with regards to lot frontage and area and be in keeping with the intent of the Zoning By-laws.

Respectfully submitted,

CONTACT

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SIGNATURE


for Allen Appleby
Director, Community Planning, North York District

B051/13NY, A636/13NY & A637/13NY - 155 CHURCH AVENUE

LOT STUDY RESULTS

(Study Area For Lots in the Neighbourhood of 155 Church Ave)

Number of Lots In Study **775**

Lot Frontage Sizes	Number of Lots in Study Area
Less than 25 ft(7.62m)	20
25ft(7.62m) - 29.9ft(9.1m)	7
30ft(9.1m) - 39.9ft(12.2m)	131
40ft(12.2m) - 49.9ft(15.2m)	232
50ft(15.2m) - 59.9ft(18.3m)	323
60ft(18.3m) or greater	62
Total Lots in Study Area	775

	ft	m
Minimum Frontage	20.8	6.3
Maximum Frontage	789.6	240.7
Average Frontage	47.9	14.6
	sq. ft.	sq. m
Minimum Area	1,948.8	181.0
Maximum Area	43,200.0	4,013.3
Average Area	6,366.9	591.5
	acres	hectares
Total Lot Study Area	111.4	45.1
Units Per Acre/Hectare	7.0	17.2

Various Lot Frontage Sizes For Lots Surrounding 155 Church Avenue

