

**716-718 Marlee Avenue – Zoning By-law Amendment
Application – Final Report**

Date:	April 26, 2013
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 15 – Eglinton-Lawrence
Reference Number:	12 141312 NNY 15 OZ

SUMMARY

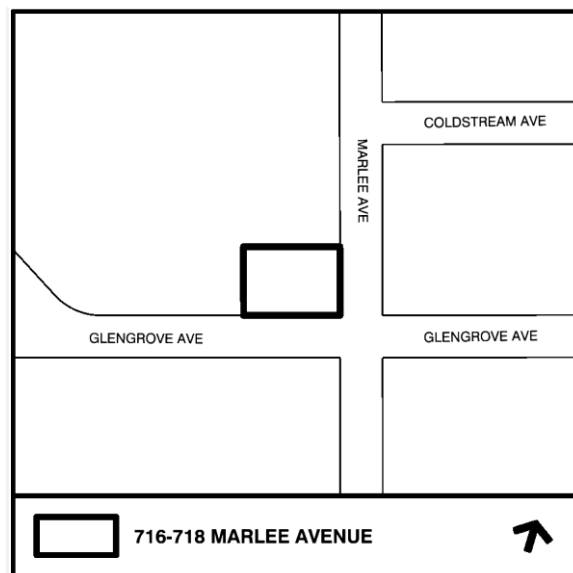
This application proposes to amend former City of North York Zoning By-law No. 7625 for the lands at 716-718 Marlee Avenue to permit the development of four single-detached dwellings, with integral at grade garages.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend former City of North York Zoning By-law No. 7625 at 716-718 Marlee Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5.



2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Prior to the enactment of the Bills, the applicant shall submit revised drawings showing the upgraded west façade of the dwelling on Lot 1, the updated front façades of all dwellings and a fencing plan, to the satisfaction of the Director of Community Planning, North York District.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Preliminary Report for this application was considered by North York Community Council at its meeting of June 13, 2012. This report can be found at:

<http://www.toronto.ca/legdocs/mmis/2012/ny/bgrd/backgroundfile-47430.pdf>

ISSUE BACKGROUND

Proposal

The application proposed to permit four single detached dwellings fronting onto Glengrove Avenue. The application seeks to rezone the property to an R6 zoning with a site specific exception for side yard setbacks, lot coverage, front porch height and projection and dwelling length. A summary of pertinent data is set out in Attachment 4. Copies of the proposed site and elevations plans are included as Attachments 1 and 2. It should be noted that staff are recommending that revised plans and elevations be submitted prior to enactment of the zoning amendment.

The original application proposed five single detached dwellings on 5 lots. After discussions with staff, and feedback received at the Community Consultation meeting, the applicant revised their application to four dwellings on 4 lots.

Site and Surrounding Area

The site is located on the northwest corner of Marlee Avenue and Glengrove Avenue. The site has a lot area of 1,490m², with 32.6m frontage on Marlee Avenue and 45.2m frontage on Glengrove Avenue. The subject site is comprised of two lots which contain a one and a half storey detached dwelling on each of the lots. The existing dwellings will be demolished.

Land uses surrounding the subject lands include:

North: Single-detached dwellings directly to the north on the west side of Marlee Avenue. Three-storey walk-up apartment buildings and single-detached dwellings further north on the east side of Marlee Avenue.

East: Single-detached dwellings on the east side of Marlee Avenue.

West: Wenderly Park and single-detached dwellings further west.

South: The continuation of Wenderly Park on the south side of Glengrove Avenue, as well as single-detached dwellings. Further south on Marlee Avenue are retail plazas, townhouses and apartment buildings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject property is designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are considered physically stable areas, which include residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes, townhouses and walk-up apartments. Parks, local institutions, home occupations, cultural and recreational facilities and small scale retail service and office uses are also provided for in *Neighbourhoods*. Local institutions include uses such as seniors and nursing homes and long term care facilities.

The Official Plan states that no changes will be made through rezoning that are out of keeping with the physical character of the neighbourhood. In addition, physical changes to established *Neighbourhoods* must be sensitive and fit its existing context and physical character. Policy 4.1.5 of the Official Plan requires development in established *Neighbourhoods* to respect and reinforce the existing physical character of the neighbourhood, including in particular:

- Size and configuration of lots;
- Heights, massing, scale and dwelling type of nearby residential properties;
- Prevailing building type(s);
- Setbacks of buildings from the street or streets;
- Continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and

- Prevailing patterns of rear and side yard setbacks and landscaped open space.

Built form policies in the Official Plan provide direction for new development with respect to its location and organization such that it fits within, and respects, its existing and planned context. Policy 3.1.2 provides direction pertaining to site organization, improving the safety and attractiveness of adjacent streets through building design and appropriate massing.

Zoning

The subject site is zoned R5, One Family Detached Dwelling Fifth Density Zone, in former City of North York Zoning By-law No. 7625. This zone permits single-detached dwellings and accessory buildings. The R5 zone requires a minimum lot frontage of 15m and minimum lot area of 550m². The maximum lot coverage permitted is 35% and a maximum height of 8.8m is permitted.

Consent

An application for Consent to sever the two lots, in order to create the four building lots, will be required, but has not yet been submitted.

Site Plan Control

Under the new Site Plan Control By-law, applications for Site Plan Control are not required to implement this development.

Reasons for Application

Several amendments to the provisions in the Zoning By-law are requested to permit the proposed 4 single detached dwellings. The proposal would result in a zoning designation change from R5 to R6 with site specific exceptions.

Community Consultation

A Community Consultation meeting was held on July 18, 2012 at Beth Torah Synagogue. The meeting was attended by the Ward Councillor's representatives, City Planning staff, the property owner and the applicant. There were approximately 12 members of the public in attendance.

Issues raised by area residents, which have been considered in the review of the application are as follows:

- Safety regarding the sightlines for eastbound vehicles turning left from Glengrove Avenue onto Marlee Avenue;
- Privacy and overlook from the proposed dwellings into the rear yards of the existing dwellings on Marlee Avenue;
- Increased problems with basement flooding as a result of the proposed dwellings.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement (PPS) and conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. Both the PPS and the Growth Plan encourage intensification and redevelopment in urban areas which provide a healthy, liveable and safe community.

Land Use and Built Form

The configuration of the proposed dwellings and lots to front Glengrove Avenue is consistent with the existing lot pattern on Glengrove Avenue. To achieve an appropriate streetscape along Marlee Avenue, the dwelling on Lot 4 has been designed with the front door fronting onto Marlee Avenue. A setback of 2.5 metres is proposed to ensure the dwelling has a "front yard" condition. To further define the front yard condition facing Marelee Avenue, a 1.4 metre high architectural fence is proposed along this setback from the northern building edge to the rear property line and wrapping along the rear property line to approximately 6 metres from the east property line, reflecting the prevailing front yard setbacks of the neighbouring properties along Marlee Avenue. These elements provide a transition from the front yards of the existing dwellings to the north.

The R6 zone requires a minimum lot frontage of 12m and a minimum lot area of 371m². The proposed lot frontages of 11.4m and minimum sizes of 365m² are not out of character with the surrounding area and are consistent with existing lot frontages and sizes in the surrounding area and are appropriate based on its unique condition along Glengrove Avenue between Wenderly Park and Marlee Avenue.

The recommended two-storey dwellings are consistent with the surrounding neighbourhood which is largely comprised of one and two-storey single detached dwellings, with some three-storey townhouses (on the southeast corner of Glen Park Avenue and Marlee Avenue) and three-storey walk-up apartment buildings.

Official Plan Policy 4.1.5 speaks to development in established *Neighbourhoods* respecting and reinforcing heights, massing, scale and dwelling type. Development should also maintain consistent setbacks from the street or streets. The proposed single detached dwellings are consistent with the prevailing building type in the surrounding neighbourhood. The proposed dwellings are two-storeys with a maximum height of 9.1m for a peaked roof and a maximum finished first floor height of 2.1m. While the proposed 6m front yard setbacks along Glengrove Avenue are less than the minimum 6.5m requirement, they are consistent with the existing front yard setbacks of nearby dwellings. The side yard setback requirement for an R6 zone is 1.2m and 3m for a flanking yard.

With the exception of the 2.5m flankage setback for Lot 4, the proposed side yard setbacks range between 0.6m to 1.28m which is consistent with the side yard setbacks for existing dwellings in the surrounding area which range from 0.8m to 1.8m.

The site is located adjacent to Wenderly Park, both directly to the west and on the south side of Glengrove Avenue. This physical feature creates an appropriate buffer between the proposed dwellings and the existing dwellings to the west and south of the site, which would help to mitigate any impact a reduced front or side yard setback may have. Due to the unique condition of the site, a zone change to R6 with exceptions would be appropriate in this instance. To ensure the proposed dwelling on Lot 1 supports and frames the park, it is recommended that the west façade, facing the park, be upgraded by providing ground floor views to the park to promote "eyes on the park". It is also recommended that a fencing plan that requires the installation of the low architectural fence and privacy fencing be prepared. The upgraded west façade for the dwelling on Lot 1, the front façades of all the dwellings and the fencing plan will be required prior to the introduction of the Bills to Council and will be secured as conditions of the Consent application. Additionally, the front façades of all the dwellings will be secured as a condition through the Consent application.

Traffic Impact, Access, Parking

All four of the proposed lots would take access off Glengrove Avenue. Parking will be accommodated both in the two-car integral at-grade garages and the driveways. The development meets the required parking rates. Concerns were raised at the community meeting regarding the safety of the intersection of Marlee Avenue and Glengrove Avenue. Transportation Services has determined that the setbacks proposed for the dwelling on Lot 4 are satisfactory and they do not anticipate any traffic related issues.

Servicing

Engineering and Construction Services has not identified any concerns or issues with this application relating to basement flooding.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provision across the City. The lands which are the subject of this application are in an area with 0-0.42 hectares of parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is also in a parkland priority area, as per the Harmonized Parkland Dedication By-law 1020-2010.

The applicant has submitted an application to construct 4 residential units within a site area of 0.1493 hectares (1493.4m²). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication would be 0.0053 hectares (53m²) which equates to 3.5% of the site. However there is a minimum cap requirement of 5% of site area, therefore the parkland dedication is 75m². However, 2 of the replacement units

are considered exempt from parkland dedication under section 4.15 – 30(2) of the 1020-2010 By-law.

The applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. The parkland dedication for the subject site is too small to be functional. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the *Planning Act*, and is required as a condition of the building permit application process.

Toronto Green Standard

Since this application does not meet the minimum threshold criteria for low-rise residential, this development is not required to meet Tier 1 of the TGS.

CONTACT

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E-mail: erossin@toronto.ca

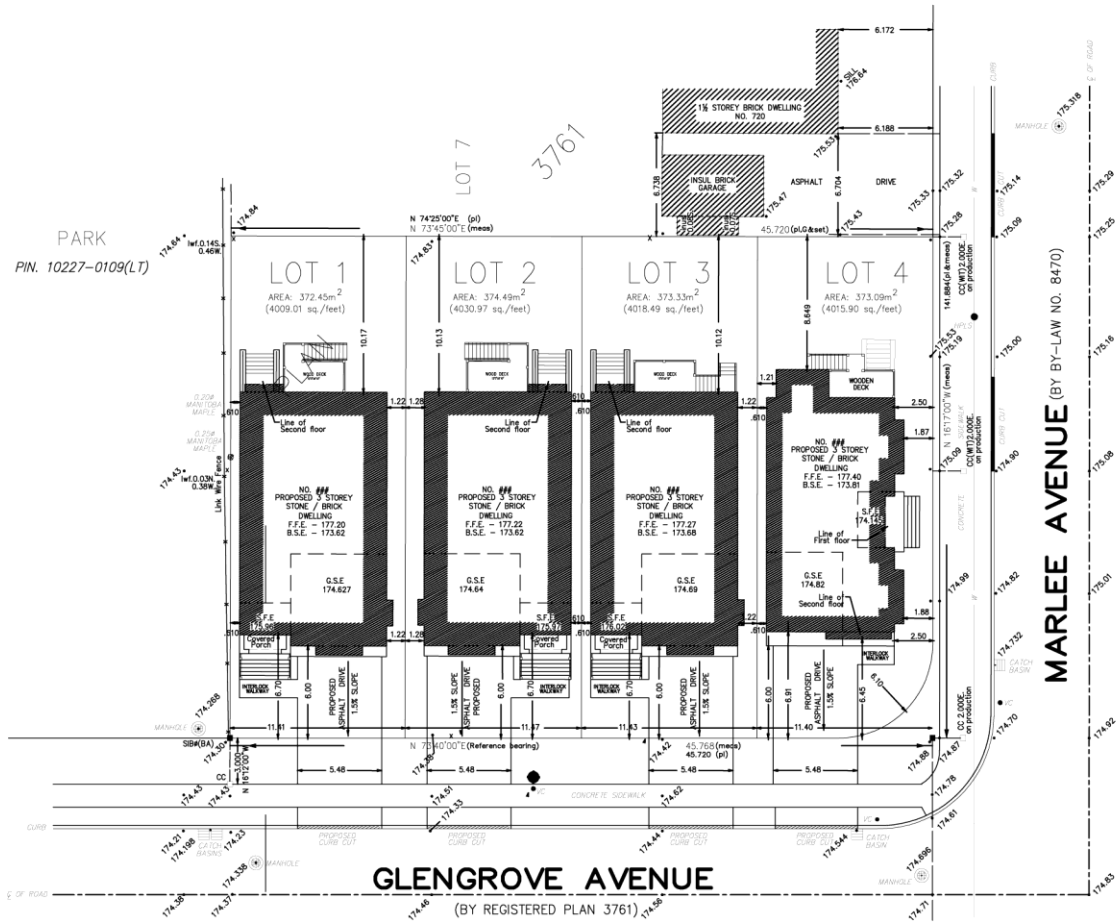
SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Application Data Sheet
Attachment 5: Draft Zoning By-law Amendment
Attachment 6: Schedule 1
Attachment 7: Schedule R6(23)

Attachment 1: Site Plan



Site Plan

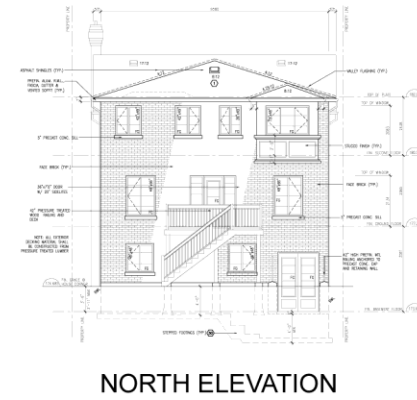
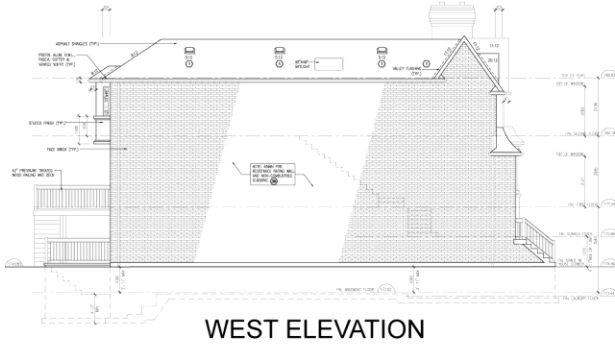
Applicant's Submitted Drawing

Not to Scale 
 04/23/2013

716-718 Marlee Avenue

File # 12 141312 NNY 15 0Z

Attachment 2: Elevations



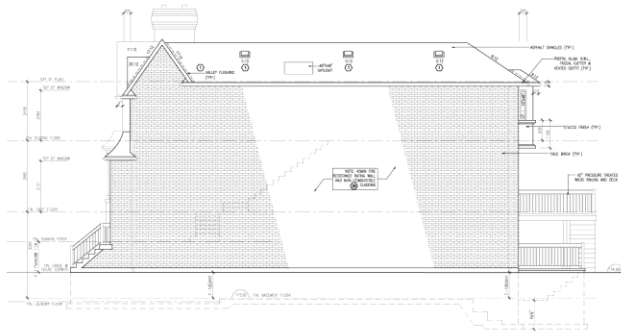
Elevations - Lot 1

Applicant's Submitted Drawing

Not to Scale
04/17/2013

716-718 Marlee Avenue

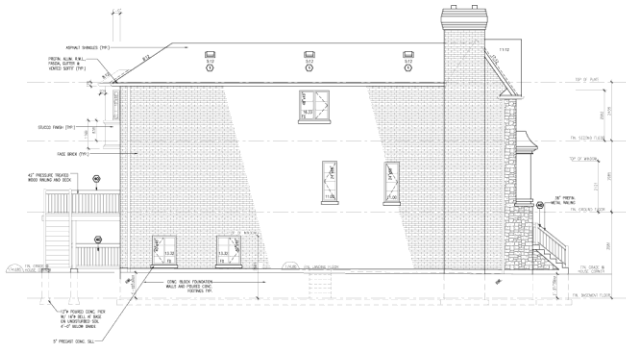
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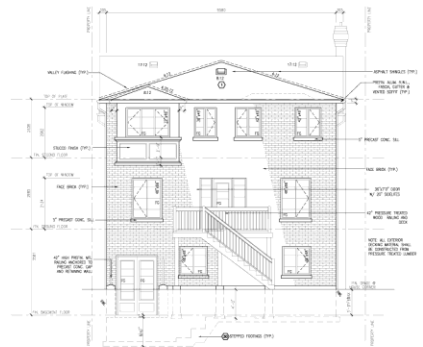
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

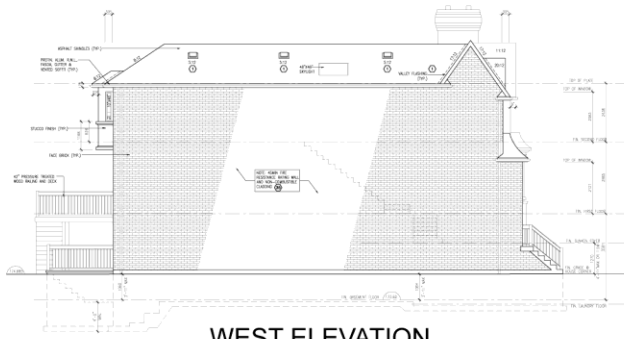
Elevations - Lot 2

716-718 Marlee Avenue

Applicant's Submitted Drawing

Not to Scale
04/17/2013

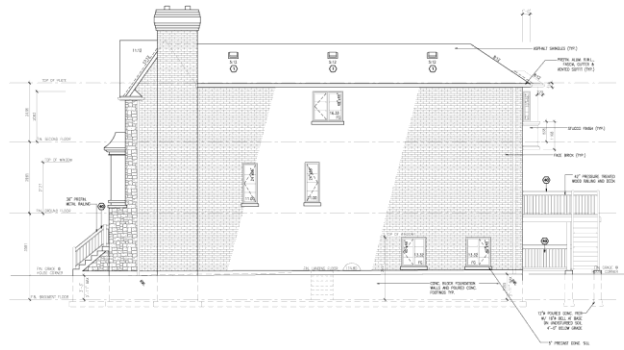
File # 12 141312 NNY 15 0Z



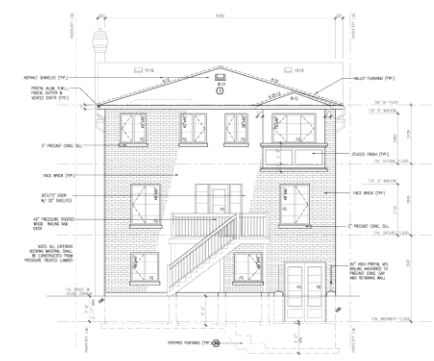
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

Elevations - Lot 3

716-718 Marlee Avenue

Applicant's Submitted Drawing

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04/17/2013

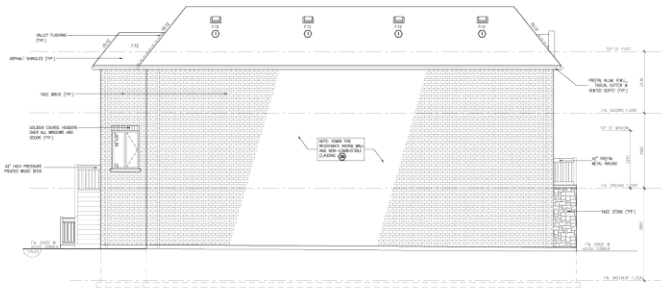
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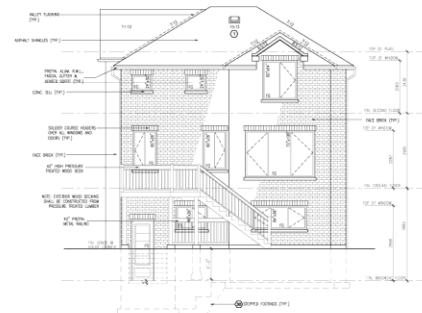
EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION

Elevations - Lot 4

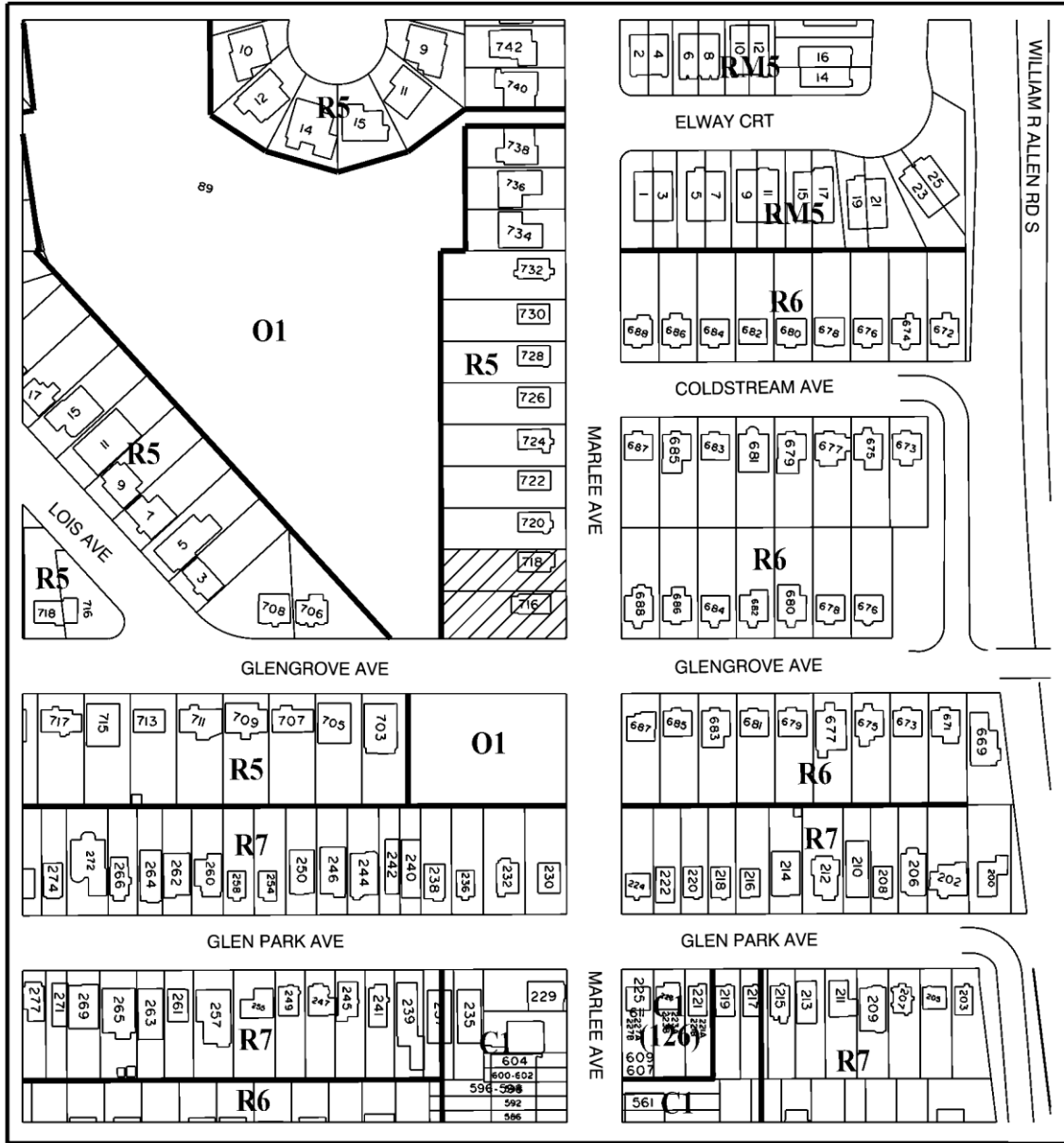
Applicant's Submitted Drawing

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04/17/2013

716-718 Marlee Avenue

File # 12 141312 NNY 15 0Z

Attachment 3: Zoning



716-718 Marlee Avenue

File # 12 141312 NNY 15 0Z

- R5 One-Family Detached Dwelling Fifth Density Zone
 - R6 One-Family Detached Dwelling Sixth Density Zone
 - R7 One-Family Detached Dwelling Seventh Density Zone
 - RM5 Multiple-Family Dwellings Fifth Density Zone
 - O1 Open Space Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

↑
Not to Scale
Zoning By-law 7625
Extracted 04/17/2013

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	12 141312 NNY 15 OZ
Details	Rezoning, Standard	Application Date:	March 22, 2012

Municipal Address: 716-718 MARLEE AVE

Location Description: PLAN 3761 LOT 9 **GRID N1504

Project Description: Proposal to demolish two existing single detached dwellings fronting Marlee Ave and create four new single family dwellings, each with an integral at grade garage, facing Glengrove Ave. The lots would have a width of 11.4m.

Applicant:	Agent:	Architect:	Owner:
GLENGROVE ESTATES INC			GLENGROVE ESTATES INC

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	R5	Historical Status:
Height Limit (m):	8.8m	Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	1493.36	Height:	Storeys:	2
Frontage (m):	32.614		Metres:	9.1
Depth (m):	45.168			
Total Ground Floor Area (sq. m):	631.32			Total
Total Residential GFA (sq. m):	1736.03		Parking Spaces:	8
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1736.03			
Lot Coverage Ratio (%):	42.28			
Floor Space Index:	1.16			

DWELLING UNITS

Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	4
Total Units:	4

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):		1268.1	467.93
Retail GFA (sq. m):		0	0
Office GFA (sq. m):		0	0
Industrial GFA (sq. m):		0	0
Institutional/Other GFA (sq. m):		0	0

CONTACT:	PLANNER NAME:	Emily Rossini, Planner
	TELEPHONE:	416-395-7172

Attachment 5: Draft Zoning By-law Amendment

CITY OF TORONTO

BY-LAW No. ~-2012

**To amend the former City of North York Zoning By-law No. 7625, as amended,
with respect to the lands municipally known as 716-718 Marlee Avenue**

WHEREAS the Council of the City of Toronto has been requested to amend Zoning By-law No. 7625 of the former City of North York, as amended, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2012 as 716-718 Marlee Avenue;

AND WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment;

AND WHEREAS the Council of the City of Toronto, at its meeting on _____, determined to amend Zoning By-law No. 7625 of the former City of North York, as amended;

NOW THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are amended in accordance with Schedule "1" attached to this By-law.
2. Section 64.14 of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

“64.14(23) R6(23)

PERMITTED USES

- (a) The only permitted use shall be one family detached dwelling on each lot.

ZONE REGULATIONS

The following regulations will apply:

MAXIMUM NUMBER OF LOTS

- (b) The maximum number of lots shall be 4.

MAXIMUM NUMBER OF DWELLING UNITS

- (c) The maximum number of dwelling units shall be 4.

LOT AREA

- (d) The minimum lot area shall be 365 m².

LOT FRONTAGE

- (e) The minimum lot frontage shall be 11.4 metres.

YARD SETBACKS

- (f) The minimum yard setbacks shall be as shown on Schedule R6(23).

LOT COVERAGE

- (g) The maximum lot coverage shall be:
 - (i) 40% for Lot 1;
 - (ii) 40% for Lot 2;
 - (iii) 40% for Lot 3; and
 - (iv) 40% for Lot 4.

BUILDING HEIGHT

- (h) The maximum building height will be 9.1 metres for a building with a roof other than a flat roof, and maximum 2 storeys.

HEIGHT OF THE FIRST FLOOR

- (i) The finished first floor elevation shall be no higher than 2.1 metres above established grade.

LENGTH OF DWELLING

- (j) The maximum length of dwelling shall be 18.9 metres, and
 - (a) is measured from the minimum front yard setback to the exterior of the rear-most wall of the building, and is measured at right angles from the minimum front yard setback.

PERMITTED PROJECTIONS INTO MINIMUM YARD SETBACKS

- (k) Porches at the front of each unit will be permitted to a maximum height above grade of 1.5 metres and may encroach into front yard setbacks a maximum of 2.9 metres.

PARKING

- (l) A minimum of 2 parking spaces per dwelling unit shall be provided per lot.

LANDSCAPING

- (m) A minimum of 50% of the front yard shall be maintained as landscaping
- (n) A minimum of 75% of the front yard not covered by a permitted driveway shall be maintained as soft landscaping.
- (o) No structures or fencing is to be located within the landscaped area shown as the hatched area on Schedule R6(23).

FENCING

- (p) On Lot 4, an architectural fence with a maximum height of 1.4 metres shall be provided a minimum 2.5 metres from the Marlee Avenue property line from the rear building face to the rear property line and 3.6 metres along the rear property line.

OTHER REGULATIONS

- (q) Notwithstanding any severance, partition or division of the site shown on Schedule R6(23), the provisions of this By-law shall apply to the whole of the site as if no severance, partition or division occurred.”

13. MUNICIPAL SERVICING

- (r) Within the lands shown on Schedule 1 to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (i) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
3. Section 64.14(23) of By-law No. 7625 is amended by adding Schedule R6(23) attached to this By-law.

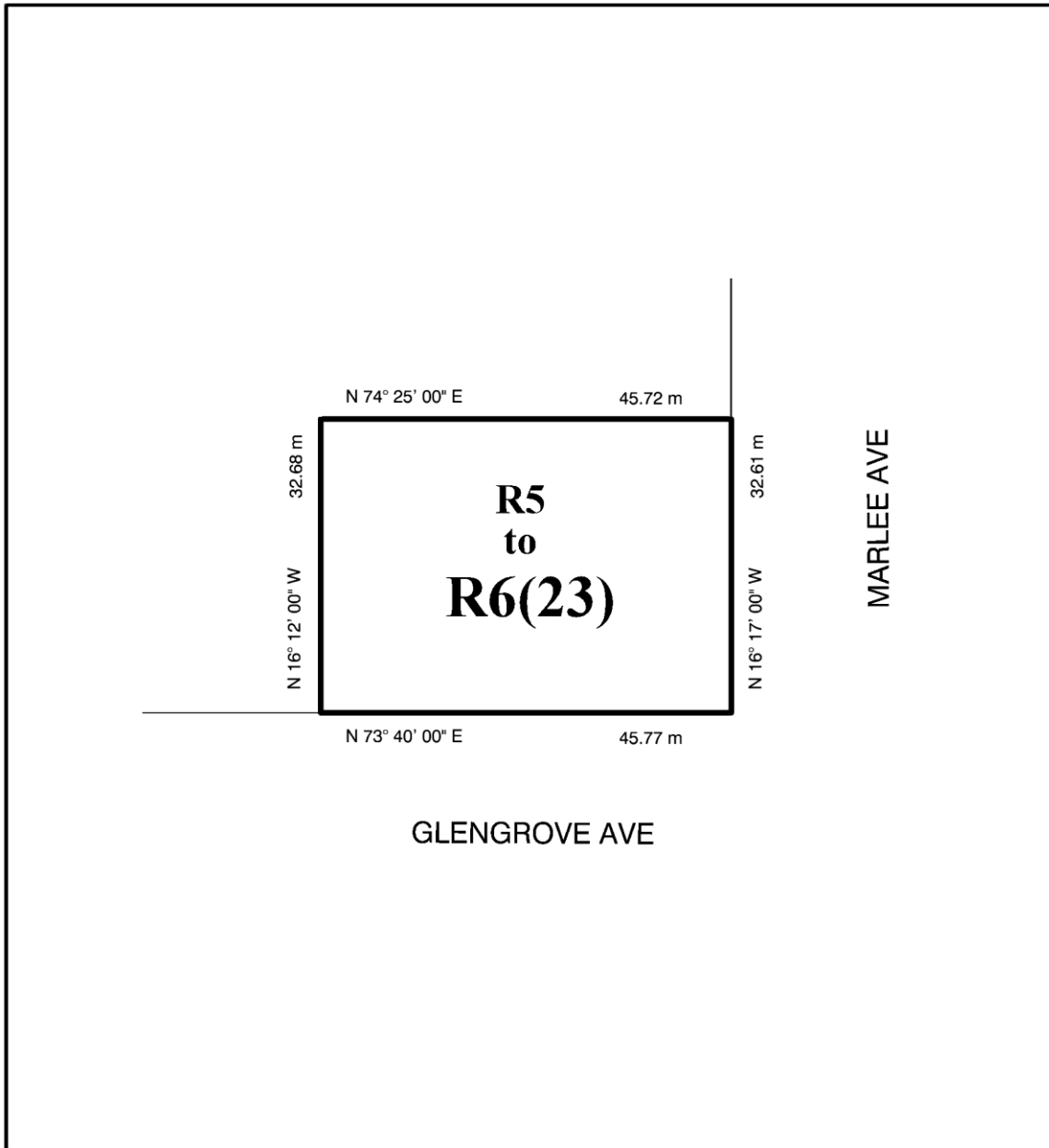
ENACTED AND PASSED this ~ day of ~, A.D. 2013.

ROB FORD,
Mayor

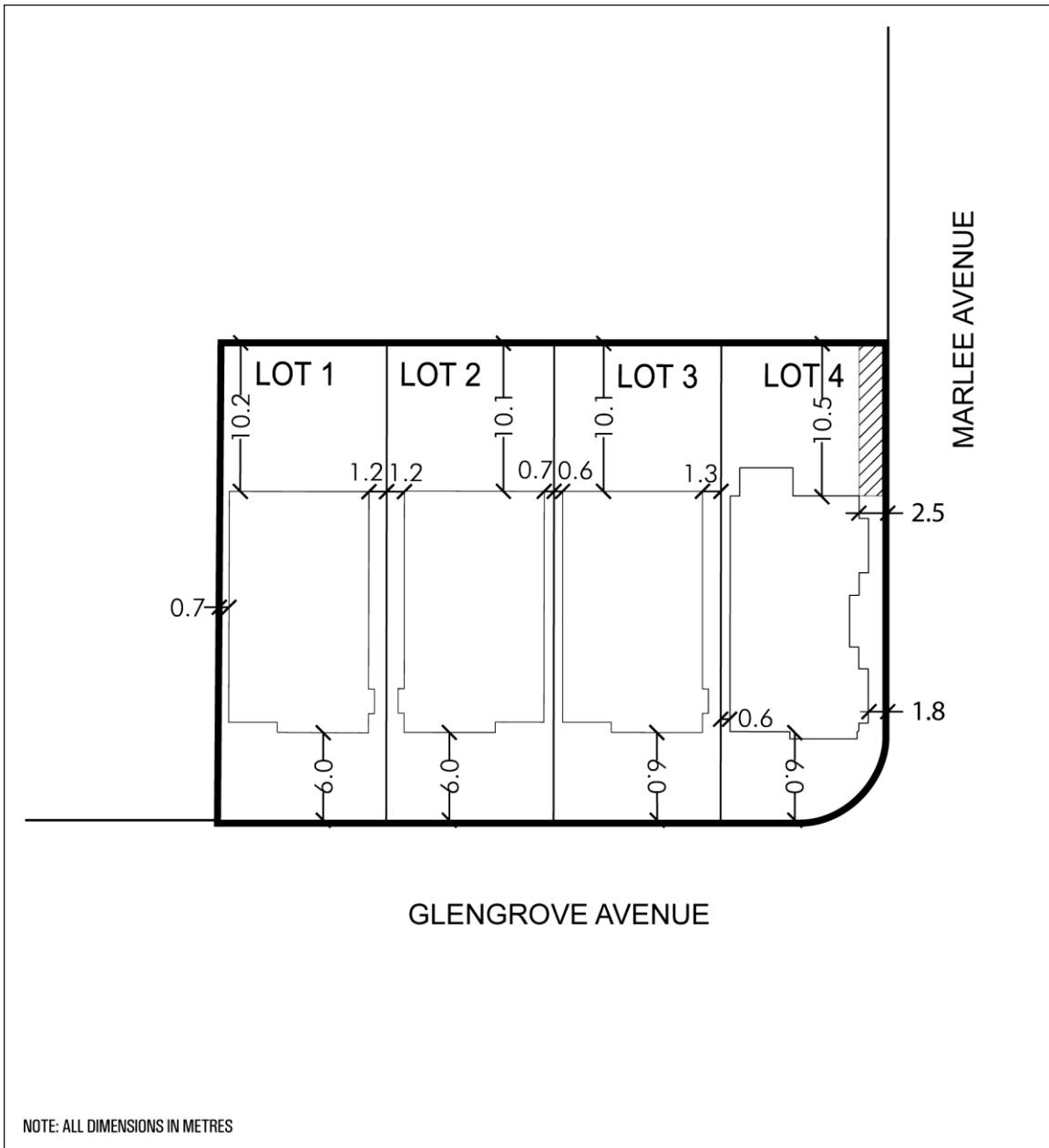
(Corporate Seal)

ULLI S. WATKISS,
City Clerk

Attachment 6: Schedule 1



Attachment 7: Schedule R6(23)



Schedule R6(23)

Applicant's Submitted Drawing

Date: 04/23/2013
Approved by: ER

File # 12 141312 NNY 15 0Z

