



STAFF REPORT
Committee of Adjustment
Application

Date:	July 26, 2013
To:	Chair and Members of the Committee of Adjustment North York District
From:	Allen Appleby, Director, Community Planning, North York District
Wards:	Ward 16 (Eglinton-Lawrence)
Reference:	File Nos. B037/13NY, A449/13NY and A450/13NY Addresses: 92 Briar Hill Avenue Application to be heard: July 31, 2013

RECOMMENDATION

Staff recommend that should Committee approve the application for Consent, any approval be 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 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 the 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. A copy of a letter from the Executive Director of Technical Services advising that the applicant has obtained the necessary adjustment to the municipal addressing of the land. Contact Survey and Mapping Services, Technical Services at (416) 392-7755. The application for municipal addressing must be accompanied by a copy of the deposited Reference Plan of Survey, integrated with the Ontario Co-ordinate System, and specify the PART numbers that will comprise each of the new parcels.
5. This Decision shall become null and void within 12 months unless the Certificate of the Committee of Adjustment is affixed to the relevant documents.

APPLICATIONS

The first application is for the consent of the Committee of Adjustment to the division of a parcel of residential lands into two parts for conveyance purposes for the creation of a new residential

the size of the lots created and the proposed development of each lot.

CONSENT REQUESTED

The subject property has 15.24 m frontage on the north side of Briar Hill Avenue, a depth of 40.18 m and an area of 612.3 m².

The owner proposes to divide the lands into two parts for the creation of a new residential building lot. The existing dwelling would be demolished and a three storey detached dwelling would be constructed on each lot.

Part 1 would have a frontage of 7.62m and the lot area is 306.10m².

Part 2 would have a frontage of 7.62m and the lot area is 306.10m².

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

A449/13NY – WEST 7.62 M OF 92 BRIAR HILL AVENUE - PART 1

PURPOSE OF THE APPLICATION:

This is an application to permit the construction of a new two storey detached dwelling. The existing dwelling would be demolished.

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

1. **Section 6(3) Part I 1, By-law No. 438-86**
Proposed G.F.A. (Gross Floor Area) of 0.91 times the lot area
WHEREAS a maximum G.F.A. of 0.60 times the lot area is permitted;
2. **Section 6(3) Part II 3.B(II), By-law No. 438-86**
Proposed east side yard setback of 0.46m for the portion of the dwelling not exceeding 17.00m in depth
WHEREAS a minimum east side yard setback of 0.90m is required for the portion of the dwelling not exceeding 17.00m in depth;
3. **Section 6(3) Part II 3.B(II), By-law No. 438-86**
Proposed east side yard setback of 0.46m for the 1.29m portion of the dwelling exceeding 17.00m in depth
WHEREAS a minimum east side yard setback of 7.50m is required for the portion of the dwelling exceeding 17.00m in depth;
4. **Section 6(3) Part II 3.B(II), By-law No. 438-86**
Proposed west side yard setback of 0.91m for the 1.29m portion of the dwelling exceeding 17.00m in depth
WHEREAS a minimum west side yard setback of 7.50m is required for the portion of the dwelling exceeding 17.00m in depth;
5. **Section 6(3) Part II 3.B(II), By-law No. 438-86**

Proposed east side yard setback of 2.50m for the 3.42m portion of the dwelling (rear deck) exceeding 17.00m in depth
WHEREAS a minimum east side yard setback of 7.50m is required for the portion of the dwelling exceeding 17.00m in depth; and

6. **Section 6(3) Part II 3.B(II), By-law No. 438-86**
Proposed west side yard setback of 0.91m for the 3.42m portion of the dwelling (rear deck) exceeding 17.00m in depth
WHEREAS a minimum west side yard setback of 7.50m is required for the portion of the dwelling exceeding 17.00m in depth.

A450/13NY – EAST 7.62 M OF 92 BRIAR HILL – PART 2

PURPOSE OF THE APPLICATION:

This is an application to permit the construction of a new two storey detached dwelling. The existing dwelling would be demolished.

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

1. **Section 6(3) Part I 1, By-law No. 438-86**
Proposed G.F.A. (Gross Floor Area) of 0.91 times the lot area
WHEREAS a maximum G.F.A. of 0.60 times the lot area is permitted;
2. **Section 6(3) Part II 3.B(II), By-law No. 438-86**
Proposed west side yard setback of 0.45m for the portion of the dwelling not exceeding 17.00m in depth
WHEREAS a minimum west side yard setback of 0.90m is required for the portion of the dwelling not exceeding 17.00m in depth;
3. **Section 6(3) Part II 3.B(II), By-law No. 438-86**
Proposed east side yard setback of 0.91m for the 1.29m portion of the dwelling exceeding 17.00m in depth
WHEREAS a minimum east side yard setback of 7.50m is required for the portion of the dwelling exceeding 17.00m in depth;
4. **Section 6(3) Part II 3.B(II), By-law No. 438-86**
Proposed west side yard setback of 0.45m for the 1.29m portion of the dwelling exceeding 17.00m in depth
WHEREAS a minimum west side yard setback of 7.50m is required for the portion of the dwelling exceeding 17.00m in depth;
5. **Section 6(3) Part II 3.B(II), By-law No. 438-86**
Proposed east side yard setback of 0.91m for the 3.42m portion of the dwelling (rear deck) exceeding 17.00m in depth
WHEREAS a minimum east side yard setback of 7.50m is required for the portion of the dwelling exceeding 17.00m in depth; and
6. **Section 6(3) Part II 3.B(II), By-law No. 438-86**
Proposed west side yard setback of 2.50m for the 3.42m portion of the dwelling (rear deck) exceeding 17.00m in depth

WHEREAS a minimum west side yard setback of 7.50m is required for the portion of the dwelling exceeding 17.00m in depth.

COMMENTS

The subject property is located north of Eglinton Avenue West, and west of Yonge Street on the north side of Briar Hill Avenue. The subject site has a frontage of 15.24 m, a depth of 40.18 m and an area of 612.3 m². The site is designated *Neighbourhoods* in the City of Toronto Official Plan and is zoned R1S Z0.6 in former City of Toronto Zoning By-law No. 438-86.

There are a variety of lot frontages and sizes in the area and many lots contain detached dwellings with similar frontages. Staff do not have concerns with the proposed lot division.

However, staff had concerns with the proposed GFA of 0.91 times the lot area, for each of the dwellings. The applicant has since revised the GFA to 0.87 times the lot area and staff no longer have concerns.

As such, staff recommend that should Committee choose to approve the applications, they be subject to the above conditions.

Respectfully submitted,

CONTACT

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SIGNATURE



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