



STAFF REPORT
Committee of Adjustment
Application

Date: Monday, March 3, 2014

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. B076/13NY, A885/13NY & A886/13NY
Address: 157 CHURCH AVENUE
Application to be heard: Wednesday March 5, 2014 at 10:00 a.m.

RECOMMENDATION

Planning staff recommend that the application be refused.

APPLICATION

To obtain consent to sever the property into two (2) undersized residential lots.

Retained - Part 1

Address to be assigned

The lot frontage is 9.52m and the lot area is 368.53m². A new dwelling with an integral garage will be constructed which will require variances to the Zoning By-law, as outlined in application Number A886/13NY.

Conveyed - Part 2

Address to be assigned

The lot frontage is 9.53m and the lot area is 368.52m². A new dwelling with an integral garage will be constructed which will require variances to the Zoning By-law, as outlined in application Number A885/13NY.

File Numbers B076/13NY, A885/13NY and A886/13NY will be considered jointly.

A886/13NY – WEST 9.52M OF 157 CHURCH AVENUE (PART 1)

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

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

1. Section 10.20.30.10.(1), By-law No. 569-2013
The minimum required lot area is 550.00m².
The proposed lot area is 368.52m².
2. Section 10.20.30.20.(1), By-law No. 569-2013
The minimum required lot frontage is 15.00m.
The proposed lot frontage is 9.52m.
3. Section 10.20.30.40.(1), By-law No. 569-2013
The maximum permitted lot coverage is 30.00% of the lot area.
The proposed lot coverage is 32.00% of the lot area.
4. Section 10.20.40.10.(1), By-law No. 569-2013
The maximum permitted building height is 10.00m.
The proposed building height is 10.36m.
5. Section 10.20.40.10.(2), By-law No. 569-2013
The maximum permitted main wall height is 7.50m.
The proposed east main wall height is 8.64m.
7. Section 900.3.10., By-law No. 569-2013
The minimum required side yard setback is 1.80m.
The proposed west side yard setback is 0.91m.
8. Section 900.3.10., By-law No. 569-2013
The minimum required side yard setback is 1.80m.
The proposed east side yard setback is 1.29m.
9. Section 13.2.1, By-law No. 7625
The minimum required lot frontage is 15.00m.
The proposed lot frontage is 9.52m.
10. Section 13.2.2, By-law No. 7625
The minimum required lot area is 550.00m².
The proposed lot area is 368.52m².
11. Section 13.2.3(b), By-law No. 7625
The minimum required side yard setback is 1.80m.
The proposed west side yard setback is 0.91m.
12. Section 13.2.3(b), By-law No. 7625
The minimum required side yard setback is 1.80m.
The proposed east side yard setback is 1.29m.
13. Section 13.2.4, By-law No. 7625

The maximum permitted lot coverage is 30.00% of the lot area.
The proposed lot coverage is 32.00% of the lot area.

14. Section 13.2.6, By-law No. 7625
The maximum permitted building height is 8.80m.
The proposed building height is 9.23m.

15. Section 6(8), By-law No. 7625
The minimum lot width is not to be less than the required lot frontage for the zone in which the building is constructed.

A885/13NY – East 9.53M OF 157 CHURCH AVENUE (PART 2)

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

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

1. Section 10.20.30.10.(1), By-law No. 569-2013
The minimum required lot area is 550.00m².
The proposed lot area is 368.52m².
2. Section 10.20.30.20.(1), By-law No. 569-2013
The minimum required lot frontage is 15.00m.
The proposed lot frontage is 9.52m.
3. Section 10.20.30.40.(1), By-law No. 569-2013
The maximum permitted lot coverage is 30.00% of the lot area.
The proposed lot coverage is 32.00% of the lot area.
4. Section 10.20.40.10.(1), By-law No. 569-2013
The maximum permitted building height is 10.00m.
The proposed building height is 10.27m.
5. Section 10.20.40.10.(2), By-law No. 569-2013
The maximum permitted main wall height is 7.50m.
The proposed east main wall height is 8.55m.
6. Section 10.5.40.70.(A), BY-law No. 569-2013
The minimum required front yard setback is 8.69m.
The proposed front yard setback is 8.20m.
7. Section 900.3.10., By-law No. 569-2013
The minimum required side yard setback is 1.80m.
The proposed west side yard setback is 1.29m.
8. Section 900.3.10., By-law No. 569-2013
The minimum required side yard setback is 1.80m.
The proposed east side yard setback is 0.91m.

9. Section 13.2.1, By-law No. 7625

The minimum required lot frontage is 15.00m.

The proposed lot frontage is 9.52m.

10. Section 13.2.2, By-law No. 7625

The minimum required lot area is 550.00m².

The proposed lot area is 368.52m².

11. Section 13.2.3(b), By-law No. 7625

The minimum required side yard setback is 1.80m.

The proposed west side yard setback is 1.29m.

12. Section 13.2.3(b), By-law No. 7625

The minimum required side yard setback is 1.80m.

The proposed east side yard setback is 0.91m.

13. Section 13.2.4, By-law No. 7625

The maximum permitted lot coverage is 30.00% of the lot area.

The proposed lot coverage is 32.00% of the lot area.

14. Section 13.2.6, By-law No. 7625

The maximum permitted building height is 8.80m.

The proposed building height is 9.22m.

15. Section 6(8), By-law No. 7625

The minimum lot width is not to be less than the required lot frontage for the zone in which the building is constructed.

COMMENTS

The subject property is located east of Yonge Street and north of Sheppard Avenue East 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

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 19.05m and lot area of 737.05 m² to two lots with a lot frontage of 9.52m and 9.53m and lot area of 368.53 m² and 368.52 m². The applicant proposes to demolish the dwelling on the subject site and build two new houses on each lot created by consent.

Planning staff have conducted a lot study for the surrounding neighbourhood. 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 Ontario Municipal Board and approved by the Board in 2012. Planning staff were opposed to 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.

Since the severance proposal at 210 Dunforest Avenue, another request for severance was heard by the Committee of Adjustment on November 6, 2013, for 155 Church Avenue that is similar to the requested severance at 157 Church Avenue. The severance at 155 Church Avenue was refused by the Committee of Adjustment and is scheduled to be heard at the Ontario Municipal Board on April 25, 2014.

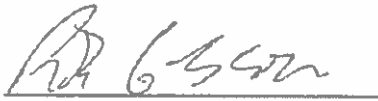
Planning staff recommend the following applications be refused in order to respect and reinforce the physical character of the neighbourhood with regards to lot frontage and area and be in keeping with the intent of the Zoning By-laws.

Respectfully submitted,

CONTACT

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SIGNATURE



for Allen Appleby
Director, Community Planning, North York District

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