



STAFF REPORT
Committee of Adjustment
Application

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Date:	Wednesday, June 25, 2014
To:	Chair and Committee Members of the Committee of Adjustment North York District
From:	Allen Appleby, Director, Community Planning, North York District
Ward:	Ward 23 (Willowdale)
Reference:	File No. A427/14NY Address: 16 ELYNHILL DRIVE Application to be heard: Wednesday, July 9, 2014 at 9:30 a.m.

RECOMMENDATION

Planning recommends that Variance No. 4 for a proposed first floor height of 2.15 metres, and Variances Nos. 12 and 18 for rear second storey balcony of 27.47 m² be **reduced**; and,

Variance Nos. 3 and 17 for a proposed three (3)-storey dwelling be **refused**.

APPLICATION

To construct a new detached dwelling with an integral garage. The existing dwelling would be demolished.

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

- Section 10.20.30.40.(1), By-law No. 569-2013**
The maximum permitted lot coverage is 30% of the lot area.
The proposed lot coverage is 32.6% of the lot area.
- Section 10.20.40.10.(2), By-law No. 569-2013**
The maximum permitted height of all side exterior main walls facing a side lot line is 7.5m.
The proposed height of the side exterior main walls facing a side lot line is 8.07m.
- Section 10.20.40.10.(3), By-law No. 569-2013**
The maximum permitted number of storeys is 2.
The proposed number of storeys is 3.
- Section 10.20.40.10.(6), By-law No. 569-2013**
The maximum permitted height of the first floor above established grade is 1.2m.
The proposed height of the first floor above established grade is 2.15m.

5. **Section 10.20.40.70.(1), By-law No. 569-2013**
The minimum required front yard setback is 8.5m.
The proposed front yard setback is 6.5m.
6. **Section 10.20.40.70.(3), By-law No. 569-2013**
The minimum side yard setback is 1.8m.
The proposed west side yard setback is 1.27m.
7. **Section 10.20.40.70.(3), By-law No. 569-2013**
The minimum side yard setback is 1.8m.
The proposed east side yard setback is 1.27m.
8. **Section 10.20.40.50.(1), By-law No. 569-2013**
The maximum permitted number of platforms at or above the second storey located on each wall of a detached house is 1.
The proposed number of platforms located on the front wall is 2 and the proposed number of platforms located on the rear wall is 2.
9. **Section 10.5.40.60.(1), By-law No. 569-2013**
A platform without main walls, attached to or less than 0.3m from a building, with a floor higher than the first floor of the building above established grade may encroach 1.5m into the required front yard setback, if it is no closer to a side lot line than the required side yard setback.
The proposed third floor front balcony encroaches 1.8m into the required front yard setback.
10. **Section 10.5.40.60.(3), By-law No. 569-2013**
Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no wider than 2.0m.
The proposed front stairs are 2.74m wide.
11. **Section 10.5.50.10.(1), By-law No. 569-2013**
The minimum required front yard soft landscaping is 75%.
The proposed front yard soft landscaping is 73.1%.
12. **Section 10.20.40.50.(1), By-law No. 569-2013**
The maximum permitted area of each platform at or above the second storey is 4.0m².
The proposed area of the front second floor balcony is 14.83m², the proposed area of the front third floor balcony is 4.7m² and the proposed area of the rear second floor balcony is 27.47m².
13. **Section 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.8m.
The proposed west side yard setback is 1.27m.
14. **Section 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.8m.
The proposed east side yard setback is 1.27m.

15. **Section 13.2.4, By-law No. 7625**
The maximum permitted lot coverage is 30% of the lot area.
The proposed lot coverage is 32.6% of the lot area.
16. **Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8.8m.
The proposed building height is 10.12m.
17. **Section 13.2.6, By-law No. 7625**
The maximum permitted number of storeys is 2.
The proposed number of storeys is 3.
18. **Section 13.2.6A, By-law No. 7625**
The maximum permitted balcony area is 3.8m².
The proposed area of the front second floor balcony is 14.83m², the proposed area of the front third floor balcony is 4.7m² and the proposed area of the rear second floor balcony is 27.47m².
19. **Section 7.4A, By-law No. 7625**
The minimum required soft landscaping is 75%.
The proposed soft landscaping is 73.1%.
20. **Section 14.2.6A, By-law No. 7625**
The maximum number of balconies is one for each side of the building.
There are 2 balconies at the front of the building and 2 balconies at the rear of the building.
21. **Section 6(9)(k), By-law No. 7625**
The maximum permitted projection of a balcony is 1.6m from the wall.
The front 2nd floor balcony projects 1.8m and the front 3rd floor balcony projects 1.8m.
22. **Section 6(9)(b), By-law No. 7625**
The maximum permitted projection of stairs in the front yard is 2.1m from the porch.
The front stairs project 3.05m.

COMMENTS

The subject property is located south of Finch Avenue and west of Yonge Street and is designated *Neighbourhoods* in the City of Toronto Official Plan. 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. Section 4.1 of the Plan outlines the development policies for *Neighbourhoods*.

Policy 4.1.5 states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- c) Heights, massing, scale and dwelling type of nearby residential properties;

The Plan affirms that no changes will be made through rezoning, minor variance, consent or other public action that are out of 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)(x5) in the new City of Toronto Zoning By-law 569-2013, as amended. The objective of the Zoning By-Law is to establish specific standards as to how land is developed. The intent of the provisions relating to first floor height and number of storeys is to ensure more uniform and consistent built form streetscapes to maintain a standard pattern of development.

The applicant is proposing to construct a new three-storey dwelling with an integral garage. Planning staff have concerns with the variances for first floor height, rear balcony size and proposed number of storeys.

The ground floor plan submitted in support of the application shows 11 risers leading to the front door of the dwelling. Staff recommend that the variance for first floor height be **reduced** to be more in keeping with the character of the neighbourhood.

The proposed dwelling includes a rear balcony of 27.47 m² at a height of 2.15 metres above grade. Staff are concerned with the potential privacy and overlook issues associated with a balcony of this size and height. Staff recommend that the size of the rear balcony be **reduced**.

Additionally, staff recommend that the variances to permit a 3-storey dwelling be **refused** to ensure the dwelling be more in keeping with the existing neighbourhood character.

Respectfully submitted,

CONTACT

Carla Tsang, Assistant Planner

Tel: 416-395-7137

Fax: 416-395-7155

E-mail: ctsang@toronto.ca

SIGNATURE



for Allen Appleby
Director, Community Planning, North York District

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