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**STAFF REPORT**  
Committee of Adjustment  
Application

<b>Date:</b>	June 6, 2014
<b>To:</b>	Chair and Committee Members of the Committee of Adjustment North York District
<b>From:</b>	Allen Appleby, Director, Community Planning, North York District
<b>Ward:</b>	Ward 16 (Eglinton-Lawrence)
<b>Reference:</b>	File No: B029/14NY; A298/14NY; A299/14NY Address: <b>252 HADDINGTON AVENUE</b> Application to be heard: Wednesday, June 25, 2014 at 10:00 a.m.

**RECOMMENDATION**

**Consent Application B029/14NY**

1. Should the Committee choose to approve this application for consent, staff recommend it be made subject to the following conditions:
  - a. Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division.
  - b. A draft Certificate of Official, as prescribed in O.Reg. 197/96 as Form 2 or 4, and 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 this decision.
  - c. 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.
  - d. 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.

- e. This Decision shall become null and void within 12 months unless the Certificate of the Committee of Adjustment is affixed to the relevant documents.

#### **Minor Variance Application A298/14NY**

2. Should the Committee choose to approve this application, staff recommend that the following variances first be modified to be more in keeping with the intent of the Zoning By-law and the intent of the Official Plan:
  - a. Variance Nos. 4 and 14, with regards to proposed lot coverage; and
  - b. Variance Nos. 5 and 12, with regards to proposed building height.

#### **Minor Variance Application A299/14NY**

3. Should the Committee choose to approve this application, staff recommend that the following variances first be modified to be more in keeping with the intent of the Zoning By-law and the intent of the Official Plan:
  - c. Variance Nos. 4 and 12, with regards to proposed lot coverage;
  - d. Variance Nos. 5 and 13, with regards to proposed building height; and
  - e. Variance No. 6, with regards to height of all side exterior main walls facing a side lot line.

## **APPLICATION**

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### **CONSENT APPLICATION**

This application for consent proposes to sever the subject property into two residential lots.

### **THE CONSENT REQUESTED:**

#### **Retained - Part 1**

##### **Address to be assigned**

The frontage is 8.51m and the lot area is 337.07m<sup>2</sup>. The property will be redeveloped as the site of a new detached residential dwelling requiring variances to the Zoning By-law, as outlined in Application A299/14NY.

#### **Conveyed - Part 2**

##### **Address to be assigned**

The frontage is 8.51m and the lot area is 337.07m<sup>2</sup>. The property will be redeveloped as the site of a new detached residential dwelling requiring variances to the Zoning By-law, as outlined in Application A298/14NY.

## **MINOR VARIANCE APPLICATIONS**

### **Application No. A298/14NY**

This application proposes to construct a new two-storey detached dwelling with an integral garage. The existing dwelling would be demolished.

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

1. **Section 10.5.40.10(5), By-law No. 569-2013**  
A minimum of 10m<sup>2</sup> of the first floor must be within 4.0m of the front main wall.  
Proposed 5.57m<sup>2</sup> of the first floor is within 4.0m of the front main wall.
2. **Section 10.20.30.10(1), By-law No. 569-2013**  
The required minimum lot area is 370m<sup>2</sup>.  
The proposed lot area is 337.07m<sup>2</sup>.
3. **Section 10.20.30.20(1), By-law No. 569-2013**  
The required minimum lot frontage is 12m.  
The proposed lot frontage is 8.51m.
4. **Section 10.20.30.40(1), By-law No. 569-2013**  
The permitted maximum lot coverage is 30% of the lot area (101.12m<sup>2</sup>).  
The proposed lot coverage is 34% of the lot area (114.55m<sup>2</sup>)
5. **Section 10.20.40.10(1), By-law No. 569-2013**  
The permitted maximum height of a building or structure is 10m.  
The proposed height of the building is 10.6m.
6. **Section 10.20.40.10(2), By-law No. 569-2013**  
The permitted maximum height of all side exterior main walls facing a side lot line is 7.5m.  
The proposed height of the side exterior main walls is 7.98m
7. **Section 10.20.40.20(1), By-law No. 569-2013**  
The permitted maximum building length for a detached house is 17.0m.  
The proposed building length is 17.27m.
8. **Section 10.20.40.70(3), By-law No. 569-2013**  
The required minimum side yard setback is 1.2m.  
The proposed west side yard setback is 0.61m.

9. **Section 14-A(3), By-law No. 7625**  
The minimum required lot area is 371m<sup>2</sup>.  
The proposed lot area is 337.07m<sup>2</sup>.
10. **Section I 4-A(4), 6(8), By-law No. 7625**  
The minimum required lot frontage and lot width is 12m.  
The proposed lot frontage and lot width is 8.51m.
11. **Section 14-A(5)c, By-law No. 7625**  
The minimum required west side yard setback is 1.2m.  
The proposed west side yard setback is 0.61m.
12. **Section 14-A(8), By-law No. 7625**  
The maximum permitted building height is 8.8m.  
The proposed building height is 10.08m.
13. **Section 114-A(9), By-law No. 7625**  
The maximum permitted building length is 15.3m.  
The proposed building length is 18.03m (includes the front bay window as it projects more than 0.6m from the front wall - the proposed building length without the front bay window is 17.27m).
14. **Section 114-A(6), By-law No. 7625**  
The maximum permitted lot coverage is 30% of the lot area.  
The proposed lot coverage is 34.47% of the lot area (includes the front bay window as this is not a permitted projection).

**Minor Variance Application No. A299/14NY**

This application proposes to construct a new two-storey detached dwelling with an integral garage. The existing dwelling would be demolished.

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

1. **Section 10.5.40.10(5), By-law No. 569-2013**  
A minimum of 10m<sup>2</sup> of the first floor must be within 4.0m of the front main wall.  
Proposed 5.20m<sup>2</sup> of the first floor is within 4.0m of the front main wall.
2. **Section 10.20.30.10(1), By-law No. 569-2013**  
The required minimum lot area is 370m<sup>2</sup>.  
The proposed lot area is 337.07m<sup>2</sup>.
3. **Section 10.20.30.20(1), By-law No. 569-2013**  
The required minimum lot frontage is 12m.  
The proposed lot frontage is 8.51m.

4. **Section 10.20.30.40(1), By-law No. 569-2013**  
The permitted maximum lot coverage is 30% of the lot area (101.15m<sup>2</sup>).  
The proposed lot coverage is 34% of the lot area (114.55m<sup>2</sup>)
5. **Section 10.20.40.10(1), By-law No. 569-2013**  
The permitted maximum height of a building or structure is 10m.  
The proposed height of the building is 10.6m.
6. **Section 10.20.40.10(2), By-law No. 569-2013**  
The permitted maximum 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 8.16m.
7. **Section 10.20.40.20(1), By-law No. 569-2013**  
The permitted maximum building length for a detached house is 17.0m.  
The proposed building length is 17.27m.
8. **Section 10.20.40.70(3), By-law No. 569-2013**  
The required minimum side yard setback is 1.2m.  
The proposed east side yard setback is 0.61m.
9. **Section 14-A(3), By-law No. 7625**  
The minimum required lot area is 371m<sup>2</sup>  
The proposed lot area is 337.07m<sup>2</sup>.
10. **Section 14-A(4), 6(8), By-law No. 7625**  
The minimum required lot frontage and lot width is 12m.  
The proposed lot frontage and lot width is 8.51m.
11. **Section 14-A(5)c, By-law No. 7625**  
The minimum required east side yard setback is 1.2m.  
The proposed east side yard setback is 0.61m.
12. **Section 14-A(6), By-law No. 7625**  
The maximum permitted lot coverage is 30% of the lot area.  
The proposed lot coverage is 34.99% of the lot area (includes the front bay window as it is not a permitted projection).
13. **Section 14-A(8), By-law No. 7625**  
The maximum permitted building height is 8.8m.  
The proposed building height is 9.92m.
14. **Section 14-A(9), By-law No. 7625**  
The maximum permitted building length is 15.3m.  
The proposed building length is 18.03m with the front bay window and 17.27m without the front bay window.

**15. Section 6(30)a, By-law No. 7625**

The maximum finished first floor height is 1.5m.

The proposed finished first floor height is 1.78m.

## **COMMENTS**

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The subject property is located on the north side of Haddington Avenue, east of Bathurst Street. It is zoned *R6(20)* under the North York Zoning By-law No. 7625 and *RD(f12.0; a370)(x1463)* under the citywide City of Toronto Zoning By-law 569-2013. The applicant proposes to sever the existing lands, creating two building lots. On the resultant lots, the applicant proposes the construction of two new single detached dwellings with an integral garage. The existing dwelling on the lot will be demolished.

### **Consent Application**

A review of lotting patterns was completed. The lot study area included Joicey Boulevard to the north, Brooke Avenue to the south, Bathurst Street to the west, and Avenue Road to the east. The lot frontages range between 6.7 metres and 25.5 metres, with the average being 12.9 metres. With respect to lot area, the surveyed lots range between 255.5 square metres and 1011.4 square metres, with the average being approximately 496.9 square metres. The proposed lot patterning is in keeping with the pattern of nearby residential lot patterns.

### **Minor Variance Applications**

The subject property 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 outlines the development policies for *Neighbourhoods*. The preamble to the development criteria states that, *physical changes to our established Neighbourhoods must be sensitive, gradual, and generally "fit" the existing physical character of the neighbourhood, including in particular:*

*c) height, massing, scale and dwelling type of nearby residential properties;*

Zoning By-law provisions ensure that development is appropriate on a given site, and compatible with the surrounding context. The Official Plan states that no changes will be made to the Zoning By-law through re-zoning, minor variance, consent, or other public actions that are not in keeping with the character of the neighbourhood.

Lot coverage is devised, in part, to regulate the size of structures to maintain a consistent pattern of development. Staff have concerns with the coverage proposed at 34% whereas new dwellings generally maintain a 33% lot coverage as approved by the Committee of Adjustment.

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Staff are of the opinion that the proposed building height is contrary to the intent of the Zoning By-law and the Official Plan. An analysis of the nearby residential properties on reveals that the building heights have been approved at 9.3 metres, as measured by the North York Zoning By-law No. 7625.

With regards to application A299/14NY, the proposal requests a height of 8.16 metres for all side exterior main walls facing a side lot line. Application A298/14NY has the same variance at 7.98 metres, which staff does not have an issue with and is of the opinion that the 8.16 metres should be reduced to below 8 metres.

### **Recommendation**

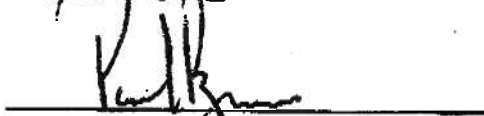
Should the Committee choose to approve this application for consent, staff recommend it be subject to the conditions as set out in this report.

With respect to the minor variance applications, should Committee choose to approve the applications, staff recommend that the proposed lot coverage and building height be reduced to be more in keeping with the intent of the zoning by-law and Official Plan. Staff further recommend that the height of all side exterior main walls facing a side lot line be reduced with respect to application A299/14NY to be more in keeping with the intent of the zoning by-law and Official Plan.

### **CONTACT**

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### **SIGNATURE**



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