STAFF REPORT
Committee of Adjustment
Application

Date: June 13, 2014

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. B028/14NY (Consent), A293/14NY, A294/14NY and A295/14NY
(Variance)
Address: 176 & 178 Caribou Rd
Application to be heard: June 25, 2014

RECOMMENDATION

Staff recommends that the proposed Consent and associated Variance applications be refused.

APPLICATIONS

The first application is to obtain Consent to Sever two properties into three undersized lots. Associated with this application are three Minor Variance applications related to the size of the lots created and the proposed development of each lot.

CONSENT REQUESTED

Retained - Part 1
Address to be assigned
The frontage is 10.39m and the lot area is 370.51m². 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 A293/14NY.

Conveyed - Part 2
Address to be assigned
The frontage is 5.20m and the lot area is 185.30m². Part 2 will be redeveloped together with Part 3 as the site of a new detached residential dwelling requiring variances to the Zoning By-law, as outlined in Application A294/14NY.

Conveyed - Part 3
Address to be assigned
The frontage is 5.20m and the lot area is 185.30m². Part 3 will be redeveloped together with Part 2 as the site of a new detached residential dwelling requiring variances to the Zoning By-law, as outlined in Application A294/14NY.
Conveyed - Part 4
Address to be assigned
The frontage is 10.39m and the lot area is 370.51m². 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 A295/14NY.

File numbers B028/14NY, A293/14NY, A294/14NY and A295/14NY will be considered jointly.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW (A293/14NY, A294/14NY & A295/14NY):

1. Section 10.5.40.70.(1), By-law No. 569-2013
   The minimum required front yard setback is 7.00m.
   The proposed front yard setback is 5.99m.

2. Section 13.2.2.(a), By-law No. 7625
   The minimum required front yard setback is 7.50m.
   The proposed front yard setback is 5.99m.

3. Section 10.20.30.10.(1), By-law No. 569-2013
   The minimum required lot area is 550.00m².
   The proposed lot area is 370.52m².

4. Section 13.2.2, By-law No. 7625
   The minimum required lot area is 550.00m².
   The proposed lot area is 370.52m².

5. Section 10.20.30.20.(1), By-law No. 569-2013
   The minimum required lot frontage is 15.00m.
   The proposed lot frontage is 10.39m.

6. Section 13.2.1, By-law No. 7625
   The minimum required lot frontage and width is 15.00m.
   The proposed lot frontage and width is 10.39m.

7. Section 10.20.30.40.(1), By-law No. 569-2013
   The maximum permitted lot coverage is 35.00% of the lot area.
   The proposed lot coverage is 41.42% of the lot area.

8. Section 13.2.4, By-law No. 7625
   The maximum permitted lot coverage is 35.00% of the lot area.
   The proposed lot coverage is 41.42% of the lot area.

9. Section 13.2.6, By-law No. 7625
   The maximum permitted building height is 8.00m.
   The proposed building height is 9.34m.

10. Section 10.20.40.10.(4) By-law No. 569-2013
    The maximum permitted building height is 7.20m.
    The proposed building height is 9.34m.

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11. Section 10.20.40.70.(3), By-law No. 569-2013
The minimum required side yard setback is 1.80m.
The proposed east side yard setback is 0.61m.

12. Section 13.2.3(8), By-law No. 7625
The minimum required side yard setback is 1.50m.
The proposed east side yard setback is 0.61m.

13. Section 10.20.40.70.(3), By-law No. 569-2013
The minimum required side yard setback is 1.80m.
The proposed west side yard setback is 0.61m.

14. Section 13.2.3(8), By-law No. 7625
The minimum required side yard setback is 1.50m.
The proposed west side yard setback is 0.61m.

15. Section 10.20.40.70.(4), By-law No. 569-2013
The maximum permitted number of storeys is two (2).
The proposed number of storeys is three (3).

16. Section 10.5.40.60.(1), By-law No. 569-2013
Eaves of a roof may encroach into a required minimum building setback a maximum of 0.90m, if they are no closer to a lot line than 0.30m.
The proposed eaves project 0.45m and are 0.15m from the east and west lot lines.

COMMENTS

The subject development is located south of Lawrence Avenue West and east of Bathurst Street with frontage along Caribou Road. The existing properties municipally known as 176 and 178 Caribou Road, have a frontage of 15.6m and an area of 557m². The site is designated Neighbourhoods in the City of Toronto Official Plan and is zoned R4 in former City of North York Zoning By-law No. 7625 and RD in the new City-wide Zoning By-law 569-2013.

The applicant is seeking to sever and amalgamate the 2 existing lots into 3 separate lots and construct 3 detached 3-storey homes with associated variances including minimum required lot frontage, lot coverage, height, number of stories and setbacks.

Staff have conducted an analysis of the sizes and frontages of R4 and RD lots in the surrounding area. This study demonstrated that the predominant character of the immediate area is lots that have a frontage of 12.2m or greater. The average lot frontage is 15.6m with an average lot area of 588.4m². There are 284 lots in the study area, 14 of which have frontages less than 12.2m. In this regard, the proposed consent would create 3 of the smallest lots in the area.

A number of consent applications to the Committee of Adjustment to create undersized lots within the neighbourhood have been received, with frontages ranging from 7.81m to 10.87m. Such applications have been consistently refused by Committee and subsequently approved by the OMB.

The proposed consent application is also accompanied by minor variance applications relating to building height, lot frontage and area, coverage, side yard setbacks and number of storeys. Staff are of the opinion the proposed GFA, height and number of storeys are not consistent with the
context of the surrounding neighbourhood. Additionally, the increased GFA results in dwellings that have reduced setbacks on all sides.

The Official Plan establishes the development policies for Neighbourhoods and states that development will respect and reinforce the existing physical character of the neighbourhood, with respect to lot size, massing and setbacks. Staff are of the opinion the proposed Consent and related Variances do not meet the intent and purpose of the Official Plan nor the Zoning By-law and would set a further precedent for such undersized lots in the area.

Given the existing character of built form and pattern of development on larger lots found in the study area, staff are of the opinion that the creation of smaller lots by severance would be undesirable or inappropriate in this instance. As such, staff recommends all applications be refused.

Respectfully submitted,

CONTACT

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SIGNATURE

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B028/14NY, A293/14NY, A294/14NY, A295/14NY

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