



STAFF REPORT
Committee of Adjustment
Application

Date:	November 19, 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 25 (Don Valley West)
Reference:	File No: A589/14NY Address: 23 BRIAN CLIFF DRIVE Application to be heard: Wednesday, November 26, 2014

RECOMMENDATION

Should the Committee choose to approve this application, staff recommend that:

1. Variance numbers 5 and 9, with respect to proposed lot coverage, first be modified to be more in keeping with the intent of the Zoning By-law and the Official Plan; and
2. The proposed driveway be constructed with permeable surfaces.

APPLICATION

This application proposes to construct a new two-storey dwelling with an integral garage. The existing dwelling would be demolished. Please be advised the subject property went before the Committee of Adjustment on September 4, 2014, DEFERRED SINE DIE, in order to allow the applicant an opportunity to meet with the neighbours for further consultation.

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

1. **Section 10.5.100.1, By-law No. 569-2013**
The maximum permitted driveway width is 6m.
The proposed driveway width is 8.89m.

2. **Section 10.20.40.10.(4), By-law No. 569-2013**
The maximum permitted height of the building is 7.2m.
The proposed height of the building is 10.66m.
3. **Section 900.13.10(70), By-law No. 569-2013**
The minimum required side yard setback is 2.4m.
The proposed north side yard setback is 2.01m.
4. **Section 900.13.10(70), By-law No. 569-2013**
The minimum required side yard setback is 2.4m.
The proposed south side yard setback is 1.89m and 1.68m to the rear excavated porch.
5. **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 36.7% of the lot area.
6. **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 exterior stairs are 3.2m wide.
7. **Section 10.5.80.40.(1), By-law No. 569-2013**
The maximum permitted combined width of all vehicle entrances through the front main wall of the residential building is 6.0m.
The proposed combined width of all vehicle entrances through the front main wall is 7.32m.
8. **Section 10.5.50.10.(1), By-law No. 569-2013**
The minimum required front yard landscaping is 60%.
The proposed front yard landscaping is 47.9%.
9. **Section 11.2.5, By-law No. 7625**
The maximum permitted lot coverage is 30% of the lot area.
The proposed lot coverage is 36.7% of the lot area.
10. **Section 11.2.4(b), By-law No. 7625**
The minimum required side yard setback is 2.4m.
The proposed north side yard setback is 2.01m.
11. **Section 11.2.4(b), By-law No. 7625**
The minimum required side yard setback is 2.4m.
The proposed south side yard setback is 1.89m and 1.68m to the rear excavated porch.

- 12. Section 11.2.6, By-law No. 7625**
The maximum permitted building height is 8.8m.
The proposed building height is 9.3m.
- 13. Section 7.4A, By-law No. 7625**
The minimum required front yard landscaping is 60%.
The proposed front yard landscaping is 47.9%.
- 14. Section 6A(5)a, By-law No. 7625**
The maximum permitted driveway width is 6m.
The proposed driveway width is 8.89m.

COMMENTS

The subject property is located on the east side of Brian Cliff Drive, west of Leslie Street. The property is zoned *R2* under North York Zoning By-law No. 7625 and zoned *RD (f21.0; a975) (x70)* in the new City of Toronto Zoning By-law No. 569-2013. This application proposes to construct a new two-storey dwelling with an integral garage.

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 on a given lot. This application requests a lot coverage of 36.7%, whereas the zoning bylaw permits 30% lot coverage. The highest approval for increased lot coverage for new dwellings nearby to the subject property has been 8 Blaine Drive, which was approved at 33%. Staff are of the opinion that the proposed lot coverage is contrary to the intent of the zoning by-law and the Official Plan.

The applicant is also requesting relief from the Zoning By-law by reducing the minimum required front yard landscaping for the purposes of installing a circular driveway. Front yard landscaping is devised, in part, for stormwater management on the property. The applicant has indicated to staff that they wish to revise variance numbers 8 and 13, with

respect to the proposed front yard landscaping, to be more in keeping with the intent of the zoning by-law. In addition, to ensure that rainwater and snowmelt can be properly managed on site, staff recommend that the driveway be constructed with permeable surfaces.

Should the Committee choose to approve this application, staff recommend that the proposed lot coverage be reduced to be more in keeping with the intent of the zoning by-law and the Official Plan. Moreover, in order to ensure proper stormwater management on site, staff recommend that the driveway be constructed with permeable surfaces.

CONTACT

Kaitlyn Graham, Assistant Planner

Tel: 416 395-7052

Fax: 416-395-7155

E-mail: kgraham@toronto.ca

SIGNATURE

Allen Appleby
Director, Community Planning, North York District
A589/14NY