



STAFF REPORT
Committee of Adjustment
Application

Date:	June 30, 2015
To:	Chair and Committee Members of the Committee of Adjustment North York District
From:	Joe Nanos, Director, Community Planning, North York District
Ward:	Ward 16 (Eglinton-Lawrence)
Reference:	File No: A0479/15NY Address: 75 LYTTON BOULEVARD Application to be heard: Thursday, July 9, 2015

RECOMMENDATION

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 Official Plan:

1. Variance Nos. 4 and 11 with respect to floor space index and gross floor area.
2. Variance Nos. 2 and 3 with respect to building length and depth.

APPLICATION

To construct a new two-storey addition to the rear south portion of the existing three-storey dwelling. The applicant is also proposing to construct a new detached garage at the rear of the property. The existing rear one-storey addition and detached garage would be demolished. Please be advised the subject property went before the Committee of Adjustment on April 22, 2014, which sought variances related to building length, exterior main wall height, Floor Space Index, side yard setback and Gross Floor Area, the application was approved.

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

1. **Chapter 10.20.40.10.(2), By-law No. 569-2013**
The maximum permitted height of all rear exterior main walls is 7.50m.
The proposed height of the rear exterior main wall is 9.71m.

2. **Chapter 10.20.40.20.(1), By-law No. 569-2013**
The maximum permitted building length is 17.00m.
The proposed building length is 19.41m.
3. **Chapter 10.20.40.30.(1), By-law No. 569-2013**
The maximum permitted building depth is 19.00m.
The proposed building depth is 19.61m.
4. **Chapter 10.20.40.40.(1), By-law No. 569-2013**
The maximum permitted floor space index is 0.35 times the lot area.
The proposed floor space index is 0.76 times the lot area.
5. **Chapter 10.20.40.70.(3), By-law No. 569-2013**
The minimum required side yard setback is 1.50m.
The existing and proposed west side yard setback is 0.96m.
6. **Section 6(3), Part II 3.B(II), By-law No. 438-86**
The minimum required side yard setback for the portion of the dwelling exceeding 17.00m in depth is 7.50m.
The existing and proposed west side yard setback is 0.96m.
7. **Section 6(3), Part II 3.B(II), By-law No. 438-86**
The minimum required side yard setback for the portion of the dwelling exceeding 17.00m in depth is 7.50m.
The existing and proposed east side yard setback is 2.64m.
8. **Section 6(3) Part I 2, By-law No. 438-86**
The maximum permitted gross floor area for an accessory structure is 5.00% of the lot area; 30.78m².
The proposed gross floor area of the accessory structure is 37.72m².
9. **Section 6(3) Part II 7 (i), By-law No. 438-86**
The minimum required setback from all lot lines for an accessory structure is 3.00m.
The proposed accessory structure is setback 0.30m from the east lot line.
10. **Section 6(3) Part II 7 (i), By-law No. 438-86**
The minimum required setback from all lot lines for an accessory structure is 3.00m.
The proposed accessory structure is setback 0.30m from the south lot line.
11. **Section 6(3) Part I 1, By-law No. 438-86**
The maximum permitted gross floor area is 0.35 times the lot area.
The proposed gross floor area is 0.76 times the lot area.

COMMENTS

The subject property is located on the south side of Lytton Boulevard, west of Yonge Street. The property is zoned *R1 Z0.35* under Toronto By-law No. 438-86, and *RD(f15.; d0.35)(x1409)* in the City of Toronto Zoning By-law No. 569-2013.

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.

The application proposes to construct a new two-storey addition to the rear of the existing two-storey dwelling. Floor space index (FSI) and gross floor area (GFA) are devised, in part, to regulate the size and massing of structures on a given lot. The proposal requests an FSI and GFA of 0.76, whereas an FSI and GFA of 0.35 is permitted. The majority of additions to existing dwellings nearby to the subject property have been approved at 0.67 or below. Staff are of the opinion that the proposed FSI and GFA is contrary to the intent of the Official Plan and Zoning By-law.

Building length is devised, in part, to regulate the size of structures to maintain a consistent pattern of development between neighbouring properties. The application proposes a building length of 19.41m metres whereas 17.0 metres is permitted under the new City of Toronto Zoning By-law No. 569-2013. The proposed addition results in a much longer length than nearby residential properties. The proposed building length and depth do not maintain the general massing and scale of the neighbourhood. Staff believe that the proposed building length is contrary to the intent of the Zoning By-law and the Official Plan.

Should the Committee choose to approve this application, staff recommends that the GFA/FSI, building length and depth be reduced to be more in keeping with the intent of the Official Plan and Zoning By-law.

CONTACT

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SIGNATURE

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