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STAFF REPORT
Committee of Adjustment
Application

Date:	Thursday, October 23, 2014
To:	Chair and Committee Members of the Committee of Adjustment North York District
From:	Allen Appleby, Director, Community Planning, North York District
Wards:	Ward 23 - Willowdale
Reference:	File No. B054/14NY, A715/14NY, A716/14NY Address: 6 STUART AVENUE Application to be heard: Wednesday, November 5, 2014 at 9:30 a.m.

RECOMMENDATION

Staff recommend that the Committee refuse these applications.

APPLICATION

To divide a parcel of residential lands into two parts for conveyance purposes for the creation of a new residential building lot.

The lands concerned have a lot frontage of 15.24 metres fronting onto the north side of Stuart Avenue, having a depth of 42.7 metres and an area of 650.32 m². The existing dwelling would be demolished and a two storey detached dwelling would be constructed on each lot.

Parts 1 and 2, as shown on the attached drawing would have a frontage of 7.62 metres on the north side of Stuart Avenue, a depth of 42.7 meters and an area of 325.16 m².

The owner has also applied for variances A715/14NY & A716/14NY to permit the proposed two-storey dwellings and would be considered jointly by the Committee.

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

A715/14NY – 6 STUART AVENUE – PART 2

1. Section 10.5.40.10(5), By-law No. 569-2013
A minimum of 10m² of the First Floor area must be within 4m of the front wall.
There is 3.2m² proposed within 4m of the front wall.
2. Section 10.20.30.10(1), By-law No. 569-2013
The required minimum lot area is 550m².
The proposed lot area is 325.16m².

3. Section 10.20.30.20(1), By-law No. 569-2013
The required minimum lot frontage is 15.0m.
The proposed lot frontage is 7.62m.
4. Section 10.20.30.40.(1), By-law No. 569-2013
The permitted maximum lot coverage is 30.0% of the lot area: 97.55m².
The proposed lot coverage is 31.95% of the lot area: 103.88m².
5. Section 10.20.40.10(1), By-law No. 569-2013
The permitted maximum height of a building or structure is 10.0m.
The proposed height of the building is 10.23m.
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 7.82m.
7. Section 10.20.40.20.(1), By-law No. 569-2013
In the RD zone with a minimum required lot frontage of 18.0m or less, the permitted maximum building length for a detached house is 17.0m.
The proposed building length is 18.03m.
8. Section 10.20.40.70(3), 900.3.10(5) - Exceptions for RD Zone, By-law No. 569-2013
The required minimum side yard setbacks are 1.8m each side.
The proposed West side yard setback is 0.61m.
9. Section 10.20.40.70(3), 900.3.10(5) - Exceptions for RD Zone, By-law No. 569-2013
The required minimum side yard setbacks are 1.8m each side.
The proposed East side yard setback is 1.22m.
10. Section 13.2.1, By-law No. 7625
The minimum required lot frontage is 15.0m.
The proposed lot frontage is 7.62m.
11. Section 13.2.2, By-law No. 7625
The minimum required lot area is 550m².
The proposed lot area is 325.16m²
12. Section 13.2.3(a), By-law No. 7625
The minimum required front yard setback is 7.5m +/- 1.0m.
The proposed front yard setback is 6.18m.
13. Section 13.2.3(b), By-law No. 7625
The minimum required side yard setbacks are 1.5m each side.
The proposed West side yard setback is 0.61m.
14. Section 13.2.3(b), By-law No. 7625
The minimum required side yard setbacks are 1.5m each side.
The proposed East side yard setback is 1.22m.

15. Section 13.2.4, By-law No. 7625
The maximum permitted lot coverage is 30.0% of the lot area.
The proposed lot coverage is 31.95% of the lot area.
16. Section 13.2.5A, By-law No. 7625
The maximum permitted building length is 16.8m.
The proposed building length is 18.03m.
17. Section 13.2.6, By-law No. 7625
The maximum permitted building height is 8.8m.
The proposed building height is 9.73m.
18. Section 6(30)a, By-law No. 7625
The maximum finished first floor height is 1.5m.
The proposed finished first floor height is 1.8m.
19. Section 6(8), By-law No. 7625
The minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed: 15.0m.
The proposed lot width is 7.62m

A716/14NY – 6 STUART AVENUE – PART 1

1. Section 10.5.40.10(5), By-law No. 569-2013
A minimum of 10m² of the First Floor area must be within 4m of the front wall.
There is 3.2m² proposed within 4m of the front wall.
2. Section 10.20.30.10(1), By-law No. 569-2013
The required minimum lot area is 550m².
The proposed lot area is 325.16m².
3. Section 10.20.30.20(1), By-law No. 569-2013
The required minimum lot frontage is 15.0m.
The proposed lot frontage is 7.62m.
4. Section 10.20.30.40.(1), By-law No. 569-2013
The permitted maximum lot coverage is 30.0% of the lot area: 97.55m².
The proposed lot coverage is 31.95% of the lot area: 103.88m².
5. Section 10.20.40.10(1), By-law No. 569-2013
The permitted maximum height of a building or structure is 10.0m.
The proposed height of the building is 10.23m.
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 7.82m.
7. Section 10.20.40.20.(1), By-law No. 569-2013

In the RD zone with a minimum required lot frontage of 18.0m or less, the permitted maximum building length for a detached house is 17.0m.
The proposed building length is 18.03m.

8. Section 10.20.40.70(3), 900.3.10(5) - Exceptions for RD Zone, By-law No. 569-2013

The required minimum side yard setbacks are 1.8m each side.

The proposed West side yard setback is 1.22m.

9. Section 10.20.40.70(3), 900.3.10(5) - Exceptions for RD Zone, By-law No. 569-2013

The required minimum side yard setbacks are 1.8m each side.

The proposed East side yard setback is 0.61m.

10. Section 13.2.1, By-law No. 7625

The minimum required lot frontage is 15.0m.

The proposed lot frontage is 7.62m.

11. Section 13.2.2, By-law No. 7625

The minimum required lot area is 550m².

The proposed lot area is 325.16m²

12. Section 13.2.3(a), By-law No. 7625

The minimum required front yard setback is 7.5m +/- 1.0m.

The proposed front yard setback is 6.18m.

13. Section 13.2.3(b), By-law No. 7625

The minimum required side yard setbacks are 1.5m each side.

The proposed West side yard setback is 1.22m.

14. Section 13.2.3(b), By-law No. 7625

The minimum required side yard setbacks are 1.5m each side.

The proposed East side yard setback is 0.61m.

15. Section 13.2.4, By-law No. 7625

The maximum permitted lot coverage is 30.0% of the lot area.

The proposed lot coverage is 31.95% of the lot area.

16. Section 13.2.5A, By-law No. 7625

The maximum permitted building length is 16.8m.

The proposed building length is 18.03m.

17. Section 13.2.6, By-law No. 7625

The maximum permitted building height is 8.8m.

The proposed building height is 9.82m.

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

The maximum finished first floor height is 1.5m.

The proposed finished first floor height is 1.89m.

19. Section 6(8), By-law No. 7625

The minimum lot width is not to be less than the lot frontage for the zone in which the

building is to be constructed: 15.0m.
The proposed lot width is 7.62m

COMMENTS

The subject property is located west of Yonge Street and south of Sheppard Avenue West. The applicant proposes to sever the subject property creating two lots, each having a frontage of 7.62 metres and lot area of 325.16 m². The applicant further proposes to construct a two-storey detached dwelling on each of the proposed lots.

The property is designated *Neighbourhoods* in the Toronto Official Plan. Section 4.1 of the Plan outlines the development policies for *Neighbourhoods*. 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. The preamble to the development criteria states, "Physical changes to our established *Neighbourhoods* must be sensitive, gradual and generally "fit" the existing neighbourhood character."

Policy 4.1.5 outlines development criteria for established *Neighbourhoods*. Development in established *Neighbourhoods* will respect and reinforce the existing physical character of the area, with regard to:

b) size and configuration of lots

The Plan affirms that no changes will be made with respect to rezoning, minor variance, consent or other public action that are not in keeping with the physical character of the neighbourhood.

The subject property is zoned R4 in the former City of North York Zoning By-Law 7625, as amended, and RD (f15.0; a550) under City of Toronto Zoning By-law 569-2013, as amended. Under this zoning, a minimum lot frontage of 15 metres and a lot area of 550 square metres is required. The objective of the Zoning By-Law is to establish specific standards as to how land is developed. Minimum requirements for lot frontage and area are devised to achieve more uniform and consistent streetscapes and to maintain a standard pattern of development.

Decision History

In 2012, a severance was granted at 14 Stuart Crescent by the Ontario Municipal Board. This property had a lot frontage of 15.24 metres on the north side of Stuart Crescent, an area of 617.80 m², and was zoned R6 in the former City of North York By-Law 7625. The proposed lots each had a frontage of 7.62 metres and an area of 308.90 m². The application had originally been refused at the Committee of Adjustment.

In January 2014, a severance was granted by the Ontario Municipal Board at 51 Stuart Crescent, for an irregular shaped lot with a frontage of 12.99 meters, an average depth of 41.75 metres and an area of 897.78 m². This property was zoned R6 in the former City of North York By-Law 7625. The proposed lots had a frontage of 6.14 metres (Part 1) and 6.85 metres (Part 2), and lot areas of 528.67 m² and 369.11 m², respectively. Staff were opposed to the severance, and the application had originally been refused at the Committee of Adjustment.

Lot Study Findings

Staff conducted analyses of the frontages, depths and areas of lots found in the neighbourhood. The properties contained within the study area are zoned R4 and R6. Of the 99 lots studied, 43% have frontages between 12.2 metres and 15.2 metres and 18% have frontages greater than 15.2 metres. Properties with frontages between 7.62 metres and 9.1 metres (similar to the lots proposed) constitute 14% of the lots within the study area. This represents a minority of the lots that make up the character of the neighbourhood.

Recommendation

After examining the findings of the lot study, Planning staff are of the opinion that the subject property in its current form maintains and reinforces the stability of the neighbourhood. A severance of this property does not respect the physical character of lots in the neighbourhood and does not meet the Zoning By-law regulations for the R4 zone. As such, Planning staff recommend that the following applications be refused.

Respectfully submitted,

CONTACT

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SIGNATURE



for Allen Appleby
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