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STAFF REPORT
Committee of Adjustment
Application

Date:	October 24, 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 23 (Willowdale)
Reference:	File No. B020/13NY, A309/13NY and A310/13NY Address: 57 HORSHAM AVENUE Application to be heard: Wednesday, November 5, 2014 at 3:30 p.m.

RECOMMENDATION

Planning staff recommend that the applications be **refused**.

APPLICATION

This application is for the consent of the Committee of Adjustment to the division of 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 18.29 m fronting onto the south side of Horsham Avenue, having an average depth of 41.26 m and an area of 754.5 m². The lands presently contain a single detached dwelling, municipally known 57 Horsham Avenue.

The existing single detached dwelling would be demolished and a new dwelling is proposed to be constructed on each of the resulting lots.

Parts 1 and 2 on the plan would have a lot frontage of 9.145 m fronting onto the north side of Horsham Avenue. Both parts would have an average depth of 41.26 m and an area of 376.96 m².

The owner has also applied for variances A309/13NY and A310/13NY to permit the proposed dwellings and would be considered jointly by the Committee. This application was deferred at the July 4, 2013 and August 28, 2013 meetings of the Committee of Adjustment at the request of the applicant.

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

A309/13NY – WEST 9.145 M OF 57 HORSHAM AVENUE – PART 1

North York Zoning By-law No. 7625

1. **Section 13.2.1, By-law No. 7625 and Section 6(8), By-law No. 7625**
The minimum required lot frontage and width is 15.00m.
The proposed lot frontage and width is 9.145m.
2. **Section 13.2.2, By-law No. 7625**
The minimum required lot area is 550.00m².
The proposed lot area is 376.96m².
3. **Section 13.2.3(b), By-law No. 7625**
The minimum required west side yard setback is 1.50m.
The proposed west side yard setback is 1.22m.
4. **Section 13.2.3(b), By-law No. 7625**
The minimum required east side yard setback is 1.50m.
The proposed east side yard setback is 0.60m.
5. **Section 13.2.4, By-law No. 7625**
The maximum permitted lot coverage is 30.00% of the lot area.
The proposed lot coverage is 33.32% of the lot area.
6. **Section 13.2.5A, By-law No. 7625**
The maximum permitted building length is 16.80m.
The proposed building length is 17.17m.
7. **Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8.80m.
The proposed building height is 9.30m.
8. **Section 6(24)(d)(ii)(A), By-law No. 7625**
The minimum required west side yard setback to the rear deck is 1.50m.
The proposed west side yard setback is 1.22m to the rear deck.

A310/13NY – EAST 9.145 M OF 57 HORSHAM AVENUE – PART 2

North York Zoning By-law No. 7625

1. **Section 13.2.1, By-law No. 7625 and Section 6(8), By-law No. 7625**
The minimum required lot frontage and width is 15.00m.
The proposed lot frontage and width is 9.145m.
2. **Section 13.2.2, By-law No. 7625**
The minimum required lot area is 550.00m².
The proposed lot area is 376.96m².

3. **Section 13.2.3(b), By-law No. 7625**
The minimum required west side yard setback is 1.50m.
The proposed west side yard setback is 0.60m.
4. **Section 13.2.3(b), By-law No. 7625**
The minimum required east side yard setback is 1.50m.
The proposed east side yard setback is 1.22m.
5. **Section 13.2.4, By-law No. 7625**
The maximum permitted lot coverage is 30.00% of the lot area.
The proposed lot coverage is 33.32% of the lot area.
6. **Section 13.2.5A, By-law No. 7625**
The maximum permitted building length is 16.80m.
The proposed building length is 17.17m.
7. **Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8.80m.
The proposed building height is 9.22m.
8. **Section 6(24)(d)(ii)(A), By-law No. 7625**
The minimum required east side yard setback to the rear deck is 1.50m.
The proposed east side yard setback is 1.22m to the rear deck.

COMMENTS

The subject property is located south of Finch Avenue West and west of Yonge Street. The applicant proposes to sever the subject property that would have the effect of creating two lots, each having frontage of 9.145 m, depth of 41.22 m, and an area of 376.96 m²

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 character."

Policy 4.1.5 outlines development criteria for in 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
- c) heights, massing, scale and dwelling type of nearby residential properties;

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.

Staff conducted analyses of the frontages, depths and areas of R4 zoned lots in the area generally bounded by Santa Barbara Road to the north, Churchill Avenue to the south, Beecroft Road to the

east and Abbotsford Road to the west. Of the 225 lots studied, the majority of lots fall between 15.2 m (50 ft) and 18.3 m (59.9 ft). There are 5 lots that have frontages between 7.62 m and 9.1 m and 41 lots that have frontages between 9.1 m and 12.2 m. There are no lots with frontages less than 7.62 m contained within the study area.

With respect to the variances requested as part of this application, Policy 4.1.5 of the Official Plan states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular:

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

The subject property is zoned R4, in the former City of North York By-Law No. 7625 as amended. The objective of the Zoning By-Law is to establish specific standards as to how land is developed. Provisions relating to lot frontage, lot area, side yard setbacks, building length, building height, and lot coverage are devised to achieve more uniform and consistent built form streetscapes to maintain a standard pattern of development.

Following the August 28, 2013 meeting of the Committee of Adjustment, the applicant has made the following changes to the application:

- Reduced the lot coverage from 33.89% to 33.32%.
- Reduced the height of the proposed dwelling on Part 2 from 9.3 m to 9.22 m for both dwellings.
- Reduced the building length from 17.48 m to 17.17 m on both Parts 1 and 2;
- Removed variances for finished first floor height for both Parts 1 and 2;

While it is acknowledged that changes have been made to the proposal, staff have concerns with the variances requested for lot coverage, building height, and east (Part 1) and west (Part 2) side yard setbacks.

Planning staff are of the opinion that the subject lot, in its current form, maintains and reinforces the stability and character of the neighbourhood and approval of a severance on a lot this size could risk weakening the character of this neighbourhood. The suitability of the land for the purposes for which it is to be subdivided has not been demonstrated by the proposal. Staff recommends that the applications be refused in order to respect and reinforce neighbourhood character.

Respectfully submitted,

CONTACT

Jason Brander, Planner
Tel: 416-395-7124
Fax: 416-395-7200
E-mail: jbrande@toronto.ca

SIGNATURE



for Allen Appleby
Director, Community Planning, North York District

B020/13NY, A309/13NY and A310/13NY - **57 HORSHAM AVENUE**