



STAFF REPORT
Committee of Adjustment
Application

Date:	October 7, 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 24 (Willowdale)
Reference:	File No: A0789/15NY Address: 30 FLEMING DRIVE Application to be heard: Thursday, October 15, 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:

1. Variance No. 4 with respect to the proposed building height.

Further, staff recommend that the following variance be refused:

1. Variance No. 7 with respect to the proposed number of storeys.

APPLICATION

This application proposes to construct a new three-storey dwelling with an integral garage. The existing dwelling would be demolished.

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

1. **Chapter 10.5.50.10.(1)(C), By-law No. 569-2013**
The minimum required front yard landscaping is 60.00% of the front yard area.
The proposed front yard landscaping is 56.50% of the front yard area.
2. **Chapter 10.5.100.1.(1)(c)(i), By-law No. 569-2013**
The maximum permitted driveway width is 6.00m.
The proposed driveway width is 9.30m.

3. **Chapter 10.5.40.60.(3), By-law No. 569-2013**
Exterior stairs providing access to a building may encroach into a required building setback if the stairs are no wider than 2.00m.
The proposed front stairs are 3.30m wide.
4. **Chapter 12.7, By-law No. 7625**
The maximum permitted building height is 8.80m.
The proposed building height is 10.26m.
5. **Chapter 12.5A, By-law No. 7625**
The maximum permitted building length is 16.80m.
The proposed building length is 22.70m.
6. **Chapter 6(30)a, By-law No. 7625**
The maximum permitted finished first floor height is 1.50m.
The proposed finished first floor height is 2.84m.
7. **Chapter 12.7, By-law No. 7625**
The maximum permitted number of storeys is two (2).
The proposed number of storeys is three (3).
8. **Chapter 7.4A, By-law No. 7625**
The minimum required front yard landscaping is 60.00% of the front yard area.
The proposed front yard landscaping is 56.50% of the front yard area.
9. **Chapter 6(9)(f), By-law No. 7625**
Porches shall be permitted to project into the minimum front yard setback not more than 2.10m.
The proposed front porch projects 2.44m.
10. **Chapter 6A(5)(a)(ii)(C), By-law No. 7625**
The maximum permitted driveway width is 6.00m.
The proposed driveway width is 9.30m.

COMMENTS

The subject property is located on the west side of Fleming Drive, north of Cummer Avenue. The property is zoned R3 under the former North York Zoning By-law No. 7625 and zoned RD (*f18.0; a690*) in the new City of Toronto Zoning By-law No. 569-2013. The proposal is to construct a new three-storey dwelling with an integral garage.

The applicant has indicated to staff that they are no longer requesting variance number 6, with respect to the proposed finished first floor height.

The applicant proposes a building height of 10.26 metres, whereas a maximum height of 8.8 metres is permitted under By-law No. 7625. Building height provisions are devised, in part, to control the size of structures to maintain a consistent pattern of development. Staff are of the opinion that the proposed building height should be modified to be more in keeping with the intent of the Zoning By-law.

The proposal also includes a third storey, for which a variance is requested as Zoning By-law No. 7625 limits houses to a maximum of two storeys. Fleming Drive is a street characterized by two storey dwellings, with attached and integral garages. The proposed number of storeys is not in keeping with the intent of the Zoning By-law.

Should the Committee choose to approve this application, staff recommend that the proposed building height be reduced to be more in keeping with the intent of the Zoning By-law. Further, staff recommend that the variance for the third storey be refused.

CONTACT

Kaitlyn Graham, Assistant Planner
Tel: 416-395-7052
Fax: 416-395-7155
E-mail: kgraham@toronto.ca

SIGNATURE

Joe Nanos
Director, Community Planning, North York District
A0789/15NY