



STAFF REPORT
Committee of Adjustment
Application

Date:	January 25, 2016
To:	Chair and Committee Members of the Committee of Adjustment North York District
From:	Joe Nanos, Director, Community Planning, North York District
Ward:	Ward 25 (Don Valley West)
Reference:	File No: B0043/15NY; A0837/15NY; A0838/15NY Address: 12 PEMBURY AVENUE Application to be heard: Thursday, February 4, 2016

RECOMMENDATION

Staff recommend that the Committee refuse these applications for consent and minor variance.

APPLICATION

CONSENT REQUESTED:

The applicant proposes to obtain consent to sever the property into two (2) undersized residential lots.

Retained – PART 1

Address to be assigned

The frontage is 12.0m and the lot area is 555.9m². The property will be redeveloped as the site of a new two-storey dwelling requiring variances to the applicable zoning by-laws as outlined in application A0838/15NY.

Conveyed – PART 2

Address to be assigned

The frontage is 12.0m and the lot area is 556.2m². The property will be redeveloped as the site of a new two-storey dwelling requiring variances to the applicable zoning by-laws as outlined in application A0837/15NY.

MINOR VARIANCES REQUESTED:

Application No. A0837/15NY

This application is to construct a new detached two-storey dwelling with an integral garage. The existing dwelling would be demolished. File B0043/15NY, A0837/15NY, and A0838/15NY will be considered jointly.

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

- 1. Chapter 10.20.30.20, Zoning By-law 569-2013**
Minimum lot frontage required is 18m.
Proposed lot frontage is 12.0m
- 2. Chapter 10.20.30.10, Zoning By-law 569-2013**
Minimum lot area required is 690m².
Proposed lot area is 556.2m².
- 3. Section 12.2.1, Zoning By-law 7625**
Minimum lot frontage required 18.288m
Proposed lot frontage is 12.0m.
- 4. Section 12.3.1, Zoning By-law 7625**
Minimum lot area required is 690m².
Proposed lot area is 556.2m².

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4. Section 12.3.1, Zoning By-law 7625

Minimum lot area required is 690m².

Proposed lot area is 555.9m².

COMMENTS

The subject property is located on the west side of Pembury Avenue, south of Lawrence Avenue East. The subject site is currently occupied by a single detached dwelling. The applicant proposes to demolish the existing dwelling to sever the lot, creating two undersized residential lots requiring variances for both lot frontage and lot area. Part 1 would have a lot frontage of 12 metres and a lot area of 555.9 square metres. Part 2 would have a lot frontage of 12 metres and a lot area of 556.2 square metres.

The subject property is designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are considered to be stable areas where new development will maintain the existing physical character. 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*. Policy 4.1.5 of the development criteria for *Neighbourhoods* requires that *development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular:*

b) size and configuration of lots.

The Official Plan goes on to state that no changes will be made to the zoning by-law through re-zoning, minor variance, consent, or other public action that are not in keeping with the character of the neighbourhood.

The subject property is zoned R3 in former City of North York Zoning By-law No. 7625 and RD (f18.0; a690) (x864) in the new harmonized City of Toronto Zoning By-law No. 569-2013. Under this zoning, a minimum lot frontage of 18 metres and a minimum lot area of 690 square metres is required. The applicant proposes to sever the existing lot to create two smaller lots, each of which would be undersized in terms of both lot frontage and lot area. The objective of the Zoning By-law is to establish specific standards as to how land is developed. Requirements for lot frontage and lot area are devised, in part, to maintain a standard pattern of development.

Staff conducted a review of the lot frontages and lot areas for nearby residential properties bounded generally by Mildenhall Road to the west, Lawrence Avenue East to the north, Bayview Avenue to the east, and St. Leonard's Avenue to the south. The lot frontages in this area range between approximately 12.8 metres and 74.05 metres, with an average lot frontage of approximately 21.59 metres. With respect to lot area, the surveyed lots range between approximately 460.95 square metres and 2,025 square metres, with the average being approximately 777.83 square metres.

Of the properties contained within the study area, it appears as though there are no lots with a lot frontage of 12 metres or less, which is the lot frontage of the two lots being proposed.

Staff are of the opinion that the proposed severance and resulting minor variances would allow for the creation of two undersized lots that do not respect the physical character of the neighbourhood, and thus, are not in keeping with the intent of the Official Plan or the Zoning By-laws.

Further, staff have concerns that certain variances may have been missed or incorrectly identified on this application and that additional or other variances may be required.

It should be noted that Heritage Preservation Services has provided comments on these applications for consent and minor variance.

RECOMMENDATION

Staff are of the opinion that this proposal does not respect the existing character of the area or the provisions of the Zoning By-laws. Staff recommend that Committee refuse these applications for consent and minor variance as the proposal is not in keeping with the intent of the Official Plan or the intent of the Zoning By-laws.

CONTACT

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SIGNATURE

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