



STAFF REPORT
Committee of Adjustment
Application

Date:	May 17, 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 16 (Eglinton-Lawrence)
Reference:	File No: A0335/16NY Address: 58 CHERITAN AVENUE Application to be heard: Thursday, May 26, 2016

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-laws:

1. Variance Nos. 3 and 4 with respect to the building length and depth.
2. Variance Nos. 5 and 10 with respect to the floor space index/gross floor area.

Should the Committee choose to approve the application, staff recommend it be made subject to the following condition:

3. Permeable materials are to be used for the proposed driveway.

APPLICATION

To construct a new two-storey dwelling. The existing dwelling would be demolished.

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

1. **Chapter 10.5.40.10.(2), By-law No. 569-2013**
A minimum of 10.0m² of the first floor must be within 4.0m of the front main wall.
The proposed area of the first floor within 4.0m of the front main wall is 5.1m².

2. **Chapter 10.5.50.10.(1), By-law No. 569-2013**
The minimum required front yard landscaping is 50%.
The proposed front yard landscaping is 48.9%.
3. **Chapter 10.20.40.20.(1), By-law No. 569-2013**
The maximum permitted building length is 17.0m.
The proposed building length is 18.87m.
4. **Chapter 10.20.40.30.(1), By-law No. 569-2013**
The maximum permitted building depth is 19.0m
The proposed building depth is 19.40m.
5. **Chapter 10.20.40.40.(1), By-law No. 569-2013**
The maximum permitted Floor Space Index is 0.35 times the area of the lot.
The proposed Floor Space Index is 0.81 times the area of the lot.
6. **Chapter 10.20.40.10.(1), By-law No. 569-2013**
The maximum permitted building height is 10.0m.
The proposed building height is 10.50m.
7. **Chapter 10.20.40.10.(2), By-law No. 569-2013**
The maximum permitted height of all side exterior main walls facing a side lot line is 7.50m.
The proposed height of the east side exterior main wall is 8.50m.
8. **Chapter 10.20.40.10.(2), By-law No. 569-2013**
The maximum permitted height of all side exterior main walls facing a side lot line is 7.50m.
The proposed height of the west side exterior main wall is 8.50m.
9. **Chapter 10.20.40.10.(6), By-law No. 569-2013**
The maximum permitted finished first floor height is 1.2m.
The proposed finished first floor height is 1.39m.
10. **Section 6(3) Part I 1, By-law No. 438-86**
The maximum permitted Gross Floor Area is 0.35 times the area of the lot.
The proposed Gross Floor Area is 0.77 times the area of the lot.
11. **Section 6(3) Part II 3.B(II), By-law No. 438-86**
The minimum required side lot line setback for that portion of the building exceeding 17.0m in depth is 7.5m.
The proposed east side lot line setback is 1.20m.
12. **Section 6(3) Part II 3.B(II), By-law No. 438-86**
The minimum required side lot line setback for that portion of the building exceeding 17.0m in depth is 7.5m.

The proposed west side lot line setback is 0.91m.

13. Section 6(3) Part II 8 C, By-law No. 438-86

The by-law limits the projection of a chimney breast into the required setback to a maximum of 0.3m.

The proposed projection is 0.51m.

14. Section 6(3) Part II 8 I(I), By-law No. 438-86

The by-law allows a bay window to project into the required setbacks provided it does not exceed 3m in width.

The proposed front bay window is 4.27m in width.

COMMENTS

The subject property is located on the north side of Cheritan Avenue, west of Yonge Street. The property is zoned *R1 Z0.35* under Toronto Zoning By-law No. 438-86 and *RD (f12.0; d0.35)* in the City of Toronto Zoning By-law No. 569-2013. The subject property is designated *Neighbourhoods* in the City of Toronto Official Plan.

The application proposes a building length of 18.87 metres whereas 17.0 metres is permitted under the new City of Toronto Zoning By-law No. 569-2013 and a building depth of 19.40 metres whereas 19.0 metres is permitted. Building length and depth are devised, in part, to regulate the size of structures to maintain a consistent pattern of development between neighbouring properties as well as regulate the location of the dwelling on the lot. The proposed building length and depth are quite a lot longer length than nearby residential properties. The proposed building length and depth does 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.

The applicant has requested an FSI/GFA of 0.81 under By-law 569-2013 and 0.77 under By-law 438-86, whereas an FSI/GFA of 0.35 is permitted under both By-laws. Floor space index/gross floor area are devised, in part, to regulate the size and massing of structures on a given lot. The majority of new dwellings nearby to the subject property have been approved at 0.7 or below. Staff are of the opinion that the proposed FSI and GFA should be reduced to be more in keeping with the intent of the Official Plan and Zoning By-law.

The application proposes to construct a new two-storey detached dwelling with an integral garage. The proposal includes a new driveway that reduces the front yard landscaping to 48.9%. Front yard landscaping is devised, in part, to maintain a consistent pattern of landscaping visible from the street as well as proper stormwater management on site. The zoning by-law also includes a provision to restrict driveways and hard surfaces in front yards, in order to maintain a minimum front yard landscaping of 50%. Staff are concerned with the hard surface created by the new proposed driveways and should the Committee choose to approve the application, staff recommend permeable materials be used for the proposed driveway.

Should the committee choose to approve this application, staff recommend that the FSI/GFA, building length and building depth be reduced to be more in keeping with the intent of the Zoning By-laws and that permeable materials are to be used for the proposed driveway.

CONTACT

Sarah Ovens, Assistant Planner
Tel: 416 395-7129
Fax: 416-395-7155
E-mail: sovens@toronto.ca

SIGNATURE

Joe Nanos
Director, Community Planning, North York District
A0335/16NY