



STAFF REPORT
Committee of Adjustment
Application

Date:	February 16, 2016
To:	Chair and Committee Members of the Committee of Adjustment North York District
From:	Joe Nanos, Director, Community Planning, North York District
Wards:	Ward 23 (Willowdale)
Reference:	File No. A1140/15NY Address: 271 POYNTZ AVE Application to be heard: Thursday, February 18, 2016 at 1:30 p.m.

RECOMMENDATION

Should the Committee approve this application, Planning recommends that any approval be subject to the following condition:

1. The proposal be developed in accordance with the front elevation drawing, date stamped received by the City of Toronto Planning Division, December 30, 2015.

APPLICATION

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

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

1. **Chapter 10.5.40.10(5), By-law No. 569-2013**
A minimum of 10m² of the first floor must be within 4m of the front main wall.
The proposed is 0m².
2. **Chapter 10.20.40.10.(3), By-law No. 569-2013**
The maximum permitted number of storeys is 2.
The proposed number of storeys is 3.
3. **Chapter 10.20.40.10.(6), By-law No. 569-2013**
The maximum permitted finished first floor height above established grade is 1.2m.
The proposed finished first floor height above established grade is 1.56m.
4. **Chapter 10.20.40.50.(1), By-law No. 569-2013**

The maximum permitted area of each platform at or above the second storey of a detached house is 4.0m².

The proposed area of the rear platform (deck) at or above the second storey is 7.8m².

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

The maximum permitted finished first floor height is 1.5m.

The proposed finished first floor height is 1.71m.

COMMENTS

The subject property is located west of Yonge Street and south of Sheppard Avenue West and is designated *Neighbourhoods* in the City of Toronto Official Plan. The Official Plan acknowledges that *Neighbourhoods*, while stable, will be subject to physical change in the form of enhancements, additions, and infill housing. A key policy of the Plan is to ensure that new development will respect and reinforce the existing physical character of the neighbourhood. Section 4.1 of the Plan outlines the development policies for *Neighbourhoods*. Policy 4.1.5 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 Plan affirms that no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood.

The subject property is zoned R4 in the former City of North York By-Law No. 7625, as amended, and RD (f15.0; a550)(x5) in the City of Toronto Zoning By-law No. 569-2013, as amended. The objective of the Zoning By-Law(s) is to establish specific standards as to how land is developed.

The applicant proposes to construct a new three-storey detached dwelling. An application (Application No. A881/14NY) with respect to the subject property was previously before the Committee of Adjustment on January 8, 2015. It was the decision of the Committee to refuse the application which sought variances relating to lot coverage, side yard setbacks, front yard setback, building height, side main wall height and existing lot area. This decision was appealed to the Ontario Municipal Board, however the appeal was withdrawn. Subsequently, another application (Application No. A0116/15NY) was before the Committee of Adjustment on March 26, 2015, which requested only one variance for the existing lot area. It was the decision of the Committee to approve the application on condition. The proposed dwelling was constructed; however, during inspections conducted by the Buildings Division, it was found that additional variances were required.

Staff conducted a site inspection on the subject property on February 9, 2016. Staff are of the opinion that the variance for three-storeys (Variance No. 2) is technical in nature. The variance is technical, in that if the basement floor slab had been constructed lower in elevation than currently exists, this would not have changed the exterior design of the current dwelling and the variance would have been unnecessary. To ensure the requested three-storey variance does not set a precedent for additional three-storey dwellings in the neighbourhood, staff recommend that approval of this application be subject to the proposal being developed in accordance with the

front elevation drawing, date stamped received by the City of Toronto Planning Division,
December 30, 2015.

Respectfully submitted,

CONTACT

Olivia Antonel, Assistant Planner

Tel: 416-395-7138

Fax: 416-395-7155

E-mail: oantone@toronto.ca

SIGNATURE



Joe Nanos

Director, Community Planning, North York District

A1140/15NY – 271 POYNTZ AVENUE

