



STAFF REPORT

Committee of Adjustment Application

Date:	November 1, 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 23 (Willowdale)
Reference:	File No: A0827/16NY Address: 97 BURNETT AVE Application to be heard: Thursday, November 10, 2016 at 11:00 a.m.

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 7 with respect to the proposed west side yard setback; and
2. Variance No. 4 and 8 with respect to the proposed east side yard setback.

Further, staff recommend that the following conditions be attached:

1. No dormers are to be provided in the roof structure;
2. The proposal, with the exception of the dormers, be developed in accordance with the north elevation drawing submitted to the Committee of Adjustment, date stamped received by the City of Toronto Planning Division, October 31, 2016; and
3. The proposal be developed in accordance with the basement, ground, and second floor plan drawings submitted to the Committee of Adjustment, date stamped received by the City of Toronto Planning Division, October 31, 2016.

APPLICATION

This application proposes to construct a new two-storey dwelling. The existing dwelling would be demolished.

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

- 1. Chapter 10.20.30.40.(1), By-law No. 569-2013**
The maximum permitted lot coverage is 30% of the lot area.
The proposed lot coverage is 32% of the lot area.
- 2. Chapter 10.20.40.10.(1), By-law No. 569-2013**
The maximum permitted building height is 10m.
The proposed building height is 10.15m.
- 3. Chapter 900.3.10(5), By-law No. 569-2013**
The minimum required side yard setback is 1.8m.
The proposed west side yard setback is 1.2m.
- 4. Chapter 900.3.10(5), By-law No. 569-2013**
The minimum required side yard setback is 1.8m.
The proposed east side yard setback is 1.5m and 1m to a portion of the garage.
- 5. Section 13.2.2, By-law No. 7625**
The minimum required lot area is 550m².
The proposed lot area is 546.5m².
- 6. Section 13.2.3(a), By-law No. 7625**
The minimum required front yard setback is 6.5m.
The proposed front yard setback is 4.52m.
- 7. Section 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.8m.
The proposed west side yard setback is 1.2m.
- 8. Section 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.8m.
The proposed east side yard setback is 1.5m and 1m to a portion of the garage.
- 9. Section 13.2.4, By-law No. 7625**
The maximum permitted lot coverage is 30% of the lot area.
The proposed lot coverage is 32% of the lot area.
- 10. Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8.8m.
The proposed building height is 9.12m.
- 11. Section 13.2.6, By-law No. 7625**
The maximum permitted number of storeys is 2.
The proposed number of storeys is 3.
- 12. Section 13.2.6A, By-law No. 7625**
The maximum permitted balcony area is 3.8m².
The proposed front balcony area is 4.4m².

13. Section 13.2.6A, By-law No. 7625

The maximum permitted balcony area is 3.8m².

The proposed rear balcony area is 9.62m.²

14. Section 6A(3), By-law No. 7625

The minimum required parking space size is 2.9m in width and 5.6m in length.

The proposed parking space size is 2.7m in width and 5.9m in length.

COMMENTS

The subject property is located on the south side of Burnett Avenue, west of Yonge Street 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. The 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 Official Plan 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 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* under former City of North York Zoning By-law No. 7625 and zoned *RD (f15.0;a550)(x5)* in the new City of Toronto Zoning By-law No. 569-2013. The application proposes to construct a new two-storey detached dwelling.

The application proposes a west side yard setback of 1.2 metres and an east side yard setback of 1.5 metres and 1.0 metre to a portion of the garage as measured under both Zoning By-law Nos. 7625 and 569-2013, whereas both Zoning By-laws require a side yard setback of 1.8 metres. Side yard setback provisions are devised, in part, to maintain an adequate separation distance between dwellings and to maintain a standard pattern of development. Staff are of the opinion that the proposed west and east side yard setbacks should be modified to be more in keeping with the intent of the Zoning By-laws.

The application requests a variance to permit a third storey under Zoning By-law 7625. The variance to permit a third storey is caused, in part, by the proposed theater room located below the garage. As a result of the theater room, the basement level, although it is below grade, is considered the first storey and the ground floor, accessed by the front door, is considered the second storey. Further, the application proposes dormers in the roof line of the dwelling. Staff are of the opinion that the dormers proposed within the roof structure give the appearance that there is an additional storey and is not reflective of the character of the existing neighbourhood. To ensure that the variances related to the third storey remain technical in nature, staff recommend that the proposal, with the exception of the dormers, be developed in accordance with the north

elevation drawing submitted to the Committee of Adjustment, date stamped received by the City of Toronto Planning Division, October 31, 2016.

The application requests variances related to balcony areas. The proposed front balcony area is 4.4 square metres and the proposed rear balcony area is 9.62 square metres as measured under Zoning By-law 7625, whereas balconies with a maximum area of 3.8 square metres are permitted. As a result of the proposed theater room below the garage, the ground floor is considered the second storey. Therefore, the front porch and rear deck are both considered to be balconies under Zoning By-law 7625. To ensure that the variances related to balconies apply to the front porch and rear deck only, staff recommend that the proposal be developed in accordance with the basement, ground, and second floor plan drawings submitted to the Committee of Adjustment, date stamped received by the City of Toronto Planning Division, October 31, 2016.

Should the Committee choose to approve this application, staff recommend that the proposed side yard setbacks be increased to be more in keeping with the intent of the Zoning By-laws. Further, staff recommend that the proposal be made subject to the conditions set out in the *Recommendation* section of this report.

CONTACT

Victoria Fusz, Assistant Planner
Tel: 416-395-7172
Fax: 416-395-7155
E-mail: vfusz@toronto.ca

SIGNATURE

Joe Nanos
Director, Community Planning, North York District

A0827/16NY- **97 BURNETT AVE**