



STAFF REPORT
Committee of Adjustment
Application

Date:	December 3, 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 25 (Don Valley West)
Reference:	File No: A0622/14NY Address: 29 DONWOODS DRIVE Application to be heard: Thursday, December 10, 2015

RECOMMENDATION

Should the Committee choose to approve this application, staff recommend that the following variance first be modified to be more in keeping with the intent of the Zoning By-law:

1. Variance No. 8 with respect to the proposed area of the front balcony.

Further, staff recommend that the following conditions be attached:

1. The reduced front yard setback of 9.92 metres apply to the sub basement and basement levels of the dwelling only; and
2. The proposal be developed in accordance with the elevation drawings submitted to the Committee of Adjustment, date stamped received by the City of Toronto Planning Division, November 20, 2015.

APPLICATION

This application proposes to construct a new detached dwelling with an integral garage, as well as a new cabana in the rear. The existing dwelling and detached garage would be demolished. This application was previously deferred from the September 17, 2014 Committee of Adjustment hearing.

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

1. **Section 10.20.40.20.(1), Zoning By-law No. 569-2013**
The permitted maximum building length for a detached house is 17.0m.
The proposed building length is 21.06m.
2. **Section 10.20.40.70.(1), Zoning By-law No. 569-2013**
The minimum required front yard setback is 12.0m.
The proposed front yard setback is 9.92m.
3. **Section 10.5.40.60.(1), Zoning By-law No. 569-2013**
(A)(i) A platform without main walls, attached to or less than 0.3m from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required front yard setback 2.5m if it is no closer to a side lot line than the required side yard setback.
The proposed platform encroaches 4.88m into the required front yard setback.
(NOTE: Should a variance not be granted for front yard setback the proposed platform will encroach 6.96m into the required front yard setback.
NOTE: The platform which this deficiency is relating to is the first landing from the front porch stairs).
4. **Chapter 7.3.3, Zoning By-law No. 7625**
The minimum required front yard setback is 12.0m.
The proposed front yard setback is 9.92m.
5. **Chapter 12.5A, Zoning By-law No. 7625**
The maximum permitted building length is 16.8m.
The proposed building length is 21.06m.
6. **Chapter 12.7, Zoning By-law No. 7625**
The maximum permitted building height is 8.8m.
The proposed building height is 14.25m.
7. **Chapter 12.7, Zoning By-law No. 7625**
The maximum permitted number of storeys is 2.
The proposed number of storeys is 4.
8. **Chapter 12.7A, Zoning By-law No. 7625**
The maximum permitted balcony area is 3.8m².
The proposed front porch balcony area is 50.9m².
(NOTE: The proposed front porch and first landing is considered a balcony as the proposed dwelling is considered a 4 storey and as such the main floor is considered the 3rd storey).
9. **Chapter 6(23)(a), Zoning By-law No. 7625**
The maximum permitted height of an accessory building is 3.7m.

The proposed height of the rear yard cabana is 4.0m.

10. Chapter 6(9)(k), Zoning By-law No. 7625

The maximum permitted projection of a balcony is 1.6m from the wall.

The front balcony projects 4.88m.

(NOTE: Should a variance not be granted for front yard setback the proposed balcony will project 6.96 metres into the required front yard setback.

NOTE: The platform which this deficiency is relating to is the first landing from the front porch stairs).

11. Chapter 6(9)(b), By-law No. 7625

Exterior stairways and wheelchair ramps shall be permitted to project into the minimum front yard setback not more than 2.1m.

The proposed front porch stairway projects 4.88m into the front yard setback.

COMMENTS

The subject property is located on the east side of Donwoods Drive, south of York Mills Road. The property is zoned *R3* under the former North York Zoning By-law No. 7625 and zoned *RD (f18.0; a690) (x871)* in the new City of Toronto Zoning By-law No. 569-2013. The proposal is to permit the construction of a detached dwelling with an integral garage, as well as a new cabana in the rear.

The application proposes a front balcony of an area of 50.9 square metres whereas Zoning By-law No. 7625 limits balconies to a maximum area of 3.8 square metres. Balcony area restrictions are devised, in part, to limit the number of people able to use a balcony at one time, to mitigate the potential for noise, privacy and overlook issues for adjacent properties. Staff are of the opinion that the proposed area of the front balcony should be modified to be more in keeping with the intent of the Zoning By-law.

The application also proposes a front yard setback of 9.92 metres, whereas both Zoning By-law No. 7625 and By-law No. 569-2013 require a minimum front yard setback of 12 metres. The reduced front yard setback is due, in part, to the basement and sub basement levels. The ground floor and second floor levels maintain a front yard setback of 12 metres, as per the requirements of the zoning by-laws.

Further, the applicant requests variances under By-law No. 7625 to permit the proposed dwelling to be 4 storeys, at a height of 14.25 metres. Under By-law No. 7625, building height for a dwelling with a sloped roof is measured as the vertical distance between the centre line of the street at the mid-point of the front lot line, and the mean height level between the eaves and ridge of the roof. The property slopes significantly down toward the street, as well as to the north. As a result, portions of the basement and sub basement levels are exposed on the north and west (front) sides of the dwelling. From the south and east (rear) sides of the dwelling, the basement and sub basement levels are located almost entirely below grade. To ensure that the dwelling is not constructed larger than is shown,

staff are of the opinion that the proposal should be developed in accordance with the elevation drawings to the Committee of Adjustment, date stamped received by the City of Toronto Planning Division, November 20, 2015.

Should the Committee choose to approve this application, staff recommend that the proposed area of the front balcony be reduced to be more in keeping with the intent of the Zoning By-law. Further, staff recommend that the reduced front yard setback of 9.92 metres be applied to the sub basement and basement levels of the dwelling only and the proposal be developed in accordance with the elevation drawings to the Committee of Adjustment, date stamped received by the City of Toronto Planning Division, November 20, 2015.

CONTACT

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SIGNATURE

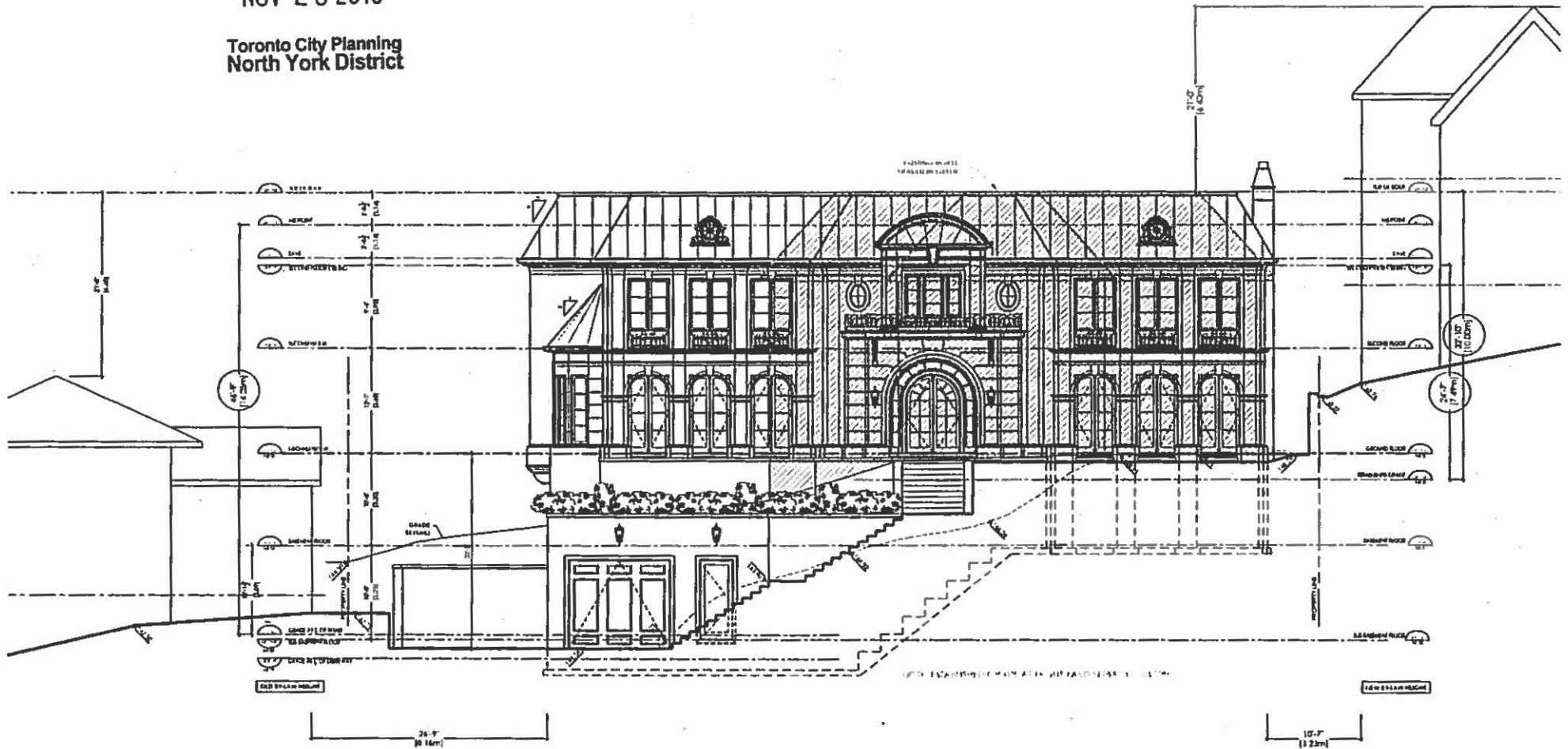


per Joe Nanos
Director, Community Planning, North York District
A0622/15NY

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NOV 20 2015

Toronto City Planning
North York District



MIRZAKHANI RESIDENCE

29 DONWOODS DRIVE
TORONTO, ONTARIO
MAY 19, 2015
1404

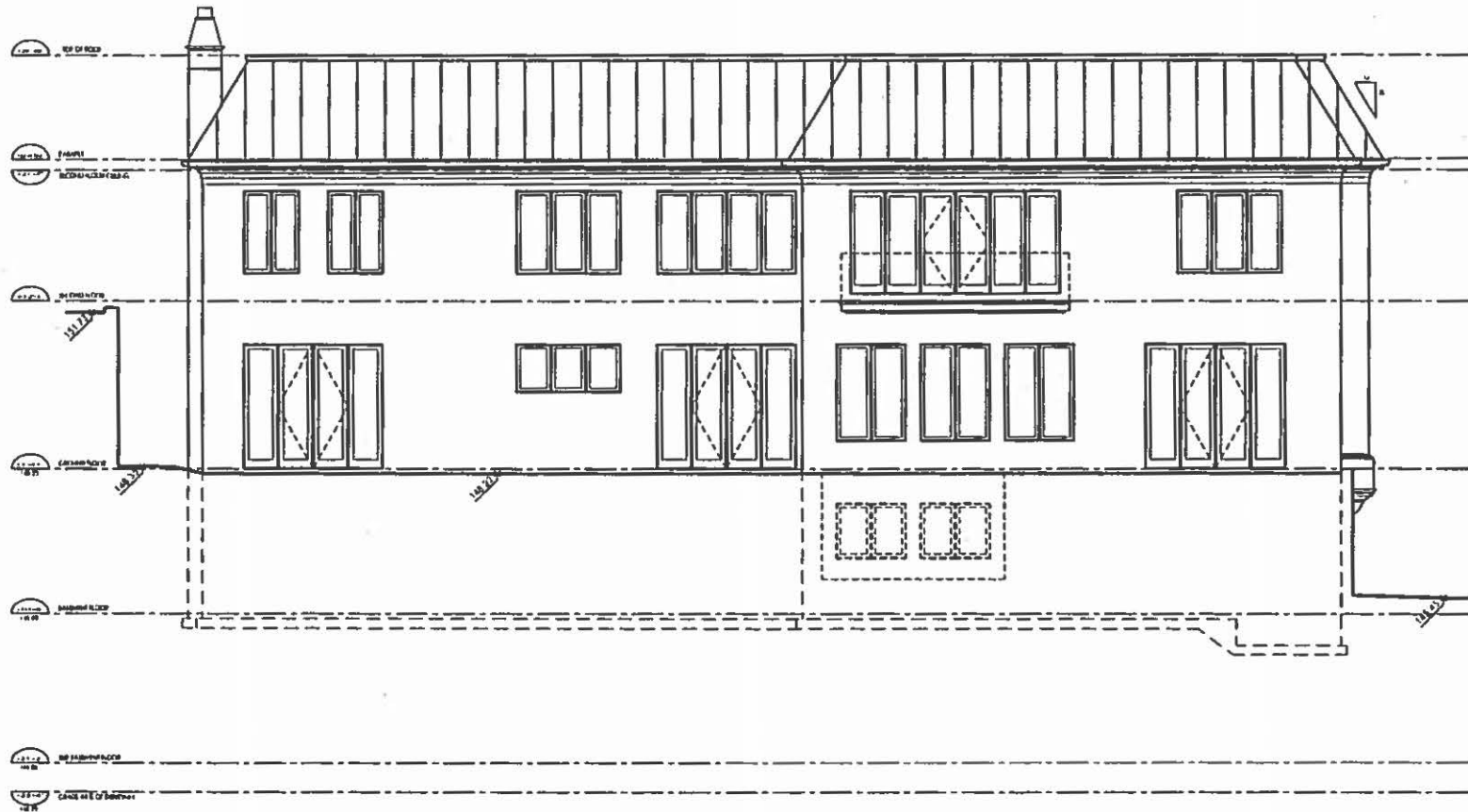
FRONT ELEVATION
SCALE 3/32" = 1'-0"



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RICHARD WENGLE
ARCHITECT INC.

MIRZAKHANI RESIDENCE

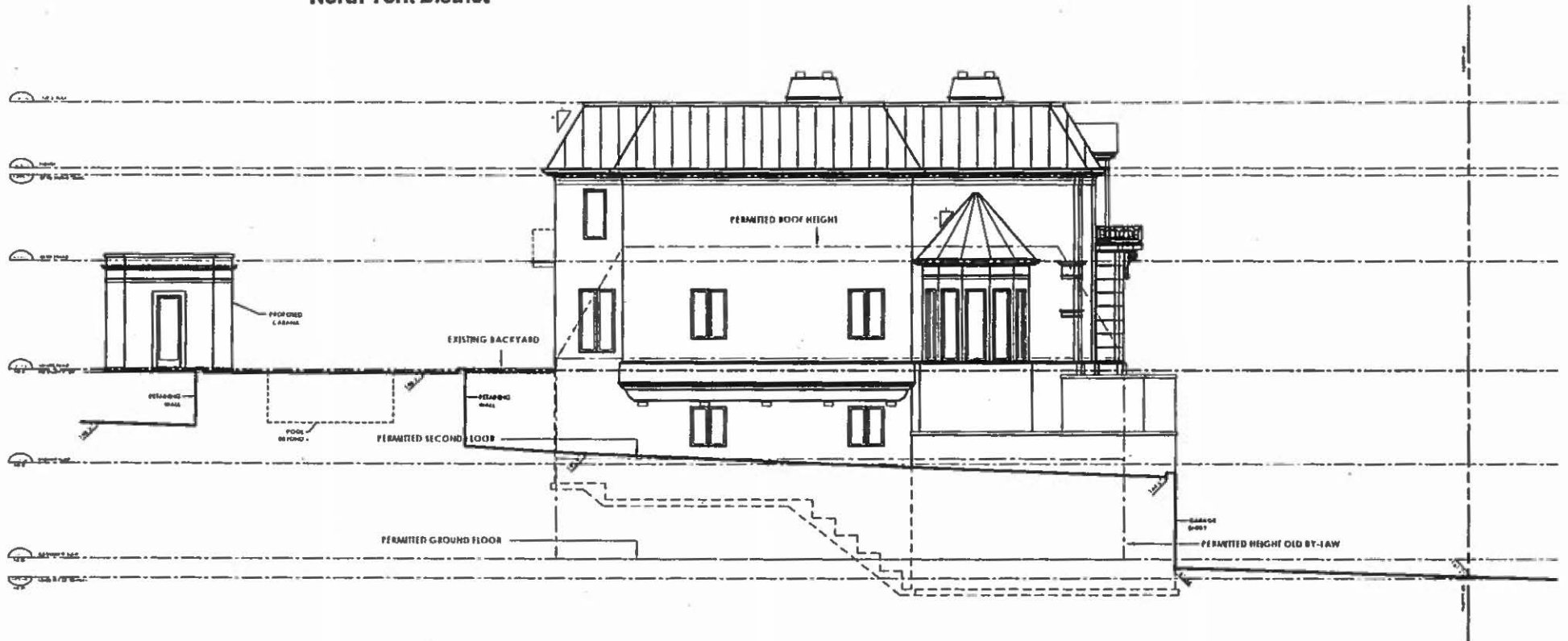
29 DONWOODS DRIVE
TORONTO, ONTARIO
MAY 19, 2015
1404

REAR ELEVATION
SCALE 1/8" = 1'-0"

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ARCHITECT INC.

MIRZAKHANI RESIDENCE

29 DONWOODS DRIVE
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MAY 19, 2015

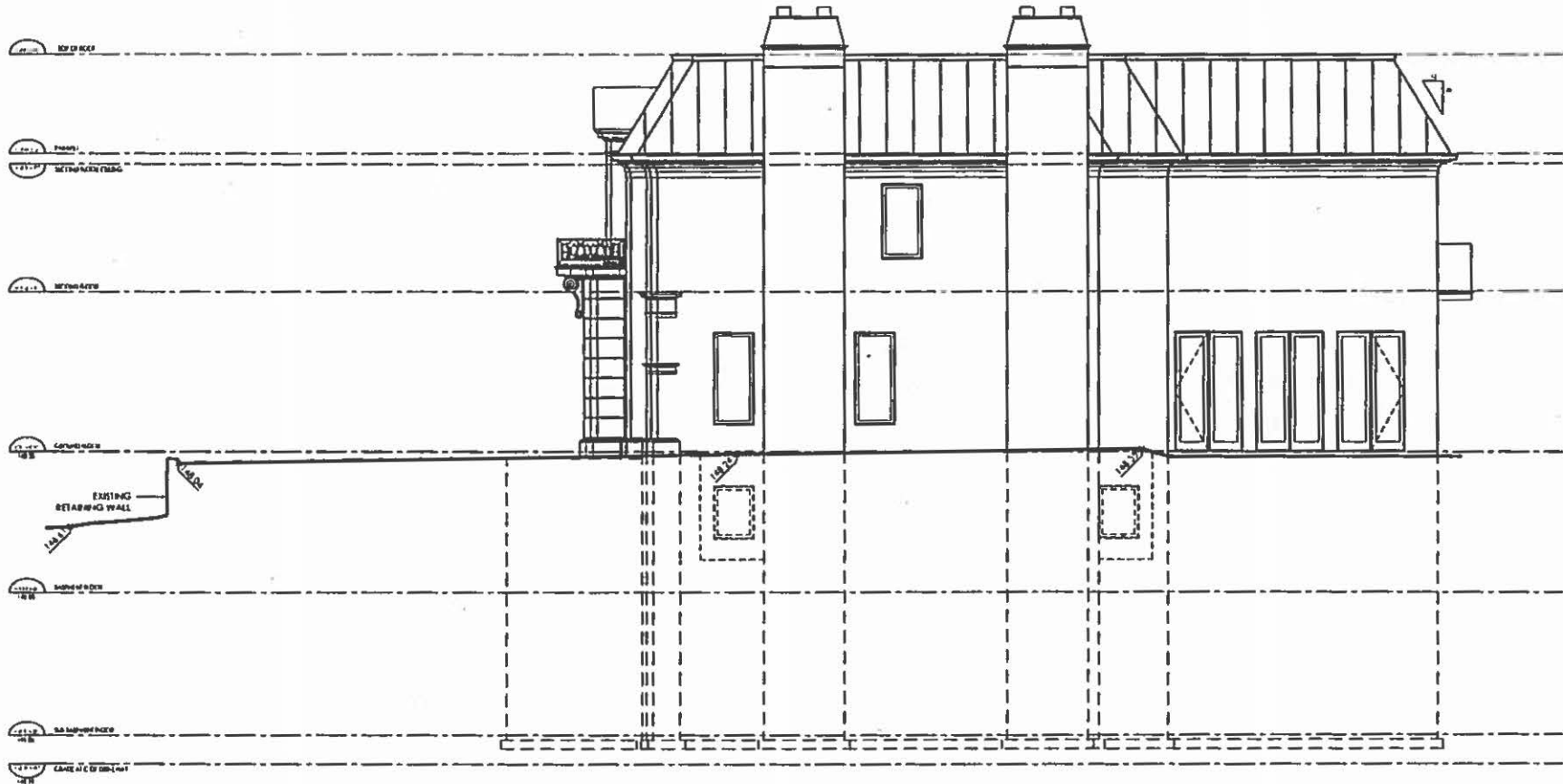
1404

 NORTH ELEVATION
SCALE 3/32" = 1'-0"

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NOV 20 2015

Toronto City Planning
North York District



MIRZAKHANI RESIDENCE

29 DONWOODS DRIVE
TORONTO, ONTARIO

MAY 19, 2015

1404

 SOUTH ELEVATION
SCALE 1/8" = 1'-0"



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