



**STAFF REPORT**  
**Committee of Adjustment**  
**Application**

<b>Date:</b>	September 12, 2016
<b>To:</b>	<b>Chair and Committee Members of the Committee of Adjustment North York District</b>
<b>From:</b>	Joe Nanos, Director, Community Planning, North York District
<b>Ward:</b>	Ward 24 (Willowdale)
<b>Reference:</b>	File No: B0036/16NY; A0499/16NY; A0500/16NY Address: <b>3079 BAYVIEW AVENUE</b> Application to be heard: Thursday, September 22, 2016

**RECOMMENDATION**

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

**APPLICATION**

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**CONSENT REQUESTED:**

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

**Retained – Part 1**

**Address to be assigned**

The lot frontage is 7.62m and has a lot area of 278.99m<sup>2</sup>.

The property will be redeveloped as the site of a new two-storey dwelling, requiring variances to the Zoning By-law(s), as outlined in application # A0499/16NY.

**Conveyed – Part 2**

**Address to be assigned**

The lot frontage is 7.62m and has a lot area of 278.77m<sup>2</sup>.

The property will be redeveloped as the site of a new two-storey dwelling, requiring variances to the Zoning By-law(s), as outlined in application # A0500/16NY.

## **MINOR VARIANCES REQUESTED:**

### **Application No. A0499/16NY**

This application is to construct a new two-storey dwelling with an integral garage. The existing dwelling would be demolished. Application numbers B0036/16NY, A0499/16NY & A0500/16NY will be considered jointly.

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

- 1. Chapter 10.5.40.10.(5), By-law No. 569-2013**  
A minimum of 10.00m<sup>2</sup> of the first floor area must be within 4.00m of the main front wall.  
The proposed first floor area is 8.54m<sup>2</sup> within 4.00m of the main front wall.
- 2. Chapter 10.5.40.60.(7), By-law No. 569-2013**  
Roof eaves may project a maximum of 0.90m provided that they are no closer than 0.30m to a lot line.  
The proposed eaves are 0.113m from the south lot line.
- 3. Chapter 10.5.100.1.(1), By-law No. 569-2013**  
The maximum permitted driveway width is 3.23m.  
The proposed driveway width is 3.81m.
- 4. Chapter 10.20.30.20.(1), By-law No. 569-2013**  
The minimum required lot frontage is 15.00m.  
The proposed lot frontage is 7.62m.
- 5. Chapter 10.20.30.40.(1), By-law No. 569-2013**  
The maximum permitted lot coverage is 30.00% of the lot area.  
The proposed lot coverage is 36.60% of the lot area.
- 6. 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 north side exterior main wall facing a side lot line is 7.98m.
- 7. Chapter 10.20.40.20.(1), By-law No. 569-2013**  
The maximum permitted building length is 17.00m.  
The proposed building length is 17.07m.
- 8. Chapter 900.3.10.(5), By-law No. 569-2013**  
The minimum required side yard setback is 1.80m.  
The proposed north side yard setback is 0.91m.

9. **Chapter 900.3.10.(5), By-law No. 569-2013**  
The minimum required side yard setback is 1.80m.  
The proposed south side yard setback is 0.61m.
10. **Chapter 10.20.30.10.(1), By-law No. 569-2013**  
The minimum required lot area is 550.00m<sup>2</sup>.  
The proposed lot area is 278.99m<sup>2</sup>.
11. **Section 13.2.1, By-law No. 7625**  
The minimum required lot frontage is 15.00m.  
The proposed lot frontage is 7.62m.
12. **Section 13.2.2, By-law No. 7625**  
The minimum required lot area is 550.00m<sup>2</sup>.  
The proposed lot area is 278.99m<sup>2</sup>.
13. **Section 13.2.3(b), By-law No. 7625**  
The minimum required side yard setback is 1.80m.  
The proposed north side yard setback is 0.91m.
14. **Section 13.2.3(b), By-law No. 7625**  
The minimum required side yard setback is 1.80m.  
The proposed south side yard setback is 0.61m.
15. **Section 13.2.4, By-law No. 7625**  
The maximum permitted lot coverage is 30.00% of the lot area.  
The proposed lot coverage is 36.60% of the lot area.
16. **Section 13.2.5A, By-law No. 7625**  
The maximum permitted building length is 16.80m.  
The proposed building length is 17.07m.
17. **Section 6(8), By-law No. 7625**  
The minimum lot width is not be less than the lot frontage for the zone in which the building is to be constructed; 15.00m.  
The proposed lot width is 7.62m.
18. **Section 6(9)(n), By-law No. 7625**  
The maximum permitted cumulative width of bay windows is 50.00% of the width of the wall.  
The proposed cumulative width of the front first and second storey bay windows is 52.50% width of the wall.

**Application No. A0500/16NY**

This application is to construct a new two-storey dwelling with an integral garage. The existing dwelling would be demolished. Application numbers B0036/16NY, A0499/16NY & A0500/16NY will be considered jointly.

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

- 1. Chapter 10.5.40.10.(5), By-law No. 569-2013**  
A minimum of 10.00m<sup>2</sup> of the first floor area must be within 4.00m of the main front wall.  
The proposed first floor area is 8.54m<sup>2</sup> within 4.00m of the main front wall.
- 2. Chapter 10.5.40.60.(7), By-law No. 569-2013**  
Roof eaves may project a maximum of 0.90m provided that they are no closer than 0.30m to a lot line.  
The proposed eaves are 0.113m from the north lot line.
- 3. Chapter 10.5.100.1.(1), By-law No. 569-2013**  
The maximum permitted driveway width is 3.23m.  
The proposed driveway width is 3.81m.
- 4. Chapter 10.20.30.20.(1), By-law No. 569-2013**  
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The proposed north side yard setback is 0.61m.

**10. Chapter 10.20.30.10.(1), By-law No. 569-2013**

The minimum required lot area is 550.00m<sup>2</sup>.

The proposed lot area is 278.77m<sup>2</sup>.

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The minimum required lot frontage is 15.00m.

The proposed lot frontage is 7.62m.

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The minimum required lot area is 550.00m<sup>2</sup>.

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The proposed lot width is 7.62m.

**18. Section 6(9)(n), By-law No. 7625**

The maximum permitted cumulative width of bay windows is 50.00% of the width of the wall.

The proposed cumulative width of the front first and second storey bay windows is 52.50% width of the wall.

## **COMMENTS**

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The subject property is located on the east side of Bayview Avenue, south of Finch Avenue East. The applicant proposes to sever the existing lot, creating two smaller lots with undersized lot frontages and lot areas. The proposed lot at Part 1 would have a lot

frontage of 7.62 metres and a lot area of 278.99 square metres. The proposed lot at Part 2 would have a lot frontage of 7.62 metres and a lot area of 278.77 square metres. The applicant further proposes to construct a new two-storey detached dwelling with an integral garage on each of the newly created lots.

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 plan states 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 *R4* under former City of North York Zoning By-law No. 7625 and zoned *RD (f15.0; a550) (x5)* under the new City of Toronto Zoning By-law No. 569-2013. Under this zoning, a minimum lot frontage of 15 metres and a minimum lot area of 550 square metres is required. The objective of the Zoning By-law is to establish specific standards to guide how land is developed. Requirements for lot frontage and lot area are devised to achieve more uniform and consistent built form streetscapes to maintain a consistent pattern of development.

Staff conducted a review of the lot pattern for nearby residential properties in the *R4* zone, bounded generally by Canary Crescent to the north, Burbank Drive to the east, Citation Drive to the south, and Bayview Avenue to the west. Within the study area, lot frontages range between approximately 14.1 metres and 23.6 metres, with an average lot frontage of 16.1 metres as measured under By-law No. 7625. Lot areas range between approximately 485.8 square metres and 1,223 square metres with an average lot area of 601 square metres. The proposed lots, each with a lot frontage of 7.62 metres and a lot area of approximately 279 square metres would be the smallest lots created in the entire study area.

A severance of this lot does not respect the physical character of lots in this neighbourhood and does not meet the Zoning By-law regulations for lot frontage or lot area.

Staff are of the opinion that the proposed variances related to the lot frontages and lot areas of Part 1 and Part 2 would allow for the creation of two 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.

## **RECOMMENDATION**

Staff recommend that the 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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Joe Nanos

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