Date: January 3, 2017

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: A0953/16NY
Address: 248 BYNG AVENUE
Application to be heard: Thursday, January 12, 2017 at 11:00 am.

RECOMMENDATION

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

1. Variances Nos. 3 and 6 with respect to the East Side Yard Setback.

Further, should the Committee choose to approve this application, planning staff recommend that the following condition be attached:

1. The proposal be developed in accordance with the Side Elevation (west) drawing submitted to the Committee of Adjustment, date stamped received by the City of Toronto Planning Division, January 3, 2017; and

2. The proposed driveway be constructed of permeable pavers.

APPLICATION

To construct a new detached two-storey dwelling with an integral garage. The existing dwelling would be demolished.

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

1. Chapter 10.5.40.10(5), Zoning By-law No. 569-2013
A minimum of 10m² of the first floor must be within 4m of the main front wall. A proposed 6.45m² of the first floor is within 4m of the main front wall.

2. **Chapter 10.20.40.10.(2), Zoning By-law No. 569-2013**
   B)(i) The permitted maximum height of all side exterior main walls facing a side lot line is 7.5m. The proposed height of the west side exterior main walls facing a side lot line is 7.9m.

3. **Chapter 10.20.40.70.(3), Zoning By-law No. 569-2013**
   C) The required minimum side yard setback is 1.2m where the required minimum lot frontage is 12.0m to less than 15.0m. The proposed east side yard setback is 0.61m.

4. **Section 14-A(4), Zoning By-law No. 7625**
   The minimum required lot frontage is 12m. The (existing) proposed lot frontage is 10.34m.

5. **Section 6(8), Zoning By-law No. 7625**
   The minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed.

6. **Section 14-A(5)c, Zoning By-law No. 7625**
   The minimum required east side yard setback is 1.2m. The proposed east side yard setback is 0.61m.

7. **Section 14-A(8), Zoning By-law No. 7625**
   The maximum permitted building height is 8.8m. The proposed building height is 9.2m.

8. **Section 14-A(9), Zoning By-law No. 7625**
   The maximum permitted building length is 15.3m. The proposed building length is 16.99m.

9. **Section 6(30)a, Zoning By-law No. 7625**
   The maximum finished first floor height is 1.5m. The proposed finished first floor height is 1.59m.

10. **Section 7.4A, Zoning By-law No. 7625**
    The minimum required landscaping is 50% of the front yard: 38.49m². The proposed landscaping is 46.19% of the front yard: 35.56m².

**COMMENTS**

The subject property is located on the north side of Byng Avenue, east of Willowdale Avenue and south of Finch Avenue East. The property is zoned R6 in the former North York

Staff Report Committee of Adjustment Application
Zoning By-law No. 7625 and zoned RD (f12.0;a370) in the new City of Toronto Zoning By-law No. 569-2013. The proposal is for the construction of a new two-storey detached dwelling with an integral garage.

Further, the applicant is requesting a variance to permit an east side yard setback of 0.61 metres as measured under both Zoning By-law Nos. 7625 and 569-2013, whereas a maximum of 1.2 metres is permitted. Side yard setback provisions both maintain and provide an adequate separation distance from adjacent dwellings. They also ensure a stable built form is being maintained with respect to the neighbourhood context. Planning staff is of the opinion that the proposed east side yard setback should be modified to be in more keeping with the intent of the Zoning By-laws.

The applicant is requesting an increased exterior main wall height of 7.9 metres as measured under Zoning By-law No. 569-2013, whereas a maximum side exterior main wall height of 7.5 metres is permitted. The increased exterior main wall height is due to the design of the roof line to accommodate two windows on the west side.

The applicant is requesting a relief from Zoning By-law No. 7625 by reducing the required soft landscaping from 50% to 46.19%. The soft landscaping provisions are secure, in part, to ensure proper stormwater management on the property. It is staff recommendation that the proposed driveway be constructed of permeable pavers to ensure that rainwater and snowmelt are properly managed on site.

Should the Committee choose to approve the following application, planning staff recommend the proposal be made subject to the conditions outlined in the Recommendation section of this report.

CONTACT

Pegah Tootoonchian, Assistant Planner
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E-mail: pegah.tootoonchian@toronto.ca

SIGNATURE

Per: Joe Nanos
Director, Community Planning, North York District

A0953/16NY- 248 BYNG AVENUE

Staff Report Committee of Adjustment Application
Mailed on/before: Monday, January 2, 2017

PUBLIC HEARING NOTICE
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)

MEETING DATE AND TIME: Thursday, January 12, 2017 at 11:00 a.m.

LOCATION: Council Chamber, North York Civic Centre, 5100 Yonge St., M2N 5V7

File Number: A0953/16NY
Owner(s): SOHEIL AKHAVAN
          BING HIM LO
Agent: PMP DESIGN GROUP
Property Address: 248 BYNG AVE
Legal Description: PLAN 2399 PT LOT 141

Zoning: Ward: R6/RD (f)2.0; a370(ZR)
         Willowdale (23)
Heritage: Community: Not Applicable
          North York

PURPOSE OF THE APPLICATION:

To construct a new detached two-storey dwelling with an integral garage. The existing dwelling would be demolished.

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

1. Chapter 10.5.40.10(5), Zoning By-law No. 569-2013
   A minimum of 10m² of the first floor must be within 4m of the main front wall.
   A proposed 6.45m² of the first floor is within 4m of the main front wall.

2. Chapter 10.20.40.10.(2), Zoning By-law No. 569-2013
   B) The permitted maximum height of all side exterior main walls facing a side lot line
   is 7.5m.
   The proposed height of the west side exterior main walls facing a side lot line is 7.9m.

3. Chapter 10.20.40.70.(3), Zoning By-law No. 569-2013
   C) The required minimum side yard setback is 1.2m where the required minimum lot
   frontage is 12.0m to less than 15.0m.
   The proposed east side yard setback is 0.61m.

4. Section 14-A(4), Zoning By-law No. 7625
   The minimum required lot frontage is 12m.
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5. **Section 6(8), Zoning By-law No. 7625**
The minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed.

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The minimum required east side yard setback is 1.2m.
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The maximum permitted building height is 8.8m.
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The proposed finished first floor height is 1.59m.

10. **Section 7.4A, Zoning By-law No. 7625**
The minimum required landscaping is 50 % of the front yard: 38.49m².
The proposed landscaping is 46.19 % of the front yard: 35.56m².