



STAFF REPORT
Committee of Adjustment
Application

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Date:	September 26, 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: A0769/16NY Address: 1 LEONA DR Application to be heard: Thursday, October 6, 2016 at 3:30 p.m.

RECOMMENDATION

Planning recommends that Application No. A0769/16NY be refused.

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 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 1.22m.
2. **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 1.22m.
3. **Chapter 10.20.40.20.(1), By-law No. 569-2013**
The maximum permitted building length is 17.00m.
The proposed building length is 25.04m.

4. **Chapter 10.20.40.30.(1), By-law No. 569-2013**
The maximum permitted building depth is 19.00m.
The proposed building depth is 26.06m.
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 36.52% of the lot area.
6. **Section 13.2.1, By-law No. 7625**
The minimum required lot frontage is 15.00m.
The existing lot frontage is 12.19m.
7. **Section 6(8), 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.
The existing lot width is 12.19m.
8. **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 1.22m.
9. **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 1.22m.
10. **Section 6(9), By-law No. 7625**
Exterior stairways, wheelchair ramps, and porches and decks 2.30m² or less in area, shall be permitted to project into one minimum side yard setback only, not more than 1.60m, but no closer than 0.60m from any side lot line.
The proposed south exterior stairs and porch are 4.51m² and are 0.15m from the south side lot line.
11. **Section 13.2.3(A), By-law No. 7625**
The maximum permitted building length is 16.80m.
The proposed building length is 23.06m.
12. **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 36.52% of the lot area.
13. **Section 6(24), By-law No. 7625**
The maximum permitted rear deck projection is 2.10m from the wall and a maximum height of 1.00m.
The proposed rear deck projects 4.46m from the rear wall.

COMMENTS

The subject property is located on the east side of Leona Drive, east of Yonge Street and south of Sheppard Avenue East 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 applicant proposes to construct a new two-storey dwelling which requires numerous variances related to side yard setback, building length, building depth, lot frontage, and coverage.

Planning staff have concerns with Variance Nos. 5 and 12 for a proposed lot coverage of 36.52% whereas a maximum of 30.0% is permitted under both Zoning By-law No. 7625 and Zoning By-law No. 569-2013. Zoning by-law provisions ensure that development is appropriate on a given site, and compatible with the surrounding context. Lot coverage is devised, in part, to regulate the size of structures. Staff are of the opinion that the proposed lot coverage is contrary to the intent of the Zoning By-laws and the Official Plan in terms of regulating the size of structures to maintain the physical stability of the neighbourhood.

Planning staff have concerns with Variance No. 3 for a proposed building length of 25.04 metres whereas the permitted building length is 17.00 metres under Zoning By-law No. 569-2013, Variance No. 4 for a proposed depth of 26.06 metres whereas the permitted building depth is 19.00 metres under Zoning By-law No. 569-2013, and Variance No. 11 for a proposed building length of 23.06 metres whereas the permitted building length is 16.80 metres under Zoning By-law No. 7625. Building length and building depth provisions are devised, in part, to regulate the size of structures to maintain a consistent pattern of development between neighbouring properties. The proposed length and depth is not reflective of the existing character of the neighbourhood and does not maintain the intent of the Official Plan and Zoning By-laws.

Additionally, staff have concerns that variances may have been missed or incorrectly identified on this application and that additional variances may be required. The basement floor plan submitted as part of this application identifies three basement suites each of which include a kitchen and washroom facility.

Staff are of the opinion that the variances, as currently proposed, are contrary to the intent of the Official Plan and Zoning By-laws, and are neither individually nor cumulatively minor in nature. As such, Planning staff recommend that Application No. A0769/16NY be refused.

CONTACT

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SIGNATURE

A handwritten signature in black ink, appearing to read "Joe Nanos", is written over a horizontal line.

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

A0769/16NY- 1 LEONA DRIVE