

<b>Date:</b>	October 17, 2017
<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 23 – Willowdale
<b>Reference:</b>	File No: B0047/17NY, A0672/17NY, and A0673/17NY Address: <b>106 POYNTZ AVENUE</b> Application to be heard: Thursday October 26, 2017 at 9:30 a.m.

---

**RECOMMENDATION**

The City Planning Staff recommend:

1. Planning staff recommend the Committee of Adjustment refuse the following applications, B0047/17NY, A0672/17NY, and A0673/17NY. The requested consent to sever fails to satisfy the consent criteria under Section 51(24) of the *Planning Act* and the requested minor variance applications do not meet the four tests for minor variance under Section 45(1) of the *Planning Act*.

---

**APPLICATION****THE CONSENT REQUESTED:****B0047/17NY – 106 Poyntz Avenue**

To obtain consent to sever the property into two undersized residential lots.

**Conveyed - Part 2**

The frontage is 7.64m and the lot area is 255.8m<sup>2</sup>. The lot will be redeveloped with a new detached residential dwelling requiring variances to the applicable zoning by-law(s) as outlined in application A0673/17NY.

**Retained - Part 1**

The frontage is 7.64m and the lot area is 255.7m<sup>2</sup>. The lot will be redeveloped with a new detached residential dwelling requiring variances to the applicable zoning by-law(s) as outlined in application A0672/17NY.

**The applications B0047/16NY, A0672/16NY and A0673/16NY will be considered jointly.**

**REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:****A0672/16NY – 106 POYNTZ AVENUE (PART 1)****1. Chapter 900.6.10(5), By-law No. 569-2013**

The minimum side yard setback is 1.8m

The proposed west side yard setback is 0.59m

**2. Chapter 900.6.10(5), By-law No. 569-2013**

The minimum side yard setback is 1.8m

The proposed east side yard setback is 1.2m

**3. Chapter 10.5.100.1(1), By-law No. 569-2013**

The minimum required driveway width is 6m.

The proposed driveway width is 3.51m and the width of the parking space behind the front main wall is 3.3m.

**4. Chapter 10.5.40.50.(2), By-law No. 569-2013**

In the Residential Zone category, a platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3m of a building, must comply with the required minimum building setback is 1.8m.

The proposed front porch and rear deck is setback from the west side lot line by 0.59m.

**5. Chapter 10.5.40.10.(5), By-law No. 569-2013**

An area of 10m<sup>2</sup> of the first floor must be within 4m of the front main wall.

The proposed is 3m<sup>2</sup> of the first floor (sunken foyer) is within 4m of the front main wall.

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

The required minimum lot area is 550m<sup>2</sup>

The proposed lot area is 255.8m<sup>2</sup>.

**7. Chapter 10.20.30.20.(1), By-law No. 569-2013**

The required minimum lot frontage is 15m.

The proposed lot frontage is 7.615m.

**8. Chapter 10.20.40.10.(2), By-law No. 569-2013**

The permitted maximum height of all side exterior main walls facing a side lot line is 7.5m.

The proposed height of the side exterior main walls facing a side lot line is 8.47m.

**9. Chapter 10.20.30.40.(1), By-law No. 569-2013**

The permitted maximum lot coverage is 30% of the lot area.

The proposed lot coverage is 32% of the lot area.

**10. Chapter 10.5.40.60.(1), By-law No. 569-2013**

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 by 2.5m if it is no closer to a side lot line than the required side yard setback.

The proposed platform encroaches 1.22m into the required front yard setback and is setback from the west side lot line by 0.59m whereas the required setback is 1.8m.

**11. Chapter 10.5.40.60.(2), By-law No. 569-2013**

A canopy, awning or similar structure above a platform may encroach into a required building setback to the same extent as the platform it is covering.

The proposed canopy above the platform is setback 0.59m from the west side lot line whereas the required setback is 1.8m.

**12. Chapter 10.5.40.60.(3), By-law No. 569-2013**

Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no closer to a lot line than 0.6m.

The proposed rear deck stairs are setback 0.59m from the west side lot line.

**13. Chapter 10.5.40.60.(7), By-law No. 569-2013**

Roof eaves may project a maximum of 0.9m provided that they are no closer than 0.30m to a lot line.

The proposed eaves project 0.305m and are 0.28m from the west side lot line.

**14. Section 13.2.1, By-law No. 7625**

The minimum required lot frontage is 15m

The proposed lot frontage is 7.615m

**15. Section 13.2.2, By-law No. 7625**

The minimum required lot area is 550m<sup>2</sup>.

The proposed lot area is 255.8m<sup>2</sup>

**16. Section 13.2.3(a), By-law No. 7625**

The minimum required front yard setback is 6.5m.

The proposed front yard setback is 6.01m.

**17. Section 13.2.3(b), By-law No. 7625**

The minimum required side yard setback is 1.5m.

The proposed west side yard setback is 0.59m

**18. Section 13.2.3(b), By-law No. 7625**

The minimum required side yard setback is 1.5m.

The proposed east side yard setback is 1.2m.

**19. Section 13.2.6, By-law No. 7625**

The maximum permitted building height is 8.8m

The proposed building height is 9.38m

**20. Section 6(30)a, By-law No. 7625**

The maximum finished first floor height is 1.5m.

The proposed finished first floor height is 1.57m.

**21. Section 6(8), By-law No. 7625**

The minimum required lot width is 15m

The proposed lot width is 7.615m

**22. Section 6(24)(d), By-law No. 7625**

In the rear yard, unexcavated porches or decks attached to or detached from the main building shall not be located closer to the side lot lines than the minimum side yard setback for the main building.

The proposed rear deck is setback 0.59m from the west side lot line, whereas the required side yard setback is 1.5m.

**23. Section 6(9)(f), By-law No. 7625**

Porches and decks, either excavated or unexcavated, and canopies shall be permitted to project into the minimum front yard setback not more than 2.1m but no closer to the side lot line than the minimum side yard setback for the main building is 1.5m.

The proposed front porch and canopy above projects 1.22m and is setback from the west side lot line by 0.59 m.

**24. Section 6(f)(c), By-law No. 7625**

Exterior stairs shall be permitted to project into one minimum side yard setback only, not more than 1.6m, but no closer to than 0.6m from any side lot line.

The rear deck stairs is setback from the west side lot line by 0.59m.

**A0673/16NY – 106B POYNTZ AVENUE (PART 2)**

**1. Chapter 900.6.10(5), By-law No. 569-2013**

The minimum side yard setback is 1.8m

The proposed west side yard setback is 1.2m



**2. Chapter 900.6.10(5), By-law No. 569-2013**

The minimum side yard setback is 1.8m

The proposed east side yard setback is 0.295m

**3. Chapter 10.5.100.1(1), By-law No. 569-2013**

The minimum required driveway width is 6m.

The proposed driveway width is 4.39m and the width of the parking space behind the front main wall is 3.3m

**4. Chapter 10.5.40.10.(5), By-law No. 569-2013**

An area of 10m<sup>2</sup> of the first floor must be within 4m of the front main wall.

The proposed is 3m<sup>2</sup> of the first floor (sunken foyer) is within 4m of the front main wall.

**5. Chapter 10.5.40.50.(2), By-law No. 569-2013**

In the Residential Zone category, a platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3m of a building, must comply with the required minimum building setback is 1.8m.

The proposed front porch and rear deck is setback from the west side lot line by 1.2m.

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

The required minimum lot area is 550m<sup>2</sup>

The proposed lot area is 255.7m<sup>2</sup>.

**7. Chapter 10.20.30.20.(1), By-law No. 569-2013**

The required minimum lot frontage is 15m.

The proposed lot frontage is 7.615m.

**8. Chapter 10.20.30.40.(1), By-law No. 569-2013**

The permitted maximum lot coverage is 30% of the lot area.

The proposed lot coverage is 32% of the lot area.

**9. Chapter 10.20.40.10.(2), By-law No. 569-2013**

The permitted maximum height of all side exterior main walls facing a side lot line is 7.5m.

The proposed height of the side exterior main walls facing a side lot line is 8.13m.

**10. Chapter 10.5.80.40.(3), By-law No. 569-2013**

Vehicle access to a parking space on a corner lot must be from a flanking street that is not a major street. The proposed vehicle access to a parking space is from Poyntz Avenue and not from the flanking street (Beaman Road).

**11. Chapter 10.5.40.60.(1), By-law No. 569-2013**

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 by 2.5m if it is no closer to a side lot line than the required side yard setback of 1.8m.

The proposed platform encroaches 1.22m into the required front yard setback and is setback from the west side lot line by 1.2m.

**12. Chapter 10.5.40.60.(2), By-law No. 569-2013**

A canopy, awning or similar structure above a platform may encroach into a required building setback to the same extent as the platform it is covering of 1.8m.

The proposed canopy above the platform is setback 1.2m from the west side lot line.

**13. Chapter 10.5.40.60.(7), By-law No. 569-2013**

Roof eaves may project a maximum of 0.9m provided that they are no closer than 0.30m to a lot line.

The proposed eaves project 0.305m and are 0.29m from the east side lot line.

**14. Section 13.2.1, By-law No. 7625**

The minimum required lot frontage is 15m

The proposed lot frontage is 7.615m

**15. Section 13.2.2, By-law No. 7625**

The minimum required lot area is 550m<sup>2</sup>.

The proposed lot area is 255.7m<sup>2</sup>

**16. Section 13.2.3(a), By-law No. 7625**

The minimum required front yard setback is 6.5m.

The proposed front yard setback is 6.01m.

**17. Section 13.2.3(b), By-law No. 7625**

The minimum required side yard setback is 1.5m.

The proposed west side yard setback is 1.2m

**18. Section 13.2.3(b), By-law No. 7625**

The minimum required side yard setback is 1.5m.

The proposed east side yard setback is 0.295m.

**19. Section 13.2.6, By-law No. 7625**

The maximum permitted building height is 8.8m

The proposed building height is 9.69m

**20. Section 6(30)a, By-law No. 7625**

The maximum finished first floor height is 1.5m.

The proposed finished first floor height is 2.23m.

**21. Section 6(8), By-law No. 7625**

The minimum required lot width is 15m

The proposed lot width is 7.615m

**22. Section 6A(2)a, By-law No. 7625**

The minimum required number of parking spaces is 2.

The proposed number of parking spaces is 1.

**23. Section 6(24)(d), By-law No. 7625**

In the rear yard, unexcavated porches or decks attached to or detached from the main building shall not be located closer to the side lot lines than the minimum side yard setback for the main building of 1.5m.

The proposed rear deck is setback 1.2m from the west side lot line.

**24. Section 6(9)(f), By-law No. 7625**

Porches and decks, either excavated or unexcavated, and canopies shall be permitted to project into the minimum front yard setback not more than 2.1m but no closer to the side lot line than the minimum side yard setback for the main building is 1.5m.

The proposed front porch and canopy above projects 1.22m and is setback from the west side lot line by 1.2m.

**COMMENTS**

---

The subject property is located on the north side of Poyntz Avenue, southwest of Sheppard Avenue West and Yonge Street. The applicant is proposing to sever the lands at 106 Poyntz Avenue to create two undersized lots, which require variances for lot frontage and lot area under Zoning By-law Nos. 7625 and 569-2013.

The subject property is designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are considered stable areas where new development will respect and reinforce 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;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space."

The Plan states that no changes will be made 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 the former North York Zoning By-law No. 7625 and *RD(f15.0; a550)(x5)* under the City of Toronto Zoning By-law No. 569-2013. The *R4* and *RD(f15.0; a550)(x5)* zones require a minimum lot frontage of 15.0 metres with a minimum lot area of 550 square-metres. The zoning standards for lot frontage and lot area are established in order to achieve a consistent streetscape and pattern of development. The two proposed lots would have frontages of 7.64 metres with lot areas of approximately 255 square-metres.

The applications propose also propose the construction of a new single-detached dwelling on each of the newly created lots. The dwellings each require variances to permit the undersized lot frontage and area, substandard side yard setbacks, increased building height and increased exterior main wall heights, among others.

Planning Staff conducted an analysis of 820 lots in the neighbourhood bounded generally by Bogert Avenue to the north, Gwendolen Crescent to the west, Cameron Avenue to the south, and Yonge Street to the east. The zoning within the study area ranges between *R4*, *R6* and *R7* under Zoning By-law No. 7625 and *RD(f15.0; a550)(x5)*, *RD(12.0; a370)*, and *RD(f9.0; a275)* under Zoning By-law No. 569-2013.

The lots to the west of Pewter Road are zoned either *R4* or *R6* under Zoning By-law No. 7625 and *RD(f12.0; a 370)* and *RD(f15.0; a550)(x5)* under Zoning By-law No. 569-2013. The majority of the lots either comply with or exceed the minimum lot frontage requirements of the Zoning By-laws. The lots that are undersized are generally historic and do not have records of land division associated with them.

The lots east of Pewter and west of Botham Road are subject to varying lot frontage and lot area requirements, ranging between *R4*, *R6* and *R7* under Zoning By-law No. 7625 and *RD(f15.0; a550)(x5)*, *RD(12.0; a370)*, and *RD(f9.0; a275)* under Zoning By-law No. 569-2013. Although there are narrower lots within this particular segment of the neighbourhood, the lots are generally reflective of their respective zoning standards.

The lots east of Botham Road, between Poyntz Avenue and Cameron Avenue have narrower frontages that have been typically created through consent applications. These lots are within the first block east of Yonge Street and are considered an appropriate location for lots that are narrower than the Zoning By-law requirements. The physical character within this segment of the neighbourhood varies from the physical character of the broader neighbourhood. 106 Poyntz Avenue is not located in this area.

The sizes of the lots proposed for 106 Poyntz Avenue are not consistent with the lots found in the segment of the neighbourhood that the subject property is located in. Planning staff are of the opinion that the subject property is not appropriate for severance. The lot frontages of 7.64 metres are not consistent with the lots surrounding the subject property, as the lots west of Botham typically meet or exceed the minimum frontage provisions required under Zoning By-laws.

Planning staff are of the opinion that this proposal does not respect the existing physical character of the neighbourhood or the general intent and purpose of the Zoning By-laws. Planning staff recommend that the Committee refuse the applications for consent and minor variance, as the proposal fails to satisfy Section 51(24) and Section 45(1) of the *Planning Act*.

**CONTACT**

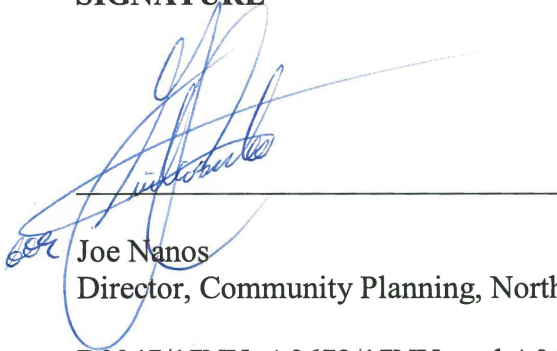
Pegah Tootoonchian, Assistant Planner

Tel: 416-395-7044

Fax: 416-395-7155

E-mail: [pegah.tootoonchian@toronto.ca](mailto:pegah.tootoonchian@toronto.ca)

**SIGNATURE**



Joe Nanos

Director, Community Planning, North York District

B0047/17NY, A0672/17NY, and A0673/17NY – **106 POYNTZ AVENUE**