



**STAFF REPORT**  
Committee of Adjustment  
Application

<b>Date:</b>	April 10, 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: A0125/17NY Address: <b>223 FLORENCE AVE</b> Application to be heard: Thursday, April 20, 2017

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**RECOMMENDATION**

Staff recommend that the following variance be refused:

1. Variance No. 5 for the proposed elevation of a vehicle entrance in a main wall of the building to be lower than the elevation of the centreline of the driveway at the point where it intersects a lot line abutting a street.

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**APPLICATION**

To construct a new dwelling with attached garage. The existing dwelling will be demolished.

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

1. **Chapter 10.5.40.10.(5), By-law No. 569-2013**  
A minimum of 10 m<sup>2</sup> of first floor area must be within 4 m of the front wall.  
There is 6.81 m<sup>2</sup> proposed within 4 m of the front wall.
2. **Chapter 10.20.30.40.(1), By-law No. 569-2013**  
The permitted maximum lot coverage is 30% of lot area.  
The proposed lot coverage is 31.98%.
3. **Chapter 10.20.40.10.(2), By-law No. 569-2013**  
The permitted maximum height of all front exterior main walls is 7.5 m.  
The proposed height of the front exterior main wall is 8.51 m.
4. **Chapter 10.20.40.10.(2), By-law No. 569-2013**  
The permitted maximum height of all rear exterior main walls is 7.5 m.  
The proposed height of the rear exterior main wall is 8.51 m.

5. **Chapter 10.5.80.40.(2), By-law No. 569-2013**  
Where an individual private driveway leads directly to the dwelling unit, the elevation of the lowest point of a vehicle entrance in a main wall of the building must be higher than the elevation of the centreline of the driveway at the point where it intersects a lot line abutting a street: 173.68 m.  
The proposed elevation of the lowest point of a vehicle entrance in a main wall of the building is 173.61 m.
6. **Section 14-A(6), By-law No. 7625**  
The maximum permitted lot coverage is 30% of the lot area.  
The proposed lot coverage is 31.98% of the lot area.
7. **Section 14-A(8), By-law No. 7625**  
The maximum permitted building height is 8.8 m.  
The proposed building height is 9.02 m.
8. **Section 6(30)a, By-law No. 7625**  
The maximum finished first floor height is 1.5 m.  
The proposed finished first floor height is 1.65 m.
9. **Section 14-A(9), By-law No. 7625**  
The maximum permitted building length is 15.3 m.  
The proposed building length is 15.82 m.

## COMMENTS

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The subject property is located on the south side of Florence Avenue, west of Yonge Street and south of Sheppard Avenue West. The property is zoned *R6* under former North York Zoning By-law No. 7625 and zoned *RD (f12.0; a370)* in the new City of Toronto Zoning By-law No. 569-2013. The application proposes a new dwelling with an attached garage.

Planning staff have concerns with the variance for the proposed elevation of the garage entrance. The application is requesting relief from Zoning By-law No. 569-2013 to allow the entrance of the garage to be below the elevation of the centreline of the driveway where it intersects the front lot line. Planning staff are of the opinion that approval of this variance will create a below-grade garage, which could increase the potential for basement flooding.

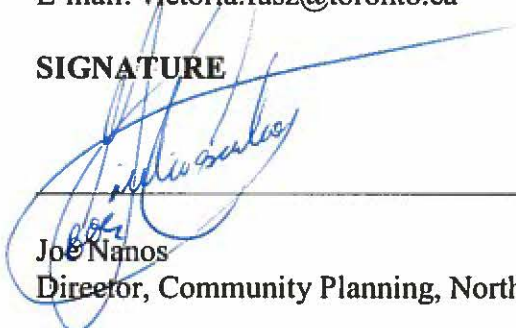
On December 4, 2009, City Council enacted a Zoning By-law Amendment intended to stop the development of below-grade garages. Specifically, Zoning By-law No. 1196-2009 requires the elevation of the lowest point of an opening to an area that may be used for parking or storage of a vehicle located inside or abutting a dwelling, to be higher than the elevation of the street, measured at its centreline across from the driveway leading to the parking space. The intent of this amendment to the Zoning By-law was to address issues relating to grade-related basement flooding.

Staff are of the opinion that the variance for the proposed elevation of the garage entrance is contrary to the intent of the Zoning By-law. As such, staff recommend that Variance No. 5 be refused.

**CONTACT**

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**SIGNATURE**



Joe Nanos  
Director, Community Planning, North York District

**A0125/17NY- 223 FLORENCE AVE**