Date: March 12, 2018

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)

Address: 23 ANNDALE DRIVE
Application to be heard: Thursday, March 22, 2018 at 9:30 a.m.

RECOMMENDATION

City Planning staff recommend:

1. The Committee of Adjustment refuse applications B0076/17NY, A1081/17NY, and A1082/17NY. The requested consent to sever fails to satisfy all of 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:

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

Conveyed - Part 1
Address to be assigned
The lot frontage is 6.555m and has a lot area of 219.79m².
The property will be redeveloped as the site of a new semi-detached dwelling, requiring variances to the Zoning By-law(s), as outlined in application # A1081/17NY.

Retained - Part 2
Address to be assigned
The lot frontage is 6.555m and has a lot area of 219.79m².
The property will be redeveloped as the site of a new semi-detached dwelling, requiring variances to the Zoning By-law(s), as outlined in application # A1082/17NY.
REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

A1081/17NY- 23 ANNDALE DR (PART 1)

To construct a new two-storey semi-detached dwelling. The existing dwelling would be demolished. Application numbers B0076/17NY, A1081/17NY & A1082/17NY will be considered jointly.

1. **Chapter 10.20.20.40.(1), By-law No. 569-2013**
The by-law permits a dwelling unit within a detached house.
The proposed consists of a dwelling unit within a semi-detached house.

2. **Chapter 10.20.30.10.(1), By-law No. 569-2013**
The minimum required lot area is 370.00m².
The proposed lot area is 219.79m².

3. **Chapter 10.20.30.20.(1), By-law No. 569-2013**
The minimum required lot frontage is 12.00m.
The proposed lot frontage is 6.555m.

4. **Chapter 10.20.40.40.(1), By-law No. 569-2013**
The maximum permitted lot coverage is 30.00% of the lot area.
The proposed lot coverage is 31.99% of the lot area.

5. **Chapter 10.20.40.70.(3), By-law No. 569-2013**
The minimum required side yard setback is 1.20m.
The proposed east side yard setback is 0.00m.

6. **Section 14-A(2), By-law No. 7625**
A semi-detached dwelling is not a permitted use in this zone.

7. **Section 14-A(3), By-law No. 7625**
The minimum required lot area is 371.00m².
The proposed lot area is 219.79m².

8. **Section 14-A(4), By-law No. 7625**
The minimum required lot frontage is 12.00m.
The proposed lot frontage is 6.555m.

9. **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; 12.00m.
The proposed lot width is 6.555m.
10. Section 14-A(5)c, By-law No. 7625
The minimum required side yard setback is 1.20m.
The proposed east side yard setback is 0.00m.

A1082/17NY- 23 ANDDALE DR (PART 2)

To construct a new two-storey semi-detached dwelling. The existing dwelling would be demolished. Application numbers B0076/17NY, A1081/17NY & A1082/17NY will be considered jointly.

1. Chapter 10.20.20.40.(1), By-law No. 569-2013
The by-law permits a dwelling unit within a detached house.
The proposed consists of a dwelling unit within a semi-detached house.

2. Chapter 10.20.30.10.(1), By-law No. 569-2013
The minimum required lot area is 370.00m².
The proposed lot area is 219.79m².

3. Chapter 10.20.30.20.(1), By-law No. 569-2013
The minimum required lot frontage is 12.00m.
The proposed lot frontage is 6.555m.

4. 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 31.99% of the lot area.

5. Chapter 10.20.40.70.(3), By-law No. 569-2013
The minimum required side yard setback is 1.20m.
The proposed west side yard setback is 0.00m.

6. Section 14-A(2), By-law No. 7625
A semi-detached dwelling is not a permitted use in this zone.

7. Section 14-A(3), By-law No. 7625
The minimum required lot area is 371.00m².
The proposed lot area is 219.79m².

8. Section 14-A(4), By-law No. 7625
The minimum required lot frontage is 12.00m.
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9. 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; 12.00m.
The proposed lot width is 6.555m.
10. Section 14-A(5)c, By-law No. 7625
The minimum required side yard setback is 1.20m.
The proposed west side yard setback is 0.00m.

COMMENTS

The subject property is located on the south side of Anndale Drive, east of Yonge Street and south of Sheppard Avenue East. The subject applications propose to sever the existing lot, creating two undersized residential lots requiring variances for lot frontage and lot area. The applications also propose to construct a new semi-detached dwelling on each of the two newly created lots.

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:

   d) prevailing building types."

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.

Staff conducted a review of the building types in the neighbourhood bounded generally by Lyndale Drive to the north, Bales Avenue to the west, Avondale Avenue to the south, and the Glendora Park Trail to the east.

The neighbourhood identified above is comprised of two Official Plan land use designations. The properties between Lyndale Drive to the north, the east sides of Bonnington Place and Tradewind Avenue to the west, Avondale Avenue to the south, and the Glendora Park Trail are designated Neighbourhoods, as previously identified, the subject property is located within the Neighbourhoods designation. Those properties located between Anndale Drive to north, Bales Avenues to the west, Avondale Avenue to the south, and the west sides of Bonnington Place and Tradewind Avenue to the east are designated Mixed Use Areas.

Those properties designated Mixed Use Areas in the Official Plan are also subject to policies contained within the North York Centre Secondary Plan (NYCSP). The North York Centre is identified in the Secondary Plan as an area with an important focus on transit-based employment and residential growth. The North York Centre is one of the four urban growth Centres within the City of Toronto that have an "important role in achieving the strategic growth objectives of the Official Plan." The Secondary Plan goes on to state that while "redevelopment is encouraged
in the North York Centre, existing Neighbourhoods outside the North York Centre will be protected, preserved, and enhanced."

As a result of the Secondary Plan policies that apply to the Mixed Use Areas of the neighbourhood, there is a range of dwelling types. This Mixed Use Area contains condominium units, townhouse units, and single detached dwellings, whereas, the Neighbourhoods portion of the neighbourhood is contained entirely of single detached dwellings.

The proposed semi-detached dwellings fail to satisfy the general intent and purpose of the Official Plan as semi-detached dwellings are not the prevailing building type in the neighbourhood.

The subject property is zoned R6 under North York Zoning By-law No. 7625 and RD(f12.0; 370) under City of Toronto Zoning By-law No. 569-2013. The objective of the Zoning By-law is to, among other things, control the built form and uses of development. These zoning categories require a minimum lot frontage and width of 12.0 metres and a lot area of 371 square metres under Zoning By-law No. 7625 and 300 square metres under Zoning By-law No. 569-2013. Both Zoning By-laws exclusively permit single detached dwelling and ancillary structures. The proposed lots both have frontages of approximately 6.55 metres and lot areas of 219.79 square metres.

The subject applications fail to satisfy the general intent and purpose of the Zoning By-laws as they propose a building type that is not contemplated in either the former City of North York Zoning By-law No. 7625 or the City-wide Zoning By-law No. 569-2013.

Should the subject applications be approved, the proposal to sever an existing single detached lot for the purposes of creating two new lots with semi-detached dwellings could be easily replicated. The subject applications propose impacts that are not minor and do not respect and reinforce the existing physical character of the neighbourhood.

The subject property in its existing configuration conforms with the Zoning By-laws in regards to lot frontage, lot area, and dwelling type. The subject applications propose two lots and dwellings that significantly deviate from the Zoning By-laws' permissions.
Staff are of the opinion that this proposal, including both the proposed lots and dwellings, do not respect and reinforce the existing character of the neighbourhood, do not meet the general intent and purpose of the Official Plan, or the general intent and purpose of the Zoning By-laws. Staff recommend that the Committee refuse these applications for consent and minor variance, as the proposal fails to satisfy Section 51(24) and Section 45(1) of the Planning Act.

CONTACT

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SIGNATURE

Joe Nastos
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B0076/17NY, A1081/17NY & A1082/17NY – 23 ANNDALE DRIVE