



**STAFF REPORT  
Committee of Adjustment  
Application**

<b>Date:</b>	April 9, 2018
<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 25 – Don Valley West
<b>Reference:</b>	File No: B0001/18NY, B0002/18NY, A0002/18NY, A0003/18NY, A0004/18NY Address: <b>1 &amp; 11 CHARNWOOD ROAD</b> Application to be heard: April 18, 2018 at 9:30 a.m.

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**RECOMMENDATION**

City Planning staff recommend that the Committee of Adjustment refuse the applications.

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**APPLICATIONS**

**CONSENT APPLICATION**

**Application No. B0001/18NY**

To obtain consent to sever a portion of land for the purpose of a lot addition to create a new building lot.

**CONVEYED - Part 3**

Part 3 has a lot frontage of 7.31m and a lot area of 289.4m<sup>2</sup>. Part 3 will be added to Part 2 (severed from B0002/18NY) to create a new building lot with a frontage of 12.8m and a lot area of 507.63m<sup>2</sup>. Parts 2 and 3 will be redeveloped with a new detached residential dwelling requiring variances to the applicable zoning by-laws as outlined in application A0003/18NY.

**RETAINED - Part 4**

Part 4 has a lot frontage of 12.1m and a lot area of 511.3m<sup>2</sup>. The lot will be redeveloped with a new detached dwelling requiring variances to the applicable zoning by-laws as outlined in application A0002/18NY.

**Applications B0001/18NY, B0002/18NY, A0002/18NY, A0003/18NY, A0004/18NY will be considered jointly.**

### **Application No. B0002/18NY**

To obtain consent to sever a portion of land for the purpose of a lot addition to create a new building lot.

#### **CONVEYED - Part 2**

Part 2 has a lot frontage of 5.49m and a lot area of 218.2m<sup>2</sup>. Part 2 will be added to Part 3 (severed from B0001/18NY) to create a new building lot with a frontage of 12.8m and a lot area of 507.63m<sup>2</sup>. Parts 2 and 3 will be redeveloped with a new detached residential dwelling requiring variances to the applicable zoning by-laws as outlined in application A0003/18NY.

#### **RETAINED - Part 1**

Part 1 has a lot frontage of 12.8m and a lot area of 508.67m<sup>2</sup>. The lot will be redeveloped with a new detached residential dwelling requiring variances to the applicable zoning by-laws as outlined in application A0004/18NY.

**Applications B0001/18NY, B0002/18NY, A0002/18NY, A0003/18NY, A0004/18NY will be considered jointly.**

### **MINOR VARIANCE APPLICATIONS**

#### **Application No. A0002/18NY**

To construct a new single detached dwelling with integral garage. Applications B0001/18NY, B0002/18NY, A0002/18NY, A0003/18NY, A0004/18NY will be considered jointly.

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

1. **Chapter 900.3.10(5), By-Law 569-2013**  
The required minimum side yard setback is 1.8m on each side.  
The proposed east side yard setback is 1.22m.
2. **Chapter 10.20.30.10.(1), By-Law 569-2013**  
The required minimum lot area is 550.0m<sup>2</sup>.  
The proposed lot area is 511.3m<sup>2</sup>.
3. **Chapter 10.20.30.20.(1), By-Law 569-2013**  
The required minimum lot frontage is 15.0m.  
The proposed lot frontage is 12.1m.
4. **Chapter 10.20.30.40.(1), By-Law 569-2013**  
The permitted maximum lot coverage is 25% of the lot area.  
The proposed lot coverage is 29.1% of the lot area.

5. **Chapter 10.5.80.40.(3), By-Law 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 the front portion of the street.
6. **Chapter 10.5.40.60.(7), By-Law 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 1.05m.
7. **Chapter 10.5.40.60.(1), By-Law 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 side yard setback a maximum of 1.5m, if it is no closer to the side lot line than 0.3m. The proposed platform may not have excavated space below.  
The proposed platform in the side yard is excavated.
8. **Chapter 10.5.40.70.(1), By-Law 569-2013**  
The required minimum front yard setback is 9.09m.  
The proposed front yard setback is 6.66m.
9. **Section 13.2.3(b), By-Law 7625**  
The minimum required east side yard setback is 1.5m.  
The proposed east side yard setback is 1.22m.
10. **Section 13.2.6, By-Law 7625**  
The maximum permitted building height is 8.8m.  
The proposed building height is 9.2m.
11. **Section 6(9)(c), By-Law 7625**  
For R and RM zones, exterior stairways, wheelchair ramps, and porches and decks 2.3m<sup>2</sup> or less in area, shall be permitted to project into one minimum side yard setback only, not more than 1.6m, not no closer than 0.6m from any side lot line,  
The proposed side porch projects 1.98m and is 8.3m<sup>2</sup>.
12. **Section 6(9)(j), By-Law 7625**  
For one-family detached dwellings, and semi-detached dwellings, canopies 2.3m<sup>2</sup> or less in area shall be permitted to project into one minimum side yard setback not more than 1.6m, but no closer than 0.6m from any side lot line.  
The proposed side canopy is 8.3m<sup>2</sup> and project 1.98m.

**Application No. A0003/18NY**

To construct a new single detached dwelling with integral garage. Applications B0001/18NY, B0002/18NY, A0002/18NY, A0003/18NY, A0004/18NY will be considered jointly.

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

1. **Chapter 900.3.10(5), By-Law 569-2013**  
The minimum required side yard setback is 1.8m.  
The proposed east side yard setback is 1.22m.
2. **Chapter 900.3.10(5), By-Law 569-2013**  
The minimum required side yard setback is 1.8m.  
The proposed west side yard setback is 1.22m.
3. **Chapter 10.20.30.10.(1), By-Law 569-2013**  
The required minimum lot area is 550.0m<sup>2</sup>.  
The proposed lot area is 507.63m<sup>2</sup>.
4. **Chapter 10.20.30.20.(1), By-Law 569-2013**  
The required minimum lot frontage is 15.0m.  
The proposed lot frontage is 12.8m.
5. **Chapter 10.20.30.40.(1), By-Law 569-2013**  
The permitted maximum lot coverage is 25% of the lot area.  
The proposed lot coverage is 28.76% of the lot area.
6. **Chapter 10.5.40.60.(5), By-Law 569-2013**  
A chimney breast, on a building, may encroach into a required building setback a maximum of 0.6m, if it is no closer to a lot line than 0.3m.  
The proposed chimneys encroach 1.05m into the required 1.8m building setback.
7. **Chapter 10.5.40.60.(7), By-Law 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 1.05m into the required side yards.
8. **Section 13.2.3(b), By-Law 7625**  
The minimum required east side yard setback is 1.58m.  
The proposed east side yard setback is 1.22m.
9. **Section 13.2.6, By-Law 7625**  
The maximum permitted building height is 8.8m.  
The proposed building height is 9.18m.

**10. Chapter 13.2.3(b), By-Law 7625**

The minimum required west side yard setback is 1.58m.

The proposed west side yard setback is 1.22m.

**Application No. A0004/18NY**

To construct a new single detached dwelling with integral garage. Applications B0001/18NY, B0002/18NY, A0002/18NY, A0003/18NY, A0004/18NY will be considered jointly.

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

**1. Chapter 900.3.10(5), By-Law 569-2013**

The minimum side yard setback is 1.8m.

The proposed west side yard setback is 1.22m.

**2. Chapter 10.20.30.10.(1), By-Law 569-2013**

The required minimum lot area is 550.0m<sup>2</sup>.

The proposed lot area is 508.67m<sup>2</sup>.

**3. Chapter 10.20.30.20.(1), By-Law 569-2013**

The required minimum lot frontage is 15.0m.

The proposed lot frontage is 12.8m.

**4. Chapter 10.20.30.40.(1), By-Law 569-2013**

The permitted maximum lot coverage is 25% of the lot area.

The proposed lot coverage is 29.2% of the lot area.

**5. Chapter 10.5.40.60.(5), By-Law 569-2013**

A chimney breast, on a building, may encroach into a required building setback a maximum of 0.6m, if it is no closer to a lot line than 0.3m.

The proposed chimney encroaches 1.05m into the required west building setback.

**6. Chapter 10.5.40.60.(7), By-Law 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 1.05m into the required west side yard.

**7. Chapter 13.2.3(b), By-Law 7625**

The minimum required west side yard setback is 1.58m.

The proposed west side yard setback is 1.22m.

**8. Chapter 13.2.6, By-Law 7625**

The maximum permitted building height is 8.8m.

The proposed building height is 9.36m.

## COMMENTS

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The subject properties are located on the south side of Charnwood Road, northeast of Leslie Street and Lawrence Avenue East. They are zoned *RD (f15.0; a550) (x5)* in the new City of Toronto Zoning Bylaw No. 569-2013 and *R4* under former North York By-law No. 7625. The applicant proposes to sever the lots municipally known as 1 Charnwood Road and 11 Charnwood Road to create three new undersized lots proposed to be called 1 Charnwood Road, 9 Charnwood Road and 11 Charnwood Road.

The properties are designated *Neighbourhoods* in the Toronto Official Plan. The Official Plan acknowledges that *Neighbourhoods*, while stable, will be subject to physical change in the form of enhancements, additions, and infill housing. Section 4.1 of the Plan outlines the development policies for *Neighbourhoods*. Policy 4.1.5 states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including, in particular, the size and configuration of lots.

The neighbourhood lot study area is bounded by Ballyronan Road to the north, Leslie Street to the west, the western limit of Duncairn Park Trail to the east (excluding 83-129 Duncairn Road, whose lots contain semi-detached dwellings and are in a different zone), and the northern limits of Talwood Park to the south.

The minimum required lot frontage for the two subject lots under City of Toronto By-law No. 569-2013 is 15 metres, whereas the applicant is proposing 12.1 metres for 1 Charnwood Road (Part 4), and 12.8 metres for 9 Charnwood Road (Parts 2 and 3) and 11 Charnwood Road (Part 1), respectively. The average frontage in the study area of 471 lots is 17.7 metres.

The minimum required lot area under City of Toronto By-law No. 569-2013 is 550 m<sup>2</sup>, whereas the applicant is proposing 511.3 m<sup>2</sup> for 1 Charnwood Road (Part 4), 507.63 m<sup>2</sup> for 9 Charnwood Road (Parts 2 and 3), and 508.67 m<sup>2</sup> for 11 Charnwood Road (Part 1). The average lot area is 698.4 m<sup>2</sup>.

The subject properties are in the interior of the neighbourhood and are characteristic of the existing lot fabric of the neighbourhood (i.e. they are not oversized). Although the lot frontage and area of 1 Charnwood Road seems numerically larger than the average lot frontage and area for the neighbourhood, this is characteristic of corner lots in many neighbourhoods and is not unusual.

Furthermore, assuming that 11 Charnwood Road is more representative of the neighbourhood since it's not a corner lot, 40 lots in the neighbourhood study area have frontages greater than or equal to 18.3 metres and lot areas greater than or equal to 727 m<sup>2</sup>. So an approval of this consent application would lead to the potential for further severances, which would weaken the established character of the existing neighbourhood.

Staff are of the opinion that the subject lots in their current form maintain and reinforce the stability and character of the neighbourhood. Approval of a severance for lots of this size could destabilize the established character of the neighbourhood. Therefore, staff recommend that the Committee refuse these applications for consent and the associated minor variance applications.

**CONTACT**

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**SIGNATURE**



for

Joe Nanos  
Director, Community Planning, North York District

B0001/18NY, B0002/18NY, A0002/18NY, A0003/18NY, A0004/18NY