



**STAFF REPORT**  
**Committee of Adjustment**  
**Application**

<b>Date:</b>	June 5, 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 15 (Eglinton-Lawrence)
<b>Reference:</b>	File No: B0082/17NY, A1130/17NY & A1131/17NY Address: <b>273B RANEE AVENUE</b> Application to be heard: Wednesday, June 13, 2018

**RECOMMENDATION**

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City Planning staff recommend:

1. The Committee of Adjustment refuse applications B0082/17NY, A1130/17NY, and A1131/17NY. 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**

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**THE CONSENT REQUESTED**

**B0082/17NY- 273B RANEE AVENUE**

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

**Conveyed - PART 1**

The proposed lot frontage is 9.15m and the proposed lot area is 352.8m<sup>2</sup>. A new detached residential dwelling is proposed requiring variances to the applicable zoning by-laws as outlined in application A1130/17NY.

PART 3 - Right-of-way to be dedicated to the City.

**Retained - PART 2**

The proposed lot frontage is 9.15m and the proposed lot area is 352.5m<sup>2</sup>. A new detached residential dwelling is proposed requiring variances to the applicable zoning by-laws as outlined in application A1131/17NY.

**File Numbers B0082/17NY, A1130/17NY, A1131/17NY will be considered jointly.**

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

**A1130/17NY – 273B RANEE AVENUE (PART 1)**

To construct a two-storey detached dwelling with integral garage.

1. **Chapter 10.5.40.50(2), By-Law 569-2013**  
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 setbacks for the zone (1.8m).  
The proposed front porch is setback 0.6m from the east side lot line.
2. **Chapter 10.5.40.50(2), By-Law 569-2013**  
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 setbacks for the zone (1.8m).  
The proposed rear deck setback is 1.2m from the west side lot line.
3. **Chapter 10.5.40.50(2), By-Law 569-2013**  
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 setbacks for the zone (1.8m).  
The proposed rear deck setback is 0.6m from the east side lot line.
4. **Chapter 10.20.40.10.(4), By-Law 569-2013**  
The permitted maximum height is 7.2m.  
The proposed height is 8.52m.
5. **Chapter 10.20.40.70.(3), By-Law 569-2013**  
The required minimum side yard setback is 1.8m.  
The proposed west side yard setback is 1.2m.
6. **Chapter 10.20.40.70.(3), By-Law 569-2013**  
The required minimum side yard setback is 1.8m.  
The proposed east side yard setback is 0.6m.
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 front yard setback by 2.5m if it is no closer to a side lot line than the required side yard setback (1.8m).  
The proposed platform encroaches 0.7m into the required front yard setback and is setback 0.6m from the east side lot line.

8. **Chapter 10.5.40.60.(2), By-Law 569-2013**  
A canopy may encroach in a front yard by 2.5m, if it is no closer to a side lot line than the minimum required side yard setback (1.8m).  
The proposed canopy encroaches a maximum of 0.7m and is setback 0.6m from the east side lot line.
9. **Chapter 10.5.40.60.(2), By-Law 569-2013**  
A canopy may encroach in a front yard by 2.5m, if it is no closer to a side lot line than the minimum required side yard setback (1.8m).  
The proposed canopy encroaches a maximum of 0.7m and is setback 1.4m from the west side lot line.
10. **Chapter 10.20.30.10.(1), By-Law 569-2013**  
The required minimum lot area is 690m<sup>2</sup>.  
The proposed lot area is 352.8m<sup>2</sup>.
11. **Chapter 10.20.30.20.(1), By-Law 569-2013**  
The required minimum lot frontage is 18.0m.  
The proposed lot frontage is 9.15m.
12. **Chapter 10.20.40.70.(1), By-Law 569-2013**  
The required minimum front yard setback is 7.1m.  
The proposed front yard setback is 6.0m.
13. **Section 12.7, By-Law 7625**  
The maximum permitted building height is 8.0m.  
The proposed building height is 9.02m.
14. **Section 6(30)a, By-Law 7625**  
The maximum finished first floor height is 1.5m.  
The proposed finished first floor height is 1.69m.

**A1131/17NY – 273B RANEE AVENUE (PART 2)**

To construct a two-storey detached dwelling with integral garage.

1. **Chapter 10.5.40.50(2), By-Law 569-2013**  
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 setbacks for the zone (1.8m).  
The proposed front porch is setback 0.6m from the west side lot line.
2. **Chapter 10.5.40.50(2), By-Law 569-2013**  
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 setbacks for the zone (1.8m).  
The proposed rear deck is setback 1.2m from the east side lot line.

3. **Chapter 10.5.40.50(2), By-Law 569-2013**  
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 setbacks for the zone (1.8m).  
The proposed rear deck is setback 0.6m from the west side lot line.
4. **Chapter 10.5.40.50(4)(A), By-Law 569-2013**  
Where the platform is attached to or within 0.3m of a front main wall, the floor of the platform may be no higher than 1.2m above established grade.  
The proposed front porch is 1.36m above established grade.
5. **Chapter 10.20.40.10.(4), By-Law 569-2013**  
The permitted maximum height is 7.2m.  
The proposed height is 8.84m.
6. **Chapter 10.20.40.10.(6), By-Law 569-2013**  
The elevation of the lowest point of a main pedestrian entrance through the front main wall or a side main wall may be no higher than 1.2m above established grade.  
The proposed height of the main pedestrian entrance above established grade is 1.51m.
7. **Chapter 10.20.40.70.(3), By-Law 569-2013**  
The required minimum side yard setback is 1.8m.  
The proposed west side yard setback is 0.6m.
8. **Chapter 10.20.40.70.(3), By-Law 569-2013**  
The required minimum side yard setback is 1.8m.  
The proposed east side yard setback is 1.2m.
9. **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 front yard setback by 2.5m if it is no closer to a side lot line than the required side yard setback (1.8m).  
The proposed platform encroaches 0.7m into the required front yard setback and is setback 0.6m from the west side lot line.
10. **Chapter 10.5.40.60.(2), By-Law 569-2013**  
A canopy may encroach in a front yard by 2.5m if it is no closer to a side lot line than the minimum required side yard setback (1.8m).  
The proposed canopy encroaches a maximum of 0.7m and is setback 0.6m from the west side lot line.
11. **Chapter 10.20.30.10.(1), By-Law 569-2013**  
The required minimum lot area is 690m<sup>2</sup>.  
The proposed lot area is 352.5m<sup>2</sup>.
12. **Chapter 10.20.30.20.(1), By-Law 569-2013**  
The required minimum lot frontage is 18.0m.  
The proposed lot frontage is 9.15m.

13. **Chapter 10.20.40.70.(1), By-Law 569-2013**  
The required minimum front yard setback is 7.1m.  
The proposed front yard setback is 6.0m.
14. **Section 12.7, By-Law 7625**  
The maximum permitted building height is 8.0m.  
The proposed building height is 9.02m.
15. **Section 6(30)a, By-Law 7625**  
The maximum finished first floor height is 1.5m.  
The proposed finished first floor height is 1.69m.

## COMMENTS

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The subject property is located on the south side of Ranee Avenue, and west of Allen Road. The application proposes to sever the existing lot, creating two smaller lots each requiring variances for substandard lot frontage and lot area. The applications also propose to construct a new two-storey detached dwelling on each of the 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 "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 properties are zoned *R3* under former North York Zoning By-law No. 7625 and *RD(f18.0; a690)(x1463)* under the harmonized 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 18.0 metres and a lot area of 690 square metres. Lot frontage and lot area standards are established in order to achieve a consistent streetscape and pattern of development. The proposed lots would have lot frontages of approximately 9.15 metres and lot areas of approximately 353 square metres.

Staff conducted a review of lot frontages and lotting patterns for 400 lots in the residential detached neighbourhood bounded generally by Yorkdale Road to the north, Dane Avenue to the south, Dufferin Street to the west, and Allen Road to the east. The zoning within the study area

ranges between *R3, R4, R5* and *R6* under Zoning By-law No. 7625 and ranges between *RD (f18.0; a690)*, *RD (f15.0; a550)* and *RD (f12.0; a370)* under Zoning By-law No. 569-2013. The lot study analysis found that approximately 91% of lots within the neighbourhood maintain the lot frontage requirements as measured under Zoning By-law No. 7625 and By-law No. 569-2013. The average lot frontage for all lots within the study area is 16.1 metres. No lots within the residential detached neighbourhood are of the same or similar size to the lots proposed. Staff are of the opinion that the proposed lots are considerably undersized in comparison to both the Zoning By-law requirement and the existing lots within the block, street, and neighbourhood.

The applications propose the construction of a new two-storey dwelling on each of the newly created lots. Application Nos. A1130/17NY, and A1131/17NY request variances under Zoning By-law Nos. 7625 and 569-2013 to permit:

- Substandard lot frontage and lot area;
- Substandard side yard setbacks; and
- Increased building height among others.

Both minor variance applications propose an interior side yard setback of 0.6 metre as measured under both Zoning By-law No. 569-2013, whereas Zoning By-law No. 569-2013 requires a minimum side yard setback of 1.8 metres. Side yard setback provisions are intended, in part, to ensure adequate separation distance between dwellings, to provide access into the rear yards, and to establish a consistent rhythm along the streetscape. The proposed side yard setbacks fail to satisfy the general intent and purpose of the Zoning By-law as they are not characteristic of the prevailing pattern of side yard setbacks within this neighbourhood.

Planning 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 or the general intent and purpose of the Zoning By-laws. Staff find that a more appropriate avenue to consider the proposal is by way of a Zoning By-law Amendment, and not via Committee of Adjustment. Proposed developments approved through Zoning By-law Amendments, allow for a more fulsome review to determine whether the existing infrastructure can accommodate the proposal, and if improvements or upgrades to infrastructure are required. Furthermore, a Zoning By-law Amendment also establishes appropriate development standards.

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**

  
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