



STAFF REPORT
Committee of Adjustment
Application

Date: January 29, 2019

To: Chair and Committee Members of the Committee of Adjustment, North York District

From: Joe Nanos, Director, Community Planning, North York District

Ward: Ward 18, Willowdale

File No: B0048/18NY, A0708/18NY, A0709/18NY

Address: 88 Florence Avenue

Application to be heard: Thursday, February 7, 2019 at 9:30 a.m.

RECOMMENDATIONS

Staff recommend:

1. The Committee of Adjustment refuse applications B0048/18NY, A0708/18NY and A0709/18NY. 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

CONVEYED - Part 1

PART 1 - The frontage is 7.62 m and the lot area is 301.89 m². A new detached residential dwelling is proposed requiring variances to the applicable zoning by-laws as outlined in application A0708/18NY.

RETAINED - Part 2

PART 2 - The frontage is 7.62 m and the lot area is 301.89 m². A new detached residential dwelling is proposed requiring variances to the applicable zoning by-laws as outlined in application A0709/18NY.

File Numbers B0048/18NY, A0708/18NY, A0709/18NY will be considered jointly.

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

A0708/18NY – 88 FLORENCE AVENUE (PART 1)

To construct a new dwelling.

1. **Chapter 10.5.100.1, By-law No. 569-2013**
The rear deck must be setback 1.8 m from the side lot line.
The proposed rear deck is setback 1.22 m from the west side lot line.
2. **Chapter 900.3.10(5), By-law No. 569-2013**
The required side yard setback is 1.8 m.
The proposed east side yard setback is 0.61 m.
3. **Chapter 900.3.10(5), By-law No. 569-2013**
The required side yard setback is 1.8 m.
The proposed west side yard setback is 1.22 m.
4. **Chapter 10.20.30.10.(1), By-law No. 569-2013**
The required minimum lot area is 550 m².
The proposed lot area is 301.89 m².
5. **Chapter 10.20.30.20.(1), By-law No. 569-2013**
The required minimum lot frontage is 15 m.
The proposed lot frontage is 7.62 m.
6. **Chapter 10.5.40.60.(7), By-law No. 569-2013**
Roof eaves may project a maximum of 0.9 m provided that they are no closer than 0.30 m to a lot line.
The proposed eaves project 1.56 m into the required side yard setback and are 0.24 m from the east lot line.
7. **Chapter 10.5.40.60.(7), By-law No. 569-2013**
Roof eaves may project a maximum of 0.9 m provided that they are no closer than 0.30 m to a lot line.
The proposed eaves project 0.85 m into the required side yard setback and are 0.95 m from the west lot line.
8. **Chapter 10.5.40.60.(1), By-law No. 569-2013**
A platform without main walls may encroach into the required front yard setback 2.5 m.
The proposed platform is 0.61 from the east lot line.
9. **Chapter 10.5.40.60.(2), By-law No. 569-2013**
A canopy, awning or similar structure may encroach in a front yard or rear yard 2.5 m.
The proposed canopy is setback 0.4 m from the east side yard.
10. **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 32.24% of the lot area.

11. **Chapter 200.5.1.10.(2), By-law No. 569-2013**
The minimum required parking space must have a minimum width of 3.2 m.
The proposed parking space(s) will have a width of 3.1 m.
12. **Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8.8 m.
The proposed building height is 10.03 m.

A0709/18NY – 88 FLORENCE AVENUE (PART 2)

To construct a new dwelling.

1. **Chapter 10.5.100.1, By-law No. 569-2013**
The rear deck must be setback 1.8 m from the side lot line.
The proposed rear deck is setback 1.22 m from the east side lot line.
2. **Chapter 900.3.10(5), By-law No. 569-2013**
The required side yard setback is 1.8 m.
The proposed west side yard setback is 0.61 m.
3. **Chapter 900.3.10(5), By-law No. 569-2013**
The required side yard setback is 1.8 m.
The proposed east side yard setback is 1.22 m.
4. **Chapter 10.20.30.10.(1), By-law No. 569-2013**
The required minimum lot area is 550 m².
The proposed lot area is 301.89 m².
5. **Chapter 10.20.30.20.(1), By-law No. 569-2013**
The required minimum lot frontage is 15 m.
The proposed lot frontage is 7.62 m.
6. **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 7.5 m.
The proposed height of the side exterior main walls facing a side lot line is 10 m.
7. **Chapter 10.5.40.60.(7), By-law No. 569-2013**
Roof eaves may project a maximum of 0.9 m provided that they are no closer than 0.30 m to a lot line.
The proposed eaves project 1.56 m into the required side yard setback and are 0.24 m from the west lot line.
8. **Chapter 10.5.40.60.(7), By-law No. 569-2013**

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

The proposed eaves project 0.95 m into the required side yard setback and are 0.85 m from the east lot line.

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

A platform without main walls may encroach into the required front yard setback 2.5 m if it is no closer to a side lot line than the required side yard setback; 1.8 m. The proposed platform encroaches 1.1 m into the required front yard setback and is 0.61 m from the west side lot line.

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

A canopy, awning or similar structure may encroach in a front yard or rear yard 2.5 m.

The proposed canopy is setback 4.0 m from the west lot line.

11. 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 32.24% of the lot area.

12. Chapter 200.5.1.10.(2), By-law No. 569-2013

The minimum required parking space must have a minimum width of 3.2 m.

The proposed parking space(s) will have a width of 3.1 m.

13. Section 13.2.6, By-law No. 7625

The maximum permitted building height is 8.8 m.

The proposed building height is 10.09 m.

14. Section 6A(3), By-law No. 7625

The minimum required parking space width is 3.2 m.

The proposed parking space(s) width is 3.1 m.

COMMENTS

The subject property is located on the north side of Florence Avenue, west of Yonge Street and south of Sheppard Avenue West. The applicant proposes to sever the existing lot, creating two equal undersized residential lots requiring variances for lot frontage and lot area. The applicant also proposes to construct a new two-storey dwelling on each of the newly created lots.

The subject property is designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are considered to be stable areas where new development will maintain the existing physical character of the area. 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 each geographic neighbourhood, including in particular:

- b) prevailing size and configuration of lots;
- c) prevailing heights, massing, scale, density and dwelling type of nearby residential properties; and
- g) 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 *RD(f15.0; a550)(x5)* under City of Toronto Zoning By-law No. 569-2013 and *R4* under North York Zoning By-law No. 7625. The *RD(f15.0;a550)(x5)* zone requires a minimum lot frontage of 15.0 metres and a minimum lot area of 550 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 each have lot frontages of 7.62 metres and lot areas of approximately 301.89 square metres.

The subject applications propose the construction of a new dwelling on each of the newly created lots. The dwellings require variances to permit the undersized lot frontage and area, substandard side yard setbacks, size of parking spaces, increased lot coverage, and increased height.

Staff conducted a review of the frontages, depths, and areas of 833 lots in the neighbourhood bounded generally by Bogert Avenue to the north, Yonge Street to the east, Gwendolen Crescent to the west, and Cameron Avenue to the south. The lot study concluded, that, although there are comparable sized lots in the neighbourhood, the overwhelming majority of lots have a frontage greater than 7.62 metres. Of the 833 lots analyzed, 76 lots have a lot frontage that is comparable to the frontage of the lots proposed. These lots are generally located east of Botham Road on Cameron Avenue, Florence Avenue, and Johnston Avenue. This area in particular was re-zoned as a part of the West Lansing Zoning Study to address an evolving lot pattern of the neighbourhood. The lot frontage requirements in this area, as a result of the study, was re-zoned from 15 metres to 7.5 metres. After City Planning's analysis and community consultation, the subject site was not included within the West Lansing Study Area that was rezoned. As such, Staff are of the opinion that the subject property in its existing configuration respects and reinforces the existing prevailing physical character of the neighbourhood as it relates to lot size.

Staff also have concerns with Variance Nos. 2 and 3 for the proposed east and west side yard for Application No. A0708/18NY and Application No. A0709/18NY. Application No. A0708/18NY proposes a west yard setback of 1.22 metres and an east side yard

setback of 0.61 metres and Application No. A0709/18NY proposes an east side yard setback of 1.22 metres and a west yard setback of 0.61 metres, 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 neighbouring properties and to establish a consistent rhythm along the streetscape. The substandard setbacks are due to, in part, to the undersized 7.62 metre lot frontages that would be created from a severance. Staff are of the opinion that this creates constraints that limit the applicant's ability to comply with the minimum side yard setback requirements of the Zoning By-law. Further, Staff found that the proposed side yard setback is not in keeping with the prevailing pattern of side yard setbacks within the neighbourhood. As a result, Staff are of the opinion the proposed side yard setback fails to satisfy the general intent and purpose of the Official Plan and Zoning By-law.

Staff recommend the application for consent be refused as it fails to satisfy the consent criteria listed in Section 51(24) of the *Planning Act* and the applications for minor variance be refused as they fail to satisfy each of the four tests under section 45(1) of the *Planning Act*.

CONTACT

Ameena Khan, Assistant Planner, Community Planning, North District, 416 395-7138, Ameena.khan@toronto.ca

SIGNATURE



for

Joe Nanos, Director, Community Planning, North York District