



STAFF REPORT
Committee of Adjustment
Application

Date: March 12, 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: A0043/19NY

Address: 197 Elmwood Avenue

Application to be heard: Thursday, March 21, 2019 at 2:00 p.m.

RECOMMENDATIONS

Staff recommend that Application No. A0043/19NY be refused as it fails to satisfy all of the four tests for minor variance under Section 45(1) of the *Planning Act*.

APPLICATION

To construct a second storey addition over the existing dwelling and a two-storey rear addition.

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

- 1. Chapter 10.20.40.20.(1), By-law No. 569-2013**
The permitted maximum length of a dwelling is 17.0 m.
The proposed building length is 18.61 m.
- 2. Chapter 10.20.40.30.(1), By-law No. 569-2013**
The permitted maximum building depth 19.0 m.
The proposed building depth is 19.83 m.
- 3. 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 39.1% of the lot area.
- 4. Chapter 10.5.40.60.(1), By-law No. 569-2013**
A platform without main walls, attached to or less than 0.3 m 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 2.5 m if it is no closer to a side lot line than the required side yard setback.
The proposed platform encroaches 0.31 m into the required front yard setback.
- 5. Chapter 10.5.40.60.(1), By-law No. 569-2013**
A platform without main walls, attached to or less than 0.3 m 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 2.5 m if it is no closer to a side lot line than the required side yard setback.

The proposed platform encroaches 0.76 m into the required west side yard setback.

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

A roof canopy, awing or similar structure above a platform meeting the requirements of regulation 10.5.40.06.(1) may encroach into a required minimum building setback to the same extent as the platform it is covering.

The proposed platform does not meet regulation 10.5.40.60.(1).

7. 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 7.5m.

The proposed height of the side exterior main walls facing a side lot line is 7.89 m.

8. Chapter 10.20.40.10.(3), By-law No. 569-2013

The permitted maximum number of storeys is 2.

The proposed number of storey is 3.

9. 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 0.41 m and are 0.03 m from the east lot line.

10. Chapter 10.5.50.10.(1), By-law No. 569-2013

A minimum of 50% of the front yard must be landscaping.

The proposed front yard landscaping is 48.89%.

11. Chapter 10.20.40.50.(1), By-law No. 569-2013

The permitted maximum area of each platform at or above the second storey is 4.0 m².

The proposed area of the rear platform at or above the second storey is 12.01m².

12. Section 14-A(8), By-law No. 7625

The maximum permitted number of storeys is 2.

The proposed number of storeys is 3.

13. Section 14-A(8), By-law No. 7625

The maximum permitted building height is 8.8 m.

The proposed building height is 9.57 m.

COMMENTS

The subject property is located on the south side of Elmwood Avenue, east of Yonge Street and north of Sheppard Avenue East. The property is zoned *RD(f12.0; a370)* in the City of Toronto Zoning By-law No. 569-2013 and R6 in the former City of North York Zoning By-law No. 7625. The application proposes to construct a second storey addition over the existing dwelling and a two-storey rear addition.

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. 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 each geographic neighbourhood, including in particular:

c) prevailing heights, massing, scale, density and dwelling type of nearby residential properties".

Staff have concerns with Variance No. 3 for the proposed lot coverage. The application proposes an increased lot coverage of 39.1%, whereas a maximum lot coverage of 30% is permitted under Zoning By-law No. 569-2013. An analysis of recent Committee of Adjustment decisions on Elmwood Avenue and within the surrounding neighbourhood found no approvals granting a lot coverage for a dwelling exceeding 32.8%. Lot coverage provisions are intended, in part, to regulate the size of structures. The subject site is unique in that the existing dwelling has a lot coverage of approximately 33.5% and has a lot frontage of 7.62 metres, which is the smallest lot frontage on Elmwood Avenue. The proposed lot coverage results in a building scale that is not considered appropriate or characteristic of the nearby properties or properties within the surrounding neighbourhood.

Staff are of the opinion that the variances, as currently proposed, do not satisfy each of the four tests under section 45(1) of the *Planning Act*. As such, planning staff recommend that Application No. A0040/19NY be refused.

CONTACT

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SIGNATURE



for

Joe Nanos, Director, Community Planning, North York District