



STAFF REPORT
Committee of Adjustment
Application

Date: April 30, 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: A0168/19NY
Address: 38 Lorraine Drive
Application to be heard: Wednesday, May 8, 2019 at 9:30 a.m.

RECOMMENDATIONS

Staff recommend that the Committee of Adjustment:

1. Defer Application No. A0168/19 NY; however
2. Should a deferral not be granted, Staff recommend the application be refused.

APPLICATION

To legalize and maintain the existing driveway as constructed.

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

1. **Chapter 10.5.100.1.By-law No. 569-2013**
The maximum permitted driveway width is 6.0m.
The driveway width is 8.4m.
2. **Section 6A(5)a, By-law No. 7625**
The maximum permitted driveway width is 6.0m.
The driveway width is 8.4m.

COMMENTS

The subject property is located on the north side of Lorraine Drive, west of Yonge Street and south of Finch Avenue West. The property is zoned *RD(f15.0; a550)(x5)* in the City of Toronto Zoning By-law No. 569-2013 and *R4* under the former City of North York Zoning By-law No. 7625. The application proposes to legalize and maintain the existing driveway.

An application (File No. A0546/16NY) to construct a new dwelling was previously before the Committee of Adjustment on August 11, 2016, where it was approved. The Notice of Decision for File No. A0546/16NY indicates that the subject property must be developed

in accordance with the submitted site plan as a condition of approval. A second minor variance application (File No. A0812/18NY) to legalize and maintain the front yard landscaping was before the Committee of Adjustment on January 24, 2019, where it was refused. In the Staff Report dated January 15, 2019 (see Attachment 1), Staff recommended that a deferral be granted to allow the applicant an opportunity to address missing variances. Staff had concerns that the dwelling had not been built in accordance to the approved site plan and that the application failed to identify all required variances.

The applicant has not revised the current application to address the missing variances. As such, Staff maintain their concerns that the public hearing notice that was circulated fails to correctly identify all variances and are of the opinion that this application should be deferred until all variances have been correctly identified.

Staff recommend that the Committee defer the application, however, should a deferral not be granted, Staff recommend the application be refused.

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

ATTACHMENTS

Attachment 1: 38 Lorraine Drive Staff Report – January 15, 2019

Attachment 1: 38 Lorraine Drive Staff Report – January 15, 2019



STAFF REPORT Committee of Adjustment Application

Date: January 15, 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: A0812/18NY

Address: 38 Lorraine Drive

Application to be heard: Thursday, January 24, 2019 at 2:00 p.m.

RECOMMENDATIONS

Staff recommend that the Committee of Adjustment:

1. Defer Application No. A0812/18NY; however
2. Should a deferral not be granted, Staff recommend the application be refused.

APPLICATION

To legalize and maintain the existing driveway.

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

1. **Chapter 10.5.50.10.(1)(C), By-law No. 569-2013**
The minimum required front yard landscaping is 60.00%.
The front yard landscaping is 46.00%.
2. **Chapter 10.5.50.10.(1)(D), By-law No. 569-2013**
The minimum required front yard soft landscaping is 75.00%.
The front yard soft landscaping is 56.0%.
3. **Section 7.4A(c), By-law No. 7625**
The minimum required front yard landscaping is 60.00%.
The front yard landscaping is 46.00%.
4. **Section 7.4B(a), By-law No. 7625**
The minimum required front yard soft landscaping is 75.00%.
The front yard soft landscaping is 56.0%.

38 Lorraine Drive - Staff Report

COMMENTS

The subject property is located on the north side of Lorraine Drive, west of Yonge Street and south of Finch Avenue West. The property is zoned *RD(f15.0; a550)(x5)* in the City of Toronto Zoning By-law No. 569-2013 and *R4* under the former City of North York Zoning By-law No. 7625. The application proposes to legalize and maintain the existing driveway.

An application (File No. A0546/16NY) to construct a new dwelling was previously before the Committee of Adjustment on August 11, 2016, where it was approved. The Notice of Decision (see Attachment 1), indicates that the subject property must be developed in accordance with the submitted site plan as a condition of approval. Staff have concerns that since this application was approved, the dwelling has not been built in accordance to the site plan attached to the Notice of Decision and that the current application fails to identify all required variances.

The current application requests variances to legalize and maintain the soft front yard and front yard landscaping which is due, in part, to the driveway. A variance for the as-built driveway width would also be required, this was not, however, identified in the current application. The as-built driveway has a width of 9.65 metres, whereas a driveway width of 6.0 metres is permitted under Zoning By-law No. 569-2013 and 7625. Additionally, because the driveway was not built in accordance with the site plan (Attachment 1) indicating a driveway width of 6.0 metres, the minor variances approved on August 11, 2016 are no longer valid. As such, variances that were previously approved by the Committee of Adjustment, must be applied for again. Staff have concerns that the public hearing notice as circulated, fails to correctly identify all variances and are of the opinion that this application should be deferred until all variances have been correctly identified.

38 Lorraine Drive - Staff Report

Staff recommend that the Committee defer the application, however, should a deferral not be granted, Staff recommend the application be refused.

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

ATTACHMENTS

Attachment 1: Notice of Decision - A0546/16NY

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Attachment 1: Notice of Decision - A0546/16NY



City Planning Division

North York Civic Centre
5100 Yonge Street
North York, Ontario
Canada, M2N 5V7
Tel: (416) 395-7000
Fax: (416) 395-7200

Thursday, August 11, 2016

NOTICE OF DECISION MINOR VARIANCE/PERMISSION (Section 45 of the Planning Act)

| | | | |
|--------------------|-------------------------|------------|-----------------|
| File Number: | A0546/16NY | Zoning: | RD/R4 [ZZC] |
| Owner(s): | LO WONG YANAN WANG | Ward: | Willowdale (23) |
| Agent: | NOOR AND ASSOCIATES LTD | Heritage: | Not Applicable |
| Property Address: | 38 LORRAINE DR | Community: | North York |
| Legal Description: | PLAN 3705 LOT 80 | | |

Notice was given and a Public Hearing was held on Thursday, August 11, 2016, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new two-storey dwelling. The existing dwelling would be demolished.

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

- 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 **32.00%** of the lot area.
- Chapter 900.3.10.(5), By-law No. 569-2013**
The minimum required side yard setback is 1.80m.
The proposed west side yard setback is **1.55m**.
- Chapter 10.5.80.40.(3), By-law No. 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 is from the fronting street.
- Chapter 10.20.40.70.(6), By-law No. 569-2013**
The minimum required side yard setback for a corner lot is 3.00m.
The proposed east side yard setback is 1.82m.
- Section 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.80m.
The proposed west side yard setback is **1.55m**.
- Section 13.2.4, By-law No. 7625**
The maximum permitted lot coverage is 30.00% of the lot area.
The proposed lot coverage is **32.00%** of the lot area.

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7. **Section 13.2.3(b), By-law No. 7625**

The minimum required side yard setback for a corner lot is 3.00m.
The proposed east side yard setback is 1.82m.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

The Minor Variance Application is Approved on Condition

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):

- 1) Submission of a complete application for a permit to injure or destroy a City-owned tree(s).
A *Contractor's Agreement to Perform Work on City-owned Trees* will be required prior to the removal/injure of the subject tree(s). Form located at www.toronto.ca/trees/pdfs/contractor_services_agreement_information.pdf.
Submission of a tree protection guarantee security deposit to guarantee the protection of City-owned trees according to the *Tree Protection Policy and Specifications for Construction Near Trees* or as otherwise approved by Urban Forestry. Accepted methods of payment include debit or card, certified cheque or money order payable to the *Treasurer of the City of Toronto*, or Letter of Credit.
- 2) Submission of a complete application for permit to injure or remove privately owned trees.
- 3) The subject property be developed in accordance with the site plan, date stamped received by the City of Toronto Planning Division on August 2, 2016.
Any other variance(s) that may appear on these plans but are not listed in the written decision are NOT authorized.

SIGNATURE PAGE

| | | | |
|--------------------|-------------------------|------------|-----------------|
| File Number: | A0546/16NY | Zoning | RD/R4 [ZZC] |
| Owner: | LO WONG YANAN WANG | Ward: | Willowdale (23) |
| Agent: | NOOR AND ASSOCIATES LTD | Heritage: | Not Applicable |
| Property Address: | 38 LORRAINE DR | Community: | North York |
| Legal Description: | PLAN 3705 LOT 80 | | |

Denise Graham (signed)

Wayne McEachern (signed)

Nadini Sankar (signed)

Rick Ross (signed)

DATE DECISION MAILED ON: Thursday, August 18, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, August 31, 2016

CERTIFIED TRUE COPY

Dan Antonacci
Manager & Deputy Secretary Treasurer
North York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$300.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at www.omb.gov.on.ca.

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