



STAFF REPORT
Committee of Adjustment
Application

Date:	December 21, 2017
To:	Chair and Committee Members of the Committee of Adjustment North York District
From:	Joe Nanos, Director, Community Planning, North York District
Ward:	Ward 23 (Willowdale)
Reference:	File No: B0062/17NY, A0919/17NY & A0920/17NY Address: 37 STAFFORD ROAD Application to be heard: Thursday, January 11, 2018 at 9:30 a.m.

RECOMMENDATION

City Planning staff recommend:

1. The Committee of Adjustment refuse applications B0062/17NY, A0919/17NY, and A0920/17NY. 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

THE CONSENT REQUESTED

B0062/17NY- 37 STAFFORD ROAD

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

Conveyed - Part 1

Address to be assigned

The lot frontage is 10.1m and has a lot area of 400.1m².

The property will be redeveloped as the site of a new detached dwelling, requiring variances to the Zoning By-law(s), as outlined in application A0919/17NY.

Retained - Part 2

Address to be assigned

The lot frontage is 10.1m and has a lot area of 400.1m².

The property will be redeveloped as the site of a new detached dwelling, requiring variances to the Zoning By-law(s), as outlined in application A0920/17NY.

Application numbers B0062/17NY, A0919/17NY & A0920/17NY will be considered jointly.

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

A0919/17NY - 37 STAFFORD ROAD (PART 1)

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

1. **Chapter 900.3.10.(5), By-law No. 569-2013**
The minimum required side yard setback is 1.80m.
The proposed north side yard setback is 1.20m.
2. **Chapter 900.3.10.(5), By-law No. 569-2013**
The minimum required side yard setback is 1.80m.
The proposed south side yard setback is 0.60m.
3. **Chapter 10.5.40.10.(5), By-law No. 569-2013**
A minimum of 10.00m² of the first floor area must be within 4.00m of the main front wall.
The proposed first floor area is 7.30m² within 4.00m of the main front wall.
4. **Chapter 10.5.40.50.(2), By-law No. 569-2013**
The front porch required side yard setback is 1.80m.
The front porch proposed side yard setback is 0.60m.
5. **Chapter 10.5.40.50.(2), By-law No. 569-2013**
The rear deck required side yard setback is 1.80m.
The rear deck proposed side yard setback is 1.08m.
6. **Chapter 5.10.40.70.(2), By-law No. 569-2013**
The proposed front canopy must comply with the required side yard setback of 1.80m.
The proposed front canopy south side yard setback is 0.40m and the north side yard setback is 1.60m.
7. **Chapter 10.20.40.10.(2), By-law No. 569-2013**
The maximum permitted height of all front exterior main wall is 7.50m.
The proposed height of the front exterior main wall is 8.74m.
8. **Chapter 10.20.40.10.(2), By-law No. 569-2013**
The maximum permitted height of all rear exterior main wall is 7.50m.
The proposed height of the rear exterior main wall is 8.74m.
9. **Chapter 10.20.30.10.(1), By-law No. 569-2013**
The required minimum lot area is 550.00m².
The proposed lot area is 400.1m².
10. **Chapter 10.20.30.10.(1), By-law No. 569-2013**
The minimum required lot frontage is 15.00m.
The proposed lot frontage is 10.1m.
11. **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.

12. **Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8.80m.
The proposed building height is 9.32m.
13. **Section 13.2.3(a), By-law No. 7625**
The minimum required front yard setback is 6.50m (7.50m+/-1.00m).
The proposed front yard setback is 5.60m.
14. **Section 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.50m.
The proposed north side yard setback is 1.20m.
15. **Section 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.50m.
The proposed south side yard setback is 0.60m.
16. **Section 6(24), By-law No. 7625**
The rear deck required side yard setback is 1.50m.
The rear deck proposed side yard setback is 1.08m.
17. **Section 6(9)(f), By-law No. 7625**
The front porch and canopy required side yard setback is 1.50m.
The front porch proposed side yard setback is 0.60m, and front canopy proposed side yard setback is 0.40m.

A0920/17NY- 37 STAFFORD ROAD (PART 2)

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

1. **Chapter 900.3.10.(5), By-law No. 569-2013**
The minimum required side yard setback is 1.80m.
The proposed north side yard setback is 0.60m.
2. **Chapter 900.3.10.(5), By-law No. 569-2013**
The minimum required side yard setback is 1.80m.
The proposed south side yard setback is 1.20m.
3. **Chapter 10.5.40.10.(5), By-law No. 569-2013**
A minimum of 10.00m² of the first floor area must be within 4.00m of the main front wall.
The proposed first floor area is 7.30m² within 4.00m of the main front wall.
4. **Chapter 10.5.40.50.(2), By-law No. 569-2013**
The front porch required side yard setback is 1.80m.
The front porch proposed side yard setback is 0.60m.
5. **Chapter 10.5.40.50.(2), By-law No. 569-2013**
The rear deck required side yard setback is 1.80m.
The rear deck proposed side yard setback is 1.08m.

6. **Chapter 5.10.40.70.(2), By-law No. 569-2013**
The proposed front canopy must comply with the required side yard setback of 1.80m.
The proposed front canopy north side yard setback is 0.40m and the south side yard setback is 1.60m.
7. **Chapter 10.20.40.10.(2), By-law No. 569-2013**
The maximum permitted height of all front exterior main wall is 7.50m.
The proposed height of the front exterior main wall is 8.80m.
8. **Chapter 10.20.40.10.(2), By-law No. 569-2013**
The maximum permitted height of all rear exterior main wall is 7.50m.
The proposed height of the rear exterior main wall is 8.80m.
9. **Chapter 10.20.30.10.(1), By-law No. 569-2013**
The required minimum lot area is 550.00m².
The proposed lot area is 400.1m².
10. **Chapter 10.20.30.10.(1), By-law No. 569-2013**
The minimum required lot frontage is 15.00m.
The proposed lot frontage is 10.1m.
11. **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.
12. **Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8.80m.
The proposed building height is 9.19m.
13. **Section 13.2.3(a), By-law No. 7625**
The minimum required front yard setback is 6.50m (7.50m+/-1.00m).
The proposed front yard setback is 5.60m.
14. **Section 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.50m.
The proposed north side yard setback is 0.60m.
15. **Section 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.50m.
The proposed south side yard setback is 1.20m.
16. **Section 6(24), By-law No. 7625**
The rear deck required side yard setback is 1.50m.
The rear deck proposed side yard setback is 1.08m.
17. **Section 6(9)(f), By-law No. 7625**
The front porch and canopy required side yard setback is 1.50m.
The front porch proposed side yard setback is 0.60m, and front canopy proposed side yard setback is 0.40m.

COMMENTS

The subject property is located on the east side of Stafford Road, east of Bathurst Street and south of Finch Avenue West. 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 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 *R4* under former North York Zoning By-law No. 7625 and *RD(f15.0; a550)(x5)* 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 15.0 metres and a 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 have lot frontages of approximately 10.1 metres and lot areas of approximately 400 square metres.

Staff conducted a review of lot frontages and lotting patterns for 491 lots in the neighbourhood bounded generally by Horsham Avenue to the north, Betty Ann Drive to the south, Bathurst Street to the west, and Cobden Street to the east. The zoning within the study area ranges between *R4* and *R6* under Zoning By-law No. 7625 and ranges between *RD (f15.0; a550)(x5)* and *RD (f12.0; a370)* under Zoning By-law No. 569-2013. The lot study analysis found that approximately 84% 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 15.2 metres. There are two lots within the neighbourhood of the same or similar size to the lots proposed, however these lots are located in the *R6* and *RD (f12.0; a370)* zones which require a minimum frontage of 12.0 metres. No lots within the neighbourhood that are zoned *R4* or *RD (f15.0; a550)(x5)* 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. A0919/17NY, and A0920/17NY request variances under Zoning By-law Nos. 7625 and 569-2013 to permit:

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

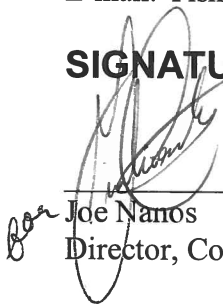
Both minor variance applications propose an interior side yard setback of 0.6 metre as measured under both Zoning By-law Nos. 7625 and 569-2013, whereas Zoning By-law No. 7625 requires a minimum side yard setback of 1.5 metres and Zoning By-law No. 569-2013 requires a minimum side yard setback of 1.8 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-laws and Official Plan as they are not characteristic of the prevailing pattern of side yard setbacks within this neighbourhood.

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 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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