



STAFF REPORT
Committee of Adjustment
Application

Date: November 27, 2018

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

File No: A0760/18NY

Address: 122 Elmwood Avenue

Application to be heard: Thursday, December 6, 2018 at 9:30 a.m.

RECOMMENDATIONS

Staff recommend that Application No. A0760/18NY 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 new dwelling.

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

1. Chapter 900.3.10 (5) (A), By-law 569-2013

The minimum required side yard setback is 1.8m.

The proposed east side yard setback is 1.22m.

2. Chapter 900.3.10 (5) (A), By-law 569-2013

The minimum required side yard setback is 1.8.

The proposed west side yard setback is 1.22m.

3. Chapter 10.20.30.40 (1) (A), By-law 569-2013

The maximum permitted lot coverage is 30% of the lot area.

The proposed lot coverage is 34% of the lot area.

4. Chapter 10.20.40.30 (1), By-law 569-2013

The maximum permitted building length is 17.0m.

The proposed building length is 19.2m.

5. Chapter 10.20.40.30 (1), By-law 569-2013

The maximum permitted building depth is 19.0m.

The proposed building depth is 19.2m.

6. Chapter 10.5.40.60 (3), By-law 569-2013

Exterior stairs are permitted to encroach into a required minimum building setback if they are no wider than 2.0m.

The proposed width of the front steps is 2.33m.

7. Chapter 10.20.40.10.(4), By-law 569-2013

The maximum permitted building height is 10.0m.

The proposed building height is 10.61m.

8. Chapter 10.20.40.50 (1), By-law 569-2013

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

The proposed area of the rear platform at the second storey is 8.0m².

9. Chapter 10.5.40.60 (1)(C), By-law 569-2013

In a rear yard, a platform with a floor no higher than the first storey of the building above established grade may encroach into the required rear yard setback the lesser of 2.5m or 50% of the required rear yard setback, if it is no closer to a side lot line than the greater of 0.3m.

The proposed rear yard platform on grade, which is 0.45m from the side lot line, projects 3.67m from the wall which it abuts.

10. Section 13.2.6 (ii), By-law 7625

The maximum permitted building height is 8.8m.

The proposed building height is 9.67m.

COMMENTS

The subject property is located on the north side of Elmwood Avenue, east of Yonge Street and north of Sheppard Avenue East. 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 construct a new dwelling.

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 the neighbourhood, including in particular:

- b) heights, massing, scale, and dwelling type of nearby residential properties;
- and
- f) prevailing patterns of rear and side yard setbacks and landscaped open space.

Staff have specific concerns relating to the proposed side yard setbacks, lot coverage, and building height. Although the applicant has made several efforts to revise the original application and address Staff's concerns, Staff and the applicant were unable to come to an agreement.

Staff have concerns with Variance No. 1 and 2 for the proposed east and west side yard setback. The application proposes an east and west side yard setback of 1.22 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 subject property has a lot frontage of 15.28 metres, which exceeds the minimum lot frontage requirement under Zoning By-law Nos. 7625 and 569-2013 of 15 metres. Due to the size of the subject property, Staff are of the opinion that there are no on-site 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.

Furthermore, Staff have concerns with Variance No. 7 for the proposed building height of 10.61 metres as measured under Zoning By-Law No. 569-2013, whereas a maximum building height of 10 metres is permitted. Staff conducted an analysis of Committee of Adjustment decisions on Elmwood Avenue from 2005 to 2018 and found that all the decisions analyzed have not approved a building height in excess of 10 metres. As such, Staff are of the opinion that the proposed building height is not consistent with the physical character of the neighbourhood.

Lastly, Staff have concerns with Variance No. 3 for the proposed lot coverage of 34% as measured under Zoning By-law No. 569-2013, whereas a maximum lot coverage of 30% is permitted. Lot coverage provisions are intended, in part, to regulate the size of structures. An analysis of recent Committee of Adjustment decisions within the surrounding neighbourhood found that the overwhelming majority of approvals for lot coverage do not exceed 32%. The proposed lot coverage results in a building scale that is not characteristic of the nearby properties or properties within the surrounding neighbourhood. As a result, Staff are of the opinion that the proposed side yard setbacks, building height, and lot coverage fails to satisfy the general intent and purpose of the Official Plan and Zoning By-law, and are not minor or desirable.

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. A0760/18NY be refused.

CONTACT

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SIGNATURE



for

Joe Nanos, Director, Community Planning, North York District