



STAFF REPORT
Committee of Adjustment
Application

Date: November 27, 2019

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

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

Ward: 18 – Willowdale

File No: B0034/19NY, A0531/19NY, A0532/19NY

Address: 318 Hounslow Avenue

Application to be heard: Thursday, December 5, 2019

RECOMMENDATIONS

Staff recommend that:

1. The Committee of Adjustment refuse applications B0034/19NY, A0531/19NY, A0532/19NY. The requested consent to sever fails to satisfy all of the consent criteria under sections 51(24) and 45(1) of the *Planning Act*.

APPLICATION

THE CONSENT REQUESTED

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

CONVEYED - PART 1

Address to be assigned

The lot frontage is 10.11m and the lot area is 404.42m².

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 #A0532/19NY.

RETAINED - PART 2

Address to be assigned

The lot frontage is 10.11m and the lot area is 404.38m².

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 #A0531/19NY.

Application numbers B0034/19NY, A0531/19NY and A0532/19NY will be considered jointly.

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

A0532/19NY – 318 HOUNSLOW AVENUE PART 1

To construct a new detached dwelling.

1. **Chapter 10.20.30.20, By-Law No. 569-2013**
The minimum required lot frontage is 15 m.
Existing lot frontage is 10.11 m.
2. **Chapter 10.20.30.10, By-Law No. 569-2013**
The minimum required lot area is 550 m².
Existing lot area is 404.42 m².
3. **Chapter 10.20.40.70 & Exception RD5, By-Law No. 569-2013**
The minimum required east side yard setback is 1.8 m
Proposed east side yard setback is 1.45 m.
4. **Chapter 10.20.40.70 & Exception RD5, By-Law No. 569-2013**
The minimum required west side yard setback is 1.8 m
Proposed west side yard setback is 1.45 m.
5. **Chapter 10.5.40.60 (1), By-Law No. 569-2013**
The minimum required front porch setback from the side lot line for this zone is 1.8 m.
Proposed front porch is 1.45 m from the side lot line.

A0531/19NY – 318 HOUNSLOW AVENUE PART 2

To construct a new detached dwelling.

1. **Chapter 10.20.30.20, By-Law No. 569-2013**
The minimum required lot frontage is 15 m.
Existing lot frontage is 10.11 m.
2. **Chapter 10.20.30.10, By-Law No. 569-2013**
The minimum required lot area is 550 m².
Existing lot area is 404.38 m².
3. **Chapter 10.20.40.70 & Exception RD5, By-Law No. 569-2013**
The minimum required east side yard setback is 1.8 m
Proposed east side yard setback is 1.45 m.
4. **Chapter 10.20.40.70 & Exception RD5, By-Law No. 569-2013**
The minimum required west side yard setback is 1.8 m
Proposed west side yard setback is 1.45 m.

5. Chapter 10.5.40.60 (1), By-Law No. 569-2013

The minimum required front porch setback from the side lot line for this zone is 1.8 m.

Proposed front porch is 1.45 m from the side lot line.

COMMENTS

The subject property is located on the north side of Hounslow Avenue, southeast of Bathurst Street and Finch Avenue West. The application proposes to sever the lot and construct a new dwelling on each of the newly created lots. Each of the proposed lots would have a lot frontage of 10.11 metres and a lot area of approximately 404 squares metres.

An application to sever the subject property was previously before the Committee of Adjustment on November 22, 2018 and was ultimately refused. The applications proposed the creation of two lots, each with a lot frontage of 10.11 metres and a lot area of approximately 404 square metres. The application also proposed the construction of a new two-storey dwelling on each of the newly created lots which required variances to Zoning By-law No. 569-2013 and the former City of North York Zoning By-law 7625. The applicant did not appeal the Committee's decision to refuse the applications to the Toronto Local Appeal Body.

In the Staff Report dated April 11, 2017, Staff identified the boundaries of the lots that were assessed and analyzed the lot study findings. Staff found that the "proposed lot frontages are considerably undersized in comparison to both the zoning by-law requirements and the average lot frontage found within the study area". Staff are of the opinion the analysis previously conducted remains relevant and the character of the neighbourhood has not changed since the applications were last considered in 2017. The Staff Report dated April 11, 2017 has been attached as Attachment 1 to this report.

On December 7, 2018, the Local Planning Appeal Tribunal (LPAT) approved amendments to the *Neighbourhoods* policies of the City of Toronto's Official Plan. The intent of the amendments to the *Neighbourhoods* policies is to protect and enhance existing neighbourhoods. Staff maintains the position that the proposed severance does not respect and reinforce the prevailing physical character of the neighbourhood as it relates to lot size and has the potential to be duplicated and ultimately destabilize the existing physical character of the neighbourhood.

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 the four tests for minor variance listed in Section 45(1) of the *Planning Act*.

CONTACT

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SIGNATURE



Signed by Giulio Cescato, Manager, Community Planning, North York District on behalf
of Joe Nanos, Director, Community Planning, North York District

ATTACHMENTS

Attachment 1: Staff Report to the Committee of Adjustment dated April 11, 2017

Attachment 1: Staff Report to the Committee of Adjustment dated April 11, 2017



STAFF REPORT Committee of Adjustment Application

Date:	April 11, 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: B0039/16NY, A0531/16NY, and A0532/16NY Address: 318 HOUNSLOW AVENUE Application to be heard: Wednesday, April 19, 2017 at 9:30 a.m.

RECOMMENDATION

The City Planning Staff recommend:

1. Planning staff recommend the Committee of Adjustment refuse the following applications, B0039/16NY, A0531/16NY, and A0532/16NY. 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:

B0033/16NY – 318 Hounslow Avenue

The applicant is seeking consent to sever the subject property into two undersized residential lots.

Conveyed - Part 1 (B) West Lot

Address to be assigned

The frontage is 10.11 metres and the lot area is 403.69m². The property will be redeveloped as the site of a new detached two-storey dwelling requiring variances to the applicable zoning By-law(s) as outlined in the application file A0532/16NY.

Retained - Part 2 (A) East Lot

Address to be assigned

The frontage is 10.11 metres and the lot area is 403.69m². The property will be redeveloped as the site of a new detached two-storey dwelling requiring variances to the applicable zoning By-law(s) as outlined in application file A0531/16NY.

The applications B0039/16NY, A0531/16NY, and A0532/16NY will be considered jointly.

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

A0532/16NY – 318 HOUNSLOW AVENUE (PART 1)

1. **Chapter 10.5.40.10(5), Zoning By-law No. 569-2013**
A minimum of 10 m² of the first floor must be within 4 m of the front main wall.
An area of 4.5 m² of the first floor is within 4 m of the front main wall.
2. **Chapter 10.20.30.40.(1), Zoning By-law No. 569-2013**
The maximum permitted lot coverage is 30% of the lot area.
The proposed lot coverage is 31.7% of the lot area.
3. **Chapter 10.20.40.10.(2), Zoning By-law No. 569-2013**
The maximum permitted height of all side exterior main walls facing a side lot line is 7.5 m.
The proposed height of the east side exterior main wall facing a side lot line is 7.88m.
4. **Chapter 900.3.10(5), Zoning By-law No. 569-2013**
The minimum required side yard setback is 1.8 m.
The proposed west side yard setback is 1.2 m.
5. **Chapter 900.3.10(5), Zoning By-law No. 569-2013**
The minimum required side yard setback is 1.8 m.
The proposed east side yard setback is 0.9 m.
6. **Chapter 10.20.30.10.(1), Zoning By-law No. 569-2013**
The required minimum lot area is 550 m².
The proposed lot area is 403.69 m².
7. **Chapter 10.20.30.20.(1), Zoning By-law No. 569-2013**
The required minimum lot frontage is 15 m.
The proposed lot frontage is 10.11 m.

8. **Section 13.2.1 and 6(8), Zoning By-law No. 7625**
The minimum required lot frontage and lot width is 15m.
The proposed lot frontage and lot width is 10.11 m.
9. **Section 13.2.2, Zoning By-law No. 7625**
The minimum required lot area is 550m².
The proposed lot area is 403.69m².
10. **Section 13.2.3(b), Zoning By-law No. 7625**
The minimum required west side yard setback is 1.5 m.
The proposed west side yard setback is 1.2 m.
11. **Section 13.2.3(b), Zoning By-law No. 7625**
The minimum required east side yard setback is 1.5 m.
The proposed east side yard setback is 0.9 m.
12. **Section 13.2.4, Zoning By-law No. 7625**
The maximum permitted lot coverage is 30% of the lot area.
The proposed lot coverage is 31.7% of the lot area.
13. **Section 13.2.6, Zoning By-law No. 7625**
The maximum permitted building height is 8.8m.
The proposed building height is 9.38m.
14. **Section 6(30)a, Zoning By-law No. 7625**
The maximum finished first floor height is 1.5m.
The proposed finished first floor height is 1.77m.

A0531/16NY – 318 HOUNSLOW AVENUE (PART 2)

1. **Chapter 10.5.40.10(5), Zoning By-law No. 569-2013**
A minimum of 10 m² of the first floor must be within 4 m of the front main wall.
An area of 4.5 m² of the first floor is within 4 m of the front main wall.
2. **Chapter 900.3.10(5), Zoning By-law No. 569-2013**
The required minimum side yard setback is 1.8 m.
The proposed west side yard setback is 0.9 m.
3. **Chapter 900.3.10(5), Zoning By-law No. 569-2013**
The required minimum side yard setback is 1.8 m.
The proposed east side yard setback is 1.2 m.
4. **Chapter 10.20.30.10.(1), Zoning By-law No. 569-2013**
The required minimum lot area is 550 m².
The proposed lot area is 403.69 m².

5. **Chapter 10.20.30.20.(1), Zoning By-law No. 569-2013**
The required minimum lot frontage is 15 m.
The proposed lot frontage is 10.11 m.
6. **Chapter 10.20.30.40.(1), Zoning By-law No. 569-2013**
The maximum permitted lot coverage is 30% of the lot area.
The proposed lot coverage is 31.7%
7. **Chapter 10.20.40.10.(2), Zoning By-law No. 569-2013**
The maximum permitted main wall height is 7.5 m.
The proposed main wall height is 7.63 m.
8. **Section 13.2.1 and 6(8), Zoning By-law No. 7625**
The minimum required lot frontage and lot width is 15m.
The proposed lot frontage and lot width is 10.11 m.
9. **Section 13.2.2, Zoning By-law No. 7625**
The minimum required lot area is 550 m².
The proposed lot area is 403.69 m²
10. **Section 13.2.4, Zoning By-law No. 7625**
The maximum permitted lot coverage is 30% of the lot area.
The proposed lot coverage is 31.7% of the lot area.
11. **Section 13.2.3(b), Zoning By-law No. 7625**
The minimum required west side yard setback is 1.5m.
The proposed west side yard setback is 0.9m.
12. **Section 13.2.3(b), Zoning By-law No. 7625**
The minimum required east side yard setback is 1.5m.
The proposed east side yard setback is 1.2 m.
13. **Section 13.2.6, Zoning By-law No. 7625**
The maximum permitted building height is 8.8m.
The proposed building height is 9.45m.
14. **Section 6(30)a, Zoning By-law No. 7625**
The maximum finished first floor height is 1.5m.
The proposed finished first floor height is 1.73m.

COMMENTS

The subject property is located on the north side of Hounslow Avenue, southwest of Finch Avenue West and Senlac Road. The site is zoned *R4* under the North York Zoning By-law No. 7625 and *RD(15.0; a550)(x5)* under the City of Toronto Zoning By-law No. 569-

2013. The sites are designated *Neighbourhoods* in the City of Toronto Official Plan. The applicant is proposing to sever the existing lot to create two undersized lots, which require variances for lot frontage as well as lot area. Each of the new lots created will have a lot frontage of 10.11 metres and an area of 403.69m².

The subject property is designated *Neighbourhoods* within the City of Toronto Official Plan. As defined under Section 4.1 of the Official Plan, *Neighbourhoods* are considered to be stable areas where new development will respect and reinforce the existing physical character. Outlined within this section of the Official Plan are the development policies for *Neighbourhoods*. The preamble to the development criteria states that "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 in *Neighbourhoods*, states that "development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhoods, particularly:

- (b) size and configuration of lots;
- (c) heights, massing, scale and dwelling type of nearby residential properties;
- (e) setbacks of buildings from the street or streets; and
- (f) prevailing patterns of rear and side yard setbacks and landscaped open space."

To further reinforce the development criteria of *Neighbourhoods*, the Official Plan states no changes will be made to the Zoning By-law through re-zoning, minor variance or other public action that are not in keeping with the character of the neighbourhood.

The subject property is zoned *R4* under the North York Zoning By-law No. 7625 and *RD(15.0; a550)(x5)* under the City of Toronto Zoning By-law No. 569-2013. The objective of the Zoning By-law is to establish specific standards around how land is developed. The aforementioned zoning categories require a minimum lot frontage of 15.0 metres and a minimum lot area of 550 metres. The requirements for lot frontage and lot area are established to achieve a consistent streetscape and pattern of development.

Planning staff conducted an analysis of 508 lot patterns in the neighbourhood, bounded generally by Yorkview Drive to the north, Churchill Avenue to the south, Claywood Road to the east, and Stafford Road to the west. The zoning within the study area is *R4* and *R6* under Zoning By-law No. 7625 and *RD(15.0; a550)(x5)* under Zoning By-law No. 569-2013. The subject property is zoned *R4* under Zoning By-law No. 7625. The properties in both zones, *R4* and *R6*, with frontages that are less than or equal to 10.11 metres constitute less than 1% of the lots within the study area, of which two are historical lots. Within the study area, approximately 68% of the lots are in keeping with the frontage requirements as measured under Zoning By-law No. 7265 and By-law No. 569-2013. The average lot frontage for all lots within the study area is 15.6 metres. The proposed lot frontages are considerably undersized in comparison to both the zoning by-law requirements and the average lot frontages found within the study area.

In addition to lot frontage, an analysis of the lot area was completed for the 508 lots in the study. The zoning of the subject property permits a lot area of 550 square metres. Properties with lot areas less than or equal to 550 square metres constitute approximately 19%; representing a minority of the lots within the study area.

The applicant is proposing a two-storey detached dwelling for each of the new proposed lots. The proposed dwellings require variances to permit substandard side yard setbacks, increased building height, increased exterior main wall heights, and lot coverage, among other variances, under both Zoning By-law No. 7265 and No. 569-2013

RECOMMENDATION

Planning staff are of the opinion that the following proposal does not respect the existing character of the area or the intent of the Zoning By-laws. Planning staff recommend that the Committee of Adjustment refuse the applications for consent and minor variances as the proposal is not in keeping with the intent of the Official Plan or the intent of the Zoning By-laws.

CONTACT

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SIGNATURE

A handwritten signature in black ink, appearing to read "Joe Nanos", is written over a horizontal line.

Joe Nanos
Director, Community Planning, North York District

B0039/16NY, A0531/16NY, and A0532/16NY – 318 HOUNSLOW AVE.