



## **STAFF REPORT**

### **Committee of Adjustment Application**

**Date:** November 26, 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:** B0025/19NY, A0479/19NY & A0480/19NY

**Address:** 320 Hollywood Avenue

**Application to be heard:** Thursday, December 5, 2019

## **RECOMMENDATIONS**

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Staff recommend:

1. The Committee of Adjustment refuse applications B0025/19NY, A0479/19NY & A0480/19NY. 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**

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### **THE CONSENT REQUESTED**

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

#### **Conveyed – Part 1**

The lot frontage is 9.14m and has a lot area of 366.49m<sup>2</sup>.

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 # A0479/19NY.

#### **Retained – Part 2**

The lot frontage is 9.14m and has a lot area of 366.49m<sup>2</sup>.

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 # A0480/19NY.

**File Numbers B0025/19NY, A0479/19NY & A0480/19NY will be considered jointly.**

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

#### **A0479/19NY – 320 HOLLYWOOD AVENUE PART 1**

To construct a new dwelling.

1. **Chapter 900.3.10(5) (A), By-law No. 569-2013**  
The minimum side yard setback is 1.8m.  
The proposed east side yard setback is 1.22m.
2. **Chapter 900.3.10(5) (A), By-law No. 569-2013**  
The minimum side yard setback is 1.8m.  
The proposed west side yard setback is 1.04m.
3. **Chapter 10.5.40.50(2), By-law No. 569-2013**  
In the Residential Zone category, a platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3m of a building, must comply with the required minimum building setbacks for the zone.  
The front porch is 1.22m from the east side yard setback.
4. **Chapter 10.20.40.10. (2)(B)(i), 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 8.43m.
5. **Chapter 10.20.30.10. (1)(A), By-law No. 569-2013**  
The required minimum lot area is 550m<sup>2</sup>.  
The proposed lot area is 366.49m<sup>2</sup>.
6. **Chapter 10.20.30.20. (1)(A), By-law No. 569-2013**  
The required minimum lot frontage is 15m.  
The proposed lot frontage is 9.14m.
7. **Chapter 10.20.30.40. (1)(A), By-law No. 569-2013**  
The permitted maximum lot coverage is 30% of the lot area.  
The proposed lot coverage is 32% of the lot area.
8. **Chapter 10.5.50.10. (1)(C), By-law No. 569-2013**  
On a lot with a detached house, with a lot frontage of 15.0m or greater, a minimum of 60% of the front yard must be landscaping.  
The proposed front yard landscaping area is 51.9%.
9. **Section 13.2.6, By-law No. 7625**  
The maximum permitted building height is 8.8m.  
The proposed building height is 9.49m.
10. **Section 6(30) a, By-law No. 7625**  
The maximum finished first floor height is 1.5m.  
The proposed finished first floor height is 1.86m.

## **A0480/19NY – 320 HOLLYWOOD AVENUE PART 2**

To construct a new dwelling.

1. **Chapter 900.3.10(5) (A), By-law No. 569-2013**  
The minimum side yard setback is 1.8m.  
The proposed east side yard setback is 1.04m.
2. **Chapter 900.3.10(5) (A), By-law No. 569-2013**  
The minimum side yard setback is 1.8m.  
The proposed west side yard setback is 1.22m.
3. **Chapter 10.5.40(2), By-law No. 569-2013**  
In the Residential Zone category, a platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3m of a building, must comply with the required minimum building setbacks for the zone.  
The front porch is 1.22m from the west side yard setback.
4. **Chapter 10.20.40.10.(2)(b)(i), 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 8.43m.
5. **Chapter 10.20.30.10.(1)(A), By-law No. 569-2013**  
The required minimum lot area is 550m<sup>2</sup>.  
The proposed lot area is 366.49m<sup>2</sup>.
6. **Chapter 10.20.30.20.(1)(A), By-law No. 569-2013**  
The required minimum lot frontage is 15m.  
The proposed lot frontage is 9.14m.
7. **Chapter 10.20.30.40.(1)(A), By-law No. 569-2013**  
The permitted maximum lot coverage is 30% of the lot area.  
The proposed lot coverage is 32% of the lot area.
8. **Chapter 10.5.50.10.(1)(C), By-law No. 569-2013**  
On a lot with a detached house, semi-detached house, with a lot frontage of 15.0m or greater, a minimum of 60% of the front yard must be landscaping.  
The proposed front yard landscaping area is 51.5%.
9. **Section 13.2.6, By-law No. 7625**  
The maximum permitted building height is 8.8m.  
The proposed building height is 9.42m.

**10. Section 6(30)a, By-law No. 7625**

The maximum finished first floor height is 1.5m.

The proposed finished first floor height is 1.79m.

## **COMMENTS**

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The subject property is located on the north side of Hollywood Avenue, west of Bayview Avenue and north of Sheppard Avenue East. The application proposes to sever the lot into two lots and construct a new dwelling on each of the newly created undersized 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 that "physical changes to our established *Neighbourhoods* must be sensitive, gradual, and '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:

b) prevailing size and configuration of lots".

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 property is zoned *RD (f15.0; a550)(x5)* under City of Toronto Zoning By-law No. 569-2013 and *R4* under the former City of North York Zoning By-law No. 7625. The *RD(f15.0;a550)(x5)* zone requires a minimum lot frontage of 15.0 metres and a minimum 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 each have lot frontages of 9.14 metres and lot areas of approximately 366.49 square metres.

Staff conducted a review of the frontages, depths, and areas of 579 lots in the neighbourhood bounded generally by Empress Avenue to the north, Hollywood Avenue to the south, Bayview Avenue to the east, and Willowdale Avenue to the west. The lot study concluded that the overwhelming majority of lots have a frontage greater than 9.14 metres. Of the 579 lots analyzed, approximately 4 lots have a lot frontage of approximately 9.1 metres, which is comparable to the frontage of the lots proposed. As such, Staff are of the opinion 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 each of the four tests under section 45(1) of the *Planning Act*.

## **CONTACT**

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matt.armstrong@toronto.ca

## **SIGNATURE**

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A handwritten signature in blue ink, appearing to read "Giulio Cescato", is written over a faint, light blue circular stamp or watermark.

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