



STAFF REPORT

Committee of Adjustment Application

Date: May 22, 2020

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

From: John Andreevski, Director (Acting), Community Planning, North York District

Ward: 18 – Willowdale

File No: B0001/20NY, A0038/20NY, A0039/20NY

Address: 186 Ellerslie Avenue

Hearing Date: July 7, 2020

RECOMMENDATIONS

Staff recommend the Committee of Adjustment refuse applications B0001/20NY, A0038/20NY, and A0039/20NY. The requested consent to sever fails to satisfy the consent criteria under Section 51(24) of the *Planning Act* and the request minor variance applications do not meet the four tests for minor variance under Section 45(1) of the *Planning Act*.

APPLICATION

THE CONSENT REQUESTED

B0001/20NY – 186 Ellerslie Avenue

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

Conveyed – Part 1

Address to be assigned.

The lot frontage is 10.06 m and has a lot area of 401.62 m².

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 #A0039/20NY.

Retained – Part 2

Address to be assigned.

The lot frontage is 10.06 m and the lot area is 402.62 m².

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 No. A0038/20NY.

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

A0039/20NY – 186 Ellerslie Avenue (Part 1)

1. Chapter 900.3.10(5), By-law No. 569-2013

The minimum required west side yard setback is 1.8 m.

The proposed west side yard setback is 0.91 m.

2. **Chapter 900.3.10(5), By-law No. 569-2013**
The minimum required east side yard setback is 1.8 m.
The proposed east side yard setback is 1.22 m.
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 0.3 m of a building, must comply with the required minimum building setbacks for the zone.
The minimum required side yard setback is 1.8 m.
The proposed rear deck is setback 1.56 m from the west side lot.
4. **Chapter 10.20.30.10.(1), By-law No. 569-2013**
The required minimum lot area is 550 m².
The proposed lot area is 401.62 m².
5. **Chapter 10.20.30.20.(1), By-law No. 569-2013**
The required minimum lot frontage is 15.0 m.
The proposed lot frontage is 10.06 m.
6. **Chapter 10.20.30.40.(1), By-law No. 569-2013**
The permitted maximum lot coverage is 30% of the lot area.
The proposed lot coverage is 31.02% of the lot area.
7. **Chapter 10.20.40.10.(2), By-law No. 569-2013**
The permitted maximum height of all side exterior main walls facing a side lot line is 7.5 m.
The proposed height of the side exterior main walls facing a side lot line is 7.82 m.
8. **Chapter 10.5.40.60.(1), By-law No. 569-2013**
A platform without main walls, attached to or less than 0.3 m from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required front yard setback 2.5 m if it is no closer to a side lot line than the required side yard setback.
The minimum required side yard setback is 1.8 m.
The proposed platform is 1.51 m from the west side lot line.
9. **Chapter 10.5.40.60.(2), By-law No. 569-2013**
A roof, canopy, awning or similar structure above a platform meeting the requirements of regulation 10.5.40.60(1) may encroach into a required minimum building setback to the same extent as the platform it is covering.
The required minimum side yard setback is 1.8 m.
The proposed side yard setback is 1.51 m.

10. **Section 13.2.6., By-law No. 7625**
The maximum permitted building height is 8.8 m.
The proposed building height is 9.76 m.
11. **Section 6(30)a, By-law No. 7625**
The maximum permitted finished first floor height is 1.5 m.
The proposed finished first floor height is 2.02 m.

A0038/20NY – 186 Ellerslie Avenue (Part 2)

1. **Chapter 900.3.10(5), By-law No. 569-2013**
The minimum required side yard setback is 1.80 m.
The proposed west side yard setback is 1.22 m.
2. **Chapter 900.3.10(5), By-law No. 569-2013**
The minimum required side yard setback is 1.8 m.
The proposed east side yard setback is 0.91 m.
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 minimum required setback is 1.8 m.
The proposed rear deck is setback from the east side lot line by 1.54 m.
4. **Chapter 10.20.30.10.(1), By-law No. 569-2013**
The required minimum lot area is 550 m².
The proposed lot area is 401.62 m².
5. **Chapter 10.20.30.20.(1), By-law No. 569-2013**
The required minimum lot frontage is 15.0 m.
The proposed lot frontage is 10.06 m.
6. **Chapter 10.20.30.40.(1), By-law No. 569-2013**
The permitted maximum lot coverage is 30% of the lot area.
The proposed lot coverage is 31.02% of the lot area.
7. **Chapter 10.5.40.60.(1), By-law No. 569-2013**
A platform without main walls, attached to or less than 0.3 m from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required front yard setback 2.5 m if it is no closer to a side lot line than the required side yard setback.
The minimum required setback is 1.8 m.
The proposed platform encroaches into the required front yard setback and is 1.54 m from the east side lot line.

8. **Chapter 10.5.40.60.(2), By-law No. 569-2013**
A roof, canopy, awning or similar structure above a platform meeting the requirements of regulation 10.5.40.60(1) may encroach into a required minimum building setback to the same extent as the platform it is covering.
The proposed canopy is above a platform which does not meet regulation 10.5.40.60(1)(A) as the proposed canopy does not meet the required side yard setback of 1.8 m with 1.54 m proposed.
9. **Chapter 10.20.40.10.(2), By-Law No. 569-2013**
The permitted maximum height of all side exterior main walls facing a side lot line is 7.5 m.
The proposed height of the side exterior main walls facing a side lot line is 8.59 m.
10. **Section 13.2.6., By-law No. 7625**
The maximum permitted building height is 8.8 m.
The proposed building height is 9.86 m.
11. **Chapter 6(30)a, By-law No. 7625**
The maximum permitted finished first floor height is 1.5 m.
The proposed finished first floor height is 1.75 m.

B0001/20NY, A0038/20NY, A0039/20NY will be considered jointly.

COMMENTS

The subject property is located on the north side of Ellerslie Avenue, northwest of Beecroft Road and Sheppard Avenue West. The 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 application proposes to construct a new dwelling on each of the newly created lots.

The subject property is designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are considered physically 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; and
- g) prevailing patterns of rear and side yard setbacks and landscaped open space".

The word "prevailing" was added to Policy 4.1.5 through Official Plan Amendment 320 (OPA 320). Policy 4.1.5 of the Official Plan goes on to state that: "The prevailing building type and physical character of a geographic neighbourhood will be determined by the most frequently occurring form of development in that neighbourhood."

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 10.06 metres and lot area of 401.62 square metres.

City Planning staff conducted a review of lot frontages and lotting patterns for 697 residential lots generally bounded by Hounslow Avenue to the north, Senlac Road to the west, Park Home Avenue to the south, and Beecroft Road to the east. The zoning within the neighbourhood study area is *RD* (f15.0; a550)(x5) and *RD* (f12.0; a370), under Zoning By-law No. 569-2013, which require minimum lot frontages of 15.0 and 12.0 metres. The zoning in the lot study area includes *RD* (a550)(x685), under Zoning By-law No. 569-2013, which is a site-specific exception for 145 Ellerslie Avenue that permits the land to be used for two lots, each with a detached house with no specified minimum frontage and lot area requirements. The lots in the neighbourhood study area that meet or exceed 15.0 metre frontage account for 384 out of 697 properties, or 55% of the total lots. The lots with frontages that are less than or equal to 10.1 metres account for 36 properties, or approximately 5% of the total number of lots. The neighbourhood study area includes lots that are smaller than 15.0 metres, which is due, in part, to the smaller lot frontage requirement found in the *RD* (f12.0; a370) zone. This zone has 89 lots, all of which comply with the minimum frontage requirement of 12.0 metres.

The Official 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. Policy 4.1.5 of the *Neighbourhoods* policies in the Official Plan states that the physical character of the geographic neighbourhood includes: "both the physical characteristics of the entire geographic area in proximity to the proposed development (the broader context) and the physical characteristics of the properties that face the same street as the proposed development in the same block and the block opposite the proposed development (the immediate context)". The immediate context of the subject property includes 74 lots. Staff found that the prevailing character of lots in the immediate context have frontages that are 12.2 metres or greater. There are 45 properties, or 60% of the total number of lots that follow this physical character on the same block and the block opposite the proposed development. Staff found that the proposed 10.06 metre frontages do not form the prevailing character of lots found in the immediate context. As a result, Staff are of the opinion the proposed lot frontages fail to satisfy the general intent and purpose of the Official Plan and Zoning By-law.

Application Nos. A0038/20NY and A0039/20NY each propose side yard setbacks of 0.91 metres and 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 structures, access

to the rear yard for building maintenance, as well as to establish a consistent rhythm along the streetscape. The proposed side yard setbacks are due, in part, to the undersized 10.06 metre lot frontages that would be created from the proposed lot severance. Staff found that the proposed side yard setbacks are not in keeping with the prevailing pattern of side yard setbacks within the geographic neighbourhood and are not consistent with the existing streetscape and character of the geographic neighbourhood. As a result, Staff are of the opinion that the proposed side yard setbacks fail to satisfy the general intent and purpose of the Official Plan and Zoning By-law.

As the applications do not conform to the Official Plan, City Planning staff recommend that Application No. B0001/20NY be refused as it fails to satisfy the consent criteria listed in Section 51(24) of the *Planning Act* and Application Nos. A0038/20NY and A0039/20NY 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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SIGNATURE



Signed by Giulio Cescato, Manager, Community Planning, North York District on behalf of John Andreevski (Acting) Director, Community Planning, North York District