



**STAFF REPORT**  
**Committee of Adjustment**  
**Application**

**Date:** November 26, 2020

**To:** Chair and Committee Members of the Committee of Adjustment, Etobicoke York Panel

**From:** Neil Cresswell, Director, Community Planning, Etobicoke York District

**Ward:** 2 (Etobicoke – Centre)

**File No:** B0024/20EYK, A0242/20EYK & A0243/20EYK

**Address:** 84 North Drive

**Application to be heard:** December 3, 2020

## **RECOMMENDATIONS**

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Planning staff recommend the Consent and related Minor Variance Applications be refused.

## **APPLICATION**

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The applicant is requesting permission to sever the property which has a frontage of approximately 42.57 metres into two new lots, each with frontages of 21.29 metres. The Consent Application (File No. B0024/20EYK) is accompanied by two Minor Variance Applications (A0242/20EYK & A0243/20EYK) to allow for the construction of two new detached dwellings with an integral garage on each lot.

### **Conveyed - Parts 1 & 2**

#### **Address to be assigned**

The lot frontage will be 21.29 m and the combined lot area will be 2079.9 m<sup>2</sup>. The existing dwelling will be demolished and the property will be developed as the site of a new detached dwelling with an attached garage, requiring variances to the Zoning By-law, as outlined in Application A0242/20EYK.

### **Retained - Parts 5, 6, 7, 8, 11 & 12**

#### **Address to be assigned**

The lot frontage will be 21.29 m and the combined lot area will be 2116.6 m<sup>2</sup>. The existing dwelling will be demolished and the property will be developed as the site of a new detached dwelling with an attached garage, requiring variances to the Zoning By-law, as outlined in Application A0243/20EYK.

### **Conveyed - Parts 3, 4, 9, & 10**

The combined lot area will be 1302.7 m<sup>2</sup>. The lands will be conveyed to the Toronto and Region Conservation Authority (TRCA). All existing easements are to be maintained.

**Conveyed – Parts 1 & 2**

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

- 1. Section 10.20.30.20.(1)(A), By-law 569-2013**  
The minimum required lot frontage is 30 m.  
The lot will have a frontage of 21.29 m.
- 2. Section 10.5.40.70.(1)(B), By-law 569-2013**  
The minimum required front yard setback is 41.22 m.  
The new dwelling will be located 20.22 m from the front lot line.
- 3. Section 10.20.40.70.(3)(G), By-law 569-2013**  
The minimum required side yard setback is 3 m.  
The new dwelling will be located 1.29 m from the east side lot line.
- 4. Section 10.20.40.70.(5)(A), By-law 569-2013**  
The minimum required side yard setback is 7.5 m, where the building depth is greater than 17 m.  
The new dwelling will be located 2.21 m from the east side lot line and 3.02 m from the west side lot line, where the building depth is greater than 17 m.
- 5. Section 10.20.40.10.(1)(A), By-law 569-2013 and Section 320-42.1.B.(1)**  
The maximum permitted height is 9.5 m.  
The new dwelling will have a height of 10.51 m.
- 6. Section 320.42.1.B.(2)**  
The maximum permitted soffit height of the eaves overhang for a peaked roof dwelling shall not exceed 6.5 m.  
The new dwelling will have a soffit height of 7.54 m.
- 7. Section 10.5.40.60.(7), By-law 569-2013**  
Roof eaves may project a maximum of 0.9 m provided that they are no closer than 0.3 m to a lot line.  
The proposed roof eaves will project 21.21 m into the north side setback, 4.78 m into the west side setback for the portion of the building beyond 17 m in length, 1.09 m into the east side setback and 5.59 m into the east side setback for the portion of the building beyond 17 m in length.
- 8. Section 10.20.40.10.(2)(B)(ii), By-law 569-2013**  
The maximum permitted height of all side exterior main walls is 7 m.  
The new dwelling will have a side exterior main wall height of 7.54 m.

- 9. Section 10.20.40.10.(6)(6), By-law 569-2013**  
The maximum permitted height of the main pedestrian entrance above established grade is 1.2 m.  
The proposed main pedestrian entrance will have a height of 1.88 m above established grade.
- 10. Section 10.5.40.50.(4)(2)(A), By-law 569-2013**  
The maximum permitted height of a platform such as a deck or balcony may be no higher than 1.2 m at the front main wall and the floor of the platform may be no higher than 1.2 m above established grade.  
The proposed front platform will be located 1.83 m above established grade.
- 11. Section 10.5.40.50.(2), By-law 569-2013**  
A platform without main walls attached to or within 0.3 m of a building, must comply with the required minimum building setbacks for the zone (7.5 m).  
The proposed rear platform will be located 3.86 m from the west side property line and 6.89 m from the east side lot line.
- 12. Section 10.5.40.60.(1)(A)(i), By-law 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 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 proposed platform will encroach 22.32 m into the required front yard setback.
- 13. Section 10.5.40.60.(2)(A), By-law 569-2013**  
A canopy, awning or similar structure above a platform may encroach into a required building setback to the same extent as the platform it is covering.  
The proposed canopy will encroach 0.76 m beyond the platform it is covering.
- 14. Section 10.5.40.60.(3)(A)(ii), By-law 569-2013**  
The maximum permitted width for exterior stairs providing pedestrian access is 2 m.  
The proposed stairs will have a width of 4.4 m.
- 15. Section 10.5.100.1(1), By-law 569-2013**  
The maximum permitted driveway width is 6 m.  
The proposed driveway will have a width of 7.8 m.
- 16. Section 10.5.80.40.(2), By-law 569-2013**  
The elevation of the lowest point of a vehicle entrance in a main wall of the building must be higher than the elevation of the centreline of the driveway at the point where it intersects a lot line abutting a street (129.32).  
The proposed elevation of the lowest point of a vehicle entrance in a main wall of a building is (129.15).

**Retained – Parts 5, 6, 7, 8, 11 & 12**

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

- 1. Section 10.20.30.20.(1)(A), By-law 569-2013**  
The minimum required lot frontage is 30 m.  
The lot will have a frontage of 21.29 m.
- 2. Section 10.5.40.70.(1)(B), By-law 569-2013**  
The minimum required front yard setback is 41.22 m.  
The new dwelling will be located 21.53 m from the front lot line.
- 3. Section 10.20.40.70.(3)(G), By-law 569-2013**  
The minimum required side yard setback is 3 m.  
The new dwelling will be located 1.29 m from the west side lot line.
- 4. Section 10.20.40.70.(5)(A), By-law 569-2013**  
The minimum required side yard setback is 7.5 m, where the building depth is greater than 17 m.  
The new dwelling will be located 2.21 m from the west side lot line and 3.02 m from the east side lot line, where the building depth is greater than 17 m.
- 5. Section 10.20.40.10.(1)(A), By-law 569-2013 and Section 320-42.1.B.(1)**  
The maximum permitted height is 9.5 m.  
The new dwelling will have a height of 10.01 m.
- 6. Section 320.42.1.B.(2)**  
The maximum permitted soffit height of the eaves overhang for a peaked roof dwelling shall not exceed 6.5 m.  
The new dwelling will have a soffit height of 7.05 m.
- 7. Section 10.5.40.60.(7), By-law 569-2013**  
Roof eaves may project a maximum of 0.9 m provided that they are no closer than 0.3 m to a lot line.  
The proposed roof eaves will project 20.29 m into the north side setback, 5.09 m into the east side setback for the portion of the building beyond 17 m in length, 1.4 m into the west side setback and 5.9 m into the west side setback for the portion of the building beyond 17 m in length.
- 8. Section 10.20.40.10.(2)(B)(ii), By-law 569-2013**  
The maximum permitted height of all side exterior main walls is 7 m.  
The new dwelling will have a side exterior main wall height of 7.05 m.

- 9. Section 10.20.40.10.(6)(6), By-law 569-2013**  
The maximum permitted height of the main pedestrian entrance above established grade is 1.2 m.  
The proposed main pedestrian entrance will have a height of 1.38 m above established grade.
- 10. Section 10.5.40.50.(4)(2)(A), By-law 569-2013**  
The maximum permitted height of a platform such as a deck or balcony may be no higher than 1.2 m at the front main wall and the floor of the platform may be no higher than 1.2 m above established grade.  
**Section 10.5.40.50.(4)(2)(C), By-law 569-2013**  
The maximum permitted height of a platform floor located 2.5 m or less from the rear main wall may be no higher than the level of the floor from which it gains access.  
**Section 10.5.40.50.(4)(2)(A), By-law 569-2013 and Section 10.5.40.50.(4)(2)(C), By-law 569-2013**  
The proposed front platform will be located 1.33 m above established grade and the proposed rear deck will be 1.85 m.
- 11. Section 10.5.40.50.(2), By-law 569-2013**  
A platform without main walls attached to or within 0.3 m of a building, must comply with the required minimum building setbacks for the zone (7.5 m).  
The proposed rear platform will be located 3.86 m from the east side property line and 6.89 m from the west side lot line.
- 12. Section 10.5.40.60.(1)(A)(i), By-law 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 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 proposed platform will encroach 20.68 m into the required front yard setback.
- 13. Section 10.5.40.60.(2)(A), By-law 569-2013**  
A canopy, awning or similar structure above a platform may encroach into a required building setback to the same extent as the platform it is covering.  
The proposed canopy will encroach 0.31 m beyond the platform it is covering.
- 14. Section 10.5.40.60.(3)(A)(ii), By-law 569-2013**  
The maximum permitted width for exterior stairs providing pedestrian access is 2 m.  
The proposed stairs will have a width of 3.03 m.
- 15. Section 10.5.100.1(1), By-law 569-2013**  
The maximum permitted driveway width is 6 m.  
The proposed driveway will have a width of 7.16 m.

**16. Section 10.5.80.40.(2), By-law 569-2013**

The elevation of the lowest point of a vehicle entrance in a main wall of the building must be higher than the elevation of the centreline of the driveway at the point where it intersects a lot line abutting a street (128.72).

The proposed elevation of the lowest point of a vehicle entrance in a main wall of a building is (128.65).

**File Numbers B0024/20EYK, A0242/20EYK and A0243/20EYK will be considered jointly.**

## **COMMENTS**

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The application proposes to sever the subject property into two residential lots, to allow for the construction of two new detached dwellings with an integral garage on each lot.

Authority to grant severances is contained in Section 53 of the *Planning Act*. The criteria the Committee must have regard to in hearing severance applications is found in Subsection 51(24) of the Act. Matters of relevance under Section 51(24) for the proposed severance include but are not limited to:

- c) whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any; and
- f) the dimensions and shapes of the proposed lots

### Official Plan

The subject property is designated *Neighbourhoods* on Map 14 in the City of Toronto Official Plan. *Neighbourhoods* are considered stable areas where new development will respect and reinforce the existing physical patterns in a *Neighbourhood*. 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 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;

Policy 4.1.8 of the Toronto Official Plan states that, Zoning By-Laws will contain numerical site standards for matters such as building type and height, density, lot sizes, lot depths, lot frontages, parking, building setbacks from lot lines, landscaped open space and any other performance standards to ensure that new development will be compatible with the physical character of established residential *Neighbourhoods*.

The Plan also 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.

### Zoning

The property is zoned Residential Detached (RD) under the City-wide Zoning By-Law No. 569-2013. The property is also zoned First Density Residential (R1) under the former Etobicoke Zoning Code and is subject to Site Specific Zoning By-law No. 2940. The objective of a Zoning By-law is to establish specific standards as to how land is to be developed.

### Application Review

The subject property is located southeast of the Eglinton Avenue West and Royal York Road intersection. The subject property is comprised of a detached dwelling on an irregular shaped lot which backs onto the Humber River and has a lot area of approximately 5,499.2 m<sup>2</sup>.

The applicant proposes to sever the subject property into two lots, each with a lot frontage of approximately 21.29 metres. Additionally, the applicant is proposing a conveyance of approximately 1,302.7 m<sup>2</sup> of land to the Toronto and Region Conservation Authority (TRCA). The proposed residential lots would each be redeveloped with a new detached dwelling with integral garages, requiring variances to the applicable Zoning By-Laws, as outlined in the Consent and Minor Variances Applications.

Planning staff have reviewed the applications, supporting materials, previous decisions and the lot patterns on North Drive and the surrounding area. Based on this review and a lot study of the area, Planning staff identified concerns with the proposal. Planning notes, as per the City-wide Zoning By-Law, the lots on the north side of North Drive have minimum requirements for lot frontages measuring 15 metres while the lots along south side of North Drive have minimum requirements for lot frontages measuring 30 metres. This forms a distinct character of frontages along opposite sides of the street within the neighbourhood. The subject site is located on the south side of North Drive and the prevailing character of the lots on the south side of North Drive have frontages that are larger than those on the north side of North Drive.

Further, staff note that there are two irregular shaped lots (Municipally known as 80 and 74 North Drive) adjacent to the subject site, which each have lot frontages of 15.24 metres and are the smallest lot frontages on North Drive. As per our records, the dwellings on these lots would have been constructed in 1946 (76 North Drive) and 1974 (80 North Drive) and predates the City of Toronto's amalgamation in 1998, the adoption of the Toronto Official Plan in 2006 and the City-wide Zoning By-law No. 569-2013.

The City-wide Zoning By-law has set minimum performance standards for lot frontage in order to regulate the size of lots within a given neighbourhood. This in essence, ensures consistent and compatible patterns of development and open space, and also preserves the look and feel of established streetscapes. The prevailing character along the south side of the street is that of lots which are in keeping with or larger than the minimum required lot frontage of 30 metres. As such, staff is of the opinion that the two proposed lots, each with frontages of 21.29 metres, would not be in keeping with the general intent of the City-wide Zoning By-law or the prevailing character of the neighbourhood which is composed of lots with larger frontages. Specifically, the proposed lots would not be in keeping with the prevailing size and configuration of existing lots as required by Official Plan Policy 4.1.5b. Further, the application, if approved, would create increased pressure for future severances on similar sized lots in the area and this could potentially erode the aesthetics of the streetscape.

In summary, the proposed development does not meet the general intent and purpose of the Zoning By-law or the *Neighbourhoods* policies of the Official Plan, in particular Policy 4.1.5. The proposal is not minor in nature and is not desirable for the appropriate development of the land. Therefore, Planning staff recommend the Consent and Minor Variance applications be refused.

## **CONTACT**

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## **SIGNATURE**

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Signed by Sarah Henstock, Manager, Community Planning, on behalf of  
Neil Cresswell, MCIP, RPP  
Director, Community Planning, Etobicoke York District