

Date: August 25, 2020

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

From: Al Rezoski, Director (Acting), Community Planning, North York District

Ward: Ward 15, Don Valley West

File No: A0283/20NY

Address: 331 Shel Drake Boulevard

Application to be heard: Thursday, September 17, 2020

RECOMMENDATIONS

Should the Committee choose to approve this application, staff recommend the Committee attach the following condition:

- 1) The applicant is to provide permanent opaque screening or fencing along the west edge of the proposed front and rear balconies with a minimum height of 1.5 metres from the floor.

Should the Committee choose to approve this application, Staff recommend that the following variances first be modified to be more in keeping with the intent of the Zoning By-law:

- 1) Variance Nos. 1 and 16 for the proposed building height as measured under Zoning By-law No. 569-2013 and No. 438-86 respectively.
- 2) Variance No. 4 for the proposed Floor Space Index (FSI) as measured under Zoning By-law No. 569-2013.

APPLICATION

The application proposes to construct a new dwelling.

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

1. **Chapter 10.20.40.10.(4)(A), By-law No. 569-2013**
The permitted maximum height of the building is 7.2 m.
The proposed height of the building is 10.44 m.
2. **Chapter 10.20.40.20.(1), By-law No. 569-2013**
The permitted maximum building length for a detached house is 17.0 m.
The proposed building length is 19.18 m.

- 3. Chapter 10.20.40.20.(1), By-law No. 569-2013**
The permitted maximum building depth for a detached house is 19.0 m.
The proposed building depth is 19.18 m.
- 4. Chapter 10.20.40.40.(1), By-law No. 569-2013**
The permitted maximum floor space index is 0.35 times the area of the lot.
The proposed floor space index is 0.97 times the area of the lot.
- 5. Chapter 10.20.40.70.(3), By-law No. 569-2013**
The required minimum side yard setback is 0.9 m.
The proposed side yard setback of the building is 0.6 m to the West side lot line.
- 6. Chapter 10.20.40.70.(3), By-law No. 569-2013**
The required minimum side yard setback is 0.9 m.
The proposed side yard setback of the balconies/platforms located on the front main wall of the building is 0.6 m to the West side lot line.
- 7. Chapter 10.20.40.70.(3), By-law No. 569-2013**
The required minimum side yard setback is 0.9 m.
The proposed side yard setback of the balconies/platforms located on the rear main wall of the building is 0.6 m to the West side lot line.
- 8. Chapter 10.20.40.50.(1), By-law No. 569-2013**
The permitted maximum number of platforms at or above the second storey located on the (front/rear) wall of a detached house is 1.
The proposed number of platforms located on the front wall is 2.
- 9. Chapter 10.20.40.50.(1), By-law No. 569-2013**
The permitted maximum number of platforms at or above the second storey located on the (front/rear) wall of a detached house is 1.
The proposed number of platforms located on the rear wall is 2.
- 10. Chapter 10.20.40.50.(1)(B), By-law No. 569-2013**
The permitted maximum area of each platform at or above the second storey of a detached house is 4.0 m²
The proposed area of each platform at or above the second storey is 10.84 m² on the front main wall of the second floor.
- 11. Chapter 10.20.40.50.(1)(B), By-law No. 569-2013**
The permitted maximum area of each platform at or above the second storey of a detached house is 4.0 m²
The proposed area of each platform at or above the second storey is 10.84 m² on the front main wall of the third floor.

- 12. Chapter 10.20.40.50.(1)(B), By-law No. 569-2013**
The permitted maximum area of each platform at or above the second storey of a detached house is 4.0 m²
The proposed area of each platform at or above the second storey is 10.84 m² on the rear main wall of the second floor.
- 13. Chapter 10.20.40.50.(1)(B), By-law No. 569-2013**
The permitted maximum area of each platform at or above the second storey of a detached house is 4.0 m²
The proposed area of each platform at or above the second storey is 10.84 m² on the rear main wall of the third floor.
- 14. Chapter 10.5.40.60.(2)(B)(i), By-law No. 569-2013**
A canopy, awning or similar structure not covering a platform may encroach in a front yard or rear yard 2.5 m, if it is no closer to a side lot line than the minimum required side yard setback of 0.9 m to the side lot lines.
The proposed front yard canopy has a side yard setback of 0.6 m to the West side lot line.
- 15. Chapter 10.5.40.60.(2)(B)(i), By-law No. 569-2013**
A canopy, awning or similar structure not covering a platform may encroach in a front yard or rear yard 2.5 m, if it is no closer to a side lot line than the minimum required side yard setback of 0.9 m to the side lot lines.
The proposed rear yard canopy has a side yard setback of 0.6 m to the West side lot line.
- 16. Section 4.2, By-law No. 438-86**
The permitted maximum height of the building is 9 m.
The proposed height of the building is 10.66 m.
- 17. Section 6.4(1.e), By-law No. 438-86**
A parking space may not be located in a front yard.
The proposed parking is located a front yard.

COMMENTS

The subject property is located west of Bayview Avenue, and north of Eglinton Avenue East. The property is zoned *RD (f10.5; d0.35)(x1431)* under the City of Toronto Zoning By-law No. 569-2013 and *R1* under the former City of Toronto Zoning By-law No. 438-86.

The application proposes front and rear balconies which setback 0.6 metre from the west side lot line as measured under Zoning By-law No. 569-2013, whereas the minimum required side yard setback is 0.9 metre. Deck, balcony, and platform provisions are devised, in part, to regulate the size and setbacks of such structures to mitigate issues of noise, privacy, and overlook for neighbouring properties. In order to

mitigate the impact of the proposed front and rear balconies, staff recommend that the applicant provide permanent opaque screening or fencing along the west edge of the proposed platforms with a minimum height of 1.5 metres from the floor of the platform.

The application requests variances to permit a building height of 10.44 metres as measured under Zoning By-law No. 569-2013, and a building height of 10.66 metres as measured under Zoning By-law No. 438-86, whereas the maximum permitted building height is 7.2 metres, and 9 metres, respectively. A flat roof dwelling would create greater overlook issues, result in more shadowing and would generally feel more imposing than a pitched roof building. Building height provisions are devised, in part, to maintain a consistent pattern of development. Staff recommend that the building height be reduced to be more in keeping with the intent of the Zoning By-laws.

The application proposes a Floor Space Index (FSI) of 0.97 times the area of the lot whereas By-law No. 569-2013 permits a maximum FSI of 0.35 times the area of the lot. FSI provisions are devised, in part, to regulate the size of structures to ensure consistent patterns of development. Staff are of the opinion that the requested FSI should be reduced to be more in keeping with the character of the area.

CONTACT

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SIGNATURE



Al Rezoski, Director (Acting), Community Planning, North York District

