



STAFF REPORT
Committee of Adjustment
Application

Date: September 14, 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 8, Eglinton Lawrence

File No: A0330/20NY

Address: 106 Cortleigh Boulevard

Application to be heard: Wednesday, October 7, 2020

RECOMMENDATIONS

Staff recommend that the Committee refuse the application.

APPLICATION

The application proposes to add a livable third floor within the existing attic.

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

- 1. Chapter 10.20.40.10.(4)(A), By-law 569-2013**
The permitted maximum height for a house with a flat or shallow roof is 7.2m.
The proposed height of the house is 10.75m.
- 2. Chapter 10.20.40.10.(4)(C), By-law 569-2013**
The permitted maximum number of storeys is two (2).
The proposed number of storeys is three (3).
Note: The height of 10.75m was granted for a pitched roof by CoA Decision #A0457/16NY
- 3. Chapter 10.20.40.40.(1), By-law 569-2013**
The permitted maximum floor space index is 0.35 times the area of the lot.
The proposed floor space index is 0.77 times the area of the lot.
Note: 0.625 FSI was granted by CoA Decision A0457/16NY

COMMENTS

The subject property is located east of Avenue Road, and south of Lawrence Avenue West. The property is zoned *RD (f15.0; d0.35)(x1409)* under City of Toronto Zoning By-law No. 569-2013.

The subject property is designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are considered stable areas where new development will maintain the existing physical character of the area. Section 4.1 outlines the development policies for *Neighbourhoods*. Policy 5 specifies that Development in established *Neighbourhoods* will respect and reinforce the existing physical character of each geographic neighbourhood, including in particular:

- c) prevailing heights, massing, scale, density and dwelling type of nearby residential properties;

Zoning By-law provisions ensure that development is appropriate on a given site and compatible with the surrounding context. The Official Plan states that no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the overall physical character of the entire *Neighbourhood*.

The Official Plan clarifies 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.

The application proposes a variance to permit a third storey, whereas under Zoning By-law No. 569-2013, the maximum permitted storeys is two. The application also requests variances to permit a building height of 10.75 metres as measured under By-law No. 569-2013, whereas the maximum permitted building height is 7.2 metres. The maximum storey and building height provisions are devised, in part, to ensure a consistent pattern of development. It should be noted that the height of 10.75 metres was granted for a pitched roof by Committee of Adjustment decision #A0457/16NY. A flat roof dwelling would create greater overlook issues, result in more shadowing and would generally feel more imposing than a pitched roof building. It is the opinion of planning staff that the proposed third storey and building height variances are contrary to the intent of the Zoning By-law and potentially destabilizing to the character of the neighbourhood and should be refused.

The application requests a Floor Space Index (FSI) of 0.77 times the area of the lot whereas By-law No. 569-2013 permits a maximum FSI of 0.6 times the area of the lot. FSI provisions are devised, in part, to regulate the size of structures to ensure consistent patterns of development. The FSI of 0.625 was granted by Committee of Adjustment decision #A0457/16NY however the staff report dated June 16, 2016 recommended the reduction of the FSI. The majority of new dwellings nearby to the subject property have been approved at approximately 0.6. Staff are of the opinion that the proposed FSI is contrary to the intent of the Zoning By-law and should be refused.

CONTACT

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SIGNATURE

A handwritten signature in blue ink that reads "Al Rezoski". The signature is written in a cursive, slightly slanted style.

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