



STAFF REPORT
Committee of Adjustment
Application

Date: February 1, 2021

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

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

Ward: Willowdale

File No: B0033/20NY, A0507/20NY, and A0508/20NY

Address: 338 Horsham Avenue

Hearing Date: February 11, 2021

RECOMMENDATIONS

Staff recommend that Application Nos. B0033/20NY, A0507/20NY, and A0508/20NY be refused. The requested consent to sever fails to satisfy 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

THE CONSENT REQUESTED

B0033/20NY – 338 Horsham Avenue

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

Retained - PART 1

Address to be assigned

The lot frontage is 9.905 m and has a lot area of 397.5 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 #A0507/20NY.

Conveyed - PART 2

Address to be assigned

The lot frontage is 9.905 m and has a lot area of 397.5 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 #A0508/20NY.

File numbers B0033/20NY, A0507/20NY, A0508/20NY will be jointly considered.

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

A0507/20NY – 338 Horsham Avenue – Part 1

To construct a new dwelling.

1. **Chapter 10.20.30.20, By-law No. 569-2013**
The required minimum lot frontage is 15.0 m
The proposed lot frontage is 9.905 m.
2. **Chapter 10.20.30.10, By-law No. 569-2013**
The minimum required lot area is 550 m².
The proposed lot area is 397.5 m².
3. **Chapter 10.20.40.70, Exception RD5, By-law No. 569-2013**
The required minimum side yard setback is 1.8 m.
The proposed east side yard setback is 1.2 m.
4. **Chapter 10.20.40.70, Exception RD5, By-law No. 569-2013**
The required minimum side yard setback is 1.8 m.
The proposed west side yard setback is 0.9 m.
5. **Chapter 10.5.40.60(1), By-law No. 569-2013**
The front porch is required to be a minimum of 1.8 m from the side lot line.
The proposed front porch is 1.2 m from the side lot line.
6. **Chapter 10.5.40.50(2), By-law No. 569-2013**
The rear deck is required to be a minimum of 1.8 m from the side lot line.
The proposed rear deck is 1.2 m from the side lot line.
7. **Chapter 10.20.30.40, By-law No. 569-2013**
The maximum permitted lot coverage is 30% of the lot area.
The proposed lot area is 32% of the lot area.
8. **Chapter 10.20.40.10, By-law No. 569-2013**
The maximum permitted side wall height is 7.5 m.
The proposed height is 7.81 m for a pair of side walls.
9. **Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8.8 m.
The proposed building height is 9.27 m.
10. **Section 6(30)a, By-law No. 7625**
The maximum permitted first floor height is 1.5 m.
The proposed first floor height is 1.9 m above established grade.

File numbers B0033/20NY, A0507/20NY, A0508/20NY will be jointly considered.

A0508/20NY – 338 Horsham Avenue – Part 2

To construct a new dwelling.

1. **Chapter 10.20.30.20, By-law No. 569-2013**
The required minimum lot frontage is 15.0 m
The proposed lot frontage is 9.905 m.
2. **Chapter 10.20.30.10, By-law No. 569-2013**
The minimum required lot area is 550 m².
The proposed lot area is 397.5 m².
3. **Chapter 10.20.40.70 & Exception RD5, By-law No. 569-2013**
The required minimum side yard setback is 1.8 m.
The proposed east side yard setback is 1.2 m.
4. **Chapter 10.20.40.70 & Exception RD5, By-law No. 569-2013**
The required minimum side yard setback is 1.8 m.
The proposed west side yard setback is 0.9 m.
5. **Chapter 10.5.40.60(1), By-law No. 569-2013**
The front porch is required to be a minimum of 1.8 m from the side lot line.
The proposed front porch is 1.2 m from the side lot line.
6. **Chapter 10.5.40.50(2), By-law No. 569-2013**
The rear deck is required to be a minimum of 1.8 m from the side lot line.
The proposed rear deck is 1.2 m from the side lot line.
7. **Chapter 10.20.30.40, By-law No. 569-2013**
The maximum permitted lot coverage is 30% of the lot area.
The proposed lot area is 32% of the lot area.
8. **Chapter 10.20.40.10, By-law No. 569-2013**
The maximum permitted side wall height is 7.5 m.
The proposed height is 7.81 m for a pair of side walls.
9. **Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8.8 m.
The proposed building height is 9.27 m.
10. **Section 6(30)a, By-law No. 7625**
The maximum permitted first floor height is 1.5 m.
The proposed first floor height is 1.9 m above established grade.

File numbers B0033/20NY, A0507/20NY, A0508/20NY will be jointly considered.

COMMENTS

The subject property is located on the north side of Horsham Avenue, southwest of Senlac Road and Finch 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. Application No. B0033/20NY is requesting consent to sever the property, known municipally as 338 Horsham Avenue, into two lots. Application Nos. A0507/20NY and A0508/20NY propose 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".

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". 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.

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. Zoning by-law No. 569-2013 requires a minimum lot frontage of 15.0 metres and 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 have a lot frontage of 9.905 metres and lot areas of approximately 397 square metres.

Staff conducted a review of lot frontages and lot patterns for residential lots in the neighbourhood generally bounded by Hounslow Avenue to the north, Bathurst Street to the west, Park Home Avenue to the south, and Senlac Road to the east, which includes approximately 1005 lots. 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 policy goes on to state that: "Proposed development within a *Neighbourhood* will be materially consistent with the prevailing physical character of properties in both the broader and immediate contexts. In instances of significant difference between these two contexts, the immediate context will be considered to be of greater relevance". The immediate context includes the same block and the blocks opposite the proposed development that face the same street, directly south.

The subject block is located on the north side of Horsham Avenue. The subject block is zoned *RD(f15.0; a550)(x5)* and spans from Wynn Road to the west and Senlac Road on the east. The south side of Horsham Avenue contains 3 blocks: two are subject to the same zoning permissions as the subject site, and one block between Hazelglen Avenue and Senlac Road is partially zoned *RD(f9.0; a275)*, which permits a minimum frontage of 9.0 metres and lot area of 275 square metres. These blocks in the immediate context include a total of 70 lots. There is a total number of 45 lots that are 15.0 metres or greater, which accounts for 64% of the total number of lots. Lots with a frontage comparable to the proposed frontage of 9.9 metres, or less, account for 5 total lots, or 7% of the total number of lots in the immediate context. There are 8 lots, or less than 1% of the total number of lots in the entire geographic area with a frontage that is 9.9 metres, or less. The proposed frontage fails to form the prevailing character of frontages in both the immediate and broader contexts. As a result, Staff are of the opinion that the proposed lot frontage fails to satisfy the general intent and purpose of the Official Plan and Zoning By-law.

The minor variance applications propose side yard setbacks of 1.2 metres and 0.9 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. 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 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 application does not conform to the Official Plan, Staff recommend that Application No. B0033/20NY be refused as it fails to satisfy the consent criteria listed in Section 51(24) of the *Planning Act* and Application Nos. A0507/20NY, and A0508/20NY 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

A handwritten signature in blue ink, appearing to read "Giulio Cescato", is written over a horizontal line.

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