



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: B0034/20NY, A0510/20NY, and A0511/20NY

Address: 83 Florence Avenue

Hearing Date: February 11, 2021

RECOMMENDATIONS

Staff recommend that Application Nos. B0034/20NY, A0510/20NY, and A0511/20NY 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

B0034/20NY – 83 Florence Avenue

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

Conveyed - PART 1

Address to be assigned

The Lot Frontage is 7.62 m and has a Lot area of 299.4 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 #A0510/20NY.

Retained - PART 2

Address to be assigned

The Lot Frontage is 7.62 m and has a Lot area of 299.8 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 #A0511/20NY.

File numbers B0034/20NY, A0510/20NY, A0511/20NY will be jointly considered.

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

A0510/20NY – 83 Florence Avenue – Part 1

To construct a new dwelling.

1. **Chapter 10.20.30.10(1)(A), By-law No. 569-2013**
The required minimum lot area is 370 m².
The proposed lot area is 299.4 m².
2. **Chapter 10.20.30.20(1)(A), By-law No. 569-2013**
The minimum required lot frontage is 12.0 m.
The proposed lot frontage is 7.62 m.
3. **Chapter 10.20.40.10(2), By-law No. 569-2013**
The permitted maximum height of the exterior portion of main walls is 7.5 m.
The proposed wall height is 8.87 m.
4. **Chapter 10.20.40.10(3)(A), By-law No. 569-2013**
The permitted maximum number of storeys is two.
The proposed number of storeys is three.
5. **Chapter 10.20.40.70(3)(C), By-law No. 569-2013**
The required minimum side yard setback is 1.2 m.
The proposed east side yard setback is 0.65 m.
6. **Chapter 10.20.30.40(1)(A), By-law No. 569-2013**
The permitted maximum lot coverage is 30%.
The proposed lot coverage is 32.38%
7. **Section 14-A(8), By-law No. 7625**
The maximum permitted building height is 8.8 m.
The proposed building height is 9.58 m.

File numbers B0341/20NY, A0510/20NY, A0511/20NY will be jointly considered.

A0511/20NY – 83 Florence Avenue – Part 2

To construct a new dwelling.

1. **Chapter 10.20.30.10(1)(A), By-law No. 569-2013**
The required minimum lot area is 370 m².
The proposed lot area is 299.8 m².
2. **Chapter 10.20.30.20(1)(A), By-law No. 569-2013**
The minimum required lot frontage is 12.0 m.
The proposed lot frontage is 7.62 m.

3. **Chapter 10.20.40.10(2), By-law No. 569-2013**
The permitted maximum height of the exterior portion of main walls is 7.5 m.
The proposed wall height is 8.87 m.
4. **Chapter 10.20.40.10(3)(A), By-law No. 569-2013**
The permitted maximum number of storeys is two.
The proposed number of storeys is three.
5. **Chapter 10.20.40.70(3)(C), By-law No. 569-2013**
The required minimum side yard setback is 1.2 m.
The proposed west side yard setback is 0.65 m.
6. **Chapter 10.20.30.40(1)(A), By-law No. 569-2013**
The permitted maximum lot coverage is 30%.
The proposed lot coverage is 32.38%
7. **Section 14-A(8), By-law No. 7625**
The maximum permitted building height is 8.8 m.
The proposed building height is 10.02 m.

File numbers B0034/20NY, A0510/20NY, A0511/20NY will be jointly considered.

COMMENTS

The subject property is located on the south side of Florence Avenue, southwest of Yonge Street and Sheppard Avenue West. The property is zoned *RD(f12.0; a370)* under City of Toronto Zoning By-law No. 569-2013 and *R6* under the former City of North York Zoning By-law No. 7625. Application No. B0034/20NY is requesting consent to sever the property, known municipally as 83 Florence Avenue, into two lots. Application Nos. A0510/20NY and A0511/20NY 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;
- c) prevailing heights, massing, scale, density and dwelling type of nearby residential properties; 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(f12.0; a370)* under City of Toronto Zoning By-law No. 569-2013 and *R6* under the former City of North York Zoning By-law No. 7625. Zoning by-law No. 569-2013 requires a minimum lot frontage of 12.0 metres and minimum lot area of 370 square metres. Lot frontage and lot area standards are established in order to achieve a consistent streetscape and pattern of development. The Applications proposes a frontage of 7.62 metres and lot areas of approximately 299 square metres.

Staff conducted a review of lot frontages and lot patterns for residential lots in the neighbourhood generally bounded by Bogert Avenue to the north, Gwendolen Crescent to the west, Cameron Avenue to the south, and Yonge Street to the east, which includes a total of approximately 845 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 block opposite the proposed development that faces the same street, directly north.

Although there are lots comparable to the lots proposed within the neighbourhood, the overwhelming majority of these lots are located in a portion of the neighbourhood that was re-zoned as part of the West Lansing Zoning Study. The purpose of this study was to address the evolving lot pattern of the neighbourhood. The lot study boundary included Johnston Avenue to the north, Botham Road to the west, Franklin Avenue to the south, and Yonge Street to the east. Following City Planning's analysis and community consultation undertaken as part of the study, lots along this portion of Florence Avenue, west of Botham Road, which includes the subject site, were not included as part of the study area. The subject site was not re-zoned as the majority of lots on the subject block and the block opposite were found to comply with the minimum lot frontage requirements of 15.0 metres and 12.0 metres. The area subject to this study was re-zoned to *RD(f7.5; a300)(x559)*, which requires a minimum lot frontage of 7.5 metres and minimum lot area of 300 square metres. The exception in the by-law requires minimum side yard setbacks of 1.2 metres and 0.9 metres.

The subject block is zoned *RD(f12.0; a370)* and the block opposite is zoned *RD(f15.0; a550)(x5)*. These two blocks have a total number of 41 existing lots. Of these 41 lots, 36 comply with the minimum lot frontage requirements of 15.0 metres and 12.0 metres. A further breakdown indicates that 2 lots out of the 41 lots have a frontage that is comparable to the 7.62 metres proposed on this site. 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 applications are proposing three storeys, as measured under Zoning By-law No. 569-2013, whereas the maximum number of storeys permitted is two. The intention of this provision in the Zoning By-law is to maintain a consistent built form on the streetscape and massing of buildings. Committee approved a three storey variance, as measured under Zoning By-law No. 569-2013, at 123 Johnston Avenue. However, the approved variance was considered technical in nature, due to the location of a landing space between the main and second floors. The actual building was two-storeys in height. The third storey variance proposed as part of these minor variance applications are not considered technical. The proposed buildings have three floors above established grade. As a result, Staff are of the opinion that the proposed number of storeys fails to satisfy the general intent and purpose of the Official Plan and Zoning By-law.

The minor variance applications are proposing a side exterior main wall height of 8.87 metres, as measured under Zoning By-law No. 569-2013, whereas a maximum of 7.5 metres is permitted. Side exterior main wall height provisions are intended, in part, to maintain a consistent built form along the streetscape and relationship between abutting buildings. Although Committee has approved comparable side wall heights in the surrounding area, Staff found that those approved heights were generally due to the design of the roofline to accommodate windows on the walls facing the side lot lines. However, the proposed side exterior main wall height in these applications is not reflective of previous approvals as it is measured to accommodate the proposed third storey, as shown on the elevation drawings. As a result, Staff are of the opinion that the proposed side exterior main wall height fails to satisfy the general intent and purpose of the Official Plan and Zoning By-law.

The minor variance applications propose a lot coverage of 32.38%, as measured under Zoning By-law No. 569-2013, whereas a maximum of 30% is permitted. Lot coverage provisions are intended, in part, to regulate the size of dwellings and structures to maintain soft landscaping and open space and provide on-site stormwater management. A review of Committee decisions within the surrounding area found that the overwhelming majority of approvals for lot coverage for dwellings do not exceed 32%. As a result, Staff are of the opinion that the proposed lot coverage fails to satisfy the general intent and purpose of the Official Plan and Zoning By-law.

The minor variance applications also propose side yard setbacks of 0.65 metres, whereas Zoning By-law No. 569-2013 requires a minimum side yard setback of 1.2 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. B0034/20NY be refused as it fails to satisfy the consent criteria listed in Section 51(24) of the *Planning Act* and Application Nos. A0510/20NY, and A0511/20NY 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 Al Rezoski, Director (Acting), Community Planning, North York District