

Date: March 3, 2021

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

From: Giulio Cescato, Director (Acting), Community Planning, North York District

Ward: Don Valley West

File Nos.: B0043/20NY, A0584/20NY and A0585/20NY (to be considered jointly)

Address: 190 Gordon Road

Hearing Date: March 11, 2021

RECOMMENDATIONS

City Planning staff recommend applications B0043/20NY, A0584/20NY and A0585/20NY collectively be refused.

APPLICATION

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

CONVEYED – PART 1

Address to be assigned

The Lot frontage is 24.33 metres and a lot area of 449.2m².

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 # A0585/20NY.

REQUESTED VARIANCES TO THE ZONING BY-LAW:

- 1. Chapter 10.20.40.70.(1), By-law No. 569-2013**
The required minimum front yard setback is 6.0 metres.
The proposed front yard setback is 4.18 metres to the front main wall nearest the front lot line.
- 2. Chapter 10.20.40.70.(2)A, By-law No. 569-2013**
The required minimum rear yard setback is 7.5 metres.
The proposed rear yard setback is 4.42 metres.
- 3. Chapter 10.20.30.10.(1)A, By-law No. 569-2013**
The required minimum lot area is 690.0 square metres.
The proposed lot area is 449.0 square metres.

4. **Chapter 10.20.30.40.(1)A, By-law No. 569-2013**
The permitted maximum lot coverage is 35 percent of the lot area.
The proposed lot coverage is 39.50 percent of the lot area.
5. **Chapter 10.5.40.60.(7), By-law No. 569-2013**
Roof eaves may project a maximum of 0.9 metres provided that they are no closer than 0.30 metres to a lot line.
The proposed front eaves project 2.42 metres into the front yard setback.
6. **Chapter 10.5.40.60.(7), By-law No. 569-2013**
Roof eaves may project a maximum of 0.9 metres provided that they are no closer than 0.30 metres to a lot line.
The proposed rear eaves project 3.66 metres into the rear yard setback.
7. **Section 12.7, By-law No. 7625**
The maximum permitted building height above established grade for a building with a flat roof is 8.0m.
The proposed building height is 10.58m above established grade.

RETAINED – PART 2

Address to be assigned

The frontage is 18.44 metres and a lot area of 690.5m².

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 # A0584/20NY.

REQUESTED VARIANCES TO THE ZONING BY-LAW:

1. **Chapter 10.5.40.70(1)(A), By-law No. 569-2013**
The required minimum front yard setback is 8.36 metres.
The proposed front yard setback is 6.94 metres.
2. **Chapter 10.20.40.70 (2), By-law No. 569-2013**
The required minimum rear yard setback is 9.69 metres.
The proposed rear yard setback is 7.93 metres.
3. **Chapter 10.5.80.40.(3)(B), By-law No. 569-2013**
Vehicle access to a parking space on a corner lot must be from a flanking street that is not a major street.
The proposed vehicle access to a parking space is not from a flanking street.
4. **Chapter 10.5.40.60.(7), By-law No. 569-2013**
Roof eaves may project a maximum of 0.9 metres provided that they are no closer than 0.30 metres to a lot line.
Roof eaves project 2.0 metres into the required front yard setback.

5. Chapter 10.5.40.60.(7), By-law No. 569-2013

Roof eaves may project a maximum of 0.9 metres provided that they are no closer than 0.30 metres to a lot line.

Roof eaves project 2.34 metres into the required rear yard setback.

6. Section 12.7, By-law No. 7625

The maximum permitted building height above established grade for a building with a flat roof is 8.0m.

The proposed building height is 10.42m.

COMMENTS

The subject property is located on the north side of Gordon Road, northwest of Bayview Avenue and York Mills Road. The property is designated in the City of Toronto Official Plan as *Neighbourhoods*. It is zoned *RD (f18.0; a690)* under City of Toronto Zoning By-law No. 569-2013 and *R3* under the former City of North York Zoning By-law No. 7625.

When considering severance applications, Section 51(24) of the *Planning Act* directs that regard shall be had for the dimensions and shape of the proposed lots and whether the plan conforms to a municipality's official plan.

The City of Toronto Official Plan outlines the development criteria for properties designated *Neighbourhoods*, such as the subject site. One of the key objectives of the Official Plan is that new development will respect and reinforce the existing physical character of the geographic neighbourhood. 'Physical character' is described in Policy 4.1.5 to include (but not limited to) the:

- (b) prevailing size and configuration of lots;
- (f) prevailing setbacks of buildings from the street or streets; and,
- (g) prevailing patterns of rear and side yard setbacks and landscaped open space

Policy 4.1.5 also defines the word 'prevailing' be the most frequently occurring in a geographic neighbourhood. Zoning by-laws contain numerical site standards for matters such as building setbacks from lot line and any other performance standards to ensure new development will be compatible with the physical character of established residential *Neighbourhoods*. 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*.

Planning staff undertook a neighbourhood study within the general boundaries of Bayview Avenue to the east, Upper Highland Crescent to the west, Medalist Road and Fenn Avenue to the north, and Munro Boulevard to the south. This study area generally includes two zones – *RD (f15.0; a550) (x5)* and *RD (f18.0; a690) (x5)*. The subject site

is within the latter zone where the minimum required lot frontage is 18.0 metres and the minimum lot area is 690 m². Of the over 550 lots included in this study, only three lots within this neighbourhood have an area below 500 m². The conveyed lot (Part 1, Draft R-Plan) has a proposed lot area of 449.2 m². If approved, this would be the smallest lot area within this neighbourhood. When evaluating lot dimensions, shape and configuration, Planning staff are of the opinion the lot pattern of this neighbourhood is characterized as rectangular-shaped lots with depths greater than frontages. Having this lot shape and configuration allows for generous landscaped open space in the front and, particularly, the rear of the dwelling.

A front yard setback of 4.18 metres is being requested for the proposed new dwelling on the conveyed lot, whereas the zoning by-law requires a front yard setback of 6 metres. A rear yard setback of 4.42 metres is also being requested for the conveyed lot, whereas the zoning by-law requires a rear yard setback of 7.5 metres. Planning staff are of the opinion these requested variances directly highlight the undersized nature of the conveyed lot and its ability to accommodate a dwelling that can respect the zoning by-law's performance standards and be compatible with the prevailing physical character of this neighbourhood. Furthermore, the proposed rear yard setback does not reflect the prevailing rear yard setback and patterns found in this neighbourhood which can also be attributed to the proposed undersized lot.

Planning staff are of the opinion the proposed severance disregards Section 51(24) of the *Planning Act* and does not conform with the City of Toronto Official Plan. Staff are also of the opinion the requested variance noted above do not maintain the intent of the zoning by-law. As such, Planning staff recommend these applications be refused.

CONTACT

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SIGNATURE



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