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By Committee of Adjustment at 4:23 pm, Mar 16, 2022



STAFF REPORT

36 Macpherson Avenue Committee of Adjustment Application

Date: March 16, 2022

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

From: Director, Community Planning, Toronto and East York District

Ward: University-Rosedale

File: A1465/21TEY

Application Hearing Date: March 23, 2022

RECOMMENDATIONS

Community Planning Staff recommend that the subject application be refused.

APPLICATION

The applicant is seeking relief from the provisions of Zoning By-law 569-2013 to alter the existing two-storey semi-detached dwelling by constructing a front integral garage and reverse slope driveway, and by reconstructing the front porch.

The following variances are requested:

1. Chapter 10.5.40.60(1)(A)(i), By-law 569-2013

A platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3 m of a building, with a floor no higher than the first floor of the building above established grade may encroach into the required front yard setback if it is no closer to a side lot line than 0.9 m.

The front porch will be located 0.45 m from the side (west) lot line.

2. Chapter 10.5.40.71(1)(A), By-law 569-2013

The minimum required front yard setback is 3.9 m.

The altered dwelling will be located 1.45 m from the front (south) lot line.

3. Chapter 10.5.50.10(1)(D), By-law 569-2013

A minimum 75% (13.9 m²) of the front yard must be maintained as soft landscaping. In this case, 50% (9.3 m²) of the front yard will be maintained as soft landscaping.

4. Chapter 10.5.80.40(2), By-law 569-2013

For a detached house or semi-detached house, where an individual private driveway leads directly to the dwelling unit, the elevation of the lowest point of a vehicle entrance in a main wall of the building must be higher than the elevation of the centreline of the driveway at the point where it intersects a lot line abutting a street (118.44).

In this case, the private driveway will have an elevation, at the lowest point, of 118.05.

5. Chapter 10.10.80.40(1), By-law 569-2013

A vehicular entrance through the front main wall of a building are permitted provided the lot has a minimum frontage of 7.6 m.

In this case, a vehicular entrance through the front main wall of a building is proposed on a lot with an existing lot frontage of 7.14 m.

CONTEXT

The subject site is located on the north side of Macpherson Avenue, west of Yonge Street.

The site is designated *Neighbourhoods* in the Official Plan. Chapter 2 of the Official Plan sets out to protect the environmental quality of *Neighbourhoods*. Policies of this chapter speak to: reinforcing the existing physical character of buildings, streetscapes, and open space patterns (Policy 2.3.1.1); improving the functioning of local street networks (Policy 2.3.1.5); and advancing environmentally sustainable development by promoting landscaping improvements and stormwater management technologies (Policy 2.3.6).

Policy 4.1.5 of the Official Plan provides criteria to evaluate new development relative to the character of its immediate context, including prevailing patterns of: heights and massing of residential properties; location, design, and elevations relative to the grade of driveways and garages; and landscaped open space. Policy 4.1.8 of the Official Plan further states that Zoning By-laws will contain numerical site standards, including parking and landscaped open space among other matters, to ensure that development will be compatible with the physical neighbourhood character.

Policy 3.1.2.4 states that development will "locate and organize vehicle parking, [and] vehicular access and ramps... to minimize their impact and improve the safety and attractiveness of the public realm...".

The site is also subject to Site and Area Specific Policy 211 (SASP 211): Bloor Yorkville/North Midtown Area. This area is composed of a broad mix of districts including the Ramsden Park Neighbourhood in which the subject property is located. *Neighbourhoods* policies in SASP 211 reiterate the Official Plan objectives to achieve development that reinforces a low-rise character of two and three-storey houses.

The site is zoned R (f5; d6.0) (x892) under City of Toronto Zoning By-law 569-2013.

COMMENTS

The proposed integral garage at the basement level accessed by a reverse slope driveway is inconsistent with the prevailing physical character of this neighbourhood. There are few examples of the proposed built form features in the immediate context, which are not a representation of the area's prevailing character. The general intent and purpose of the Official Plan's *Neighbourhoods Policies* is to ensure that development respects and reinforces the neighbourhood's prevailing physical character.

The zoning provisions regarding access to a parking space (e.g. variances 4 and 5) ensure that pedestrian entrances and habitable space remain the most prominent feature of a residential dwelling facing the street. The proposed integral garage on a narrow lot would result in vehicular access and parking as a prominent feature of the dwelling facing the street.

Given the above, the proposal does not maintain the general intent and purpose of the Official Plan or Zoning By-law. As such, Community Planning staff recommend that the application be refused.

CONTACT

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SIGNATURE



Signed by Oren Tamir, Manager, Community Planning
On behalf of
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