

Date: June 16, 2022

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

From: David Sit, Director, Community Planning, North York District

Ward: Don Valley East

File No.: B0002/22NY, B0003/22NY, A0020/22NY, A0021/22NY and A0022/22NY (to be considered jointly)

Address: 1-3 Talwood Drive

Hearing Date: June 23, 2022

RECOMMENDATIONS

City Planning staff recommend applications B0002/22NY, B0003/22NY, A0020/22NY, A0021/22NY and A0022/22NY collectively be refused.

APPLICATION

To obtain consent to sever a portion of each property to create a new building lot between to the two existing properties resulting in three lots.

RETAINED - PART 1

Address to be assigned

Frontage is 13.02 m and the lot area is 458 m²

The property will be redeveloped as the site of a new detached dwelling requiring variances to the applicable zoning By-law(s) as outlined in application A0020/22NY.

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

1. **Chapter 900.3.10(5) - Exceptions for RD Zone, By-law No. 569-2013**
The required minimum side yard setback is 1.8 m.
The proposed East side yard setback is 0.91 m.
2. **Chapter 900.3.10(5) - Exceptions for RD Zone, By-law No. 569-2013**
The required minimum side yard setback is 1.8 m.
The proposed West side yard setback is 1.50 m.
3. **Chapter 10.5.40.50.(2), By-law No. 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, must comply with the required

minimum building setbacks for the zone.

The rear platform is set back from the east side lot line 0.91 m when the minimum required setback is 1.8 m.

4. Chapter 10.20.30.10.(1) A), By-law No. 569-2013

The required minimum lot area is 550 m².

The proposed lot area is 457.97 m².

5. Chapter 10.20.30.20.(1) A), By-law No. 569-2013

The required minimum lot frontage is 15 m.

The proposed lot frontage is 13.02 m.

6. Chapter 10.20.30.40.(1A), By-law No. 569-2013

The permitted maximum lot coverage is 25 % of the lot area: 110.54 m².

The proposed lot coverage is 34.89 % of the lot area: 159.83 m² of Building Area.

7. Chapter 10.20.40.10.(1) A), By-law No. 569-2013

The permitted maximum height of a building or structure is 10.0 m.

The proposed height of the building is 10.24 m.

8. Chapter 10.20.40.70.(1), By-law No. 569-2013

The required minimum front yard setback is 6.0 m.

The proposed front yard setback is 5.5 m.

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

Roof eaves may encroach into a required minimum setback a maximum of 0.9 m provided that they are no closer than 0.30 m to a lot line.

The proposed eaves encroach 1.27 m into the East side yard setback.

10. Chapter 10.20.40.10.(6) 6), By-law No. 569-2013

The permitted maximum height of the elevation of the lowest point of a main pedestrian entrance through the front wall or a side main wall is 1.2 m above established grade.

The proposed height of the main pedestrian entrance is 1.46 m above established grade.

CONVEYED - PART 2 to be added to PART 3

CONVEYED - PART 3 to be added to PART 2

Address to be assigned

Frontage is 13.02 m and the lot area is 442.1 m²

The property will be redeveloped as the site of a new detached dwelling requiring variances to the applicable zoning By-law(s) as outlined in application A0021/22NY.

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

1. Chapter 900.3.10(5), By-law No. 569-2013

The required minimum side yard setback is 1.8 m.
The proposed East side yard setback is 0.92 m.

2. Chapter 900.3.10(5), By-law No. 569-2013

The required minimum side yard setback is 1.8 m.
The proposed West side yard setback is 0.91 m.

3. Chapter 10.5.40.50.(2), By-law No. 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, must comply with the required minimum building setbacks for the zone.

The rear platform is set back from the west side lot line 0.91 m when the minimum required setback is 1.8 m.

4. Chapter 10.20.30.10.(1) A), By-law No. 569-2013

The required minimum lot area is 550 m².
The proposed lot area is 442.15 m².

5. Chapter 10.20.30.20.(1) A), By-law No. 569-2013

The required minimum lot frontage is 15 m.
The proposed lot frontage is 13.02 m.

6. Chapter 10.20.30.40.(1A), By-law No. 569-2013

The permitted maximum lot coverage is 25 % of the lot area: 110.54 m².
The proposed lot coverage is 35.00 % of the lot area: 154.84 m² of Building Area.

7. Chapter 10.20.40.70.(1), By-law No. 569-2013

The required minimum front yard setback is 6.0 m.
The proposed front yard setback is 5.5 m.

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

Roof eaves may encroach into a required minimum setback a maximum of 0.9 m provided that they are no closer than 0.30 m to a lot line.

The proposed eaves encroach 1.26 m into the East side yard setback

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

Roof eaves may encroach into a required minimum setback a maximum of 0.9 m provided that they are no closer than 0.30 m to a lot line.

The proposed eaves encroach 1.27 m into the West side yard setback.

RETAINED - PART 4

Address to be assigned

Frontage is 13.02 m and the lot area is 426.4 m²

The property will be redeveloped as the site of a new detached dwelling requiring variances to the applicable zoning By-law(s) as outlined in application A0022/22NY.

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

1. **Chapter 900.3.10(5) - Exceptions for RD Zone, By-law No. 569-2013**
The required minimum West side yard setback is 1.8 m.
The proposed West side yard setback is 0.92 m.
2. **Chapter 10.5.40.50.(2), By-law No. 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, must comply with the required minimum building setbacks for the zone.
The rear platform is set back from the west side lot line 0.92 m when the minimum required setback is 1.8 m.
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 from the fronting street, Talwood Drive, when the flanking street, Tangmere Road, is not a major street.
4. **Chapter 10.20.30.10.(1) A), By-law No. 569-2013**
The required minimum lot area is 550 m².
The proposed lot area is 426.41 m².
5. **Chapter 10.20.30.20.(1) A), By-law No. 569-2013**
The required minimum lot frontage is 15 m.
The proposed lot frontage is 13.02 m.
6. **Chapter 10.20.30.40.(1A), By-law No. 569-2013**
The permitted maximum lot coverage is 25 % of the lot area: 106.60 m².
The proposed lot coverage is 34.98 % of the lot area: 149.16 m² of Building Area.
7. **Chapter 10.20.40.70.(1), By-law No. 569-2013**
The required minimum front yard setback is 6.0 m.
The proposed front yard setback is 5.5 m.
8. **Chapter 10.20.40.70.(6) A), By-law No. 569-2013**
The required minimum East side yard setback is 3.0 m for a corner lot where the required lot frontage is 12.0 m or more, and where there is an adjacent lot fronting on the street abutting the side lot line.
The proposed East side yard setback is 1.5 m.
9. **Chapter 10.5.40.60.(1) (E), By-law No. 569-2013**
A platform without main walls, attached to or less than 0.3 m from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required side yard setback a maximum of 1.5 m, if it is no closer to the side lot line than 0.3 m.
The proposed East side porch encroaches 2.23 m into the required side yard setback.

- 10. Chapter 10.5.40.60.(3) (A)(ii), By-law No. 569-2013**
Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no wider than 2.0 m, and (iii) if the stairs are no closer to a lot line than 0.6 m.
The proposed front porch stairs 2.69 m wide.
- 11. Chapter 10.5.40.60.(3) (A)(ii), By-law No. 569-2013**
Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no wider than 2.0 m, and (iii) if the stairs are no closer to a lot line than 0.6 m.
The proposed rear platform stairs are 2.44 m wide.
- 12. Chapter 10.5.40.60.(3) (A)(ii), By-law No. 569-2013**
Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no wider than 2.0 m, and (iii) if the stairs are no closer to a lot line than 0.6 m.
The proposed east side porch stairs are 3.23 m wide and are 0.0m to the East lot line.
- 13. Chapter 10.5.40.60.(7), By-law No. 569-2013**
Roof eaves may encroach into a required minimum setback a maximum of 0.9 m provided that they are no closer than 0.30 m to a lot line.
The proposed eaves encroach 1.26 m into the West side yard setback, and 1.88 m into the East side yard set back.

COMMENTS

The subject properties are located on the south side of Talwood Drive, northeast of Lawrence Avenue East and Leslie Street. The properties are zoned *RD (f15.0; a550)* (x5) under City of Toronto Zoning By-law No. 569-2013 and *R4* under former City of North York Zoning By-law No. 7625. Application Nos. B0002/22NY and B0003/22NY are requesting consent to sever a portion of each of the properties, municipally known as 1 and 3 Talwood Drive, two create a new undersized lot. The retained portions of the existing lots will also result in two undersized lots. Application Nos. A0020/22NY, A0021/22NY and A0022/22NY facilitate the construction of a new detached dwelling on each of the three newly created lots.

The subject property is designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are considered physically stable areas. Policy 4.1.5 of the plan contains a set of development criteria for *Neighbourhoods* that requires that all new 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 defines the word 'prevailing' be the most frequently occurring form of development in a Geographic Neighbourhood. The Official Plan also 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 Geographic Neighbourhood is delineated by considering the context within the *Neighbourhood* in proximity to a proposed development, including: zoning, prevailing dwelling type and scale, lot size and configuration, street pattern, pedestrian connectivity, and natural and human-made dividing features. Using this criteria, Planning staff undertook a neighbourhood study within the general boundaries of Bond Avenue to the north, the Don Mills Trail to the east, Lawrence Avenue East to the south and Leslie Street to the west. The Geographic Neighbourhood is consistent in building type, detached dwellings, with a mix of lot shapes due to the curvilinear street pattern. This includes "pie-shaped" lots, often located at the end of a cul-de-sac, and characterized by narrower lot frontages that become wider towards the rear of the lot, and rectangular shaped lots.

The entire Geographic Neighbourhood, notwithstanding a public utility located across the street from the subject site, is zoned *RD (f15.0; a550) (x5)* under Zoning By-law 569-2013. The minimum required lot frontage is 15 metres and the minimum required lot area is 550 square metres. Lot frontage and lot area standards are established in order to achieve a consistent streetscape and pattern of development. The applicant is proposing the creation of undersized lots with the following dimensions:

- Lot 1 (Part 1) Frontage – 13.02 metres; Area – 457.97 square metres;
- Lot 2 (Parts 2 & 3) Frontage – 13.02 metres; Area – 442.15 square metres; and
- Lot 3 (Part 4) Frontage – 13.02 metres; Area – 426. 41 square metres.

Of the 221 lots included in the study area, the average lot area is approximately 792.5 square metres. There is only one existing lot that has an area of less than the minimum required lot area of 550 square metres with a lot area of 547.60 square metres. The data from the study area also demonstrates that the average lot frontage is approximately 19.25 metres with the vast majority of lot frontages complying and exceeding the minimum lot frontage requirement. All of the existing lots with undersized frontages are pie-shaped and exceed the minimum required lot area by a minimum of 100 square metres, whereas the applicant is proposing rectangular shaped lots that would result in the smallest lot areas in the study area. As such, City Planning staff are of the opinion that the proposed lots are not representative of the prevailing size and configuration of lots found in the Geographic Neighbourhood and therefore do not meet the intent of the Official Plan.

The minor variance applications are proposing lot coverages of 35% of the lot area, whereas City of Toronto Zoning By-law No. 569-2013 permits maximum coverages of 25%. The intent of regulating lot coverage is to ensure a level of consistency in built form on a lot and to also allow for appropriate landscaping and open space. The applicant is also proposing reduced side yard setbacks of 0.92 metres for the interior setbacks between each of the new dwellings, whereas the minimum side yard setback requirement is 1.8 metres. Like lot coverage, the intent of regulating side yard setbacks is to achieve consistent patterns of development and open space between dwellings. The proposed lot coverage exceeds what is permitted by the Zoning By-law by 10% and does not reflect the prevailing lot coverage in the study area. The reduced side yard setbacks are approximately half of what is required by the Zoning By-law and inconsistent with the prevailing physical character of the neighbourhood which is distinguished by generous landscaping and space between dwellings. As such, City Planning staff are of the opinion that the proposed building envelopes resulting from the lot coverage and side yard setback variances represent overdevelopment of the lots, do not meet the intent of the Official Plan and Zoning By-law, and are not minor.

As the application does not conform to the Official Plan, Staff recommend that Application Nos. B0002/22NY and B0003/22NY be refused as they fail to satisfy the consent criteria listed in Section 51(24) of the Planning Act and Application Nos. A0020/22NY, A0021/22NY and A0022/22NY 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 John Andreevski, Manager, Community Planning, North York District on behalf of David Sit, MCIP, RPP, Director, Community Planning, North York District