

**Date:** May 19, 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 West

**File No.:** A0094/22NY

**Address:** 48 Teddington Park Avenue

**Hearing Date:** May 26, 2022

## RECOMMENDATIONS

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City Planning staff recommend this application be refused.

## APPLICATION

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To construct a new dwelling.

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

1. **Chapter 10.20.40.40.(1)A, By-law No. 569-2013**  
The permitted maximum floor space index is 0.35 times the area of the lot.  
The proposed building will have a floor space index of 0.8343 times the area of the lot.
2. **Chapter 10.20.40.50.(1)A, By-law No. 569-2013**  
The permitted maximum number of platforms at or above the second storey located on the rear wall of a detached house is 1.  
The proposed number of platforms located on the rear wall is 2.
3. **Chapter 10.20.40.50.(1)B, By-law No. 569-2013**  
The permitted maximum area of each platform at or above the second storey of a detached house is 4.0m<sup>2</sup>.  
The proposed area of the balcony off of the master bedroom is 6.93m<sup>2</sup>.
4. **Chapter 10.20.40.70.(2)B, By-law No. 569-2013**  
The required minimum rear yard setback is 14.55m.  
The proposed rear yard setback is 4.10m.
5. **Chapter 10.20.40.20.(1), By-law No. 569-2013**  
In the RD zone with a minimum required lot frontage of 18.0m or less, the permitted maximum building length for a detached house is 17.0m.  
The proposed building length is 42.72m.

6. **Chapter 10.20.40.30.(1), By-law No. 569-2013**  
The permitted maximum building depth for a detached house is 19.0m.  
The proposed building depth is 42.82m.
7. **Chapter 10.20.40.70.(3)D), By-law No. 569-2013**  
The required minimum side yard setback is 1.5m where the required minimum lot frontage is 15.0m to less than 18.0m.  
The proposed west side yard setback is 0.91m.
8. **Chapter 10.5.40.60.(7), By-law No. 569-2013**  
Roof eaves may project a maximum of 0.9m provided that they are no closer than 0.30m to a lot line.  
The proposed eaves project 10.24m into the rear yard setback.
9. **Chapter 10.20.40.10.(1)A), By-law No. 569-2013**  
The permitted maximum height of a building or structure is 10.00m.  
The proposed height of the (building/structure) is 12.17m.
10. **Chapter 10.20.40.10.(2) B)(ii), By-law No. 569-2013**  
The permitted maximum height of all side exterior main walls facing a side lot line is 7.50m.  
The proposed height of the side exterior main walls facing a side lot line is 11.29m.
11. **Section 12(2) 260(III), By-law No. 438-86**  
The by-law limits a building height to 10.00m.  
The proposed building has a height of 12.46m.

## COMMENTS

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The subject property is located on the north side of Teddington Park Avenue, southeast of York Mills Road and Yonge Street. The property is zoned *RD (f15.0; d0.35) (x1427)* under City of Toronto Zoning By-law No. 569-2013, and *R1* under former City of Toronto Zoning By-law 438-86.

The applicant is requesting a building length of 42.72 metres and building depth of 42.82 metres, whereas City of Toronto Zoning By-law No. 569-2013 permits a maximum length and depth of 17 metres and 19 metres, respectively. Building length is measured from the front main wall to the rear main wall, and building depth is measured from the required front yard setback to the rear main wall. Both provisions include any above-grade and below-grade portions of the dwelling or structures that are connected to the dwelling. These provisions are intended, in part, to regulate the size and location of structures on a lot to ensure a consistent scale and pattern of development is maintained within a neighbourhood. The proposed building length and depth are inclusive of a new three-storey detached dwelling, below-grade garage that extends

approximately 20 metres beyond the dwelling into the rear yard and a connected two-storey structure that has vehicular access from Glen Echo Road. As the structure is connected to the main dwelling below-grade, it is subject to the same minimum required rear yard setback of 14.55 metres, whereas it is located 4.10 metres from the rear lot line. Like building length and building depth variances, the rear yard setback is a key performance standard contained within the Zoning By-law to limit the size and regulate the location of structures on a lot to ensure that new development is consistent in scale and adequate separation distance is maintained from adjacent neighbours and the public right of way. The structure is inclusive of a car lift, cabana and living accommodations. Although the structure functions as a detached ancillary building, it is not classified as one under Zoning By-law No. 569-2013 due to it being connected to the main dwelling below-grade. As such, it is not subject to the specific provisions that regulate ancillary buildings such as height, rear yard and side yard setbacks, number of storeys, gross floor area (GFA) and the use of living accommodations. It is clear from the site plan, floor plans and elevation drawings that the proposed structure would exceed the maximum permitted height by at least 3 metres, maximum number of storeys and would not meet the minimum rear yard setback if classified as an ancillary building. Further, the structure contains food preparation and sanitary facilities, which together, are classified as living accommodations and are not permitted in ancillary buildings under the Zoning By-law. City Planning staff are of the opinion that the significant building length, building depth and rear yard setback variances, that are related to the main dwelling, below-grade garage and rear yard structure, result in a built form that is excessive and does not meet the intent of the Zoning By-law in regulating the location and scale of structures on a lot.

The applicant is also requesting a floor space index (FSI) of 0.83 times the lot area, whereas City of Toronto Zoning By-law No. 569-2013 permits a maximum FSI of 0.35. A building height of 12.17 metres and side exterior main wall heights of 11.29 metres are also being requested, whereas the Zoning By-law permits a maximum building height of 10 metres and side main wall height of 7.5 metres. The intent of regulating FSI, building height and exterior main wall height is to ensure that new buildings and structures are of a consistent scale and level of massing within a given neighbourhood. The subject site is also designated *Neighbourhoods* in the City of Toronto Official Plan. Policy 4.1.5 of the Plan requires that all new development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including prevailing heights, massing, scale, density and building type of nearby residential properties. The prevailing building type and physical character of a neighbourhood will be determined by the most frequently occurring form of development in that neighbourhood. City Planning staff have studied the neighbourhood and are of the opinion that the proposed height and density results in a massing condition that is not in keeping with the physical character of the neighbourhood. It is recommended this application be refused as it does not maintain the general intent and purpose of the Official Plan and the Zoning By-law and is not minor.

## **CONTACT**

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Denise McMullin, Assistant Planner, Community Planning, North York District,  
416-395-7133, Denise.McMullin2@toronto.ca

## **SIGNATURE**

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Signed by John Andreevski, Manager, Community Planning, North York District on  
behalf of David Sit, MCIP, RPP, Director, Community Planning, North York District