

Date: November 30, 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.: A0489/22NY

Address: 37 Rochester Avenue

Hearing Date: December 7, 2022

RECOMMENDATIONS

Should the Committee approve this application, City Planning staff recommend that the following variances be refused:

1. Variance No. 5 regarding the building length under Zoning By-law No. 569-2013; and
2. Variance No. 6 regarding the building depth under Zoning By-law No. 569-2013.

Should the Committee choose to approve this application, City Planning staff also recommend that the following variance first be modified:

1. Modify Variance No. 8 regarding the floor space index under Zoning By-law No. 569-2013 from 0.6257 to 0.58 times the lot area or less.

APPLICATION

Proposal to construct a new dwelling.

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

1. **Chapter 10.5.40.50.(2), By-law No. 569-2013**
In the Residential Zone category, a platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3m of a building, must comply with the required minimum building setbacks for the zone, 1.5m.
The proposed setback of the rear deck is 1.22m from the west side lot line.
2. **Chapter 5.10.40.70.(2), By-law No. 569-2013**
All structures must meet the required setbacks for the zone, 1.5m.
The proposed setback of the rear canopy is 1.22m from the west side lot line.

3. **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 east side yard setback is 1.22m.
4. **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 1.22m.
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 22.56m.
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 22.56m.
7. **Chapter 10.20.40.10.(1)A), By-law No. 569-2013**
The permitted maximum height of a building or structure is 10m.
The proposed height of the (building/structure) is 10.46m.
8. **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 floor space index is 0.6102 times the area of the lot,.
9. **Chapter 10.20.40.10.(2)B)(i), By-law No. 569-2013**
The permitted maximum height of all side exterior main walls facing a side lot line is 7.5m.
The proposed height of the side exterior main walls facing a side lot line is 8m.
10. **Section 4(2), By-law No. 438-86**
The maximum building height is 10m.
The proposed building height is 10.63m.

COMMENTS

The subject property is located on the south side of Rochester Avenue, southeast of Lawrence Avenue East and Mount Pleasant Road. The property is zoned *RD (f15.0; d0.35) (x1432)* under City of Toronto Zoning By-law No. 569-2013, and *R1 Z0.35* under former City of Toronto Zoning By-law No. 438-86.

Should the Committee approve this application, City Planning staff recommend that the following variances be refused:

1. Variance No. 5 regarding the building length under Zoning By-law No. 569-2013; and
2. Variance No. 6 regarding the building depth under Zoning By-law No. 569-2013.

Should the Committee choose to approve this application, City Planning staff recommend that the following variance first be modified:

1. Modify Variance No. 8 regarding the floor space index under Zoning By-law No. 569-2013 from 0.61 to 0.58 times the lot area or less.

City Planning staff submitted a report to the Committee dated September 15, 2022. This application was deferred at the September 22, 2022 Committee of Adjustment hearing. While the applicant has made revisions to the proposal that include reductions in building length, building depth and floor space index (FSI), City Planning staff are of the opinion that the requested variances are still not in keeping with the Official Plan or Zoning By-law, and are not minor and appropriate.

The applicant is proposing a building length and depth of 22.56 metres, whereas City of Toronto Zoning By-law No. 569-2013 permits a maximum building length and depth of 17 metres and 19 metres, respectively. As noted in the September 15, 2022 report, building length and depth provisions are devised, in part, to help maintain a consistent pattern of built form and open space on lots within a neighbourhood, and to help mitigate massing impacts on the adjacent neighbours. As seen on the site plan drawing, the proposed building length is measured from the front main wall of the dwelling to the rear main wall of the one-storey extension and exceeds the permitted building length by approximately 5.5 metres. The implication of the additional building length and depth that is being proposed beyond what the Zoning By-law permits is that the dwelling is out of scale and alignment with the adjacent dwellings resulting in an inappropriate location of building massing. City Planning have also studied the neighbourhood and the proposed building length and depth are not in keeping with the existing dwellings and what has been approved by the Committee. City Planning staff are of the opinion that the requested building length and depth do not maintain the general intent and purpose of the Official Plan or Zoning By-law and are not minor or appropriate.

An FSI of 0.61 is also being requested, whereas the Zoning By-law permits a maximum FSI of 0.35. Like building length and depth, FSI is a performance standard to ensure that new development within a neighbourhood is consistent in scale, massing and density. Planning staff also recommend reducing the FSI from 0.61 to 0.58 or less which is more in keeping with densities that have been approved by the Committee of

Adjustment in the Lawrence Park Neighbourhood.

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