



STAFF REPORT
Committee of Adjustment
Application

Date:	Friday December 22, 2017
To:	Chair and Committee Members of the Committee of Adjustment Etobicoke York Panel
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 6 (Etobicoke-Lakeshore)
Reference:	File No.: B0061/17EYK, A0578/17EYK & A0579/17EYK Address: 27 Thirty Ninth Street Hearing Date: January 11, 2018

RECOMMENDATION

Planning staff recommend that the application be deferred in order to provide the applicant a further opportunity to consider a revised proposal that is more in keeping with the Official Plan and Zoning by-law(s) and fits the existing physical character of the neighbourhood.

However should the applications not be deferred, and should the Committee find merit to allowing the consent to sever the existing property, Planning staff recommend that minor variances related to Lot Frontage and Lot Area be approved and all other variances be refused.

APPLICATION

The applicant proposes to sever the subject property, which currently has a lot frontage of 15.24 metres and a lot area of 613 square metres, into two residential lots. The consent application (File No. B0061/17EYK) is accompanied by two minor variance applications (File Nos. A0578/17EYK and A0579/17EYK) to propose the construction of a new detached dwelling with an integral garage on each of the proposed lots. Part 1 is identified as the south lot and Part 2 is identified as the north lot. The applicant is seeking the following variances for each of the proposed lots:

	Requested Variance	Permitted	Original Part 1	Revised Part 1	Original Part 2	Proposed Part 2
1.	Minimum Lot Frontage Section 10.20.30.20.(1)(A), By-law No. 569-2013	12.0 m	7.62 m	7.62 m	7.62 m	7.62 m

	Requested Variance	Permitted	Original Part 1	Revised Part 1	Original Part 2	Proposed Part 2
2.	Minimum Lot Area Section 10.20.30.10.(1)(A), By-law No. 569-2013	370 m ²	306.5 m ²	306.5 m ²	306.5 m ²	306.5 m ²
3.	Maximum Floor Space Index Section 10.20.40.40(1)(A), By-law No. 569-2013 Chapter 330-23.(A)(9)	0.35 times the lot area	0.98 times the lot area 0.95 times the lot area	0.68 times the lot area	0.98 times the lot area 0.95 times the lot area	0.68 times the lot area
4.	Minimum Side Yard Setback Section 10.20.40.70.(3)(C), By-law No. 569-2013 Chapter 330-23(A)(7)	1.2 m 0.9 m	0.9 m (north side) 0.62 m (south side)	0.9 m (north side) 0.62 m (south side)	0.9 m (north side) 0.62 m (south side)	0.9 m (north side) 0.62 m (south side)
5.	Maximum Building Length Section 10.20.40.20.(1), By-law No. 569-2013	17.0 m	18.78	17.88 m	18.78	17.88 m
6.	Maximum First Floor Height Above Established Grade Section 10.20.40.20.(6), By-law No. 569-2013	1.2m	-	2.8m	-	2.8m
7.	Maximum Height of Front Exterior Main Walls Section 10.20.40.10.(2)(A)(i), By-law No. 569-2013	7 m	8.59m	8.29 m	8.59m	8.35 m
8.	Maximum Dwelling Height Section 10.20.40.10.(1)(A), By-law No. 569-2013 & Chapter 330-23.A(10)	9.5 m	10.28	9.98 m	10.28	10.04 m
9.	Minimum Parking Space Access Chapter 330-9(A)(4)	6.0 m	5.62m	5.64 m	5.62m	5.64 m

	Requested Variance	Permitted	Original Part 1	Revised Part 1	Original Part 2	Proposed Part 2
10.	Maximum Building Depth Section 10.20.40.30.(1), By-law No. 569-2013	19.0 m	19.28 m	-	19.28 m	-
11.	Roof Eaves Projection Section 10.5.40.60.(7) By-law No. 569-2013 Chapter 330-13(A)(2)	No closer than 0.3m to a lot line 0.5 m from all side lot lines	0.2 m from the south lot line	-	0.2 m from the south lot line	-
12.	Minimum Front Yard Soft Landscaping Section 10.5.50.10.(1), By-law No. 569-2013 and Chapter 330-20(6)(A)	75%	62%	-	62%	-
13.	Elevation of Garage Entrance Section 10.5.80.40.(2), By-law No. 569-2013	Elevation of lowest point of vehicle entrance in main wall of building must be higher than elevation of centreline of driveway where it intersects a lot line abutting a street: 85.24	The proposed elevation of the lowest point of a vehicle entrance in the main wall of the building is 85.30.	-	The proposed elevation of the lowest point of a vehicle entrance in the main wall of the building is 85.30.	-
14.	Minimum Parking Space Dimensions (Width) Section 200.5.1.10.(2), By-law No. 569-2013 and Chapter 330-9(A)(1)	3.2 m	3.05 m	-	3.05 m	-

COMMENTS

The subject property is located in the Village of Long Branch and is designated *Neighbourhoods* in the Toronto Official Plan. The site is zoned Residential Detached (RD) under the City of Toronto Zoning By-law No. 569-2013 and Residential Single-Family (RS) under the former Etobicoke Zoning Code.

Authority to grant severances is contained in Section 53 of the *Planning Act* and the criteria the Committee must have regard to in hearing severance applications is found in Subsection 51(24) of the Act and include, but are not limited to:

- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any; and
- (f) the dimensions and shapes of the proposed lots.

The Official Plan acknowledges that *Neighbourhoods*, while stable, will be subject to physical change in the form of enhancements, additions and infill housing. According to Section 4.1 of the Official Plan, "*Physical changes to our established neighbourhoods must be sensitive, gradual and generally "fit" the existing physical character*". A key objective of the Plan is to ensure that new development will respect and reinforce the existing physical character of the neighbourhood.

Policy 4.1.5 of the Official Plan outlines development criteria for established *Neighbourhoods*. Development in established *Neighbourhoods* will respect and reinforce the existing physical character of the area, including in particular:

- (b) Size and configuration of lots
- (c) Heights, massing, scale and dwelling type of nearby residential properties
- (f) Prevailing patterns of rear and side yard setbacks and landscaped open space.

The Official Plan further states that "*...no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood*".

According to Policy 4.1.8 of the Toronto Official Plan, Zoning By-laws will contain numerical site standards for matters such as height, density, lot sizes, lot depths, lot frontages, building setbacks from lot lines and any other performance standards to ensure that new development will be compatible with the physical character of established residential *Neighbourhoods*.

Planning staff has reviewed the applications and supporting materials (original and revised), researched previous Committee of Adjustment decisions, conducted a site visit, and staff continue to have concerns with the variance requests.

Staff spoke to the applicant and identified concerns with the original request and identified these concerns in a previous staff report to Committee of Adjustment dated August 10, 2017. In that report staff recommended that the consent and related minor variance applications be deferred to allow a meeting to be scheduled with the Ward Councillor, the local community, and staff, to discuss the applications, and provide the applicant an opportunity to develop a revised proposal that is more in keeping with the general intent and purpose of the Official Plan and Zoning By-law(s). As of December 20, 2017, the applicant had not yet met with the Councillor, nor the community, regarding these minor variance requests, but advised staff that he was agreeable to doing so.

The applicant revised the proposal and submitted revised plans for the January 11, 2018 hearing. Staff does not consider the reductions made to the variances to be sufficient, and are still concerned that the variances related to building heights, floor space index, length, and side yard setbacks would allow for the construction of two dwellings that do not respect and

reinforce the physical character of the established neighbourhood, and are not in keeping with the general purpose and intent of the Official plan and Zoning By-law(s).

Staff advised the applicant of these continued concerns and given the continued potential impact to the area, it is again recommended that consideration of minor variance applications related to the two proposed dwellings be deferred to allow the applicant time to meet with the Councillor, community and staff, and develop a further revised proposal that respects and reinforces the physical character of the established neighbourhood and thereby more in keeping with the general intent and purpose of the Official Plan and Zoning By-law(s).

However should the applications not be deferred, and should the Committee find merit to allowing the consent to sever the existing property, Planning staff recommend that minor variances related to Lot Frontage and Lot Area be approved and all other variances be refused.

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