



STAFF REPORT
Committee of Adjustment
Application

Date:	Thursday, October 27, 2016
To:	Chair and Committee Members of the Committee of Adjustment Etobicoke York Panel
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 6
Reference:	File No. B0051/16EYK, A0709/16EYK, A0710/16EYK Address: 14 Villa Road Application to be heard: November 3, 2016

RECOMMENDATION

Planning Staff recommend that the consent and related minor variance applications be refused.

APPLICATION

The applicant is proposing to create two new residential lots from an existing 15.24 m lot and to construct two new detached dwellings, each with an integral garage.

The following variances are being sought:

Development Standard	Permitted (ZBL 569-2013)	Permitted (Etobicoke Zoning Code)	Proposed Lots	
			Part 1	Part 2
Maximum Exterior Wall Height	7.0 m	N/A	8.69 m	8.56 m
Permitted Floor Space Index	0.35	0.35	0.72	0.7
Minimum Side Yard Setback	1.2 m	0.9 m	0.45 m (west side)	0.25 m (east side)
Minimum Lot Area	370 m ²	371 m ²	278.7 m ²	278.7 m ²
Minimum Lot Frontage	12.0 m	12.0 m	7.62 m	7.62 m
Minimum Required Parking Space Width	3.2 m	3.2 m	N/A	3.17 m

COMMENTS

Under Section 53 of the *Planning Act*, the Committee has authority to grant severances. The matters a Committee must have regard to, in hearing severance applications, are found in Subsection 51(24) and include, but are not limited to:

- (b) whether the proposed subdivision is premature or in the public interest;
- (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 subject site is located in the Village of Long Branch and is designated *Neighbourhoods* in the Official Plan. *Neighbourhoods* are considered physically stable areas. Physical changes to established *Neighbourhoods* must be sensitive, gradual, and generally 'fit' the existing physical character.

Policy 4.1.5 of the Official Plan establishes that development will respect and reinforce the existing physical character of the neighbourhood, including in particular, the size and configuration of lots, massing and scale of nearby residential properties. Further, Policy 4.1.5 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.*"

In addition, Policy 4.1.8 of the Official Plan states that Zoning By-laws will contain numerical site standards for matters such as density, lot sizes, lot depths, lot frontages, landscaped open space and any other performance standards to ensure that new development will be compatible with the physical character of established residential *Neighbourhoods*.

The subject site is zoned Residential Multiple (RM1) under the former Etobicoke Zoning Code and Residential Multiple (RM) under-City-wide Zoning By-law 569-2013.

City Planning staff have reviewed the application and supporting materials (submitted for each of the proposed new dwellings); researched previous Committee of Adjustment decisions; conducted a lot study; and visited the site. Based on this review, staff identified concerns with the lot frontages and area, and the combined variances for height, gross floor area, and overall massing. Planning staff requested deferral of the application to provide an opportunity for the applicant to consult with Planning staff and the local community in order to submit a revised proposal more in keeping with the established physical character of the surrounding area and more in accordance with the general intent and purpose of the Official Plan and Zoning By-laws. Since the deferral, the applicant made revisions to reduce and eliminate several of the variances, namely height, height of first floor above established grade, and gross floor area. Despite these revisions, Planning staff remain concerned that the proposed severance would result in a development that would not conform to the provisions of Section 51(24) of the *Planning*

Act, would not meet the general intent and purpose of the Official Plan and Zoning By-laws, and would not respect and reinforce the existing physical character of the neighbourhood. As such, Planning staff recommend refusal of the applications for consent and minor variance.

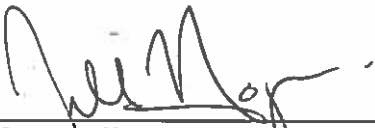
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