



STAFF REPORT

Committee of Adjustment Application

Date:	March 19, 2009
To:	Chair and Committee Members of the Committee of Adjustment Toronto and East York District
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 31, Beaches – East York
Reference:	File Nos. B0022/09TEY, A0179/09TEY, A0180/09TEY and A0181/09TEY Address: 4 Midburn Avenue Application to be heard: March 25, 2009, 10:30 a.m.

RECOMMENDATION

Planning staff respectfully recommends that Committee refuse Application Nos. B0022/09TEY, A0179/09TEY, A0180/09TEY and A0181/09TEY.

APPLICATION

The applicant seeks to sever the subject property into three residential lots. The existing 2 ½ storey detached dwelling would be maintained on the retained (easterly) lot. The applicant proposes to construct a new three-storey detached dwelling on each of the conveyed lots. The rear one-storey addition on the existing dwelling would be demolished.

The following variances have been requested for the retained (easterly) lot and the existing dwelling:

1. The minimum required lot area is 185.00 m², whereas, the retained lot would have a lot area of 129.21 m².
2. The maximum permitted floor space index is 0.75 times the area of the lot (96.80 m²), whereas, the existing dwelling would have a floor space index equal to 1.23 times the area of the lot (159.42 m²).
3. The maximum permitted lot coverage is 35 % of the lot area (45.15 m²), whereas, the existing dwelling would have a lot coverage of 53 % of the lot area (67.44 m²).
4. Parking is not permitted beyond the main front wall, whereas, a parking space is proposed beyond the main front wall.
5. One parking space is required to be provided for each lot, whereas, zero parking spaces would be provided.

The following variances have been requested for the conveyed (westerly) lots and the new dwellings:

1. The minimum required lot area is 185.00 m², whereas, the conveyed lots would have a lot area of 98.88 m².
2. The minimum required lot frontage is 6.0 m, whereas, the conveyed lots would have a lot frontage of 5.9 m.
3. The maximum permitted floor space index is 0.75 times the area of the lot (74.13 m²), whereas, the new dwellings would have a floor space index equal to 1.61 times the area of the lot (160.10 m²).
4. The maximum permitted lot coverage is 35 % of the lot area (34.55 m²), whereas, the new dwellings would have a lot coverage of 61.6 % of the lot area (60.95 m²).
5. The minimum required front yard setback is 6.0 m, whereas, the new dwellings would have a front yard setback of 3.35 m.
6. The minimum required rear yard setback is 9.0 m, whereas, the new dwellings would be located 1.22 m from the rear lot line.
7. The minimum required side yard setback is 0.60 m, whereas, in this case the new dwelling at:
 - 4 A Midburn Avenue would have a west side yard setback of 0.30 m
 - 4 B Midburn Avenue would have an east side yard setback of 0.30 m
8. Parking is not permitted beyond the main front wall, whereas, a parking space is proposed beyond the main front wall.
9. One parking space is required to be provided for each lot, whereas, zero parking spaces would be provided.

BACKGROUND

The existing detached dwelling at 4 Midburn Avenue is located on a lot with a frontage of 19.51 m and a depth of 16.76 m. Similar to the west adjacent dwelling at 2 Midburn Avenue, the existing dwelling has a reduced rear yard setback of 1.02 m. The north adjacent property is a residential development containing 12 townhouses and 4 semi-detached dwellings.

On October 28, 2008, Planning staff had a pre-consultation meeting with the applicant to discuss a proposal to sever the lot into three lots and to construct a pair of semi-detached dwellings on the conveyed lots. A Preliminary Project Review (PPR), completed by a zoning examiner, revealed that Zoning By-law 6752 does not permit semi-detached dwellings in an R1C Zone. In addition, the proposal required variances for lot area, density, coverage, setbacks from all four lot lines, and landscaped open space.

Planning staff had concerns with the size of the proposed lots, as well as the scale and massing of the new dwellings, and were of the opinion that the proposal constituted overdevelopment of the site. Staff recommended that the applicant revise the proposal to determine if one new lot (a total of two lots) could be supported.

On January 7, 2009, the applicant submitted revised plans to Planning staff that did not address staff concerns. The revised proposal created the same two new lots (a total of three lots), only the dwelling type was changed. Staff met with the applicant on January 20, 2009, to reiterate that it would not support a proposal to sever the property into three lots or the variances this would create. The applicant advised staff that she wished to proceed with the proposal despite Planning's position and would submit the plans to the Committee of Adjustment.

COMMENTS

Planning staff have reviewed the proposal, and discussed concerns with the applicant.

The subject property is designated "Neighbourhoods" in the Official Plan, which requires new development to have regard for the existing physical conditions within the surrounding area. The "Neighbourhoods" designation contains provisions for massing, scale, as well as the prevailing front yard setback and lot patterns of nearby residential properties. The Zoning By-law is intended to reinforce a stable built form in existing residential neighbourhood, while mitigating the impact of new development on adjacent properties.

The proposed lots are small and do not meet the intent and purpose of the Official Plan or the Zoning By-law because they are inconsistent with the prevailing lot patterns in the neighbourhood. As a result of the reduced lots, the existing and proposed dwellings are unable to meet the Zoning By-law with respect to: lot area, lot coverage, and density, and do not result in appropriate development. Staff consider the proposal to be overdevelopment of the site and recommend that the applications be refused.

CONTACT

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SIGNATURE

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