



REVISED STAFF REPORT
Committee of Adjustment
Application

Date:	May 1, 2018
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. B0071/17EYK, A0675/17EYK, A0676/17EYK Address: 38 Thirty First Street Application to be heard: Thursday, May 10, 2018

RECOMMENDATION

Planning Staff recommend that the applications be approved, subject to the following condition being imposed in relation to the minor variance applications (File Nos. A0675/17EYK and A0676/17EYK):

1. The applicant provide permanent opaque screening or fencing along the northern and southern edges of the rear first floor deck on each dwelling, with a minimum height of 1.5 metres from the floor of the deck.

APPLICATION

The applicant proposes to sever the subject property, which currently has a lot frontage measuring 15.22 meters and a lot area of 734 square metres, into two undersized residential lots. The consent application (File No. B0071/17EYK) is accompanied by two minor variance applications (File Nos. A0675/17EYK and A0676/17EYK) which propose the construction of a new detached dwelling with an integral garage on each of the proposed lots.

The following variances are being sought:

Development Standard	Permitted (ZBL 569-2013)	Permitted (Etobicoke Zoning Code)	Proposed Lots	
			Part 1 Revised	Part 2 Revised
Minimum Lot Frontage	12.0 m	N/A	7.61 m	7.61 m
Minimum Lot Area	370 m ²	N/A	359.9 m ²	N/A
Maximum Floor Space Index	0.35 (125.96 m ²)	N/A	0.64 (230 m ²)	0.61 (230 m ²)
Minimum Side Yard Setback	1.2 m	0.9 m	0.61 m (north); 0.91 m (south)	0.91 m (north); 0.61 m (south)

Development Standard	Permitted (ZBL 569- 2013)	Permitted (Etobicoke Zoning Code)	Proposed Lots	
			Part 1 Revised	Part 2 Revised
Maximum Main Wall Height	7.0 m	N/A	8.15 m	8.15 m
Maximum Length	17	N/A	17.38 m	17.38 m
Minimum Eaves Setback	0.3 m	N/A	0.19 m from north lot line	0.19 m from south lot line

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:

- (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 Single-Family (RS) under the former Etobicoke Zoning Code and Residential Detached (RD) under City-wide Zoning By-law 569-2013.

At its meeting on December 7, 2017, Etobicoke York Committee of Adjustment considered a Community Planning Staff Report dated August 30, 2017. In the report, Planning staff recommended that the Committee defer consideration of the applications in order to provide the applicant an opportunity to hold a community consultation meeting and to provide the applicant an opportunity to develop a revised proposal to be more in keeping with the existing physical character of the neighbourhood.

On February 9, 2018, the applicant submitted revised plans and revised zoning reviews to the Committee of Adjustment office. It should be noted that though this proposal is not subject to the Long Branch Neighbourhood Character Guidelines, the applicant made efforts to revise the proposal's design to be more in conformity with the Long Branch Neighbourhood Character Guidelines as a courtesy to the neighbourhood.

On March 21, 2018, a community consultation meeting was held together with the owner, agent, Community Planning staff and members of the Long Branch community. The applicant described the revised proposal in detail and introduced the proposed revisions (as noted in the table above). The attendees of this meeting asked questions and shared comments. Concerns raised by adjacent residents included privacy and shadowing caused by the proposed rear decks.

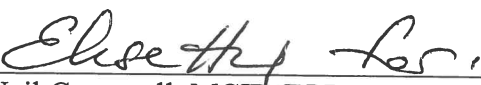
The applicant is proposing to create two new undersized residential lots from an existing 15.22 m lot. One dwelling with an integral garage is proposed for each lot. Planning staff have reviewed the consent application and revised minor variance applications, supporting materials, researched previous Committee of Adjustment decisions; and conducted a site visit. Based on this review Planning staff have no concerns regarding the consent application (B0071/17EYK) as outlined above.

At the community meeting, the applicant proposed to provide privacy screening along the northern and southern edges of the rear first floor decks of each dwelling, to provide further privacy for adjacent neighbours. Planning staff have reviewed the revised plans and revised variances being requested and are of the opinion that privacy screening along the northern and southern edges of the rear first floor deck of each dwelling should be provided to ensure adequate privacy for the adjacent neighbours.

Should the Committee approve the consent and revised minor variance applications, Planning staff recommend that the approval be subject to the above listed condition related to the minor variance applications.

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