

**Date:** September 4, 2019

**To:** Chair and Committee Members of the Committee of Adjustment, Etobicoke York District

**From:** Neil Cresswell, Director, Community Planning, Etobicoke York District

**Ward:** 2 (Etobicoke-Centre)

**File No:** A0280/18EYK

**Address:** 21 X Edgehill Road

**Applications to be heard:** Thursday, September 12, 2019

## **RECOMMENDATIONS**

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Should the Committee choose to approve this application, Staff recommend that the following condition be imposed:

1. The proposal shall be constructed substantially in accordance with the site plan, roof plan and elevations submitted and held on file by the Committee of Adjustment, dated September 4, 2019. Any other variances that may appear on these plans but are not listed in the written decision are NOT authorized.

## **APPLICATION**

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To construct a new detached dwelling with an integral garage, a second and third storey rear platform.

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

1. **Section 900.3.10(27)(D), By-law 569-2013**  
The maximum permitted gross floor area including an attached garage is 165 m<sup>2</sup> plus 25% of the lot area (520.31 m<sup>2</sup>).  
The proposed dwelling, will have a gross floor area equal to 165 m<sup>2</sup> plus 60% of the lot area (1020.39 m<sup>2</sup>).
2. **Section 10.20.40.70.(5)(A), By-law 569-2013**  
The minimum required side yard setback is 7.5 m where the building depth is greater than 17 m from the main wall of the building.  
The proposed dwelling will be located 2.51 m from the north side lot line and 3.35 m from the south side lot line.

3. **Section 900.3.10.(27)(F)(iii), By-law 569-2013**  
The minimum required side yard setback is 2.65 m and the minimum aggregate side yard setbacks of both side yards shall not equal less than 5.9 m.  
The proposed dwelling will be located 2.51 m from the north side lot line, 1.94 m from the south side lot line and will have an aggregate setback of 4.45 m.
4. **Section 900.3.10(27)(B), By-law 569-2013**  
The maximum permitted building height of a flat roofed dwelling is 6.5 m.  
The proposed flat roofed dwelling will have a height of 11.59 m.
5. **Section 10.20.40.50.(1)(A), By-law 569-2013**  
The maximum number of platforms at or above the second storey located on the rear wall of a detached house is 1 platform.  
The proposed number of platforms at or above the second storey rear wall is 2 platforms.
6. **Section 10.20.40.50.(1)(B), By-law 569-2013**  
The maximum permitted area of each platform at or above the second storey of a detached house is 4 m<sup>2</sup>.  
The proposed second storey rear platform will have an area of 9.96 m<sup>2</sup> and the third storey rear platform will have an area of 9.89 m<sup>2</sup>.
7. **Section 10.5.40.10.(3)(B), By-law 569-2013**  
Structures such as chimneys on the roof of a building may exceed the maximum permitted height for that building by 5 m.  
The proposed chimneys will exceed the maximum permitted height by 7.8 m.
8. **Section 5.10.40.70(6), By-law 569-2013**  
The minimum required setback from the stable top of bank is 10m.  
The proposed dwelling will be setback 6.75 m from the stable top of bank.
9. **Section 10.20.40.10.(4)(C), By-law 569-2013**  
The maximum permitted number of storeys is 2.  
The proposed dwelling will have 3 storeys.

## COMMENTS

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The Toronto Official Plan designates the subject property as *Neighbourhoods*. Policy 4.1.5 of the development criteria for *Neighbourhoods* requires that "development in established *Neighbourhoods* will respect and reinforce the existing physical character of each geographic neighbourhood, including in particular:

- c) prevailing heights, massing, scale, density and dwelling type of nearby residential properties.

The Plan states that no changes will be made through re-zoning, minor variance, consent, or other public action that are not in keeping with the character of the *Neighbourhood*.

Further, policy 4.1.8 of the Plan states that, Zoning By-Laws will contain numerical site standards for matters such as density, lot sizes, lot depths, lot frontage, 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*.

The property is zoned Residential Detached (RD) under the City-wide Zoning By-law No. 569-2013. The objective of the Zoning By-Law is to establish specific standards as to how land is developed.

The applicant is proposing to construct a new detached dwelling with an integral garage and a second and third storey rear platform. When Planning staff originally reviewed the application and supporting materials, staff had identified a concern with the variance for the proposed second and third storey platforms. The applicant has since revised the plans to reduce the size of the second and third storey platforms to 9.89 m<sup>2</sup> and 9.96 m<sup>2</sup> respectively. Planning staff are now of the opinion that the proposed platform sizes would not create any significant privacy and overlook impacts.

The subject site is located in close proximity to the Humber River, is subject to the Ravine and Natural Feature Protection By-law, is situated within TRCA regulated lands and falls within the Natural Heritage System Area. To ensure the proposed development respects the adjacent natural features, the applicant has agreed to implement the following design measures into the new development and as shown and secured through notation on the site plan and elevations:

1. All new windows facing the ravine shall be constructed with bird-friendly treatments;
2. New exterior light fixtures shall be dark sky compliant; and
3. New planting on the subject site and along the street frontage shall be of native species.

Furthermore, the application still proposes a dwelling height of 11.59 metres for the front portion of the dwelling. Therefore, staff recommend that the proposal is constructed substantially in accordance with the site plan, roof plan and elevations submitted and held on file by the Committee of Adjustment, dated September 4, 2019.

**CONTACT**

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Daniela DeGasperis, Assistant Planner, Community Planning, Etobicoke York District,  
416 394-8208, daniela.degasperis@toronto.ca

**SIGNATURE**

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Neil Cresswell, MCIP, RPP  
Director, Community Planning, Etobicoke York District