



**STAFF REPORT**  
Committee of Adjustment  
Application

**Date:** May 29, 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, June 6, 2019

## **RECOMMENDATIONS**

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

1. That the proposed second and third storey rear platform should be no more than 10 square metres.
2. The proposal shall be constructed substantially in accordance with the roof plan submitted and held on file by the Committee of Adjustment, dated April 29, 2019. Any other variances that may appear on these plans but are not listed in the written decision are NOT authorized.
3. All new windows and clear balconies facing the ravine shall be constructed with bird-friendly treatments.
4. New exterior light fixtures shall be dark sky compliant.
5. New planting on the subject site and along the street frontage shall be of native species.

## **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 10.20.20.40.(1)(A), By-law 569-2013**  
The maximum permitted lot coverage is 33% of the lot area (469 m<sup>2</sup>).  
The proposed dwelling will cover 40.21% of the lot area (571.45 m<sup>2</sup>).

2. **Section 900.3.10(27)(D), By-law 569-2013**  
 The maximum permitted gross floor area is 165 m<sup>2</sup> plus 25% of the lot area (1421.22 m<sup>2</sup>) up to a maximum floor space index of 0.5 (710.61 m<sup>2</sup>).  
 The proposed dwelling, will have a gross floor area equal to 165 m<sup>2</sup> plus 78.49% of the lot area (1421.22 m<sup>2</sup>) and will have a floor space index of 0.9(1280.53 m<sup>2</sup>).
3. **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 2.31 m from the north side lot line and 3.35 m from the south side lot line.
4. **Section 900.3.10.(27)(F)(iii), By-law 569-2013**  
 The minimum required side yard setback is 2.4 m and the minimum aggregate side yard setbacks of both side yards shall not equal less than 6 m.  
 The proposed dwelling will be located 2.31 m from the north side lot line, 1.94 m from the south side lot line and will have an aggregate setback of 4.25 m.
5. **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.
6. **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.
7. **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 19.23 m<sup>2</sup> and the third storey rear platform will have an area of 49.15 m<sup>2</sup>).
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 have a setback of 10.22 m from the stable top of bank, 8.16 m to the enclosed basement, 6.75 m to the covered porch and 3.22 m to the deck from the stable top of bank.

## 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 of Toronto By-law 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 (Variance No. 7) due to potential overlook impacts. Therefore, it was recommended in the report dated June 14, 2018 that the proposed second and third storey rear platforms should be no more than 10 square metres. At its hearing of June 21, 2018, it was the decision of the Committee of Adjustment to defer the application to consult with Community Planning and concerned neighbours. The applicant has since revised the plans to reduce the size of the second and third storey platforms, however, planning staff continue to have concerns with Variance No. 7.

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, Planning Staff recommend that approval of the application be tied to the following conditions:

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.

Details on how to achieve these requirements can be found via the following web URL:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/toronto-green-standard-version-3/low-rise-residential-version-3/ecology-for-low-rise-residential-development/>

For additional information, the applicant is requested to reference the following:

**Best Practices for Bird Friendly Glass**

<https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf>

**Best Practices for Effective Lighting**

<https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf>

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 roof plan submitted and held on file by the Committee of Adjustment, dated April 29, 2019.

**CONTACT**

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**SIGNATURE**

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for Neil Cresswell, MCIP, RPP  
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