SUPPLEMENTAL STAFF REPORT
Committee of Adjustment Application

Date:	December 8, 2011
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 32, Beaches – East York
Reference:	File Nos. B0013/11TEY, A0162/11TEY, B0014/11TEY and A0163/11TEY Address: 17 & 19 Kippendavie Avenue Application to be heard: December 14, 2011, 3:30 p.m.

RECOMMENDATION

Planning staff respectfully recommend that Application Nos. B0013/11TEY, A0162/11TEY, B0014/11TEY and A0163/11TEY be refused.

APPLICATION

The applicant seeks to sever the rear portion of the lots at 17 and 19 Kippendavie Avenue to create a new lot with frontage on Kew Beach Avenue. The front portion of the lots would be consolidated to create one lot with frontage on Kippendavie Avenue. A new three-storey detached dwelling would be constructed on each lot. The existing semi-detached dwellings at 17 and 19 Kippendavie Avenue would be demolished.

Variances for the proposed lot and dwelling that would front on Kippendavie Avenue are requested with respect to density, front yard setback, setback from an adjacent dwelling, setback from the flanking street (Kew Beach Avenue), rear yard setback, and landscaped open space.

Variances for the proposed lot and dwelling that would front on Kew Beach Avenue are requested with respect to density, front yard setback, and rear yard setback.

BACKGROUND

On March 3, 2011, the applicant submitted the subject proposal to sever the rear portion of the lots at 17 and 19 Kippendavie Avenue to create a new (eastern)lot with frontage on Kew Beach Avenue. The front portion of the lots would be consolidated to create one (western) lot with

frontage on Kippendavie Avenue. A new three-storey detached dwelling would be constructed on each lot.

During the Preliminary Circulation stage, Planning staff identified concerns with the size of the proposed lots, and the scale and massing of the proposed dwellings.

The subject site is located at the northeast corner of Kippendavie and Kew Beach Avenues. Martin Goodman Trail and Lake Ontario are located to the south, and Kew Gardens is located to the east. The property is designated "Neighbourhoods" in the Official Plan, which requires new development to have regard for existing physical character of the surrounding neighbourhood, including prevailing lot patterns, and scale and massing of dwellings. The intent of the Zoning By-law is to maintain a stable built form, and to limit negative impacts of new development on adjacent properties.

The subject properties are zoned R2 Z0.6 under Zoning By-law 438-86 of the former City of Toronto, which permits a maximum density of 0.6 times the area of the lot. In this case, the density for each of the proposed dwellings would be twice what is permitted under the By-law (1.22 for the dwelling fronting on Kippendavie Avenue, and 1.27 for the dwelling fronting on Kew Beach Avenue).

The applicant is proposing front yard setbacks of 1.83 m and 0.46 m for the western and eastern lots, respectively. The western dwelling would be inconsistent with the prevailing front yard setbacks along Kippendavie Avenue. Although there are a few dwellings west of Kippendavie Avenue with frontage on Kew Beach Avenue, said dwellings are located on lots that are deeper than what the applicant is proposing.

With respect to the rear yard setbacks, the applicant is proposing 2.32 m and 0.45 m for the Kippendavie Avenue and Kew Beach Avenue dwellings, respectively. These setbacks are inconsistent with the minimum 7.5 m required by the Zoning By-law, and do not represent the prevailing pattern of rear yard open space in the surrounding area.

On April 5, 2011, staff advised the applicant that new development should reinforce the existing neighbourhood character. The subject proposal would be inconsistent with the prevailing lot pattern and building footprints in the surrounding neighbourhood. The proposed lots would be too shallow to accommodate new dwellings that comply with the Zoning By-law. Staff indicated that the proposal was considered inappropriate, and overdevelopment of the site.

COMMENTS

Planning staff have reviewed the proposal, conducted a site visit, and advised the applicant of their concerns.

Planning staff are of the opinion that the proposed development, including the proposed lots and dwellings, does not meet the intent of the Official Plan, nor the Zoning By-law. The development is considered inappropriate for the site as it is inconsistent with the prevailing lot patterns, building footprints, and massing in the surrounding neighbourhood. A proposal that requires variances for twice the permitted density, and front and rear yard setbacks, is not considered minor. The proposal fails to meet the four tests under Section 45 of the Planning Act. Thus, staff recommend the consent and minor variance applications be refused.

CONTACT

Emily Caldwell, Assistant Planner
Tel: 416-392-4237
Fax: 416-392-1330
E-mail: ecaldwe@toronto.ca

SIGNATURE

_____

Gregg Lintern, MCIP, RPP
Director, Community Planning, Toronto and East York District

Copy: Councillor Mary-Margaret McMahon, Ward 32 Beaches – East York
Brian Lee
Michael Goldberg