



**STAFF REPORT**  
Committee of Adjustment  
Application

TK  
noted  
June 7, 2012

<b>Date:</b>	Thursday, June 7, 2012
<b>To:</b>	<b>Chair and Committee Members of the Committee of Adjustment Etobicoke York Panel</b>
<b>From:</b>	Director, Community Planning, Etobicoke York District.
<b>Wards:</b>	Ward 13
<b>Reference:</b>	File No.: B41/11EYK Address: 154 Windermere Avenue Application to be heard: Thursday, June 14 <sup>th</sup> at 1:00 pm

**RECOMMENDATION**

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It is recommended that the application be refused.

**APPLICATION**

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The applicant is requesting permission to sever the property into three residential lots. The existing dwelling will be demolished and the property will be developed with three new detached dwellings, each with an attached single car garage. The driveway access for Parts 1 & 2 will be onto Budgell Terrace and the driveway access for Part 3 will be onto Windermere Avenue.

The following variances are being sought:

**Parts 1 & 2**

- 1. Section 6(3) Part I 1, By-law 438-86**  
The maximum permitted gross floor area is 0.35 times the area of the lot (54.1 m<sup>2</sup>).  
The new dwelling will have a gross floor area of 1.13 times the area of the lot (173.1 m<sup>2</sup>).
- 2. Section 6(3) Part II 2, By-law 438-86**  
The minimum required front yard setback is 6 m.  
The new dwelling will be located 2 m from the south front lot line.

3. **Section 6(3) Part II 4, By-law 438-86**  
The minimum required rear yard setback is 7.5 m.  
The new dwelling will be located 2.89 m from the north rear lot line.
4. **Section 6(3), Part IX 1(A), By-law 438-86**  
The by-law requires the proposed lots to be capable of being conveyed in accordance with the provisions of the Planning Act.  
The proposed lots require severance consent from the Committee of Adjustment prior to the issuance of a building permit.

### **Part 3**

The above four variances along with the following:

5. **Section 6(3) Part II 3.A(I), By-law 438-86**  
A building shall have a minimum flanking street setback of 3.92 m.  
The new dwelling will be located 0.9 m from the flanking street (Windermere Avenue).
6. **Section 6(3) Part IV 2, By-law 438-86**  
A building on a lot that abuts a flanking street or public lane must gain its vehicular access from the flanking street or public lane.  
The proposed access to vehicle parking is from the main street (Windermere Avenue).

### **COMMENTS**

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The Committee's authority to grant severances is found in Section 53 of the Planning Act and the *Criteria* the Committee must have regard to in hearing severance applications is found in Subsection 51(24) of that Act. Matters of relevance for the proposed severance include but are not limited to:

- (c) whether the plan conforms to the official plan;
- (f) the dimensions and shapes of the proposed lots; and
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

The Toronto Official Plan identifies the site's land use designation as *Neighbourhoods*. *Neighbourhoods* contain a full range of residential uses within lower scale buildings. The proposed application does not meet the intent of policy 4.1.5 which establishes that development will respect and reinforce the existing physical character of the neighbourhood, including particular: size and configuration of lots; setbacks of buildings from the street or streets; and prevailing patterns of rear and side yard setbacks. Further, the Official Plan 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".

Staff have reviewed the submitted information and are of the opinion that this is a stable neighbourhood with minimal change and therefore do not support the requested severance. Creating parcels of land which are not consistent with the lot pattern of the neighbourhood is not considered a minor variance nor does it meet the general intent and purpose of the Official Plan and Zoning By-law. The proposed parcels of land, along with the layout of the new dwellings, will affect the character of the area.

Planning would support a development that is appropriate for the lands and is in keeping with the intent of the zoning requirements set out in the by-law. Through discussion with the applicant, staff have raised their concerns and have suggested revisions that would devise a proposal to remain in keeping with the lot pattern of the surrounding neighbourhood.

In conclusion, the proposal does not maintain the general intent and purpose of the policies of the Official Plan in relation to the physical characteristic in *Neighbourhood* areas. The variances being sought are neither minor nor desirable for the appropriate development of the lands.

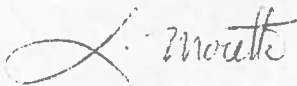
## **ATTACHMENTS**

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Lot Frontage Analysis

### **CONTACT**

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*for* Thomas C. Keefe, Director  
Community Planning  
Etobicoke York District



- 33'
- 15'-29'
- 30'-39'
- 40'-49'
- 50'-59'
- 60'+

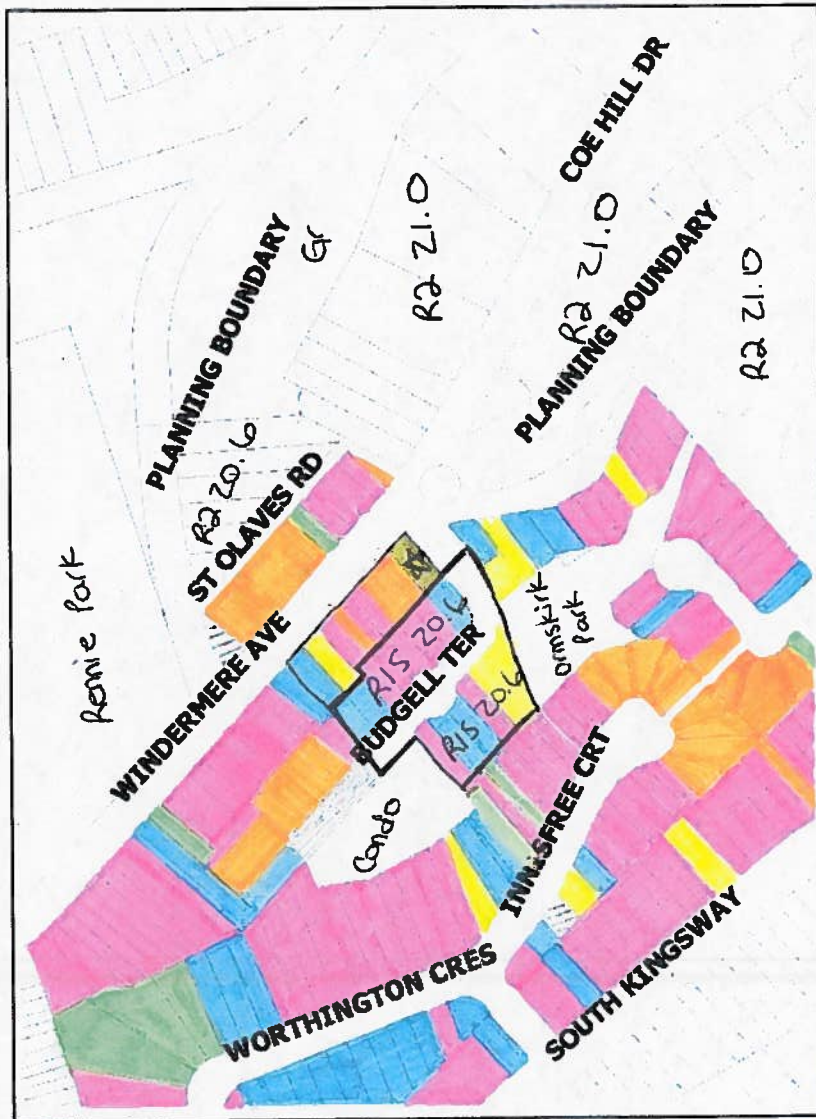
★ Subject Property



Author  
 Annalisa Morra

# LOT FRONTAGE ANALYSIS - 154 WINDERMERE

FILE NUMBERS B41/11EYK, A438/11EYK, A439/11EYK & A440/11EYK



Date: May 30 2012