TORONTO

STAFF REPORT
Committee of Adjustment Application

Date:	Monday February 25, 2013
To:	**Chair and Committee Members of the Committee of Adjustment Etobicoke York Panel**
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 13
Reference:	File No.: A591/12EYK Address: 107 Kennedy Avenue Application to be heard: Thursday, April 11th @ 1:00 pm

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COMMITTEE OF ADJUSTMENT
ETOBICOKE YORK DISTRICT

RECOMMENDATION

It is recommended that the application be refused.

APPLICATION

The applicant is requesting permission to legalize and to maintain 4 self contained residential units (one unit in the basement, one unit on the ground floor, and two units on the second level) within the detached dwelling.

The following variances are being sought:

Required Variance	Permitted	Existing
Size of Dwelling	Minimum 460 m^2	179.2 m^2
Size of Unit	Minimum 55 m^2	Less than 55 m^2
Side Yard Setback	1.25 m	0.8 m (north) & 0.35 m (south)
Parking Space	Minimum 4 on-site parking spaces	No on-site parking spaces

COMMENTS

In May 2003, the previous property owners applied for and obtained a building permit to construct a two-storey rear addition along with a rear deck and to make interior renovations to their single family detached dwelling.

In February 2012, the current owners received an Order To Comply from the Toronto Building Division, as renovations (conversion of a single family dwelling into 4 self contained residential units) were completed without a building permit.

The site is designated *Neighbourhoods* on land use Map 14 in the Toronto Official Plan. *Neighbourhoods* contain a full range of residential uses within lower scale buildings. The two-storey detached dwelling type continues to fit into the immediate neighbourhood, being that the physical character has not changed. However, the development as a conversion from single family to a converted house with multiple dwelling units does not maintain the intent and standards of the Zoning By-law.

The R1S – Residential Zoning category permits a converted house to provide therein three or more dwelling units provided the house contains a residential gross floor area of at least 460 m^2 and each dwelling unit has a floor area of not less than 55 m^2, as per Section 6(2)(3)(ii) & (iii) from Zoning By-law 438-86. For this application, the house has a gross floor area of 179.2 m^2 and 3 of the 4 self contained residential units (one unit in the basement and two units on the second level) have a gross floor area less than 55 m^2.

Parking standards set out in Section 4(4) from Zoning By-law 438-86 are applicable to the converted house. A deficiency of 4 parking spaces is being proposed, as the site cannot provide for parking. When the property owners were asked for ideas of how this issue could be resolved, the response was that the tenants would either park at the No Frills parking lot or use public transit.

Planning requests the Committee of Adjustment to refuse the application. The application as presented, does not maintain the intent and purpose of the Zoning By-law and the requested variances are not minor in nature, nor are they desirable for the appropriate use of the land and building.

CONTACT

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for

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