



STAFF REPORT
Committee of Adjustment
Application

Date:	Wednesday, October 9, 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.: B30/13EYK, A229/13EYK, & A230/13EYK Address: 8 Deforest Road Application to be heard: Wednesday, October 23, 2013 at 1:00 p.m.

RECOMMENDATION

It is recommended that the applications be refused.

APPLICATION

The applicant is requesting permission to sever the property into two residential lots. The existing two-storey detached dwelling will be retained on Parts 4 & 5 and a new two-storey dwelling with an integral garage is proposed on Parts 1, 2, & 3.

The proposal will incur a number of variances for each of the proposed lots as summarized in the table below.

Development Standard	Permitted	Retained lot (Parts 4 & 5)	Conveyed lot (Parts 1, 2, & 3)
Lot Frontage Section 6(3) Part VII 1(I), By-law 438-86	12 m	9.06 m	6.18 m
Gross Floor Area Section 6(3) Part I (1), By-law 438-86	0.6 times the area of the lot	0.7 times the area of the lot	0.73 times the area of the lot
Minimum Side Yard Setback for that portion of the dwelling not exceeding 17.0 m in depth Section Part II 3.B(II), By-law 438-86	0.9 m	0.45 m (east side)	No Variance Required

Parking Space Section 4(4), By-law 438-86	1	0	No Variance Required
An integral garage in a building is not permitted on a lot with a frontage less than 7.62 m where access to the garage is located in a wall facing the front lot line Section 6(3) Part IV 3(1), By-law 438-86	Not permitted	No Variance Required	Proposed integral garage is in a wall that faces the front lot line.

COMMENTS

Under Section 53 of the *Planning Act*, the Committee has authority to grant severances. The matters a Committee must have regard to, in hearing severance applications, is found in Subsection 51(24) of that Act and include but are not limited to:

- (b) whether the proposed subdivision is premature or in the public interest; and
- (c) the plan conforms to the Official Plan
- (d) the suitability of the land
- (f) the dimensions and shapes of the proposed lots
- (g) the restrictions or proposed restrictions... on the land or the buildings and structures proposed to be erected

The subject site is designated *Neighbourhoods* under the Toronto Official Plan and is zoned Residential (R 1S Z0.6) Zone by the former City of Toronto Zoning By-law 438-86. This application was submitted prior to the enactment of the new City-Wide Zoning By-law 569-2013.

Policy 4.1.5 of the Official Plan states that development will respect and reinforce the existing physical character of the neighbourhood, including in particular the size and configuration of lots. Further, Policy 4.1.5 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". In addition, Policy 4.1.8 of the Toronto Official Plan states that Zoning By-laws will contain numerical site standards for matters such as lot frontage to ensure new development will be compatible with the physical character of established residential *Neighbourhoods*.

Planning staff do not support the consent application. The conveyed lot will create a new undersized residential lot of 6.18 m. There are very few lots with frontages of 6.18 m in the surrounding neighbourhood. The majority of the lot frontages in the surrounding neighbourhood are 7.62 m or greater. In particular the eastern portion of Deforest Road (where the subject site is located), is characterized by lots with frontages of 9.14 m or greater. Also, based on previous consent applications to the Committee of Adjustment

within the last decade there appear to be few requests or approvals in the surrounding neighbourhood to create new lots having a similar reduced frontage.

The proposed consent application results in variances that cannot be supported. The proposed conveyed lot and development seeks a variance for an integral garage facing a lot line on a lot with a frontage less than 7.62 m. Consequently the parking space that was provided for the retained lot and dwelling house will be eliminated by the new development resulting in the need for a variance for no parking space provided for the retained lot and house. Furthermore, the requested variance for a lot frontage of 6.18 m for the conveyed lot is almost half the minimum Zoning By-law lot frontage requirement of 12 m.

The consent application would result in development that does not conform to the Official Plan, does not meet the general intent and purpose of the Zoning By-law and is not in keeping with the physical character of the surrounding area, in particular the physical character of development along the eastern portion of Deforest Road. Planning staff cannot support the requested severance and minor variance.

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