

**Jennifer Keesmaat, MES, MCIP, RPP**  
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June 8, 2015

**To:** City Council

**From:** Jennifer Keesmaat, Chief Planner and Executive Director

**Re: EY 6.42 Request for City Solicitor and appropriate City Staff to Attend the Ontario Municipal Board - 8 Kingscourt Drive**

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This item was considered by Etobicoke York Community Council on May 12, 2015. It is being forwarded to City Council without recommendations.

Etobicoke York Community Council requested the Director, Community Planning, Etobicoke York District to provide the Planning reports which were before the Committee of Adjustment on this matter.

Attached are the staff reports

Attachments:

No. 1: Staff Report – July 16, 2014

No. 2: Staff Report – January 13, 2015

Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner & Executive Director  
City Planning Division

<b>Date:</b>	January 13, 2015.
<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 5 – Etobicoke Lakeshore
<b>Reference:</b>	File No. A320/14EYK Address: 8 Kingscourt Drive Application to be heard: January 29, 2014

**RECOMMENDATION**

Planning staff recommend the Committee of Adjustment application be refused.

**APPLICATION**

The application seeks approval of the following variances to permit the construction of a two storey rear addition:

**1. Section 900.3.10.(35).(A), By-law 569-2013**

The maximum permitted gross floor area, including the garage, is 0.5 times the lot area (290.3 m<sup>2</sup>).

**Section 1.(a), By-law 1993-108**

The maximum permitted gross floor area, including the garage, is 150 m<sup>2</sup> plus 25% of the lot area (295.2 m<sup>2</sup>).

The altered dwelling, including the garage, will have a gross floor area equal to 150 m<sup>2</sup> plus 33.5% of the lot area or 0.59 times the lot area (344.4 m<sup>2</sup>).

**2. Section 10.20.40.70.30.(C), By-law 569-2013**

The minimum required side yard setback is 1.2 m.

**Section 320-42.1.C.(1)**

The minimum required side yard setback is 0.9 m on each side, with a minimum required aggregate side yard setback of 2.1 m.

The altered dwelling will be located 0.87 m from the north side lot line and 0.58 m from the south side lot line, with an aggregate side yard setback of 1.45 m.

**3. Section 320-42.1.B.(2)**

The maximum permitted height for a flat roofed dwelling is 6.5 m.

The altered dwelling with a flat roof will have a height of 8.8 m.

**4. Section 200.5.1.10.(2).(A).(i), By-law 569-2013 and Section 320-18.(A)**

The minimum required width of a parking space is 3.2 m.

The width of the proposed parking space in the garage will be 2.9 m.

## COMMENTS

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The subject property is designated *Neighbourhoods* under the Toronto Official Plan. The site is zoned Second Density Residential (R2) under the former City of Etobicoke Zoning Code as amended by By-law 1993-108 and Residential Detached (RD) under City-wide Zoning By-law 569-2013.

Official Plan Policy 4.1.5 sets out development criteria to evaluate development to ensure the existing physical character of the neighbourhood is respected and reinforced. The criteria include, but are not limited to:

- (b) size and configuration of lots;
- (f) prevailing patterns of rear and side yard setbacks and landscaped open space;

The Official Plan further 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.

The application was originally heard by the Committee on July 24, 2014 wherein the applicant requested and was granted a deferral in order to revise their proposal. City Planning originally submitted a report to the Committee dated July 16, 2014. That report, which is attached for information and reference, identified concerns with floor space index (0.61) and the reduced south side yard setback (0.43 m).

The applicant has since revised their application by reducing the gross floor area variance (0.61 to 0.59) and increasing the south side yard setback (0.43 m to 0.58 m). The effect of increasing the side yard setback has reduced the width of the parking space (3.05 m to 2.9 m). Planning staff have reviewed the revised application, supporting materials, previous Committee of Adjustment decisions in the area and conducted a site visit. Based on this review, staff remain concerned that the proposed variance for the south side yard setback would result in a development that does not meet the general intent and purpose of the Official Plan and Zoning By-law and would not be in keeping with the prevailing pattern of side yard setbacks that is predominant in this area.

As such, Planning staff recommend the application be refused.

## CONTACT

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Neil Cresswell, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

<b>Date:</b>	July 16, 2014.
<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 5 – Etobicoke Lakeshore
<b>Reference:</b>	File No. A320/14EYK Address: 8 Kingscourt Drive Application to be heard: July 24, 2014

**RECOMMENDATION**

Planning staff recommend the Committee of Adjustment application be refused.

**APPLICATION**

The application seeks approval of the following variances to permit the construction of a two storey rear addition:

**1. Section 900.3.10.(35).(A), By-law 569-2013**

The maximum permitted gross floor area, including the garage, is 0.5 times the lot area (290.3 m<sup>2</sup>).

**Section 1.(a), By-law 1993-108**

The maximum permitted gross floor area, including the garage, is 150 m<sup>2</sup> plus 25% of the lot area (295.2 m<sup>2</sup>).

The altered dwelling, including the garage, will have a gross floor area equal to 150 m<sup>2</sup> plus 35.5% of the lot area or 0.61 times the lot area (356.3 m<sup>2</sup>).

**2. Section 10.20.40.70.30.(C), By-law 569-2013**

The minimum required side yard setback is 1.2 m.

**Section 320-42.1.C.(1)**

The minimum required side yard setback is 0.9 m on each side, with a minimum required aggregate side yard setback of 2.1 m.

The altered dwelling will be located 0.87 m from the north side lot line and 0.43 m from the south side lot line, with an aggregate side yard setback of 1.3 m.

**3. Section 320-42.1.B.(2)**

The maximum permitted height for a flat roofed dwelling is 6.5 m.

The altered dwelling with a flat roof will have a height of 8.8 m.

**4. Section 10.5.40.60.(7), By-law 569-2013**

The minimum required side yard setback for eaves is 0.3 m.

**Section 320-41.D**

The minimum required side yard setback for eaves is 0.4 m.

The eaves of the altered dwelling will be located 0.13 m from the south side lot line.

**5. Section 200.5.1.10.(2).(A).(i), By-law 569-2013 and Section 320-18.(A)**

The minimum required width of a parking space is 3.2 m.

The width of the proposed parking space in the garage will be 3.05 m.

## **COMMENTS**

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The subject property is designated *Neighbourhoods* under the Toronto Official Plan. The site is zoned Second Density Residential (R2) under the former City of Etobicoke Zoning Code as amended by By-law 1993-108 and Residential Detached (RD) under City-wide Zoning By-law 569-2013.

Official Plan Policy 4.1.5 sets out development criteria to evaluate development to ensure the existing physical character of the neighbourhood is respected and reinforced. The criteria include, but are not limited to:

- (b) size and configuration of lots;
- (f) prevailing patterns of rear and side yard setbacks and landscaped open space;

The Official Plan further 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.

City Planning Staff have reviewed the application and supporting materials and conducted a site visit. Based on this review, staff identified concerns with the requested variances for gross floor area and the proposed south side yard setback. Staff is concerned that the proposed addition will result in a development that is not consistent with the existing character of the area. Planning staff requested the applicant revise their proposal in order to increase the proposed side yard setback and reduce the gross floor area. To-date, no revisions have been submitted.

The proposed development would not maintain the character of the neighbourhood and would not meet the intent of the Official Plan and Zoning By-law. As such, it is recommended that the application be refused.

## **CONTACT**

Travis Skelton, Assistant Planner

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## **SIGNATURE**

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Neil Cresswell, MCIP, RPP  
Director, Community Planning  
Etobicoke York District