



**STAFF REPORT**  
Committee of Adjustment  
Application

<b>Date:</b>	January 13, 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 6 – Etobicoke Lakeshore
<b>Reference:</b>	File No. B80/14EYK, A755/14EYK, A756/14EYK Address: 4 Twenty Seventh Street Application to be heard: To be scheduled.

CITY OF TORONTO  
 RECEIVED  
 JAN 14 2015  
 COMMITTEE OF ADJUSTMENT  
 ETOBICOKE YORK DISTRICT

**RECOMMENDATION**

Planning staff recommend the Committee refuse the application for consent and minor variances for 4 Twenty Seventh Street.

**APPLICATION**

The applicant is requesting permission to sever the lot located at 4 Twenty Seventh Street. The consent application was accompanied by minor variance applications to enable the construction of a detached dwelling with an integral garage on each of the proposed lots. Part 1 is identified as the southern lot and Part 2 is identified as the northern lot. The applicant is seeking the following variances:

Requested Variance	Permitted	Proposed (December 12, 2014)	
		Part 1	Part 2
<b>Minimum lot frontage</b> Section 10.20.30.10(1), By-law 569-2013. Section 330-23.A(1), By-law 1993-108.	12.0 metres	7.62 metres	7.62 metres
<b>Minimum required lot area</b> Section 10.20.30.10(1)(A), By-law 569-2013. Chapter 330-23.A(1) By-law 1993-108.	371 m <sup>2</sup>	348.4 m <sup>2</sup>	348.4m <sup>2</sup>

<b>Maximum first floor height</b> Section 10.20.40.10(6), By-law 569-2013	1.2 metres	2.77 metres	2.77 metres
<b>Maximum Height of Specified Pairs of Main Walls</b> Section 10.20.40.10(2)(A)(i), By-law 569-2013.	7.0 metres	8.01 metres	8.01 metres
<b>Minimum side yard setback</b> Section 10.20.40.70(3)(C), By-law 569-2013.  Chapter 330-23 A. (7), By-law 1993-108.	0.9 metres	0.6 metres (North)	0.6 metres (South)
<b>Maximum Floor Space Index</b> Section 10.20.40.40(1)(A)1(a), By-law 569-2013.  Chapter 330-23.(A)(9), By-law 1993-108	35% (101.61m <sup>2</sup> )	58% (204.3 m <sup>2</sup> )	58% (204.3 m <sup>2</sup> )
<b>Maximum projection of eaves of a roof overhang</b>  Section 10.5.40.60(7), By-law 569-2013.  Chapter 330-23.A(9), By-law 1993-108	0.9m provided that it is no closer than 0.3m to the lot line.  (2) eaves are required to be no closer than 0.5m from the side lot line.	0.2m from the north lot line.	0.2m from the south lot line.

## COMMENTS

Authority to grant severances is contained 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 the Act. Matters of relevance under Section 51(24) for the proposed severance include but are not limited to:

- (c) whether the plan conforms to the Official Plan; and
- (f) the dimensions and shapes of the proposed lots.

The subject property is designated *Neighbourhoods* under the Toronto Official Plan and is within the Residential Detached (RD) Zone category under City-wide Zoning By-law

569-2013 and the Residential Single-Family (RS) Zone category under the former Etobicoke Zoning Code as amended by By-law 1993-108.

Policy 4.1.5 of the Toronto Official Plan establishes that development will respect and reinforce the existing physical character of the neighbourhood, including in particular the size and configuration of lots, massing and scale of nearby residential properties. 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*".

Planning staff have reviewed the application and supporting materials. Planning staff are concerned that the proposed severance will result in lot sizes and lot frontages that are not in keeping with the physical character of the neighbourhood. The majority of sites in this neighbourhood have lot frontages greater than 12.19 metres.

Staff are also concerned with the height of the first floor above established grade. Zoning By-law No. 569-2013 limits the maximum height of the front exterior main walls to ensure that a dwelling does not exceed approximately 2.5 storeys above grade. The intent of this provision is to ensure that the front door to a residence is no more than 1.2 metres from grade.

The proposed development would not maintain the prevailing character of the neighbourhood. As such, Planning staff recommend refusal of the application.

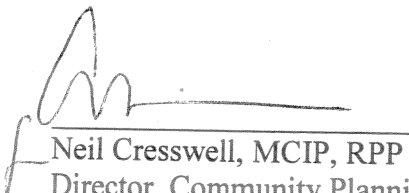
## **CONTACT**

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Fax: 416-394-6063

E-mail: [tskelto@toronto.ca](mailto:tskelto@toronto.ca)



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

Thursday, March 12, 2015

**NOTICE OF DECISION**  
**CONSENT**  
(Section 53 of the Planning Act)

File Number:	B80/14EYK	Zoning	RD & RS
Owner(s):	WIESLAWA KUJAWA	Ward:	Etobicoke-Lakeshore (06)
Agent:	MICHAEL FLYNN	Community:	
Property Address:	4 TWENTY SEVENTH ST		
Legal Description:	PLAN 1545 LOT 267		

Notice was given and the application considered on Thursday, March 12, 2015, as required by the Planning Act.

**THE CONSENT REQUESTED:**

To obtain consent to sever the property into two residential lots.

**Retained - Part 2**

**Address to be assigned**

The lot frontage is 7.62 m and the lot area is 348.4 m<sup>2</sup>. The property will be redeveloped as the site of a new detached dwelling with an integral garage, requiring variances to the Zoning By-law, as outlined in Application A755/14EYK.

**Conveyed - Part 1**

**Address to be assigned**

The lot frontage is 7.62 m and the lot area is 348.4 m<sup>2</sup>. The property will be redeveloped as the site of a new detached dwelling with an integral garage, requiring variances to the Zoning By-law, as outlined in Application A756/14EYK.

**File Numbers: B80/14EYK, A755/14EYK and A756/14EYK are considered jointly.**

**IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

**The Consent Application is Refused**

In the opinion of the Committee, the application does not satisfy the requirements of Section 51(24) of the Planning Act and is **NOT** approved for the following reason(s):

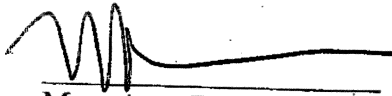
- The proposed land division is premature.
- The proposed land division does not conform to the policies of the official plan.
- The suitability of the land for the purposes for which it is to be subdivided has not been demonstrated.
- The suitability of the dimensions and shapes of the proposed lots has not been demonstrated.

**SIGNATURE PAGE**


File Number: B80/14EYK                      Zoning: RD & RS  
Owner(s): WIESLAWA KUJAWA                      Ward: Etobicoke-Lakeshore (06)  
Agent: MICHAEL FLYNN  
Property Address: 4 TWENTY SEVENTH ST                      Community:  
Legal Description: PLAN 1545 LOT 267



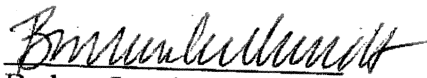
Dominic Gulli (signed)



Mary-Anne Popescu (signed)



Paul Valenti (signed)



Barbara Leonhardt (signed)

DATE DECISION MAILED ON: Friday, March 20, 2015

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Thursday, April 9, 2015

CERTIFIED TRUE COPY



Susanne Pringle  
Manager & Deputy Secretary Treasurer  
Etobicoke York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$125.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at [www.omb.gov.on.ca](http://www.omb.gov.on.ca).

**NOTE:** Only individuals, corporations and public agencies may appeal a decision to the Ontario Municipal Board. The appeal may not be filed by an unincorporated association or group. However, the appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

Thursday, March 12, 2015

**NOTICE OF DECISION**  
**MINOR VARIANCE/PERMISSION**  
(Section 45 of the Planning Act)

File Number:	A755/14EYK	Zoning	RD & RS
Owner(s):	WIESLAWA KUJAWA	Ward:	Etobicoke-Lakeshore (06)
Agent:	MICHAEL FLYNN		
Property Address:	4 TWENTY SEVENTH ST – PART 1	Community:	
Legal Description:	PLAN 1545 LOT 267		

Notice was given and a Public Hearing was held on Thursday, March 12, 2015, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

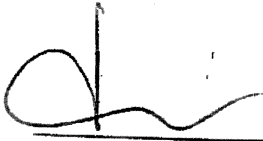
To construct a new detached dwelling with an attached garage.

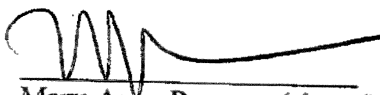
**REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:**

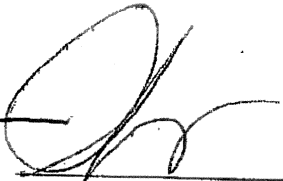
- Section 10.20.30.20.(1)(A), By-law 569-2013 & Section 330-23(A)(2)**  
The minimum required lot frontage is 12 m.  
The lot frontage will be 7.62 m.
- Section 10.20.30.10.(1)(A), By-law 569-2013**  
The minimum required lot area is 370 m<sup>2</sup>.  
**Section 330-23(A)(1)**  
The minimum required lot area is 371 m<sup>2</sup>.  
The lot area will be 348.4 m<sup>2</sup>.
- Section 10.20.40.40.(1)(A), By-law 569-2013 & Section 330-23(A)(9)**  
The maximum permitted floor space index is 0.35 times the lot area (121.9 m<sup>2</sup>).  
The proposed dwelling will have a gross floor area of 0.58 times the lot area (204.3 m<sup>2</sup>).
- Section 10.20.40.70.(3)(B), By-law 569-2013 & Section 330-23(A)(7)**  
The minimum required side yard setback is 0.9 m.  
The proposed dwelling will be located 0.6 m from the north side lot line.
- Section 10.5.40.60.(7), By-law 569-2013**  
The minimum required eaves setback is 0.3 m.  
**Section 330-13(A)(2)**  
The minimum required eaves setback is 0.5 m.  
The eaves of the proposed dwelling will be located 0.2 m from the north side lot line.
- Section 10.20.40.10.(2)(A)(i), By-law 569-2013**  
The maximum permitted height of all front exterior main walls is 7 m.  
The front exterior main walls of the proposed dwelling will be 8.01 m.

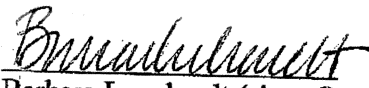
**SIGNATURE PAGE**

File Number: A755/14EYK  
Owner: WIESLAWA KUJAWA  
Agent: MICHAEL FLYNN  
Property Address: 4 TWENTY SEVENTH ST –  
PART 1  
Legal Description: PLAN 1545 LOT 267  
Zoning: RD & RS  
Ward: Etobicoke-Lakeshore (06)  
Community:

  
\_\_\_\_\_  
Dominic Gulli (signed)

  
\_\_\_\_\_  
Mary-Anne Popescu (signed)


  
\_\_\_\_\_  
Paul Valenti (signed)

  
\_\_\_\_\_  
Barbara Leonhardt (signed)

DATE DECISION MAILED ON: Friday, March 20, 2015

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, April 1, 2015

CERTIFIED TRUE COPY

  
\_\_\_\_\_  
Susanne Pringle  
Manager & Deputy Secretary Treasurer  
Etobicoke York Panel

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Thursday, March 12, 2015

**NOTICE OF DECISION  
MINOR VARIANCE/PERMISSION  
(Section 45 of the Planning Act)**

File Number:	A756/14EYK	Zoning	RD & RS
Owner(s):	WIESLAWA KUJAWA	Ward:	Etobicoke-Lakeshore (06)
Agent:	MICHAEL FLYNN		
Property Address:	4 TWENTY SEVENTH ST- PART 2	Community:	
Legal Description:	PLAN 1545 LOT 267		

Notice was given and a Public Hearing was held on Thursday, March 12, 2015, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new detached dwelling with an attached garage.

**REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:**

- Section 10.20.30.20.(1)(A), By-law 569-2013 & Section 330-23(A)(2)**  
The minimum required lot frontage is 12 m.  
The lot frontage will be 7.62 m.
- Section 10.20.30.10.(1)(A), By-law 569-2013**  
The minimum required lot area is 370 m<sup>2</sup>.  
**Section 330-23(A)(1)**  
The minimum required lot area is 371 m<sup>2</sup>.  
The lot area will be 348.4 m<sup>2</sup>.
- Section 10.20.40.40.(1)(A), By-law 569-2013 & Section 330-23(A)(9)**  
The maximum permitted floor space index is 0.35 times the lot area (121.9 m<sup>2</sup>).  
The proposed dwelling will have a gross floor area of 0.58 times the lot area (204.3 m<sup>2</sup>).
- Section 10.20.40.70.(3)(B), By-law 569-2013 & Section 330-23(A)(7)**  
The minimum required side yard setback is 0.9 m.  
The proposed dwelling will be located 0.6 m from the south side lot line.
- Section 10.5.40.60.(7), By-law 569-2013**  
The minimum required eaves setback is 0.3 m.  
**Section 330-13(A)(2)**  
The minimum required eaves setback is 0.5 m.  
The eaves of the proposed dwelling will be located 0.2 m from the south side lot line
- Section 10.20.40.10.(2)(A)(i), By-law 569-2013**  
The maximum permitted height of all front exterior main walls is 7 m.  
The front exterior main walls of the proposed dwelling will be 8.01 m.



7. **Section 10.20.40.10.(6), By-law 569-2013**  
The maximum permitted height of the first floor above established grade is 1.2 m.  
The first floor of the new dwelling will have a height of 2.77 m above established grade.

**A756/14EYK**

**File Numbers: B80/14EYK, A755/14EYK and A756/14EYK are considered jointly.**

**IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

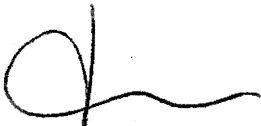
**The Minor Variance Application is Refused**

It is the decision of the Committee of Adjustment to **NOT** approve this variance application for the following reasons:

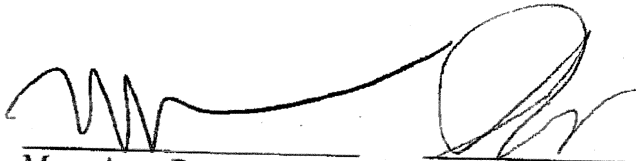
- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

**SIGNATURE PAGE**

File Number: A756/14EYK  
Owner: WIESLAWA KUJAWA  
Agent: MICHAEL FLYNN  
Property Address: 4 TWENTY SEVENTH ST –  
PART 2  
Legal Description: PLAN 1545 LOT 267  
Zoning: RD & RS  
Ward: Etobicoke-Lakeshore (06)  
Community:




Dominic Gulli (signed)



Mary-Anne Popescu (signed)



Paul Valenti (signed)

  
Barbara Leonhardt (signed)

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