



**STAFF REPORT**  
**Committee of Adjustment**  
**Application**

<b>Date:</b>	Friday, September 18, 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
<b>Reference:</b>	File No.: B42/15EYK, A384/15EYK, & A385/15EYK Address: 16 Chauncey Avenue Application to be heard: Thursday, September 24, 2015 at 3:00 p.m.

**RECOMMENDATION**

It is recommended that the applications be refused.

CITY OF TORONTO  
 RECEIVED  
  
 SEP 21 2015  
  
 COMMITTEE OF ADJUSTMENT  
 ETOBICOKE YORK DISTRICT

**APPLICATION**

The applicant is requesting permission to sever the property into two undersized residential lots, demolish the existing detached dwelling, and construct two new detached dwellings with integral garages. The proposal will incur a number of variances for each of the proposed lots as summarized in the table below.

Required Development Standard	Permitted	Proposed Part 1 (Retained)	Proposed Part 2 (Conveyed)
<b>Minimum Lot Area</b>	510 m <sup>2</sup>	435.2 m <sup>2</sup>	435.1 m <sup>2</sup>
<b>Minimum Lot Frontage</b>	13.5 m	7.62 m	7.62 m
<b>Maximum Floor Space Index</b>	0.45 times the lot area	0.66 times the lot area	0.66 times the lot area
<b>Minimum Side Yard Setback</b>	1.2 m  0.9 and aggregate of 2.1 m	0.6 from the east side and 0.9 m from the west side, with an aggregate of 1.5 m	0.6 from the west side and 0.9 m from the east side, with an aggregate of 1.5 m
<b>Maximum Building Length</b>	17 m	18.29 m	18.29 m
<b>Minimum Building Depth</b>	16.5 m	18.35 m	18.35 m

<b>Maximum Building Height</b>	9.5 m	10.4 measured to the peak	10.4 measured to the peak
<b>Maximum Front Exterior Main Wall Height</b>	7 m	8.27 m	8.27 m
<b>Maximum Soffit Height</b>	6.5 m	7.79 m	7.79 m
<b>Maximum First floor Height Above Grade</b>	1.2	2.81	2.81
<b>Minimum Eaves Setback</b>	0.3 0.4	0.2 from the east side	0.2 from the west side
<b>Maximum Driveway Width</b>	3.25	3.65	3.65
<b>Minimum Front Yard Soft Landscaping not covered by a permitted driveway</b>	75%	71.6% of the front yard will be landscaped	71.6% of the front yard will be landscaped

## COMMENTS

Under Section 53 of the *Planning Act*, the Committee has authority to grant severances. The matters the 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;
- (c) the plan conforms to the Official Plan;
- (f) the dimensions and shapes of the proposed lots; and
- (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. *Neighbourhoods* contain a full range of residential uses within lower scale buildings. The site is zoned Residential (R2) by the former City of Etobicoke Zoning Code and is zoned Residential (RD) under the 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, and heights, massing, scale and dwelling type 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". 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*.

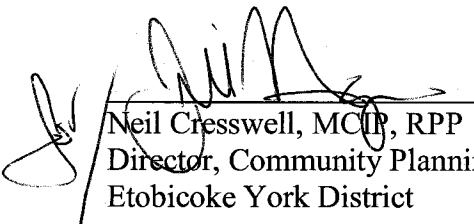
Planning staff do not support the consent application. The conveyed and retained lots would result in two new 7.62 m wide frontages, whereas a minimum lot frontage of 13.5 m is required. There are no lots with 7.62 m frontages in the immediate neighbourhood that are within the same R2/RD zone. The majority of lot frontages within the residential neighbourhood and within the same R2/RD zone are 15.24 m (even greater than the minimum Zoning By-law requirement). These large lots and wide frontages establish the existing and prevailing character of the neighbourhood within the R2/RD Zone. In particular, the northern side of Chauncey Avenue within the residential block (where the subject site is located) features lots solely with 15.24 m frontages. Accordingly, it is staff's opinion that the consent application does not have appropriate regard to conformity with the *Neighbourhoods* policies of the Official Plan and does not satisfactorily address the criteria outlined in the *Planning Act*.

Planning staff do not support the requested minor variance applications. Staff are concerned with the requested variances for lot frontage, floor space index, dwelling height, front exterior main wall height, soffit height, and the first floor height above grade. Based on a past history search of similar minor variance requests, limited applications or approvals were found within the immediate area and same R2/RD Zone. Staff are of the opinion that the number and combination of variances is excessive and some are not considered to be minor in nature. Creating parcels of land with undersized lot frontages is not consistent with the lot pattern of the residential neighbourhood and is not considered minor, nor does it meet the general intent and purpose of the Official Plan and the Zoning By-law.

These applications would result in development that does not conform to the Official Plan, nor meet the general intent and purpose of the Zoning By-law law, and is not in keeping with the physical character of the immediate residential area (in particular the physical character of residential development along the northern side of Chauncey Avenue). It is recommended that the applications be refused.

## **CONTACT**

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