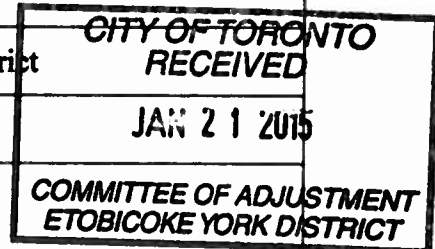




**STAFF REPORT**  
**Committee of Adjustment**  
**Application**

<b>Date:</b>	January 21, 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 13 – Parkdale – High Park
<b>Reference:</b>	File No. A753/14EYK Address: 130 Windermere Avenue Application to be heard: January 29, 2015



**RECOMMENDATION**

Planning staff recommend that the application be refused.

**APPLICATION**

The application seeks approval of the following variances to permit the construction of a third storey addition, a ground floor rear deck, and a third storey rear deck:

**1. Section 10.20.40.40.(1)(A), By-law 569-2013 & Section 6(3) Part I 1, By-law 438-86**

The maximum permitted gross floor area is 0.6 times the lot area (210.14 m<sup>2</sup>).

The proposed dwelling will have a gross floor area of 0.91 times the lot area (319.98 m<sup>2</sup>).

**2. Section 10.20.40.70.(1)(B), By-law 569-2013 & Section 6(3) Part II 2(II), By-law 438-86**

The minimum required front yard setback is 4.47 m.

The proposed dwelling will be located 1.8 m from the front lot line.

**3. Section 10.20.40.70.(3)(B), By-law 569-2013 & Section 6(3) Part II 3.B(II) 1, By-law 438-86**

The minimum required side yard setback is 0.9 m.

The proposed dwelling will be located 0.61 m from the south side lot line and 0.88 m from the north side lot line.

**4. Section 10.20.40.20(1), By-law 569-2013**

The maximum permitted building length is 17 m.

The proposed dwelling will be 17.88 m in length.

**5. Section 6(3) Part II 3.B(II) 2, By-law 438-86**

The minimum required side yard setback is 7.5 m for the portion of a building exceeding 17 m.

The proposed dwelling will be located 1.6 m from the north side lot line and 5.89 m from the south side.

**6. Section 10.20.40.10.(4)(A), By-law 569-2013**

The maximum permitted height is 7.2 m.

The proposed dwelling will be 9.75 m in height.

**Section 4(2), By-law 438-86**

The maximum permitted height is 9 m.

The proposed dwelling will be 10 m in height.

**7. Section 10.20.40.10.(4)(C), By-law 569-2013**

The maximum permitted number of storeys is 2.

The proposed dwelling will be 3 storeys.

**8. Section 10.20.40.50.(1)(B), By-law 569-2013**

The maximum permitted area of a platform at or above the second storey is 4 m<sup>2</sup>.

The proposed rear balcony will be 5.81 m.

## **COMMENTS**

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The subject property is designated *Neighbourhoods* under the Toronto Official Plan. The site is zoned First Density Residential (R1) under the former City of York Zoning By-law No. 1-83 and is zoned Residential Detached (RD) under the City-wide Zoning By-law No. 569-2013.

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*".

City Planning Staff have reviewed the application and supporting materials. Based on this review, staff identified concerns with the floor space index, building height, and number of storeys.

The intent of building height development standard is to limit the mass of a building on a lot. The proposed development would result in the dwelling with a height one storey greater than the neighbouring properties and not in keeping with the built form and character of the neighbourhood. While there have been approvals for an increase in floor space index the majority have been below a floor space index of 0.75.

Planning recommends the application be refused.

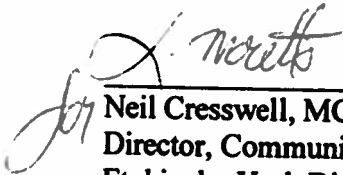
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