



STAFF REPORT
Committee of Adjustment
Application

Date:	September 17, 2015
To:	Chair and Committee Members of the Committee of Adjustment Toronto and East York District c/o Anita MacLeod, Manager & Deputy Secretary-Treasurer, Toronto and East York District
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 31, Beaches-East York
Reference:	File No. B0058/15TEY, A0749/15TEY, A0750/15TEY Address: 325 Westlake Avenue Application to be heard: Wednesday, September 24, 2015 at 3:30 pm

RECOMMENDATION

Planning staff respectfully recommend that the Committee of Adjustment refuse this application.

APPLICATION

The applicant is applying for consent to sever the subject property into two residential lots and to seek relief from the provisions of the Zoning By-law to construct new 2-storey single detached dwellings fronting on Westlake Crescent with a rear-detached garage fronting on Westlake Avenue on each of the two residential lots.

COMMENTS

The subject property is located on the north side of Westlake Avenue. It is also a through lot, with the rear of the lot being adjacent to Westlake Crescent. The property is designated *Neighbourhoods* in the Official Plan, which requires new development in established residential areas to have regard for existing physical character of the surrounding neighbourhood, including scale and massing of the buildings. The property is zoned R1C in Zoning By-law 6752 of the former Borough of East York. It is also zoned RD (f6.0; a185; d0.75) in Zoning By-law 569-2013 of the City of Toronto. The purpose of the Zoning By-law is to respect and reinforce a stable built form in residential areas and to limit the impact of new development on adjacent residential properties.

Planning staff note that the application had been pre-circulated and staff have been in contact with the agent for the applicant.

Planning staff also note that the subject property was previously subject to an application to sever the site into two lots, with the retained lot fronting on Westlake Avenue and the conveyed lot

fronting on Westlake Crescent (Application File No. B0044/13TEY, A0429/13TEY and A0430/13TEY). The Committee of Adjustment refused these applications on July 31, 2013. The decision of the Committee of Adjustment was appealed to the Ontario Municipal Board. The Ontario Municipal Board dismissed the appeal in its order issued on April 14, 2014 and amended February 9, 2015 (PL130941 and PL130944).

With respect to the consent to sever, Planning staff are concerned with the irregular configuration of the proposed lots. The request to sever the pie shaped lot in half to create two through lots would result in the narrowest lots fronting on to Westlake Avenue in the immediate vicinity of the subject property. Furthermore, re-orienting the newly creating lots to front on to Westlake Crescent would not be in character on the south side of that street. The proposed lots do not meet the provisions of Section 51(24) of the *Planning Act*.

The site is designated *Neighbourhoods* in the Official Plan. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings. Physical changes to *Neighbourhoods* must be sensitive, gradual and generally "fit" the existing physical character.

Section 4.1 of the Official Plan provides criteria for development in *Neighbourhoods*. Section 4.1 goes on to state that no changes will be made through minor variance, consent, or other public action that is out of keeping with the physical character of the neighbourhood. Planning staff are of the opinion that the proposed development, fronting on Westlake Crescent, and garages fronting on Westlake Avenue, does not maintain the general intent and purpose of the Official Plan as outlined in Section 4.1.

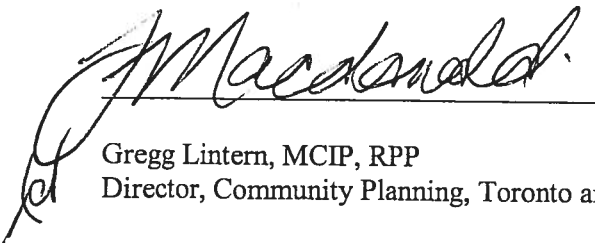
Planning staff respectfully recommend that the Committee of Adjustment refuse the consent to sever because it does not meet the criteria outlined in Section 51(24) of the *Planning Act*, and Section 4.1 of the Official Plan. City Planning staff also recommend that the Committee of Adjustment refuse the minor variance applications because the requested variances do not meet the criteria outline in Section 45 of the *Planning Act*.

The agent for the applicant, in speaking with Planning staff, asked if a request for deferral would be possible. In the absence of plans that address Planning staff concerns, a deferral is not recommended at this time.

CONTACT

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SIGNATURE



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Mario Faraone, Agent for the Applicant