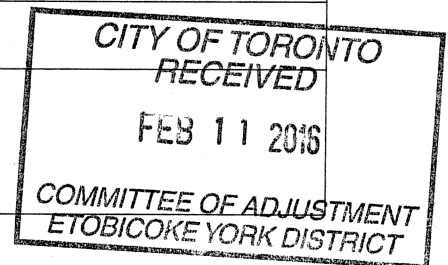




STAFF REPORT
Committee of Adjustment
Application

Date:	Thursday, February 11, 2016
To:	Chair and Committee Members of the Committee of Adjustment Etobicoke York Panel
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 4 – Etobicoke Centre
Reference:	File No. B63/15EYK, A540/15EYK, 1541/15EYK Address: 4671 Dundas Street West Application to be heard: To be scheduled



RECOMMENDATION

Planning staff recommend the Committee refuse the applications for consent and minor variance for 4671 Dundas Street West.

APPLICATION

The applicant is requesting permission to sever the lot at 4671 Dundas Street West. The consent application was accompanied by a minor variance application to enable the construction of a detached dwelling with an integral garage on each of the proposed lots. Part 2 is identified as the north lot and Part 1 is identified as the south lot. The applicant is seeking the following variances:

Part 1 – south lot

1. Section 10.20.30.10.(1)(A), By-law 569-2013 and Section 320-59.B.(1)

The minimum required lot area is 510 m².

The new lot area will be 484.68 m².

2. Section 10.20.30.20.(1)(A), By-law 569-2013 and Section 320-59.A.(1)

The minimum required lot frontage is 13.5 m.

The new lot frontage will be 10.1 m.

3. Section 900.3.10.(38)(A), By-law 569-2013

The maximum permitted gross floor area, including an attached or detached garage, shall be 125 m² plus 25% of the lot area (246.2 m²) up to a maximum floor space index of 0.5 (201.18 m²).

Section 1.a), By-law 1993-107

The maximum permitted gross floor area, including an attached or detached garage, shall be 125 m² plus 25% of the lot area (246.2 m²).

Section 900.3.10.(38)(A), By-law 569-2013 and Section 1.a), By-law 1993-107

The new dwelling, including the attached garage, will have a gross floor area of 125 m² plus 52% of the lot area (374.8 m²) with a floor space index of 0.77 (374.8 m²).

4. Section 10.20.40.70.(3)(C) & Section 10.5.40.50.(2), By-law 569-2013

The minimum required side yard setback is 1.2 m.

Section 320-41.A.

The minimum required side yard setback is 0.9 m.

Section 320-42.1.C.(1)

The minimum required side yard setback is 0.9 m and the minimum aggregate width of the side yards shall not equal less than 2.1 m.

Section 10.20.40.70.(3)(C) & Section 10.5.40.50.(2), By-law 569-2013 and Section 320-41.A. and Section 320-42.1.C.(1)

The new dwelling will be located 0.6 m from the south side lot line and will have an total aggregate side yard setback of 1.8 m.

5. Section 10.5.40.50.(2)(B) & Section 10.20.40.70.(2)(B), By-law 569-2013

The minimum required rear yard setback is 11.4 m.

The new dwelling will be located 9.9 m from the rear lot line.

6. Section 320-42.1.B.(2)

The maximum permitted soffit height is 6.5 m.

The new dwelling will have a soffit height of 8 m.

7. Section 10.20.40.10.(2)(A)(i) & (ii), By-law 569-2013

The maximum permitted height of 60% of the front and rear exterior main walls is 7 m.

The new dwelling will have a front and rear exterior main wall height of 8 m.

8. Section 10.20.40.10.(2)(B)(i), By-law 569-2013

The maximum permitted height of all side exterior main walls facing a side lot line that abuts a street is 7 m.

The new dwelling will have a side exterior main wall height of 8 m facing a side lot line that abuts a street.

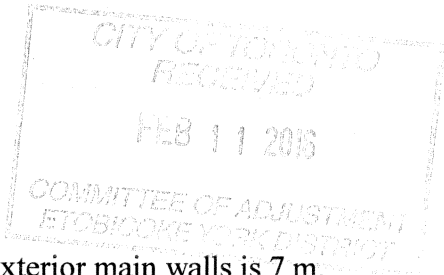
9. Section 10.20.40.10.(2)(B)(ii), By-law 569-2013

The maximum permitted height of all side exterior main walls that do not face a side lot line that abuts a street is 7 m.

The new dwelling will have a side exterior main wall height of 8 m that do not face a side lot line that abuts a street.

10. Section 10.5.40.60.(1)(B), By-law 569-2013

A platform without main walls, attached to or less than 0.3 m from a building, with a floor higher than the first floor of the building above established grade may encroach into



the required front yard setback, if it is no closer to a side lot line than the required side yard setback of 1.2 m.

The ground floor deck will encroach into the required front yard setback and is 0.6 m closer to the side lot line than the required setback.

11. Section 320-42.E.

The maximum permitted rear projection is 2.3 m.

The proposed rear deck and stairs will project 3.2 m into the rear yard.

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

The maximum permitted area of a platform at or above a second storey is 4 m.

The proposed second storey rear deck will have an area of 16.8 m².

13. Section 10.5.40.60.(7)(B), 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.

Section 10.5.40.60.(7)(B), By-law 569-2013 and Section 320.41.D.

The eaves of the new dwelling will be located 0.2 m from the south side lot line.

Part 2- north lot

1. Section 10.20.30.10.(1)(A), By-law 569-2013 and Section 320-59.B.(1)

The minimum required lot area is 510 m².

The new lot area will be 483.98 m².

2. Section 10.20.30.20.(1)(A), By-law 569-2013 and Section 320-59.A.(1)

The minimum required lot frontage is 13.5 m.

The new lot frontage will be 10.1 m.

3. Section 900.3.10.(38)(A), By-law 569-2013

The maximum permitted gross floor area, including an attached or detached garage, shall be 125 m² plus 25% of the lot area (247.2 m²) up to a maximum floor space index of 0.5 (243.9 m²).

Section 1.a), By-law 1993-107

The maximum permitted gross floor area, including an attached or detached garage, shall be 125 m² plus 25% of the lot area (247.2 m²).

Section 900.3.10.(38)(A), By-law 569-2013 and Section 1.a), By-law 1993-107

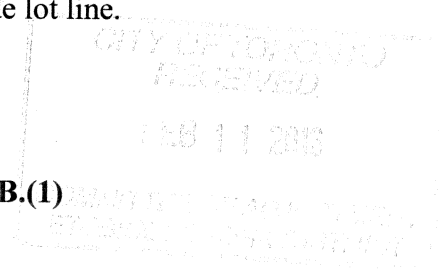
The new dwelling, including the attached garage, will have a gross floor area of 125 m² plus 51% of the lot area (374.8 m²) with a floor space index of 0.77 (374.8 m²).

4. Section 10.20.40.70.(3)(C) & Section 10.5.40.50.(2), By-law 569-2013

The minimum required side yard setback is 1.2 m.

Section 320-41.A.

The minimum required side yard setback is 0.9 m.



Section 320-42.1.C.(1)

The minimum required side yard setback is 0.9 m and the minimum aggregate width of the side yards shall not equal less than 2.1 m.

Section 10.20.40.70.(3)(C) & Section 10.5.40.50.(2), By-law 569-2013 and Section 320-41.A. and Section 320-42.1.C.(1)

The new dwelling will be located 0.6 m from the south side lot line and will have a total aggregate side yard setback of 1.8 m.

5. Section 10.5.40.50.(2)(B) & Section 10.20.40.70.(2)(B), By-law 569-2013

The minimum required rear yard setback is 11.4 m.

The new dwelling will be located 9.9 m from the rear lot line.

6. Section 10.20.40.10.(1)(A), By-law 569-2013 and Section 320-42.1.B.(1)

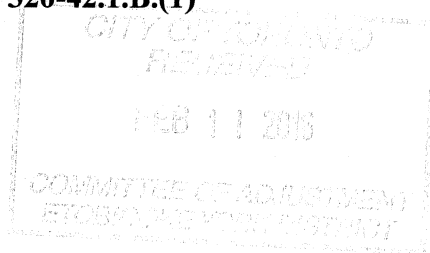
The maximum permitted dwelling height is 9.5 m.

The new dwelling will have a height of 9.9 m.

7. Section 320-42.1.B.(2)

The maximum permitted soffit height is 6.5 m.

The new dwelling will have a soffit height of 8 m.



8. Section 10.20.40.10.(2)(A)(i) & (ii), By-law 569-2013

The maximum permitted height of 60% of the front and rear exterior main walls is 7 m.

The new dwelling will have a front and rear exterior main wall height of 8 m.

9. Section 10.20.40.10.(2)(B)(i), By-law 569-2013

The maximum permitted height of all side exterior main walls facing a side lot line that abuts a street is 7 m.

The new dwelling will have a side exterior main wall height of 8 m facing a side lot line that abuts a street.

10. Section 10.20.40.10.(2)(B)(ii), By-law 569-2013

The maximum permitted height of all side exterior main walls that do not face a side lot line that abuts a street is 7 m.

The new dwelling will have a side exterior main wall height of 8 m that do not face a side lot line that abuts a street.

11. Section 10.5.40.60.(1)(B), By-law 569-2013

A platform without main walls, attached to or less than 0.3 m from a building, with a floor higher than the first floor of the building above established grade may encroach into the required front yard setback, if it is no closer to a side lot line than the required side yard setback of 1.2 m.

The ground floor deck will encroach into the required front yard setback and is 0.6 m closer to the side lot line than the required setback.

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The maximum permitted rear projection is 2.3 m.

The proposed rear deck and stairs will project 3.2 m into the rear yard.

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The maximum permitted area of a platform at or above a second storey is 4 m.

The proposed second storey rear deck will have an area of 16.8 m².

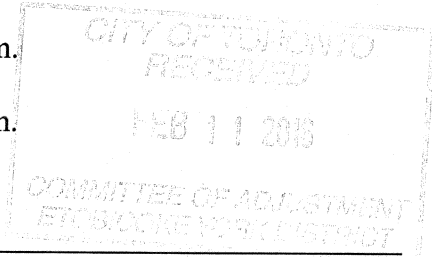
Section 10.5.40.60.(7)(B), By-law 569-2013

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.

Section 10.5.40.60.(7)(B)



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 the City of Toronto Zoning By-law 569-2013 and the Second Density Residential (R2) Zone category under the former Etobicoke Zoning Code. It is also subject to By-law 1992-24.

Section 4.1, Policy 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 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 applications and are concerned that the proposed severance will result in lot frontages that are not in keeping with the physical character of the neighbourhood. The majority of lots in this neighbourhood have lot frontages greater than 15.2 metres. Staff are of the opinion that the immediate neighbourhood is stable and the proposed development would not maintain the prevailing character of the neighbourhood. As such, Planning staff recommend refusal of the application.


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