Date: November 1, 2016

To: Chair and Committee Members of the Committee of Adjustment
Etobicoke York Panel

From: Director, Community Planning, Etobicoke York District

Wards: Ward 5

Reference: File No. B0050/16EYK, A0552/16EYK, A0553/16EYK
Address: 3 Orchard Crescent
Application to be heard: November 3, 2016

RECOMMENDATION

Planning Staff recommend that the consent and related minor variance applications be refused.

APPLICATION

The applicant is proposing to create two new undersized residential lots from an existing 21.34 m lot and to construct two new detached dwellings, each with an integral garage.

The following variances are being sought:

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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Part 1</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>510 m²</td>
<td>510 m²</td>
<td>401 m²</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>13.5 m</td>
<td>13.5 m</td>
<td>10.79 m</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>33%</td>
<td>33%</td>
<td>36.6%</td>
</tr>
<tr>
<td>Maximum Gross Floor Area</td>
<td>185 m²</td>
<td>185 m²</td>
<td>269.6 m²</td>
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<tr>
<td>Maximum Height</td>
<td>8.5 m</td>
<td>8.5 m</td>
<td>8.99 m</td>
</tr>
<tr>
<td>Maximum Front Exterior Wall Height</td>
<td>6.0 m</td>
<td>N/A</td>
<td>6.56 m</td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td>1.2 m</td>
<td>0.9 m (per side), 2.1 m (aggregate)</td>
<td>0.46 m (north side), 1.38 m (aggregate)</td>
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Maximum Soffit Height

<table>
<thead>
<tr>
<th>N/A</th>
<th>6.5 m</th>
<th>6.74 m</th>
<th>7.02 m</th>
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<tbody>
<tr>
<td>Minimum Required Side Yard Setback for Eaves</td>
<td>0.3 m</td>
<td>0.4 m</td>
<td>0.15 m (north side)</td>
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**COMMENTS**

Under Section 53 of the *Planning Act*, the Committee has authority to grant severances. The matters a Committee must have regard to, in hearing severance applications, is found in Subsection 51(24) and include, but are not limited to:

1. whether the proposed subdivision is premature or in the public interest;
2. whether the plan conforms to the official plan and adjacent plans of subdivision, if any; and
3. the dimensions and shapes of the proposed lots.

The subject site is located in *Neighbourhoods* as designated in the Official Plan. *Neighbourhoods* are considered physically stable areas. Physical changes to established *Neighbourhoods* must be sensitive, gradual, and generally 'fit' the existing physical character.

Policy 4.1.5 of the 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."

In addition, Policy 4.1.8 of the Official Plan states that Zoning By-laws will contain numerical site standards for matters such as density, lot sizes, lot depths, lot frontages, landscaped open space and any other performance standards to ensure that new development will be compatible with the physical character of established residential *Neighbourhoods*.

The subject site is zoned Second Density Residential (R2) under the former Etobicoke Zoning Code and Residential Detached (RD) under-City-wide Zoning By-law 569-2013.

City Planning staff have reviewed the application and supporting materials (submitted for each of the proposed new dwellings), conducted a lot frontage analysis, and researched previous Committee of Adjustment decisions. Planning staff submitted a report dated August 3, 2016, recommending that the Committee refuse the consent and minor variance applications. Since this time, the applicant has made several revisions. For Part 1, reductions were made for coverage, gross floor area, side yard setback, height, and wall height. For Part 2, reductions were made for coverage, gross floor area, and side yard setback. The variance for height was eliminated for Part 2, and the variance for depth was eliminated for both Parts. Despite these revisions, Planning staff are of the view that the proposed severance would result in a development that would not conform to the provisions of Section 51(24) of the *Planning Act*, would not meet the general intent and...
purpose of the Official Plan and Zoning By-laws, and would not respect and reinforce the existing physical character of the neighbourhood.

As such, it is recommended that the consent and related minor variance applications be refused.

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