



**REVISED STAFF REPORT**  
 Committee of Adjustment  
 Application

<b>Date:</b>	November 1, 2016
<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. 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:

Development Standard	Permitted (ZBL 569-2013)	Permitted (Etobicoke Zoning Code)	Proposed Lots	
			Part 1	Part 2
Minimum Lot Area	510 m <sup>2</sup>	510 m <sup>2</sup>	401 m <sup>2</sup>	398.3 m <sup>2</sup>
Minimum Lot Frontage	13.5 m	13.5 m	10.79 m	10.8 m
Maximum Lot Coverage	33%	33%	36.6%	36.4%
Maximum Gross Floor Area	185 m <sup>2</sup>	185 m <sup>2</sup>	269.6 m <sup>2</sup>	269.1 m <sup>2</sup>
Maximum Height	8.5 m	8.5 m	8.99 m	N/A
Maximum Front Exterior Wall Height	6.0 m	N/A	6.56 m	7.02 m
Minimum Side Yard Setback	1.2 m	0.9 m (per side), 2.1 m (aggregate)	0.46 m (north side), 1.38 m (aggregate)	0.46 (south side), 1.38 m (aggregate)

Maximum Soffit Height	N/A	6.5 m	6.74 m	7.02 m
Minimum Required Side Yard Setback for Eaves	0.3 m	0.4 m	0.15 m (north side)	0.15 m (south side)

## 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:

- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any; and
- (f) 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.

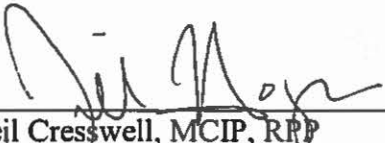

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