



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

<b>Date:</b>	September 28, 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 11
<b>Reference:</b>	File No. B0063/16EYK, A0718/16EYK, A0719/16EYK Address: 104 Wendell Avenue Application to be heard: In Circulation

**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 15.24 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 (North York Zoning By-law 7625)	Proposed Lots	
			Part 1	Part 2
Minimum Lot Frontage (Lot Width)	15.0 m	15.0 m	7.62 m	7.62 m
Minimum Lot Area	550.0 m <sup>2</sup>	550.0 m <sup>2</sup>	348.3 m <sup>2</sup>	348.3 m <sup>2</sup>
Maximum Number of Storeys	2	2	3	3
Maximum Height of Exterior Main Walls	7.5 m	N/A	8.46 m	8.46 m
Minimum Area of First Floor Within 4.0 m of Front Main Wall	10.0 m <sup>2</sup>	N/A	5.43 m <sup>2</sup>	5.43 m <sup>2</sup>

Maximum Area of Platform at or Above Second Storey (Maximum Balcony Area)	4.0 m <sup>2</sup>	3.8 m <sup>2</sup>	17.03 m <sup>2</sup>	17.03 m <sup>2</sup>
Roof Eave Projection in Relation to Lot Line	0.3 m	N/A	0.21 m (north)	0.21 m (south)
Minimum Side Yard Setback	1.8 m	1.8 m	0.51 m (north), 0.91 m (south)	0.51 m (south), 0.91 m (north)
Maximum Permitted Lot Coverage	N/A	30%	32.6%	32.6%
Maximum Building Length	N/A	16.8 m	18.2 m	18.2 m
Maximum Building Height	N/A	8.8 m	10.34 m	10.34 m

## 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 an area designated *Neighbourhoods* in the Official Plan. *Neighbourhoods* are considered physically stable areas. Physical changes to our 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 Residential (R5) under the former North York Zoning By-law and Residential Detached (RD) under-City-wide Zoning By-law 569-2013. The application for consent would create two lots significantly deficient in required lot frontage and required lot area. The intent of the provision in the Zoning By-law for lot frontage and lot area is to ensure that development within a zone does not result in

overbuilding on a lot, that the character of the streetscape is preserved, and that the rhythm and consistency of a street is maintained.

City Planning staff have reviewed the application and supporting materials (submitted for each of the proposed new dwellings); researched previous Committee of Adjustment decisions; and conducted a site visit. Based on this review, staff identified concerns with the proposed lot frontages, as well as variances for side yard setbacks, main wall height, and overall massing. Planning staff are concerned 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.

## **CONTACT**

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