



**STAFF REPORT**  
Committee of Adjustment  
Application

<b>Date:</b>	April 27, 2017
<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 6 – Etobicoke-Lakeshore
<b>Reference:</b>	File No.: B11/16EYK, A95/16EYK & A96/16EYK Address: 9 Thirty Eighth Street Application to be heard: May 4, 2017

CITY OF TORONTO  
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APR 27 2017  
COMMITTEE OF ADJUSTMENT  
ETOBICOKE YORK DISTRICT

**RECOMMENDATION**

Planning staff remain concerned that the proposed severance would result in lot sizes and lot frontages that are not in keeping with the prevailing character of the neighbourhood. As such, Planning staff recommend refusal of the application.

Should the Committee of Adjustment find merit to approve the applications Planning staff recommend the following conditions:

- 1) The owner shall submit a revised site plan to the satisfaction of the Director, Community Planning Etobicoke York that identifies 2, two-storey detached dwellings. Currently, the site plan (dated January 9, 2017) identifies 2, three-storey detached dwellings;
- 2) The applicant shall consider providing a greater front yard setback for the proposed dwelling on Part B in order to reflect the existing physical character of the street as if relates to front yard setbacks.

**APPLICATION**

The applicant is requesting permission to demolish the existing dwelling and to sever the property into two undersized residential lots and construct two new two-storey detached dwellings, each with an integral single car garage. The table below summarizes the requested variances for each of the proposed lots:

Requested Variance	Permitted	Part A	Part B
Minimum lot frontage Section 10.20.30.20(1)(A),			

By-law 569-2013. Section 330-23.A(2), By-law 1993-108.	12.0 m	7.62 m	7.62 m
<b>Minimum lot area</b> Section 10.20.30.20(1)(A), By-law 569-2013. Chapter 330-23.A(1) By-law 1993-108.	370 m <sup>2</sup>	304.1 m <sup>2</sup>	304.1 m <sup>2</sup>
<b>Maximum Floor Space Index</b> Section 10.20.40.40(1)(A), By-law 569-2013.  Chapter 330-23.(A)(9), By-law 1993-108	0.35 (106.4 m <sup>2</sup> )	0.56 (170.5 m <sup>2</sup> )	0.56 (170.5 m <sup>2</sup> )
<b>Minimum side yard setback</b>  Section 10.20.40.70(3)(c), By-law 569-2013.  Chapter 330-23(A)(7), By-law 1993-108	1.2 m  0.9 m	0.6 m (South)	0.6 (North)
<b>Minimum Front Yard Setback</b> Section 10.20.40.70(1), By-law 569-2013  Chapter 330-23(A)(6)	14.36 m	11.06 m	11.06 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) of that Act and include, but are not limited to:

- (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 the Village of Long Branch and is designated *Neighbourhoods* in the Toronto Official Plan. *Neighbourhoods* contain a full range of residential uses within lower scale buildings.

Policy 4.1.5 of the Toronto Official Plan establishes that development will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- a) patterns of streets, blocks and lanes; and
- b) size and configuration of lots; and
- e) setbacks of building from the street or streets.

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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 Toronto Official Plan states that Zoning By-laws will contain numerical site standards for matters such as density, lot sizes, lot frontages 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 within the Residential Single Family (RS) Zone category of the former Etobicoke Zoning Code and is zoned Residential Detached (RD) under City-Wide Zoning By-law No. 569-2013.

Planning staff remain concerned that the proposed severance will result in lot sizes and lot frontages that are not in keeping with the existing physical character of the neighbourhood. As such, Planning staff recommend refusal of the application.

Careful consideration should be given to the location of the proposed dwelling on Part B as it related to the front yard setback. Perhaps the applicant could modify the proposal by off-setting this dwelling from the new dwelling on Part A in order to maintain the existing physical character on the street.


The proposal, as submitted, is for 2, two-storey detached dwellings, however, the current site plan (dated January 9, 2017) does not reflect this proposal. The site plan actually identifies 2, three-storey detached dwellings. A revise site plan must be submitted in order to accurately identify the proposal.

Should the Committee of Adjustment finds merit to approve the application Planning staff recommend the following conditions:

- 1) The owner shall submit two sets of revised plans to the satisfaction of the Director, Community Planning Etobicoke York showing a revised the site plan drawing to note the proposed two-storey dwelling. The current site plan (drawing A1.1-A) currently labels each home as a "three storey dwelling";
- 2) The front yard setback of proposed 'House B' be increased in order to provide transition between the dwelling at 5 Thirty Eighth Street, 'House A', and 11 thirty Eighth Street.

## **CONTACT**

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