

Date:	November 4, 2016
To:	Chair and Committee Members of the Committee of Adjustment Etobicoke York Panel
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 2
Reference:	File No. B0075/16EYK, A0790/16EYK, A0791/16EYK, A0792/16EYK, A0793/16EYK Address: 216 Dixon Road 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 four new residential lots from an existing 47.23 m lot and to construct four 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	Part-3	Part 4
Minimum Lot Area	1110 m ²	1114.84 m ²	385.02 m ²	224.81 m ²	224.81 m ²	245.25 m ²
Minimum Lot Frontage	24 m	24.38 m	16.53 m	9.83 m	9.83 m	11.04 m
Minimum Lot Depth	45.72 m	45.72 m	22.88 m	22.88 m	22.88 m	22.88 m
Maximum Height	9.5 m	9.5 m	10.06 m	9.86 m	9.86 m	9.86 m
Maximum Soffit Height	N/A	6.5 m	6.56 m	N/A	N/A	N/A
Maximum Floor Space Index	0.45	0.45	N/A	0.74	0.74	0.68
Maximum Lot Coverage	33%	33%	N/A	42%	42%	39%
Minimum Front Yard Setback	6.0 m	7.5 m	4.53 m	4.53 m	4.53 m	4.53 m
Minimum Rear	7.5 m	7.5 m	6.69 m	6.69 m	6.69 m	6.69 m

Yard Setback						
Minimum Side Yard Setback	2.4 m per side	0.9 m per side, 2.1 m aggregate	0.76 m	0.76 m (north), 0.76 m (south)	0.76 m (north), 0.76 m (south)	1.52 m (north), 0.76 m (south)
Maximum Height of First Floor Above Established Grade	1.2 m	N/A	1.24 m	N/A	N/A	N/A
Maximum Rear Yard Platform Encroachment	2.5 m	1.6 m	2.64 m	2.64 m	2.64 m	2.64 m
Minimum Roof/Eaves Projection	N/A	0.4 m from side lot line	0.4 m from north side lot line	0.33 m from north lot line, 0.33 m from south lot line	0.33 m from north lot line, 0.33 m from south lot line	0.33 m from south lot line

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.

The applicant is proposing four new undersized lots on a property that presently contains one single detached home with a detached garage, which would be demolished. 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. The scale of each of the proposed dwellings in relationship to the proposed lots – identified through floor space index, coverage, setbacks, and other variances – does not respect and reinforce the existing physical character of the neighbourhood, defined largely by one or two storey detached dwellings on large lots. In the case of this proposal, the relationship between the size of the lot and the size and scale of the dwelling represents overdevelopment.

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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