



## STAFF REPORT

### Committee of Adjustment Application

<b>Date:</b>	September 21, 2017
<b>To:</b>	<b>Chair and Members of the Committee of Adjustment Toronto and East York District c/o Anita MacLeod, Manager &amp; Deputy Secretary-Treasurer Toronto and East York District</b>
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Ward:</b>	Ward 21, St. Paul's
<b>Reference:</b>	File No.: A0579/17TEY Address: 46 Wembley Rd. Applicant: Karen Unger Agent: Andrew Deane Application to be heard: September 27, 2017 at 1:30 p.m.

## RECOMMENDATION

Planning staff respectfully recommend:

- Variance No. 3 under Zoning By-law 539-2013 and Variance No. 4 under Zoning By-law 438-86 regarding floor space index be reduced from 0.856 times the area of the lot to 0.82 times the area of the lot.

## APPLICATION

The applicant is seeking relief from the provisions of Zoning By-law 569-2013 and Zoning By-law 438-86, as amended, to gain permission to revise the plans for a three-storey detached dwelling previously approved on condition (A0569/13TEY).

The variances requested are with respect to: front yard setback; building height; floor space index; building depth; side yard setback; and front yard soft landscaping.

## CONTEXT

The subject property is located on the north side of Wembley Road, north of Eglinton Avenue West. The property is designated *Neighbourhoods* in the Official Plan, which are "considered physically stable areas made up of residential uses in lower scale buildings". Policy 4.1.5 states that "development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular: heights, massing, scale and dwelling type of nearby residential properties," "setbacks of

buildings from the street or streets," and "prevailing patterns of rear and side yard setbacks and landscaped open space." The policy goes on to say 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."

Official Plan Amendment 320 (OPA 320) strengthens the *Neighbourhoods* policies by placing emphasis on respecting and reinforcing the existing physical character of the "geographic" neighbourhood, including in particular the "prevailing heights, massing, scale density and dwelling type of nearby residential properties." OPA 320 defines the geographic neighbourhood to include both the entire geographic area, and the properties which face the same street as the development site in the same block, and the block opposite the development site.

The property is zoned Residential Detached (RD) under City of Toronto Zoning By-law 569-2013 and Residential (R1) under the former City of Toronto Zoning By-law 438-86. The purpose of the Residential zone category in these respective By-laws is generally to maintain a stable built form, and to limit the impact of new development on adjacent residential properties.

## COMMENTS

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The applicant previously received approval, on condition, from the Committee of Adjustment to build a new three-storey dwelling at this address (A0569/13TEY). Since then, it was determined that the floor space index (FSI) of the originally proposed dwelling was miscalculated, and the originally proposed dwelling had a higher FSI than the approved variance of 0.79 times the lot area permitted. Consequently, the applicant is required to seek the Committee's approval for an FSI of 0.82 times the lot area to permit the originally proposed dwelling.

The application before the Committee however is seeking an FSI of 0.856 times the lot area. The additional 0.036 times the lot area is to accommodate a larger third storey than originally proposed, and internalize a space below the front porch previously proposed as external space.

Planning staff conducted a site visit and have concerns with the massing of the newly proposed three-storey dwelling. Zoning By-law 569-2013 and 438-86 Zoning By-law restrict the floor space index to 0.6 times the lot area. The intent of the Zoning By-laws is to maintain a consistent massing along the street to prevent dwellings from imposing on the amenity of the neighbouring properties.

A search of recent Committee of Adjustment decisions revealed no other variances for a floor space index as great as 0.856 times the lot area on Wembley Road. The massing of the proposed dwelling will be larger than the other dwellings on the street.

The massing of the three-storey dwelling proposed in the application before the Committee does not meet the general intent and purpose of the Official Plan or the Zoning By-laws, is not minor in nature, and is not desirable for the development or use of the land. Planning staff respectfully recommend that Variance No. 3 under Zoning By-law 539-2013 and Variance No. 4 under Zoning By-law 438-86 regarding floor space index be reduced from 0.856 to 0.82 times the area of the lot.

### **CONTACT**

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### **SIGNATURE**

A handwritten signature in black ink, appearing to read 'Gregg Lintern', is written over a horizontal line.

*for* Gregg Lintern, MCIP RPP  
Director, Community Planning  
Toronto and East York District

Copy: Councillor Joe Mihevc, Ward 21  
Andrew Deane, Agent for the Applicant

