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

<b>Date:</b>	February 9, 2017
<b>To:</b>	<b>Chair and Committee Members of the Committee of Adjustment Toronto and East York District</b> c/o Anita MacLeod, Manager & Deputy Secretary-Treasurer, Toronto and East York District
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 31 Beaches-East York
<b>Reference:</b>	File No. B0047/16TEY, B0047/16TEY, A0756/16TEY, A0757/16TEY, A0758/16TEY and A0759/16TEY Address: 1186, 1188 and 1190 Woodbine Avenue Application to be heard: February 15, 2017

**RECOMMENDATION**

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Planning staff recommend that the Committee of Adjustment refuse these applications.

**APPLICATION**

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The applicant is seeking to obtain consent to sever the rear of lots at 1186, 1188 and 1190 Woodbine Avenue to create a new lot fronting on Frater Avenue and to re-establish an easement/right-of-way.

Variances are requested to maintain the existing two-storey mixed-use buildings at 1186 & 1188 Woodbine Avenue and 1190 Woodbine Avenue, particularly related to rear yard setback and open space. Variances are also requested to facilitate the construction of a new three-storey detached dwelling with an integral garage, particularly with regard to building type, first floor height, rear yard setback, side yard setback and parking space width.

**COMMENTS**

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The subject property is located on the southwest corner of Woodbine Avenue and Frater Avenue. The property is designated "Mixed Use Areas" in the Official Plan. The property is zoned C in Zoning By-law 6752 of the former Borough of East York and CR 2.5 (c2.5; r1.0) SS2 (x1163) in Zoning By-law 569-2013 of the City of Toronto.

Planning staff recommend refusal of the severances required to create a lot for a residential building fronting Frater Avenue. The severances do not meet the provisions found in Section 51(24) of the Planning Act.

The resultant lot fronting Frater Avenue is zoned for commercial uses; as such, a single detached dwelling is not a permitted building type in either Zoning By-law. Furthermore, the rear yard setbacks of the existing mixed-use buildings fronting Woodbine are not sufficient, creating issues of transition. As such, these severances do not have regard for Section 51(24)(g) of the Planning Act with regard to the restrictions on the land proposed to be subdivided or buildings and structures proposed to be erected on it and restrictions if any on adjoining land.

The dimension and shape of the newly created lot does not match lots on either Frater Avenue or Woodbine Avenue. The newly created lot is wider in width, shallower in depth and undersized compared to other residential lots on Frater Avenue, while the remnant commercial lots fronting on Woodbine Avenue would be shorter in depth compared to other lots on the same block. As such, the severances do not have regard for Section 51(24)(f) of the Planning Act with regard to dimension and shapes of the proposed lots.

Planning staff also have concerns with the parking related variances that have been sought for the mixed-use buildings. In both cases, it does not appear that vehicles can manoeuvre into and out of designated parking spots or provide enough clearance to open/close vehicular doors.

Planning staff note that within this part of Woodbine Avenue with commercial zoning area, 102 Dunkirk Avenue may appear to have been created via severance. However, a search of Committee of Adjustment records shows no severance applications. Furthermore, in that case, 102 Dunkirk Avenue is designated Neighbourhoods, zoned Residential in the former East York Zoning By-law (R2A) and the properties with commercial zoning fronting on Woodbine Avenue provide sufficient transition from the buildings in the Neighbourhoods by providing rear yard setbacks beyond the minimum 7.5 metres. The severances and associated minor variances requested in this application do not have comparable land use designations and zoning, and do not provide proper transition from higher density building types to lower density building types.

As such, Planning staff recommend the refusal of these applications.

## **CONTACT**

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## **SIGNATURE**



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Director, Community Planning, Toronto and East York District

Copy: Councillor Janet Davis, Ward 31 Beaches-East York  
David Oleson, Agent for the Applicant