

Date:	September 7, 2017
To:	Chair and Members of the Committee of Adjustment Toronto and East York District c/o Anita MacLeod, Manager & Deputy Secretary-Treasurer Toronto and East York District
From:	Director, Community Planning, Toronto and East York District
Ward:	Ward 21, St. Paul's
Reference:	File No.: A0552/17TEY Address: 7 Menin Rd. Applicant: Rae Dwalsh Agent: Erin Walsh Application to be heard: September 13, 2017 at 2:30 pm

RECOMMENDATION

Planning staff respectfully recommend that the Committee refuse Application No. A0552/17TEY.

APPLICATION

The applicant is seeking relief from the provisions of Zoning By-law 569-2013 and Zoning By-law 1-83, as amended, to construct a new three-storey detached dwelling with integral garage and a rear second storey deck.

The variances requested are with respect to: the front, side and rear exterior main wall height; the building length and depth; the floor space index; the area of the deck above the first-storey; the rear yard setback; the side yard setbacks; and the driveway width.

CONTEXT

The subject property is located on the east side of Menin Road, south of Eglinton Avenue. The property is in an area 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," 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. 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 former York Zoning By-law 1-83.

COMMENTS

Planning staff have concerns with the massing of the proposed new three-storey dwelling and with the proposed second storey deck. The variances both individually and cumulatively facilitate overdevelopment of the site that is out of character and inappropriate for the area.

The proposed new dwelling will have a floor space index (FSI) of 1.26 times the lot area in an area that is restricted to 0.4 times the lot area by Zoning By-law 569-2013 and Zoning By-law 1-83. The requested FSI is a key indicator that the requested variances create a building that is too large for the lot.

A search of recent Committee of Adjustment decisions along Menin Road revealed approvals for densities ranging from 0.57 to 0.724 times the lot area. No variance for a floor space index similar to the proposal has been granted.

The intent of the density provision is to maintain a consistent massing along a street to prevent one dwelling from imposing on the amenity of its neighbouring properties. The massing of the proposed dwelling will be larger than the other dwellings on the street and will adversely impact the existing and planned context of the neighbourhood.

A 20.81 square metre rear terrace is proposed to project 2.4 metres beyond the 17.37 metre long second storey. Planning staff have concerns with the terrace in terms of privacy and overlook onto the rear amenity space of adjacent properties.

The applicant was contacted to discuss staff's concerns with the requested variances but no revised plans have been submitted to date.

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 the application be refused.

CONTACT

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SIGNATURE

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

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

Copy: Councillor Joe Mihevc, Ward 21
Erin Walsh, Agent for the Applicant

