TORONTO

STAFF REPORT
Committee of Adjustment Application

Date:	Friday, January 12, 2018
To:	**Chair and Committee Members of the Committee of Adjustment Etobicoke York Panel**
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 6 (Etobicoke-Lakeshore)
Reference:	File Nos.: B0090/16EYK, A0987/16EYK & A0988/16EYK Address: 32 Thirty Sixth Street Hearing date: To be determined (In circulation)

REVISED
11:55 am, Jan 17, 2018

RECOMMENDATION

Planning staff recommend the Committee refuse the application for consent and associated minor variances for 32 Thirty Sixth Street.

However, should the Committee find merit in approving the consent to sever the existing property, Planning staff recommend that the minor variance applications be constructed substantially in accordance with the revised plans submitted and held on file by the Committee of Adjustment dated January 8, 2018. Any other variances that may appear on these plans but are not listed in the written decision are NOT authorized.

APPLICATION

The applicant proposes to sever the subject property, which currently has a lot frontage of 15.24 metres and a lot area of 613 square metres, into two undersized residential lots. The consent application (File No. B0090/16EYK) is accompanied by two minor variance applications (File Nos. A0987/16EYK and A0988/16EYK) which propose the construction of a new detached dwelling with an integral garage as shown on Part 1 of the site plan (south lot) and a new detached dwelling with a rear detached garage, with an easement/right-of-way for vehicular access, as shown on Part 2 of the site plan (north lot). The applicant is seeking the following variances for each of the proposed lots:

Requested Variance	Permitted	Proposed Part 1	Proposed Part 2
Minimum Lot Frontage Section 10.5.40.60(7)(B), By-law 569-2013. Section 330-23.A(2), Bylaw 1993-108.	12 m	7.62 m	7.62 m

Minimum Lot Area Section 10.20.30.10.(1)(A), By-law No. 569-2013 Section 330-23.A(1), By-law 1993-108	370 m^2 371 m^2	306.5 m^2	306.5 m^2
Maximum Floor Space Index Section 10.20.40.40(1)(A), By-law No. 569-2013 Section 330-23.A(1), By-law 1993-108	0.35 m times the area of the lot (107.3 m^2)	0.63 m times the area of the lot (191.85 m^2)	0.56 m times the area of the lot (170.7 m^2)
Minimum Side Yard Setback Section 10.20.40.70.(3), By-law No. 569-2013 Section 330-23(A)(7), By-law 1993-108	1.2 m 0.9 m	0.61 m (north)	0.61 m (south)
Maximum Roof Eaves Projection Section 10.5.40.60.(7)(B), By-law No. 569-2013 Section 330-13.A(2), By-law 1993-108	0.9 m provided they are no closer than 0.3 m to a lot line 0.5 m provided they are no closer than the side lot line	0.2 m from the north lot line	0.2 m from the south lot line
Maximum permitted building length Section 10.20.40.20.(1), By-law No. 569-2013	17 m	18.39 m	N/A
Front Yard Landscaped Area Section 10.5.50.10.(B), By-law No. 569-2013 Section 330-20.5(B), By-law 1993-108	50% (25.2 m^2)	42% (19.86 m^2)	N/A

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:
b) size and configuration of lots; and
c) heights, massing, scale and dwelling type 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 Toronto 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 within the Residential Single (RS) Zone category of the former Etobicoke Zoning Code and is zoned Residential Detached (RD) under City-Wide Zoning By-law No. 569-2013.

In circulation, Planning staff submitted a report dated March 28, 2017, recommending that the Committee defer consideration of the applications to provide the applicant an opportunity to have further discussions with Planning staff and the community to develop a revised proposal that is more in keeping with the established physical character of the neighbourhood.

Prior to the hearing of these applications, the applicant submitted revised plans and revised zoning waivers to the Committee of Adjustment office, modifying the variances as follows:

- Elimination of the variance for the maximum permitted height of a specified pair of main walls - for both Parts
- Elimination of the variance for maximum permitted height - for both Parts.
- Reduction of the front yard landscaping variance from 44% (22.1 m^2) to 42% (19.86 m^2) for Part 1 and elimination of this variance for Part 2.
- Elimination of the front yard soft landscaping variance - for both Parts.
- Reduction of the floor space index variance from 0.91 times the area of the lot (278.8 m^2) to 0.63 times the area of the lot (191.85 m^2) for Part 1 and from 0.81 times the area of the lot (248.2 m^2) to 0.56 times the area of the lot (170.7 m^2) for Part 2.
- Enlargement of the building length variance from 18 m to 18.39 m for Part 1 and elimination of this variance for Part 2.
- Improvement of the roof eaves projection variance from 0.05 m to 0.2 m from the north lot line for Part 1 and 0.05 m to 0.2 m from the south lot line for Part 2.
- Elimination of the maximum parking dimension variance

Planning staff have reviewed the revised application and supporting materials, researched previous Committee of Adjustment decisions, conducted a site visit and reviewed the lotting pattern for Thirty Sixth Street and the surrounding neighbourhood. Based on this review, staff have concerns with the proposed severance.

Planning staff are aware of community concern in the Village of Long Branch with respect to lot severances and associated minor variances resulting in lot sizes and dwellings that are not in keeping with the established physical character of the neighbourhood.

Planning staff are of the opinion that the proposed severance and resulting minor variances would allow for the creation of two undersized lots and the construction of two new detached dwellings that do not respect and reinforce the physical character of the established neighbourhood, and thus, are not in keeping with the general purpose and intent of the Official Plan and Zoning By-law(s). Therefore, Planning staff recommend that the consent and associated minor variance applications be refused.

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