



STAFF REPORT
Committee of Adjustment Application

Date:	June 19, 2018
To:	Chair and Committee 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
Wards:	Ward 31 Beaches-East York
Reference:	File No. B0002/18TEY, A0079/18TEY, A0078/18TEY Address: 50 Holland Avenue Application to be heard: June 27, 2018

RECOMMENDATION

Planning staff respectfully recommend that the Committee of Adjustment refuse Application Nos. B0002/18TEY, A0079/18TEY, A0078/18TEY.

APPLICATION

The applicant is seeking consent to sever the property into two undersized residential lots and seeking relief from the provisions of the Zoning By-law to construct a new three-storey detached dwelling with an integral garage on the conveyed and retained lot.

Variations are requested on the retained and conveyed lots with respect to lot area, lot frontage, lot coverage, building height, the number of storeys, floor space index, area of the second storey deck, side yard setback and building length.

COMMENTS

The subject property is designated *Neighbourhoods* in the Official Plan which are physically stable areas providing for a variety of lower scale residential uses. Policies and development criteria aim to ensure that physical changes to the established neighbourhoods are sensitive, gradual and generally "fit" the existing physical character. Development criteria in Section 4.1.5 of the Official Plan states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including size and configuration of lots.

Official Plan Amendment 320, approved by the Minister but under appeal to the Ontario Municipal Board, contains policy direction that specifies that consideration of existing physical character take into consideration the prevailing physical character of properties on both sides of the street of the development site, with "prevailing" to mean most frequently occurring.

The Committee's authority to grant severances is found in Section 53 of the Planning Act and the criteria the Committee must have regard to in hearing severance applications are found in Subsection 51(24) of the Act. Matters of relevance for the proposed severance 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 property is located on the north side of Holland Avenue, west of Victoria Park Avenue. The property is zoned R1B in Zoning By-laws 6752 of the former Borough of East York and RD (f12.0; a370; d0.6) in Zoning By-law 569-2013 of the City of Toronto. The purpose of the Zoning by-laws is to respect and reinforce a stable built form and to limit the impact of new development on adjacent residential properties. The Zoning By-laws are used, in part, to achieve more uniform and consistent built form streetscapes, thereby contributing to a more predictable pattern of development.

Staff have conducted a lot study of the surrounding neighbourhood, in particular on Holland Avenue, where the prevailing lot frontages are 12.0 metres or greater and compliant with the lot frontages and lot area requirement under the zoning by-law provisions of 569-2013 and 6752. The applicant is proposing a lot frontage of 7.62 metres for each of the two new lots and a lot area of 255.58 square metres on the conveyed lot and 255.52 square metres on the retained lot, whereas the minimum required lot frontage is 12.0 metres and minimum lot area is 370 square metres. The two proposed lots would be narrower than existing lots along Holland Avenue and do not fit into the physical character of the neighbourhood as required in the City's Official Plan.

Planning staff note that the integral garages in the proposed dwellings on the narrow lots cause the garage to dominate the first storey by pushing the main living space to the second storey and third storey. The proposed three-storey dwelling will be out character on Holland Avenue since it is mostly characterized by one to two storey dwellings.

Planning staff have concerns with the height variance of 9.14 metres on the conveyed lot and 9.15 metres on the retained lot under zoning By-law No. 6752, as it would not be in keeping with the physical character of the neighbourhood consisting of dwellings that complies with the Zoning By-law provisions on height. Planning staff have generally recommended that the height of the dwellings in this area be not higher than 9.0 metres unless there are site-specific conditions that merit further consideration.

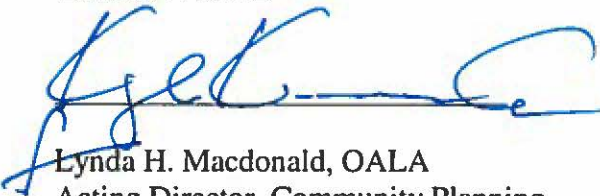
Planning staff also have concern with the density variance on the proposed lots. The proposed density of 1.1 times the area of the lot, whereas the maximum permitted density is 0.6 times the area of the lot, is indicative of overdevelopment on the undersized lots.

The severance application before the Committee does not comply with the criteria outlined in section 51(24) of the Planning Act, and the minor variance applications do not satisfy the four tests of section 45 of the Planning Act, individually and cumulatively. The requested severance and variances would result in overdevelopment of undersized lots. Planning staff recommend the applications be refused.

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SIGNATURE



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