



STAFF REPORT
Committee of Adjustment
Application

Date: February 11, 2019

To: Chair and Committee Members of the Committee of Adjustment, Etobicoke York District

From: Neil Cresswell, Director, Community Planning, Etobicoke York District

Ward: 1 (Etobicoke North)

File No: A0919/18EYK

Address: 54 Westhampton Drive

Applications to be heard: Thursday, February 21, 2019

RECOMMENDATIONS

Community Planning staff recommend that the application be refused.

APPLICATION

To construct a new triplex.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

1. **Section 900.6.10(B), By-law 569-2013**
The minimum required lot frontage for a triplex is 16.5 m.
The lot frontage will be 12.8 m.
2. **Section 900.6.10(A), By-law 569-2013**
The minimum required lot area for a triplex is 610 m.
The lot area will be 488.06.
3. **Section 900.6.10.(18)(D)(iii), By-law 569-2013 and Section 320-64**
The maximum permitted height is 11 m.
The new triplex will have a height of 12.6 m.
4. **Section 10.5.80.10.(3), By-law 569-2013**
A parking space may not be located in a front yard or side yard abutting a street.
The proposed parking spot is located in a front yard.

COMMENTS

The subject property is designated *Neighbourhoods* in the Official Plan. The Official Plan acknowledges that *Neighbourhoods*, while stable, will be subject to physical change in the form of enhancements, additions, and infill housing. The key objective of the Plan is to ensure that new development will respect and reinforce the existing

physical character of the neighbourhood. Section 4.1 of the Plan outlines the development policies for *Neighbourhoods*.

Policy 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 in particular:

- b) Prevailing size and configuration of lots;
- c) Prevailing heights, massing, scale, density and dwelling type of nearby residential properties; and

The Official Plan further 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”.

Zoning

The property is zoned Residential Multiple (RM) under the City of Toronto By-law No. 569-2013 and Third Density Residential (R3) under the former Etobicoke Zoning Code, as amended. The objective of the Zoning By-law is to establish specific standards as to how land is developed and to maintain a standard pattern of development.

Comments

The application proposes to demolish the existing one-storey single detached dwelling and construct a new triplex. In review of the application, supporting materials, previous Committee of Adjustment decisions, as well as the lotting and built form patterns on Westhampton Drive and the surrounding area, Planning Staff have identified concerns with the proposal.

The application requests relief from the City-wide Zoning By-law No. 569-2013 to permit a triplex on a lot with a frontage of 12.8 metres when 16.5 metres is required, and a lot area of 488.06 square metres when 610 square metres is required (Variances 1 and 2). Staff are of the opinion that the existing property cannot accommodate a triplex as proposed.

Although a triplex is a permitted building type within the RM zone, there are no other triplexes on Westhampton Drive, or within the same zone as the subject property. All the other lots on the street and within the subject RM zone are one-storey single-detached dwellings. In this regard, it is Planning Staff's opinion a triplex would not be consistent with the established character of the *Neighbourhood*, and that the subject lot in its current form maintains and reinforces the physical character of the *Neighbourhood*. Staff note that on the street, only one other Minor Variance application has been considered by the Committee of Adjustment, which signifies that the *Neighbourhood* is stable.

Staff have also reviewed the requested variances to Zoning By-law No. 569-2013 and the former Etobicoke Zoning Code, and have concerns with the variances for building

height. The proposal requests relief from the City-wide Zoning By-law, as well as the former Etobicoke Zoning Code to permit a building height of 12.6 metres, whereas the maximum permitted is 11 metres (Variance No. 3). Staff also note that the submitted plans show rooftop amenity space. Height and amenity space provisions are devised, in part, to maintain a consistent built form, and to mitigate issues such as privacy, overlook, and shadowing to neighbouring lots. Staff are of the opinion that the requested height variance is not in keeping with the established character of one-storey single detached dwellings on the street and within the RM zone, and that approval of the application would cause negative impacts on neighbouring lots and the physical character of the *Neighbourhood*.

Planning Staff are of the opinion that the proposal is not in keeping with the established physical character of the stable *Neighbourhood*. As such, Planning Staff recommend that the application be refused.

CONTACT

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SIGNATURE

for 

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