



STAFF REPORT
Committee of Adjustment
Application

Date: January 30, 2019

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

From: Director, Community Planning, Etobicoke York District

Ward: 3 (Etobicoke-Lakeshore)

File No: B0058/18EYK, A0513/18EYK & A0512/18EYK

Address: 135 Milton Street

Application to be heard: Thursday, February 7, 2019

RECOMMENDATIONS

Should the Committee choose to approve this application, Staff recommend that the following condition be imposed:

1. The proposal shall be constructed substantially in accordance with the Site Plans submitted and held on file by the Committee of Adjustment office dated January 30, 2019, to the satisfaction of the Director, Community Planning, Etobicoke York District. 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 has a frontage of 15.24 metres, into two undersized residential lots. The consent application B0058/18EYK is accompanied by two minor variance applications (A0512/18EYK & A0513/18EYK) in order to redevelop the two lots with single detached dwellings.

Retained - Part 1

Address to be assigned

The lot frontage is 7.62 m and the lot area is 318.21 m². The existing dwelling will be demolished and the property will be developed as the site of a new detached dwelling with an attached garage and will require variances to the Zoning By-law, as outlined in Application A0513/18EYK.

Conveyed - Part 2

Address to be assigned

The lot frontage is 7.62 m and the lot area is 318.21 m². The existing dwelling will be demolished and the property will be developed as the site of a new detached dwelling with an attached garage and will require variances to the Zoning By-law, as outlined in Application A0512/18EYK.

The applicant is seeking the following variances for the proposed lots:

Retained – Part 1

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

1. **Section 10.20.30.10.(1)(A), By-law 569-2013**
The minimum required lot frontage is 13.5 m.
The new lot will have a frontage of 7.62 m.
2. **Section 10.20.30.10.(1)(A), By-law 569-2013**
The minimum required lot area is 510 m².
The new lot will have an area of 318.21 m².
3. **Section 10.20.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index is 0.45 (143.2 m²).
The new dwelling will have a floor space index of 0.64 (206.59 m²).
4. **Section 10.20.40.70.(3)(C), By-law 569-2013**
The minimum required side yard setback is 1.2 m.
The new dwelling will be located 0.46 m from the north side lot line.
5. **Section 10.20.40.20.(1), By-law 569-2013**
The maximum permitted building length is 17 m.
The new dwelling will have a building length of 17.73 m.
6. **Section 10.20.40.10.(2), By-law 569-2013**
The maximum permitted exterior main wall height is 7 m.
The proposed dwelling will have an exterior main wall height of 8.94 m.

Conveyed – Part 2

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

1. **Section 10.20.30.10.(1)(A), By-law 569-2013**
The minimum required lot frontage is 13.5 m.
The new lot will have a frontage of 7.62 m.
2. **Section 10.20.30.10.(1)(A), By-law 569-2013**
The minimum required lot area is 510 m².
The new lot will have an area of 318.21 m².
3. **Section 10.20.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index is 0.45 (143.2 m²).
The new dwelling will have a floor space index of 0.64 (206.59 m²).
4. **Section 10.20.40.70.(3)(C), By-law 569-2013**
The minimum required side yard setback is 1.2 m.

The new dwelling will be located 0.46 m from the south side lot line.

5. Section 10.20.40.20.(1), By-law 569-2013

The maximum permitted building length is 17 m.

The new dwelling will have a building length of 17.73 m.

6. Section 10.20.40.10.(2), By-law 569-2013

The maximum permitted exterior main wall height is 7 m.

The proposed dwelling will have an exterior main wall height of 8.95 m.

COMMENTS

Authority to grant severances is contained in Section 53 of the *Planning Act* and the criteria the Committee must have regard to in hearing severance applications is found in Subsection 51(24) of the Act. Matters of relevance under Section 51(24) 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 designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are considered stable areas where new development will respect and reinforce the existing physical character.

Section 4.1 outlines the development policies for *Neighbourhoods*. The preamble to the development criteria states that "physical changes to our established *Neighbourhoods* must be sensitive, gradual, and generally 'fit' the existing physical character.

Policy 4.1.5 of the development criteria for *Neighbourhoods* requires that "development in established *Neighbourhoods* will respect and reinforce the existing physical character of each geographic neighbourhood, including in particular:

- c) prevailing heights, massing, scale, density and dwelling type of nearby residential properties.

The Plan states that no changes will be made through re-zoning, minor variance, consent, or other public action that are not in keeping with the character of the neighbourhood.

Policy 4.1.8 of the Toronto Official Plan states that, Zoning By-Laws will contain numerical site standards for matters such as building type and height, density, lot sizes, lot depths, lot frontages, parking, building setbacks from lot lines, 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 property is zoned Residential Multiple (RM) under the City of Toronto Zoning By-Law No. 569-2013 and Residential (R2) under the Etobicoke Zoning Code. The applicant proposes to sever the subject property, which has an existing frontage of 15.24 metres and lot area of approximately 688.24 square metres, into two lots, each with a lot frontage of 7.62 metres and lot area of 344 square metres. Each of the proposed lots would be redeveloped as the site of a new detached dwelling, requiring variances to the applicable Zoning By-Laws, as outlined in the consent and minor variances applications.

When the applications were originally reviewed, staff identified several concerns with the variances requested for increased Floor Space Index (Variance No. 3), reduced side yard setback (Variance No. 4) increased length (Variance No.5), and increased lot coverage (Variance has since been eliminated). Planning staff discussed these concerns with the applicant and the applicant agreed to make the revisions to the following variances:

- Variance No. 3 for the proposed Floor Space Index as measured under Zoning By-Law No. 569-2013 was revised from 0.67 times the area of the lot to 0.64 times the area of the lot;
- Variance No. 4 for the proposed side yard setback as measured under Zoning By-Law No. 569-2013 was revised from 0.46 metres to 0.61 metres; and
- Variance No. 5 for the proposed length as measured under Zoning By-Law No. 569-2013 was revised from 18.29 metres to 17.73 metres.

In order to ensure that the proposal is constructed as shown, Staff recommend that the proposal be built substantially in accordance with the Site Plans submitted and held on file by the Committee of Adjustment dated January 30, 2019.

CONTACT

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SIGNATURE



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