



STAFF REPORT
 Committee of Adjustment
 Application

Date:	November 20, 2017
To:	Chair and Committee Members of the Committee of Adjustment Etobicoke York Panel
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 12
Reference:	File No. B0090/17EYK, A0871/17EYK, A0872/17EYK and A0873/17EYK Address: 37 Blue Springs Road Application to be heard: In Circulation

RECOMMENDATION

Planning Staff recommend that the consent and related minor variance applications for the severance of one lot into three undersized lots be refused.

APPLICATION

The applicant is proposing to create three new undersized residential lots from an existing corner lot having dimensions of approximately 22m x 46m. The applicant proposes to construct a new two storey dwelling on each of the three newly created lots.

The following variances are being sought:

Development Standard	Permitted (ZBL 569-2013)	Permitted (North York Zoning By-law 7625)	Proposed Lots		
			Part 1	Part 2	Part 3
Minimum Lot Frontage (Lot Width)	15.0 m	15.0 m	N/A	14.5m	N/A
Minimum Lot Area	550.0 m ²	550.0 m ²	380.2m ²	346.3m ²	361.7m ²
Maximum Lot Coverage	30% (114m ² , 103.8m ² , 108.5m ²)	N/A	32% (122m ²)	37% (130.6m ²)	37% (133.1m ²)
Maximum Height	7.2 m	N/A	7.98m	7.98m	7.98m
Maximum Height of the First Floor above Grade	1.2m	N/A	N/A	1.22m	1.22m
Minimum Rear Yard Setback	7.5m	9.5m	7.0m	7.0m	7.0m
Minimum Front Yard	N/A	7.5m	6.0m	6.0m	6.0m

Setback					
Minimum Side Yard Setback	1.8m	1.8m	1.2m (east)	1.2m ea.	1.2m ea.
Vehicle access to parking space	Vehicle access to parking space on a corner lot must be from a flanking street that is not a major street	N/A	Vehicle access to a parking space is from a non-flanking street	N/A	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) and include, but are not limited to:

- (b) whether the proposed subdivision is premature or in the public interest;
- (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 an area designated *Neighbourhoods* in the Official Plan. *Neighbourhoods* are considered physically stable areas. Physical changes to our established *Neighbourhoods* must be sensitive, gradual, and generally 'fit' the existing physical character. Policy 4.1.5 of the Official Plan establishes that development will respect and reinforce the existing physical character of the neighbourhood, including in particular, the size and configuration of lots, massing and scale 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 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 zoned Residential (R4) under the former North York Zoning By-law and Residential Detached (RD) under-City-wide Zoning By-law 569-2013. The application for consent would create three lots significantly deficient in required lot area and lot coverage. The intent of the provision in the Zoning By-law for lot area and lot coverage is to ensure that development within a zone does not result in overbuilding on a lot, that the character of the streetscape is preserved, and that the rhythm and consistency of a street is maintained.

City Planning staff have reviewed the application and supporting materials (submitted for each of the proposed new dwellings); researched previous Committee of Adjustment decisions; and reviewed the neighbourhood context. Based on this review, staff identified concerns with the proposed lot areas and lot coverage, as well as variances for side yard setbacks, main wall height, and overall massing. Planning staff are concerned that the proposed severance would result in a development that would not conform to the provisions of Section 51(24) of the *Planning Act*, would not meet the general intent and purpose of the Official Plan and Zoning By-laws, and would not respect and reinforce the existing physical character and lot configuration of the neighbourhood. As such, it is recommended that the consent and related minor variance applications for three new lots be refused.


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