



STAFF REPORT
Committee of Adjustment
Application

Date: December 23, 2019

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

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

Ward: 5 (York South-Weston)

File No: A0555/19EYK

Address: 5 Wadsworth Boulevard

Application to be heard: Thursday, January 16, 2020

RECOMMENDATIONS

Planning Staff recommend that the Minor Variance application be refused.

APPLICATION

To construct a new detached dwelling with an attached garage.

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

- 1. Section 10.20.30.10.(1)(A), By-law 569-2013**
The minimum required lot area is 370 m².
The lot area is 237 m².
- 2. Section 10.20.30.20.(1)(A), By-law 569-2013**
The minimum required lot frontage is 12 m.
The lot frontage is 11.2 m.
- 3. Section 10.20.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index is 0.4 times the area of the lot (94.84 m²).
The new dwelling will have a floor space index of 0.8 times the area of the lot (188.8 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 0.75 from the east side lot line.
- 5. Section 10.20.40.10.(4)(A), By-law 569-2013**
The maximum permitted building height is 7.2 m.
The new dwelling will have a height of 9.68 m.

COMMENTS

Official Plan

The subject property is designated *Neighbourhoods* in the Toronto 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 outlines development criteria for established *Neighbourhoods*. Development in established *Neighbourhoods* will respect and reinforce the existing physical character of the area, including in particular:

- b) prevailing size and configuration of lots;
- c) prevailing heights, massing, scale, density and dwelling type of nearby residential properties; and
- g) prevailing patterns of rear and side yard setbacks and landscaped open space.

According to Policy 4.1.8 of the Toronto Official Plan, 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 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 By-law

The property is zoned Residential Detached (RD) under the City-wide Zoning By-law No. 569-2013, as amended.

Comments

The application proposes to construct a new detached dwelling with an attached garage at 5 Wadsworth Boulevard. The subject site currently contains an ancillary structure. Planning staff are of the understanding that the property was previously joined with 7 Wadsworth Boulevard. The applicant has advised Planning staff that in October of 2019, the Land Registry Office determined that 5 Wadsworth Boulevard is a separate lot from 7 Wadsworth Boulevard and can be transferred or mortgaged on its own.

The owner received approvals for an application for Building Permits in May 2019 for additions and alterations to the dwelling at 7 Wadsworth Boulevard. This Building Permit application was applied for and reviewed with plans which identify the subject site as both lots (5 and 7 Wadsworth Boulevard). That application was deemed to be in

compliance with the Zoning By-law as per the lot frontage and lot area of both lots. Planning staff have concerns that, as the owner has created two separate lots, the lot and dwelling at 7 Wadsworth Boulevard are now not in compliance with the Zoning By-law and would also require variances. In particular, Planning staff have concerns that 7 Wadsworth Boulevard would potentially require, at a minimum, variances for lot frontage, lot area and floor space index.

Planning staff have reviewed the Minor Variance application for 5 Wadsworth Boulevard (the subject application) and are familiar with the built form character of the neighbourhood. The first public notice for the application identified the incorrect date for the Committee of Adjustment Hearing and the application was automatically deferred. At that time, Planning staff reviewed the initial application and identified concerns with the proposed floor space index, height and number of storeys of the proposed dwelling. The applicant submitted a revised application which differs in the following ways:

- The floor space index variance has been reduced from 1.12 times the area of the lot to 0.8 times the area of the lot;
- The side yard setback variance has been reduced from 0.9 metres from both side lot lines to 0.75 metres from the east side lot line;
- The dwelling height has been reduced from 9.99 metres to 9.68 metres; and
- The variance for number of storeys has been deleted.

Planning staff continue to have concerns with the application, in particular the proposed floor space index and dwelling height variances. These variances reflect a proposed dwelling that is of a massing and scale not in keeping with the prevailing character of the neighbourhood. Therefore, the proposed development is not consistent with Official Plan Policy 4.1.5.

Planning staff recommend that the application be refused as it does not meet the general intent and purpose of the Official Plan or the Zoning By-law, is not minor in nature and is not desirable for the appropriate development of the land.

CONTACT

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SIGNATURE



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