

Date: August 18, 2021

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

From: Sarah Henstock, Acting Director, Community Planning, Etobicoke York District

Ward: 3 (Etobicoke – Lakeshore)

File No: A0112/21EYK

Address: 86 Foch Avenue

Application to be heard: August 26, 2021

RECOMMENDATIONS

Planning staff recommend 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 900.6.10.(18)(C)(i), By-law 569-2013**
The maximum permitted lot coverage is 33% of the lot area (98.86 m²).
The proposed dwelling will cover 38.88% of the lot area (111.9 m²).
- 2. Section 900.6.10.(18)(A), By-law 569-2013 & Section 1.(a), By-law 1979-67**
The maximum permitted gross floor area is 0.4 times the lot area (119.84 m²).
The proposed dwelling will have a gross floor area of 0.76 times the lot area (228.32 m²).
- 3. Section 10.5.40.70.(1)(B), By-law 569-2013**
The minimum required front yard setback is 5.31 m.
The proposed dwelling will be located 4.67 m from the front lot line.
- 4. Section 10.20.40.70.(2)(A), By-law 569-2013**
The minimum required rear yard setback is 7.5 m.
The proposed dwelling will be located 7.02 m from the rear lot line.

5. Section 10.5.40.60.(6)(A), By-law 569-2013

A bay window, or other window projection from a main wall of a building, which increases floor area or enclosed space and does not touch the ground, may encroach into a required rear yard setback a maximum of 0.75 m, if the window projections in total do not occupy more than 65% of the width of the rear main wall at each storey.

The proposed front bay window will encroach 1.25 m from the wall into the required front yard setback and the proposed rear bay window will encroach 1.09 m from the wall into the required rear yard setback.

6. Section 900.6.10.(18)(A), By-law 569-2013 & Section 3, By-law 1979-67

The maximum permitted height to the mid-point of the roof is 7.5 m.

The proposed dwelling will have a height of 8.18 m.

7. Section 320.42.1.(B).(2)

The maximum permitted soffit height is 6.5 m.

The proposed dwelling will have a soffit height of 6.94 m.

8. Section 900.6.10.(18)(A), By-law 569-2013 & Section 4, By-law 1979-67

The maximum permitted height for a basement cellar is 1 m above established grade.

The proposed rear cellar will have a height of 1.48 m above established grade.

COMMENTS

Official Plan

The subject property is designated *Neighbourhoods* on Map 15 in the Toronto Official Plan. Policy 4.1.5 of the Official Plan states 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 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 overall physical character of the entire *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 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*.

Zoning

The subject property is zoned Residential Multiple (RM) under City-wide Zoning By-law No. 569-2013 and Third Density Residential (R3) under the former Etobicoke Zoning Code and is subject to Site Specific Zoning By-Laws 1979-67 and 1981-272. The objective of the Zoning By-law is to establish specific standards as to how land is to be developed.

Application Review

The subject site is located south of Horner Avenue and west of Browns Line, and is comprised of a rectangular shaped lot with a total lot area of approximately 299.6 square metres.

The application proposes to construct a new detached dwelling with an integral garage. The application was previously deferred at a Committee of Adjustment hearing held on April 29, 2021 in order to provide the applicant with an opportunity to consult with Community Planning and to revise the application to be more in keeping with the Zoning By-law.

Planning Staff originally identified concerns with the proposed floor space index of 0.79 times the area of the lot, and the proposed dwelling height of 8.18 metres, whereas City-Wide Zoning By-law No. 569-2013 permits a maximum floor space index of 0.4 times the area of the lot and a maximum building height of 7.5 metres. Staff had noted that the massing and scale of the proposed dwelling did not respect the general intent of the Zoning By-law and Official Plan. In addition, referencing the façade, staff noted that the proposal gave the appearance of being a three-storey dwelling, which did not respect nor reinforce the prevailing character of the neighbourhood, which consists of one and two-storey dwellings.

The applicant has since submitted revised plans and a revised zoning notice on July 28, 2021, held on file by the Committee of Adjustment, which included the lot coverage reduced to 37.35%, the rear yard setback increased to 7.02 metres, the floor space index reduced to 0.762 times the area of the lot, and the encroachment of the rear bay window into the rear yard setback reduced to 1.09 metres. However, these revisions do not adequately address the concerns of Planning staff. Provisions for floor space index are devised in part to limit the massing and scale of a dwelling on a given site and to ensure infill development maintains a consistent and compatible pattern between neighbouring properties (both within the immediate context and the broader *Neighbourhood* context). The revised floor space index does not respect the general intent of the Zoning By-laws and Official Plan.

In addition, the prevailing character of the neighbourhood consists of one and two-storey dwellings, whereby the two-storey dwellings with integral garages have only one-storey above and are perceived as two storeys in height. The revised proposal presents as a three-storey dwelling, and therefore does not respect nor reinforce the prevailing character of the neighbourhood.

As such, Planning staff remain of the opinion that the proposal does not meet the general intent and purpose of the Zoning By-laws and Official Plan, and recommend that the Minor Variance application be refused.

CONTACT

Bram Bulger, Assistant Planner, Community Planning, Etobicoke York District,
416-394-2945, Bram.Bulger@toronto.ca

SIGNATURE



Signed by Angela Stea, Manager, Community Planning, on behalf of
Sarah Henstock
Acting Director of Community Planning
Etobicoke York District