



STAFF REPORT
Committee of Adjustment
Application

Date: January 4, 2022

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

From: Michael Mizzi, Director, Community Planning, Etobicoke York District

Ward: 2 – Etobicoke Centre

File No: B0023/21EYK, A0460/20EYK & A0461/20EYK

Address: 48 Mattice Avenue

Application to be heard: January 13, 2022

RECOMMENDATIONS

Planning staff recommend that the Consent and related Minor Variance applications be refused.

APPLICATION

The applicant proposes to sever the subject property into two undersized residential lots and to redevelop the two lots with a single detached dwelling on each lot.

Conveyed - Part 1

Address to be assigned

The lot frontage will be 10.68 metres and the lot area will be 346.32 square metres. The existing dwelling will be demolished and the property will be developed as the site of a new detached dwelling with an attached garage, requiring variances to the Zoning By-law, as outlined in Application A0460/20EYK.

Retained - Part 2

Address to be assigned

The lot frontage will be 10.68 metres and the lot area will be 343.81 square metres. The existing dwelling will be demolished and the property will be developed as the site of a new detached dwelling with an attached garage, requiring variances to the Zoning By-law, as outlined in Application A0461/20EYK.

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

Proposed Part 1 - A0460/20EYK

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

- 1. Section 10.20.30.20.(1)(A), By-law 569-2013**

The minimum required lot frontage is 13.5 metres.

The proposed lot will have a frontage of 10.67 metres.

2. **Section 10.20.30.10.(1)(A), By-law 569-2013**
The minimum required lot area is 510 square metres.
The proposed lot will have a lot area of 346.32 square metres.
3. **Section 10.20.30.40.(1)(A), By-law 569-2013**
The maximum permitted lot coverage is 33% of the lot area (114.25 square metres).
The proposed dwelling will cover 39.1% of the lot area (134.34 square metres).
4. **Section 900.3.10.(21)(C), By-law 569-2013**
The maximum permitted floor space index is 0.5 times the area of the lot (171.85 square metres).
The proposed dwelling will have a floor space index of 0.76 times the area of the lot (263.75 square metres).
5. **Section 10.20.40.70.(2)(B), By-law 569-2013**
The minimum required rear yard setback is 8.14 metres.
The proposed dwelling will be located 7.23 metres from the rear lot line.
6. **Section 10.20.40.20.(1), By-law 569-2013**
The maximum permitted building length is 17 metres.
The proposed dwelling will have a length of 17.61 metres.
7. **Section 10.20.40.30.(1), By-law 569-2013**
The maximum permitted building depth is 19 metres.
The proposed dwelling will have a depth of 19.09 metres.

**Proposed Part 2 - A0461/20EYK
REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:**

1. **Section 10.20.30.20.(1)(A), By-law 569-2013**
The minimum required lot frontage is 13.5 metres.
The proposed lot will have a frontage of 10.67 metres.
2. **Section 10.20.30.10.(1)(A), By-law 569-2013**
The minimum required lot area is 510 square metres.
The proposed lot will have a lot area of 343.81 square metres.
3. **Section 10.20.30.40.(1)(A), By-law 569-2013**
The maximum permitted lot coverage is 33% of the lot area (114.25 square metres).
The proposed dwelling will cover 39.1% of the lot area (134.34 square metres).
4. **Section 900.3.10.(21)(C), By-law 569-2013**
The maximum permitted floor space index is 0.5 times the area of the lot (171.85 square metres).

The proposed dwelling will have a floor space index of 0.77 times the area of the lot (263.75 square metres).

5. Section 10.20.40.70.(2)(B), By-law 569-2013

The minimum required rear yard setback is 8.14 metres.

The proposed dwelling will be located 7.31 metres from the rear lot line.

6. Section 10.20.40.10.(1)(A), By-law 569-2013

The maximum permitted building height is 9.5 metres.

The proposed dwelling will have a height of 9.81 metres.

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

The maximum permitted building length is 17 metres.

The proposed dwelling will have a length of 17.61 metres.

8. Section 10.20.40.30.(1), By-law 569-2013

The maximum permitted building depth is 19 metres.

The proposed dwelling will have a depth of 19.09 metres.

COMMENTS

The application proposes to sever the existing lot to create two smaller lots and if approved, the applicant intends to construct a new detached dwelling with an integral garage on each of the newly created lots.

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.

Official Plan

The subject property is designated *Neighbourhoods* on Map 14 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* respect and reinforce the existing physical character of the neighbourhood, including in particular:

- a) prevailing patterns of streets, blocks and lanes, parks and public building sites;
- b) prevailing size and configuration of lots;
- c) prevailing heights, massing, scale and dwelling type of nearby residential properties; and
- g) prevailing patterns of rear and side yard setbacks and landscaped open space.

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*."

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 By-law

The property is zoned Residential Detached (RD) under the City-wide Zoning By-Law No. 569-2013. The objective of a Zoning By-law is to establish specific standards as to how land is to be developed.

Application Review

The subject property is located south of Burnhamthorpe Road and west of Kipling Avenue. The site is comprised of a lot with a total area of 689.9 square metres and a total lot frontage of 21.35 metres.

The applicant proposes to sever the subject property into two undersized lots, with a lot frontages of 10.67 metres and lot areas of 346.32 square metres and 343.81 square metres. Each of the proposed lots would be redeveloped as the site of a new detached dwelling with an integral garage, requiring variances to the applicable Zoning By-Laws, as outlined in the Minor Variance applications.

In review of the applications, previous decisions and the lot pattern of Mattice Avenue and the surrounding area, and based on staff assessment of an area lot study, Planning staff determined concerns with the proposal. Within the immediate block on Mattice Avenue and Prennan Avenue, all of the lots have frontages larger than 15 metres. Should the application be approved as proposed, it would result in creation of lots, which would be amongst the smallest in the immediate context. As such, staff are of the opinion the creation of lots with frontages of 10.67 metres and lot areas of approximately 345 square metres would not be in keeping with the size and configuration of existing lots within the surrounding area or the immediate block. Furthermore, the applications, if approved; would create increased pressure for future severances on similar sized lots in the area.

Planning Staff are of the opinion that approval of the above-noted consent and minor variance applications would weaken the established character of the neighbourhood and result in other applications of a similar nature. The proposed severance and

resulting minor variances would allow for the creation of two undersized lots that do not respect nor reinforce the physical character of the neighbourhood, and thus, are not in keeping with the intent of the Official Plan and Zoning By-law. Therefore, Planning staff recommend the Consent and related Minor Variance Applications be refused.

CONTACT

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SIGNATURE

A handwritten signature in blue ink, appearing to be 'Sarah Henstock', written in a cursive style.

Signed by Sarah Henstock, Manager, Community Planning, on behalf of
Michael Mizzi, MCIP, RPP
Director of Community Planning, Etobicoke York District