



STAFF REPORT

Committee of Adjustment Application

Date: February 3, 2022

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

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

Ward: 3 (Etobicoke-Lakeshore)

File No: B0006/21EYK, A0026/21EYK, & A0027/21EYK

Address: 5 Marina Avenue

Application to be heard: February 10, 2022

RECOMMENDATIONS

Staff recommend that the consent and related minor variance applications be refused.

APPLICATION

The applicant proposes to sever the subject property, which has a frontage of 15.39 metres, into two undersized residential lots. The consent application B0006/21EYK is accompanied by two minor variance applications (A0026/21EYK & A0027/21EYK) in order to redevelop the two lots with a new semi-detached dwelling on each lot.

Proposed Part 1 - A0026/21EYK

Address to be assigned

The lot frontage will be 7.70 metres and the lot area will be 234.5 square metres. The existing dwelling will be demolished and the property will be developed with a new semi-detached dwelling with an integral garage, requiring variances to the Zoning By-law, as outlined in Application A0026/21EYK.

Proposed Part 2 - A0027/21EYK

Address to be assigned

The lot frontage will be 7.70 metres and the lot area will be 232.2 square metres. The existing dwelling will be demolished and the property will be developed with a new semi-detached dwelling with an integral garage, requiring variances to the Zoning By-law, as outlined in Application A0027/21EYK.

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.

Official Plan

The subject property is designated *Neighbourhoods* on Map 15 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;
- d) prevailing building type(s); 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 Multiple (RM) under the City-wide Zoning By-Law 569-2013. The objective of a Zoning By-law is to establish specific standards as to how land is to be developed.

Long Branch Neighbourhood Character Guidelines

At its meeting of January 31, 2018, City Council adopted the Long Branch Neighbourhood Character Guidelines, as modified, and directed staff to apply the Guidelines in review of all new development applications and public initiatives for all lands designated Neighbourhoods bounded by: Lake Ontario to the south, the rail corridor to the north, Twenty Third Street to the east, and Forty Second Street (including Marie Curtis Park) to the west. Further, it was requested that the adopted Long Branch Neighbourhood Character Guidelines be used by home builders, the community, City staff, committees and appeal bodies to provide direction in their decision making as they develop plans, review applications for redevelopment and/or enhance the public realm in the Long Branch Neighbourhood.

Planning staff have determined, the proposed Committee of Adjustment application is subject to the Guidelines. The applicant is required to submit a completed Performance Standards Checklist to Planning staff to explain how their proposal meets the Performance Standards outlined in the Guidelines. This Checklist is used in conjunction with the *Long Branch Neighbourhood Character Guidelines*.

Application Review

The application proposes to sever the subject property, which has an existing frontage of 15.39 metres and lot area of approximately 466.7 square metres, into two lots, each with a lot frontage of 7.695 metres. The proposed lots will have lot areas of 234.5 and 232.2 square metres. Each of the proposed lots would be redeveloped as the site of a new semi-detached dwelling, requiring variances to the applicable Zoning By-Law, as outlined in the consent and minor variances applications.

Planning staff have reviewed the proposed consent and minor variance applications, supporting materials and previous Committee of Adjustment approvals in the area in relation to the adjacent dwellings, immediate context, and surrounding neighbourhood. Based on this review, Staff note that the prevailing building type on lots equivalently sized to the proposed lots are semi-detached dwellings. While the Zoning Review, dated August 18, 2021 identified the proposed dwellings as semi-detached, Planning staff note that as currently designed the two dwellings are only attached at the rear portion of the proposed houses. From the street, the dwellings will be perceived as detached. Planning staff are of the opinion that the proposed built form with minor one-storey connection at the rear portion of the proposed houses would create a built form which is not in keeping with the existing character of the area. Additionally, the proposed rear connection of the houses would create a void space between two new dwellings which would result in a potential safety and maintenance concern for future residents.

Furthermore, in review of the application materials, Planning staff note a 1.524 m (5-foot) reserve was identified in the Plan of Subdivision, also shown in the Plan of Survey, as Part 3 in the Draft-R plan and identified in the zoning review for the east lot (Part 2). Considering the close proximity of the subject property to a school site on the east side and the existing hydro pole in front of the property, Staff identified concerns with this

reserve land being consolidated into the proposed east lot (Part 2) as well as the proposed dwelling. Although the applicant has provided some information with respect to this matter, Staff are of the opinion that more documentation needs to be provided by the applicant, for further understand obligations and any restrictions with this portion of the subject site.

Planning Staff are of the opinion that both the proposed severance and built form would allow for a development that does not respect and reinforce the physical character of the established *Neighbourhood*, and is not in keeping with the general purpose and intent of the Official Plan and Zoning By-law.

As such, Staff recommend that the consent and related minor variance applications be refused.

CONTACT

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SIGNATURE



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