

Date: April 12, 2022

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

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

Ward: 3 (Etobicoke-Lakeshore)

File No: A0152/22EYK

Address: 22 Ninth Street

Application to be heard: April 21, 2022

RECOMMENDATIONS

Planning staff recommend the following minor variance application be refused.

APPLICATION

To construct a second and third storey addition above the existing dwelling.

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

- 1. Section 10.80.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index is 0.6 times the area of the lot (157.46 m²).
The altered dwelling will have a floor space index of 0.74 times the area of the lot (194.53 m²).
- 2. Section 10.80.40.10.(2)(B)(ii), By-law 569-2013**
The maximum permitted height of all side exterior main walls facing a side lot is 7 metres.
The altered dwelling will have a side exterior main wall height of 8.87 metres, facing a side lot line.
- 3. Section 10.5.40.60.(7), By-law 569-2013**
Roof eaves may project 0.9 metres, provided that they are no closer than 0.3 metres to a lot line.
The proposed eaves will project 0.2 metres and will be located 0.04 metres from the south side lot line.

COMMENTS

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 of the Plan 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:

- c) prevailing heights, massing, scale 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*."

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 Dwelling Zone (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.

Application Review

The minor variance application is located south of Lake Shore Boulevard West on the west side of Ninth Street. The application proposes the construct a second and third storey addition above the existing dwelling.

Planning staff have reviewed the application, supporting materials, the surrounding area, and researched previous decisions. Staff expressed concern to the applicant with regard to the variances for proposed side main wall height of 8.87 metres, whereas 7.0 metres is permitted, and a floor space index 0.74 times the area of the lot (194.53 m²), whereas 0.60 times the area of the lot is permitted (157.46 m²). Planning staff is of the

opinion that these proposed variances would result in a dwelling with heights and massing that do not meet the prevailing character of the immediate or surrounding area.

Staff advised the applicant of the concerns listed above, which resulted in the applicant submitting revised plans and Zoning Waiver, dated, April 7, 2022. The Zoning Waiver reflects the following changes:

- Variance for floor space index decreased to 0.698 (183.17 m²), whereas a maximum of 0.60 (157.46 m²) is permitted;
- Variance for south roof eaves projection was eliminated; and
- Variance for side exterior main wall height remained unchanged.

Staff acknowledge the proposed changes are a minor improvement to the proposal. The applicant reduced the size of the third-storey by way of recessing the front, rear, and south sides. However, staff remain concerned with the scale of the proposal, particularly as it presents as a three-storey dwelling. The physical characteristics of the properties that face the same street as the proposed development in the same block and the block opposite the proposed development (the immediate context) are predominantly comprised of one-storey and two-storey dwellings. The proposed location of the second and third floor, above the existing dwelling, would create an adverse impact of height and massing to the street. Staff are of the opinion that variance No. 2 for side main wall height of 8.77 metres is not minor in nature, and therefore, does not maintain the general intent of the Zoning By-law.

Staff advised the applicant of the concerns listed above. However, the applicant declined to make further revisions.

Planning staff are of the opinion that the scale of the proposal including the main wall height and massing are not in keeping with the prevailing character of the neighbourhood and do not meet the general purpose and intent of the Official Plan and Zoning By-law. As such, Staff recommend the minor variance application be refused.

CONTACT

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SIGNATURE



Signed by Al Rezoski, MCRP, AICP, Manager, Community Planning, on behalf of
Michael Mizzi, MCIP, RPP
Director of Community Planning
Etobicoke York District