



STAFF REPORT
Committee of Adjustment
Application

Date: November 1, 2022

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

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

Ward: 2 (Etobicoke Centre)

File No: A0275/22EYK

Address: 51 Westroyal Road

Application to be heard: November 10, 2022

RECOMMENDATIONS

City Planning staff recommend the Minor Variance Application be refused.

APPLICATION

To construct a second storey addition above the existing dwelling and a new rear deck.

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

1. Section 10.20.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index is 0.45 times the area of the lot (247.73 m²).

The altered dwelling will have a floor space index of 0.6 times the area of the lot (328.1 m²).

2. Section 10.20.40.10.(2)(A)(i)(ii), By-law 569-2013

The maximum permitted height of all front and rear main walls is 7 m.

The proposed front exterior main walls will have a height of 7.63 m and the proposed rear exterior main walls will have a height of 7.63 m.

3. Section 320-42.1.B.(2)

The maximum permitted soffit height is 6.5 m.

The altered dwelling will have a soffit height of 7.47 m.

4. Section 10.5.40.50.(4)(C), By-law 569-2013

The level of the floor of a platform, such as a deck or balcony, may be no higher than 1.2 m above the ground except where the platform is to be attached or within 0.3 m of a rear main wall, any part of the floor located 2.5 m or less from the rear main wall may be no higher than the level of the floor from which it gains access.

The portion of the proposed rear deck beyond 2.5 m from the wall is 1.52 m from the ground.

5. Section 10.5.40.60.(1)(C), By-law 569-2013

A platform without main walls, attached to or less than 0.3 m from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required rear yard setback 2.5 m if it is no closer to a side lot line than 1.52 m.

The proposed platform will encroach 2.99 m into the required rear yard setback.

COMMENTS

Official Plan

The subject property is designated *Neighbourhoods* on Map 14 of the City of Toronto Official Plan. 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 establishes 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."

Policy 4.1.8 of the Official Plan states also 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 Detached (RD) under city-wide Zoning By-law 569-2013 and Second Density Residential (R2) under the former City of Etobicoke Zoning Code. The objective of the Zoning By-law is to establish standards as to how land is to be developed.

Application Review

The subject site is located south of Dixon Road and west of Royal York Road. The application proposes to construct a second storey addition above the existing dwelling and a new rear deck. City Planning staff have reviewed the application, supporting materials, and Committee of Adjustment decisions in the area. Based on this review,

City Planning staff identified concern with the proposal, particularly with respect to the proposed variances for floor space index and front and rear main wall height.

City Planning staff note that this application was previously scheduled for the Committee of Adjustment hearing on September 1, 2022 but deferred by the applicant. A City Planning Staff Report dated August 23, 2022, recommending refusal, was previously submitted to the Committee.

The applicant since provided a revised proposal and zoning notice to Committee of Adjustment on September 20, 2022. The revisions resulted in the following changes:

- The variance for number of platforms at/above the second storey was eliminated;
- The variance for maximum flat roof height was eliminated;
- The variance for front and rear exterior main wall height was revised to 7.63 metres for both front and rear exterior main walls;
- A new variance for platform encroachment of 2.99 metres into the rear yard was identified; and
- A new variance for soffit height of 7.47 metres was identified.

City Planning staff have worked with the applicant and acknowledge that the revisions represent a slight improvement to the application, particularly the elimination of the one second floor balcony, however, staff are still of the opinion that the proposed density and main wall height of the altered dwelling is not in keeping with the character of the area. In particular, the combination of the proposed variances for floor space index and front and rear main wall height are of concern as they result in a scale of development that is not in keeping with existing physical character of the established neighbourhood.

The application continues to propose a floor space index of 0.6 times the area of the lot. City Planning staff note that this particular variance has not been revised since the original submission. Further, based on a review of previous Committee of Adjustment decisions, there have been no approvals regarding floor space index on Westroyal Road or in the broader neighbourhood to permit a floor space index as high as proposed. The proposed floor space index is not in keeping with the existing physical character of the scale of development in the neighbourhood.

The application proposes a front main wall height of 7.63 metres for the front and rear main walls whereas the by-law requires a maximum height of all front and rear main walls of 7 metres. City Planning staff note that while this variance has changed since the previously identified variance of 7.9 metres front exterior main wall height and 7.59 metres rear exterior main wall height, the actual height of the proposed altered dwelling has not changed. The numerical change of the variance to 7.63 metres for both main wall heights is due to the interpretation of main wall height by City Building staff. City Planning staff compared the proposed front and rear main wall heights to neighbouring properties in the immediate context and surrounding neighbourhood and found the proposed heights are not consistent with the prevailing character for dwellings in the neighbourhood. Further, City Planning staff note that although the application technically proposes one additional storey, the altered dwelling has the appearance of a

three-storey dwelling when viewed from the street due to the placement of the garage between the ground floor level and basement. Moreover, the main entrance to the dwelling is proposed to be accessed via 6 front steps, whereas currently there are only 3. The proposed variance for front main wall height will impact how the dwelling appears from the street.

As such, City Planning staff are of the opinion that the proposal, particularly the combination of the variances for floor space index and main wall height, does not respect and reinforce the prevailing character of the neighbourhood and does not maintain the general intent and purpose of the Official Plan and Zoning By-law.

As such City Planning staff recommend that 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