



STAFF REPORT

Committee of Adjustment Application

Date: October 4, 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: A0040/21EYK

Address: 102 Shaver Avenue North

Application to be heard: October 13, 2022

RECOMMENDATIONS

Should the Committee of Adjustment choose to approve the Minor Variance application, City Planning staff recommend the following variance first be modified:

1. Variance No. 4 for the proposed flat roof height be modified from 8.28 metres to 7.67 metres; however,
2. should the Committee of Adjustment choose not to modify Variance no. 4 for the proposed flat roof height, City Planning staff recommend that Variance no. 4 be refused.

Furthermore, should the Committee of Adjustment choose to approve the Minor Variance application, City Planning staff recommend the following condition be imposed:

3. The proposal be constructed substantially in accordance with the Site Plan drawing, dated August 25, 2022, held on file by the Committee of Adjustment, as it relates to the proposed length and depth.

APPLICATION

To construct a new detached dwelling with an attached garage.

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

1. Section 900.3.10(21)(C), By-law 569-2013

The maximum permitted gross floor area is 135 m² plus 25% of the lot area (311.25 m²), up to a maximum floor space index of 0.5 (352.62 m²).

The new dwelling will have a gross floor area of 135 m² plus 37% of the lot area (397.51 m²), with a floor space index of 0.56 times the area of the lot (397.51 m²).

2. **Section 900.3.10.(21)(B), By-law 569-2013**
The maximum permitted building depth is 19 m.
The new dwelling will have a depth of 22.85 m.
3. **Section 10.20.40.20.(1), By-law 569-2013**
The maximum permitted building length is 17 m.
The new dwelling will have a length of 20.89 m.
4. **Section 900.3.10.(21)(A), By-law 569-2013 and Section 1.a), By-law 1992-23**
The maximum permitted height of a flat roofed dwelling is 6.5 m.
The new dwelling will have a flat roofed height of 8.28 m.
5. **Section 10.20.40.50.(1)(B), By-law 569-2013**
The maximum permitted area of each platform at or above the second storey is 4m².
The proposed second storey front platform will have an area of 10.43 m².
6. **Section 10.20.40.10.(6), By-law 569-2013**
The elevation of the lowest point of a main pedestrian entrance through the front wall or a side main wall may be no higher than 1.2 m above established grade.
The proposed main pedestrian entrance will have a height of 1.22 m above established grade.
7. **Section 200.5.1.10.(2)(A)(ii), By-law 569-2013**
The minimum required length of a parking space 5.6 m.
One of the two proposed parking spaces will have a length of 5.12 m.

COMMENTS

Official Plan

The subject property is designated *Neighbourhoods* on Map 14 in the Toronto Official Plan. The Official Plan establishes that physical changes to our established *Neighbourhoods* must be sensitive, gradual and "fit" the existing physical character.

Zoning

The subject property is zoned Residential Detached (RD) under the city-wide Zoning By-law 569-2013. The site is also zoned Second Density Residential (R2) under the former City of Etobicoke Zoning Code, and is subject to site specific Zoning By-law 1992-23 which provides development standards for height, gross floor area, side yard setbacks and depth with respect to certain lands situated south of Burnhamthorpe Road and east of Highway 427. The objective of the Zoning By-law is to establish specific standards for how lands are to be developed in the City.

Application Review

The subject property is located north of Bloor Street West and east of The East Mall. The application proposes to construct a new detached dwelling with an attached garage. City Planning staff have reviewed this application, supporting materials, and researched previous Committee of Adjustment decisions in the area.

This application was originally deferred by the Committee of Adjustment on March 23, 2021 and the application was subsequently deferred a second time by the Committee of Adjustment on June 30, 2022, both times following a request made by the applicant. Prior to both deferrals, City Planning staff submitted staff reports, dated March 15, 2021 and June 15, 2022, recommending refusal of the application. Since then, the applicant has revised their proposal to address City Planning's concerns, as outlined in the Revised Plans, dated August 25, 2022, and the Zoning Review, dated September 4, 2022.

The following is a summary of the revisions made to the application since the proposal appeared before the Committee of Adjustment on June 30, 2022:

- the building depth variance was reduced from 24.14 metres to 22.85 metres;
- the building length variance was reduced from 21.56 metres to 20.89 metres;
- the building height variance was reduced from 8.94 metres to 8.28 metres;
- the height of the main pedestrian entrance variance was reduced from 1.27 metres to 1.22 metres;
- the size of the rear second storey platform variance was reduced from 28.26 square metres to 10.43 square metres;
- the removal of the front second storey platform variance; and
- the addition of a parking space length variance of 5.12 metres.

City Planning staff are of the opinion that the revisions represent an improvement to the proposal. It is noted that the proposed length and depth are largely attributed to the bump-out of the garage at the rear. The length of the first floor excluding the bump-out measures 18.11 metres, while the length of the second floor measures 17.88 metres. The overall depth of the dwelling excluding the bump-out measures 20.07 metres. Further, the removal of the front second storey platform and reduction to the size of the rear second storey platform reduce the potential for adverse impacts such as noise and overlook on neighbouring properties.

However, upon further review, City Planning staff do have concerns with the proposed flat roof height of 8.28 metres as measured under city-wide Zoning By-law 569-2013 and site specific Zoning By-law 1992-23. Given the applicant did not previously have the opportunity to revise the flat roof height prior to proceeding to a scheduled hearing, City Planning staff recommend the following variance first be modified to ensure the building height fits within the neighbourhood context:

1. Variance No. 4 for the proposed flat roof height be modified from 8.28 metres to 7.67 metres; however,
2. should the Committee of Adjustment choose not to modify Variance no. 4 for the proposed flat roof height, City Planning staff recommend that Variance no. 4 be refused.

City Planning staff also recommend, should the Committee of Adjustment choose to approve the Minor Variance application, that the following condition be imposed to ensure the length and depth is constructed as illustrated:

3. The proposal be constructed substantially in accordance with the Site Plan drawing, dated August 25, 2022, held on file by the Committee of Adjustment, as it relates to the length and depth.

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