

Date: February 28, 2023

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

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

Ward: 5 (York South-Weston)

File No: A0031/23EYK

Address: 45 William Street

Application to be heard: March 9, 2023

RECOMMENDATIONS

City Planning staff recommend that the Minor Variance application be refused.

APPLICATION

The applicant proposes to construct a garden suite in the rear yard of an existing building.

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

1. Section 150.7.60.30.(1)(B), By-law 569-2013

An ancillary building containing a garden suite must be no less than 7.5 m from a residential building on the same lot if the height of the ancillary building is greater than 4 m.

The proposed ancillary building containing a garden suite will be located 6.2 m from a residential building.

2. Section 150.7.60.40.(1)(A), By-law 569-2013

The maximum permitted height of an ancillary building containing a garden suite is 4 m if the ancillary building containing a garden suite is located a minimum of 5 m to less than 7.5 m from the residential building on the lot.

The proposed ancillary building containing a garden suite will have a height of 4.7 m.

3. Section 150.7.50.10.(1)(A), By-law 569-2013

A minimum of 50% of the rear yard shall be maintained as soft landscaping (70 m²).

A total of 37.2% of the rear yard will be maintained as soft landscaping (52.1 m²).

4. Section 200.5.1.10.(2)(A)(iv), By-law 569-2013

The minimum width of a parking space is 3.2 m.

The proposed parking space will have a width of 2.4 m.

5. Section 150.7.60.60.(2)(B), By-law 569-2013

A platform without main walls is permitted if the platform complies with the required minimum building setbacks, separation distances and angular planes for the ancillary building containing a garden suite.

The proposed platform is not permitted.

6. Section 150.7.60.30.(2)(A)(i), By-law 569-2013

No part of an ancillary structure containing a garden suite may penetrate a 45-degree angular plane projected towards the rear lot line, beginning from a height of 4 m at a distance of 7.5 m from the rear main wall of the residential building on the same lot.

A portion of the proposed ancillary structure containing a garden suite will penetrate a 45-degree angular plane, as described above.

7. Section 150.7.60.30.(2)(A)(iii), By-law 569-2013

No part of an ancillary structure containing a garden suite may penetrate a 45-degree angular plane projected towards the opposite side lot line, beginning from a height of 4 m from the required side yard setback.

A portion of the proposed ancillary structure containing a garden suite will penetrate the 45-degree angular plane, as described above.

COMMENTS

Official Plan

The subject property is designated *Neighbourhoods* on Map 14 in the City of Toronto Official Plan. 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 neighbourhoods, including in particular:

- c) prevailing heights, massing, scale, density and dwelling type of nearby residential properties;
- d) prevailing building types; and
- g) prevailing patterns of rear and side yard setbacks and landscaped open space.

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*."

Furthermore, Chapter 3.2.1 of the Official Plan states that "second units within ancillary buildings will have regard for matters such as: ensuring compatible height, massing and scale; maintaining adequate privacy, sunlight and sky views; and providing direct and safe access to meet fire and emergency service requirements."

Official Plan Amendment 554

On February 2, 2022, Toronto City Council adopted Official Plan Amendment 554 (OPA 554), amending Chapter 7 of the Toronto Official Plan by adding Site and Area Specific Policy 670 for all lands designated *Neighbourhoods*. The amendment which was appealed to the Ontario Land Tribunal (OLT) shortly thereafter, was dismissed on July 4, 2022.

OPA 554 establishes development criteria for garden suites, stating:

"b) Development of Garden Suites:

- li will limit privacy and overlook issues on adjacent properties;
- iii. will maximize the majority of the rear yard as open space, and maximize contiguous soft landscaping that is supportive of tree planting; and
- ix. is encouraged to expand the urban tree canopy through the planting of a new tree on a lot with a garden suite."

Zoning By-law

The subject property is zoned Residential Detached (RD) under 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 subject site is located north of Lawrence Avenue West and west of Jane Street. The applicant proposes to construct a new garden suite in the rear yard of the lot.

City Planning staff have reviewed the proposed variances, supporting materials and previous Committee of Adjustment decisions in the area in relation to the adjacent dwellings, immediate context, and surrounding neighbourhood. Based on this review, City Planning staff have concerns with the proposed application. In particular, the separation distance between the proposed garden suite and the existing building, the percentage of rear yard soft landscaping, and the building projection into the angular planes.

Variances for separation distance are intended to address privacy issues, and provide adequate space for soft landscaping and the planting of trees. Angular planes are a design tool that can help mitigate the impact of building mass on adjacent properties as height increases by stepping it away from property lines.

City Planning staff have communicated these concerns to the applicant as well as discussed options to improve the proposal that will not impact their original design

substantially. However, the applicant did not consider these options and has declined to make any revisions to improve the proposal.

City Planning staff believe that the many options recommended to the applicant will help to improve the proposal to be more in keeping with the Official Plan and Zoning By-law requirements. These improvements may include a reduction in the overall height, which in turn would result in a reduced separation distance. A reduction in height would also remove or mitigate the impact of a projection into the angular planes. Furthermore, the applicant could propose to plant trees in an effort to expand the urban tree canopy to meet the policy objective of OPA 554.

Given that garden suites are currently not part of the prevailing character of neighbourhoods in Toronto, any new garden suite proposal carries significant weight in establishing neighbourhood precedent for future garden suite applications. Therefore, garden suite applications must have strong consideration for the policies in OPA 554 and the requirements established in Zoning By-law 569-2013, as amended. This proposal, if approved, has the potential to set a negative precedent as the application would be the first garden suite in the neighbourhood.

As such, City Planning staff have determined that the proposal does not maintain the general intent and purpose of the Official Plan and Zoning By-law, and is not in keeping with the existing physical character of the neighbourhood. City Planning staff recommend that the Minor Variance Application be refused.

CONTACT

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SIGNATURE



Signed by Ohi Izirein, MURP, MCIP, RPP, Manager, Community Planning,
on behalf of Michael Mizzi, MCIP, RPP
Director, Community Planning
Etobicoke York District