

Date: April 19, 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 Nos: B0026/22EYK, A0281/22EYK and A0282/22EYK

Address: 29 De Marco Boulevard

Application to be heard: April 27, 2023

RECOMMENDATIONS

City Planning staff recommend that the Consent and related Minor Variance applications be refused.

APPLICATION

The application proposes to sever the property into two undersized residential lots and construct a new detached dwelling with an attached garage on each lot.

Conveyed - Part 1

Address to be assigned

The lot frontage will be 15.85 m and the lot area will be 303.46 m². The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling with an attached garage, requiring variances to the Zoning By-law, as outlined in Application A0281/22EYK.

Retained - Part 2

Address to be assigned

The lot frontage will be 11.58 m and the lot area will be 377.48 m². The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling with an attached garage, requiring variances to the Zoning By-law, as outlined in Application A0282/22EYK.

Proposed Part 1 – A0281/22EYK

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

- 1. Section 10.20.30.10.(1)(A), By-law 569-2013**
The minimum required lot area is 550 m².
The lot area will be 303.46 m².

2. **Section 10.20.30.40.(1)(A), By-law 569-2013**
The maximum permitted coverage is 30% of the lot area (91 m²).
The proposed dwelling will cover 37.84% of the lot area (114.83 m²).
3. **Section 10.5.40.70.(1)(B), By-law 569-2013**
The minimum required front yard setback is 6.72 m.
The proposed dwelling will be located 5.2 m from the front lot line.
4. **Section 900.3.10.(5)(A), By-law 569-2013**
The minimum required side yard setback is 1.8 m.
The proposed dwelling will be located 1.2 m from the west side lot line and 0.61 m from the east side lot line.
5. **Section 10.20.40.70.(2)(A), By-law 569-2013**
The minimum required rear yard setback is 7.5 m.
The proposed dwelling will be located 5.88 m from the rear yard lot line.
6. **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 1.61 m.
The proposed platform will encroach 4.10 m into the required rear yard setback and will be located 0.61 m from the east side lot line.

**Proposed Part 2 – A0282/22EYK
REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:**

1. **Section 10.20.30.20.(1)(A), By-law 569-2013**
The minimum required lot frontage is 15 m.
The lot will have a frontage of 11.58 m.
2. **Section 10.20.30.10.(1)(A), By-law 569-2013**
The minimum required lot area is 550 m².
The lot area will be 377.48 m².
3. **Section 10.20.30.40.(1)(A), By-law 569-2013**
The maximum permitted coverage is 30% of the lot area (113.35 m²).
The proposed dwelling will cover 38.98% of the lot area (147.28 m²).
4. **Section 10.5.40.70.(1)(B), By-law 569-2013**
The minimum required front yard setback is 6.72 m.
The proposed dwelling will be located 5.5 m from the front lot line.
5. **Section 900.3.10.(5)(A), By-law 569-2013**
The minimum required side yard setback is 1.8 m.
The proposed dwelling will be located 0.61 m from the west side lot line and 1.21 m from the east side lot line.

6. Section 10.20.40.70.(2)(A), By-law 569-2013

The minimum required rear yard setback is 7.5 m.

The proposed dwelling will be located 6.85 m from the rear yard lot line.

7. Section 10.5.40.60.(1)(D), By-law 569-2013

A platform without main walls, attached to or less than 0.3 m from a building, with a floor higher than the first floor of the building above established grade may encroach into the required rear yard setback 1.5 m if it is no closer to a side lot line than 2.7 m.

The proposed platform will encroach 3.45 m into the required rear yard setback and will be located 2.64 m from the west side lot line.

COMMENTS

The application proposes to sever the existing lot to create two undersized lots. If approved, the applicant intends to construct a new detached dwelling with an attached garage on each of the newly created lots.

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 17 of 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 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; 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 Detached (RD) and subject to Exception RD 5 (x5) under the city-wide Zoning By-law 569-2013. The objective of the Zoning By-law is to establish specific standards as to how land is to be developed.

Application Review

The subject property is located north of Lawrence Avenue West and east of Black Creek Drive. The site is comprised of a lot with a total area of 681.3 square metres and a total lot frontage of 27.43 metres.

The applicant proposes to sever the subject property into two undersized lots, one with a lot frontage of 15.85 metres and a lot area of 303.46 square metres (Part 1) and one with a lot frontage of 11.58 metres and a lot area of 377.48 square metres (Part 2). A new detached dwelling with an attached garage is proposed on each of the new lots, requiring variances to the applicable Zoning By-laws, as outlined in the Minor Variance applications.

City Planning staff have reviewed the applications, supporting materials and Committee of Adjustment decisions in the area, and have conducted a lot study to assess the lot pattern of the neighbourhood. Based on this review, City Planning staff have concerns with the proposal.

These concerns were expressed to the applicant and also documented in a refusal report to Committee of Adjustment dated January 17, 2023. As a result, the applications were subsequently deferred, at the applicant's request, from the January 26, 2023 Committee meeting to provide opportunity to work with Community Planning staff to improve the applications. As a result, the applicant has submitted to the Committee of Adjustment a revised set of plans and a zoning waiver for Part 1, dated March 14, 2023, resulting in the following changes:

- Lot coverage was reduced from 45.75% of the lot area (138.83 square metres) to 37.84% of the lot area (114.83 square metres); and
- The proposed rear yard setback was increased from 2.54 metres to 5.88 metres.

A revised zoning waiver for Part 2 was also received by Committee of Adjustment on March 14, 2023, resulting in the following change:

- Lot coverage was reduced from 40% of the lot area (151.18 square metres) to 38.98% (147.28 square metres).

However, this revision for Part 2 was not accompanied by any revisions to the plans, and therefore the reduction in lot coverage is due to a technical re-interpretation of the Zoning By-law.

Although City Planning staff acknowledge that the revisions for Part 1 represent an improvement, there are still concerns with the proposal. If approved, the proposed lot frontage for Part 2 (11.58 metres) would be the smallest lot frontage within the immediate block on De Marco Boulevard, between Lawrence Avenue West and Dante Road. Further, both of the proposed lots are well below the minimum lot size requirement of 550 square metres (303.46 square metres for Part 1 and 377.48 square metres for Part 2), while all of the lots in the immediate context along De Marco Boulevard currently meet or exceed the minimum lot size requirement of the Zoning By-law.

City Planning staff also note that the majority of the lots in the broader neighbourhood that are below the proposed lot frontage of 11.58 metres for Part 2 are located along Sorlyn Avenue and Goldcrest Boulevard to the west of the site. These dwellings consist mainly of semi-detached dwellings, and are subject to the different regulations of the Residential Semi-detached (RS) zone under Zoning By-law 569-2013.

Regarding the Minor Variance applications, City Planning staff initially had concerns with the proposed lot coverage and rear yard setback variances of the original proposal. While the rear yard setback variance and lot coverage variances for Part 1 have improved from the original submission (from 2.54 metres to 5.88 metres, and from 45.75% to 37.84%, respectively), the proposed lot coverage for Part 2 (38.98%) has not been reduced after the revisions. Further, both proposed lot coverages for Part 1 and 2 would still be the highest in the immediate context along De Marco Boulevard. These proposed variances do not reinforce the physical character of the immediate neighbourhood.

City Planning staff have reviewed and determined that the approval of the above-noted Consent and Minor Variance applications would result in the creation of lots and dwellings that are out of character with the established neighbourhood. The proposed severance and resulting variances are not in keeping with the intent of the Official Plan and Zoning By-law and variances are not minor in nature. Therefore, City Planning staff recommend that the Consent and related Minor Variance applications be refused.

CONTACT

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SIGNATURE

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Signed by Ohi Izirein, MCIP, RPP, Manager, Community Planning, on behalf of
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