



INFORMATION REPORT
Committee of Adjustment
Application

Date: January 29, 2024

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: A0423/23EYK and B0043/23EYK

Address: 8 Yorkleigh Avenue

Application to be heard: February 8, 2024

RECOMMENDATIONS

City Planning staff recommend that this report be received by the Committee of Adjustment for information.

APPLICATION

To obtain consent to sever the lot at 8 Yorkleigh Avenue into two residential lots and to construct a new detached dwelling with an attached garage.

Retained – Part 1

Address to be assigned

The lot frontage will be 21.0 m and the lot area will be 695.0 m². The existing dwelling will be demolished, and the property will be redeveloped as the site of a new detached dwelling with an integral garage, requiring no variances to the Zoning By-law.

Conveyed – Part 2

Address to be assigned

The lot frontage will be 19.22 m and the lot area will be 644.8 m². The existing dwelling will be demolished, and the property will be redeveloped as the site of a new detached dwelling with an integral garage, requiring variances to the Zoning By-law, as outlined in Application A0423/23EYK.

Conveyed – Part 2 (File No. A0423/23EYK)

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 21.0 m.
The lot will have a frontage of 19.22 m.
- 2. Section 10.20.30.10.(1)(A), By-law 569-2013**
The minimum required lot area is 695.0 m².
The lot area will be 644.8 m².

3. Section 10.5.80.40.(3)(B), By-law 569-2013

Vehicle access to a parking space on a corner lot must be from a flanking street that is not a major street.

The proposed vehicle access to a parking space is from the front of the lot.

File Numbers B0043/23EYK and A0423/23EYK will be considered jointly.

COMMENTS

Official Plan and Zoning

The site is designated *Neighbourhoods* on Map 14 of the Toronto Official Plan. The site is zoned Residential Detached (RD) under city-wide Zoning By-law 569-2013. The objective of the Zoning By-law is to establish specific standards for how lands are to be developed.

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:

- b) prevailing size and configuration of lots.

Proposed development within a *Neighbourhood* will be materially consistent with the prevailing physical character of properties in both the broader and immediate contexts.

While prevailing will mean most frequently occurring for the purposes of Policy 4.1.5, the direction to respect and reinforce the prevailing physical character will not preclude development whose physical characteristics are not the most frequently occurring but do exist in substantial numbers within the geographic neighbourhood. In such cases, the physical characteristics of the proposed development must be materially consistent with the physical character of the geographic neighbourhood and must already have a significant presence on properties located in the immediate context or abutting the same street in the immediately adjacent block(s) within the geographic 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*."

Consents

Authority to grant severances is contained within Section 53 of the *Planning Act*, and the criteria that the Committee of Adjustment must have regard to in hearing severance applications are found in Subsection 51(24) of the *Planning Act*. Matters of relevance under Subsection 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.

Application Review

The site is located south of Lawrence Avenue West and West of Scarlett Road. It is a corner lot that currently contains a single detached dwelling that fronts Yorkleigh Avenue. The Applicant proposes to sever the property into two separate lots each containing detached dwellings. Variances are sought to establish an as-of-right lot (Part 1) and a slightly undersized lot (Part 2) both of which would be reoriented to have frontage on Freemont Avenue.

City Planning staff have reviewed the applications, supporting materials and researched previous Committee of Adjustment decisions in the area.

Previous Applications

Staff are aware of the previous applications and appeals associated with this site.

In 2019, applications for Consent and Minor Variance (A0004/20EYK, A0696/19EYK and B0076/19EYK) were submitted to the Committee of Adjustment to sever the site into two residential lots with undersized lot frontages (18.5 metres and 20.5 metres) and one undersized lot area (Compliant and 646.45 m²). The consent was associated with variances for Floor Space Index, front yard setback, side yard setback, soffit height, platform height, platform encroachment and vehicular access. At that time, Community Planning staff reviewed the applications and had no concerns. On August 13, 2020, the Committee of Adjustment refused the applications. A TLAB appeal (20 189558 S53 02 TLAB) was filed by the owner, whereby it was subsequently withdrawn, and the Committee's refusal decision was upheld.

In 2021, applications for Consent and Minor Variance (A0103/21EYK, A0105/21EYK and B0017/21EYK) were sought again to sever the site into two residential lots with undersized lot frontages (18.5 metres and 20.3 metres) and one undersized lot area (Compliant and 646.45 m²). The consent was associated with variances for side yard setback, platform encroachment and vehicular access. At that time, Community Planning staff reviewed the applications and had no concerns. On July 13, 2021, the Committee of Adjustment conditionally approved the applications. A TLAB appeal (21 190170 S53 02 TLAB) was subsequently filed by the neighbour of 7 Yorkleigh Avenue whereby the Committee's approval decision was overturned.

Current Applications for Consent and Minor Variance

Planning staff have reviewed and assessed the current applications. It is important to note that the applications before us differ from the applications that were previously adjudicated on. As such, applications B0043/23EYK and A0423/23EYK have been independently assessed on their own merits.

With respect to these applications, City Planning staff filed a Pre-Circulation Consent recommendation dated November 20, 2023, which noted that Consent Application B0043/23EYK is consistent with section 51(24) of the *Planning Act*, and the variances associated with Minor Variance Application A0423/23EYK would satisfy the four-part test under section 45(1) of the *Planning Act*.

The retained lot (Part 1) is proposed as having an as-of-right frontage and lot area. The conveyed corner lot (Part 2) is proposed as having a 19.22 metre frontage and a 644.8 m² lot area. Undersized frontages, including frontages less than the proposed 19.22 metre frontage have a significant presence in the immediate neighbourhood. The Official Plan does not preclude development whose physical characteristics are not the most frequently occurring but do exist in substantial numbers.

In terms of the proposed 644.8 m² lot area for Part 2, there are examples of properties along Yorkleigh with undersized lot frontages associated with as-of-right lot area and as-of-right lot frontage associated with undersized lot area. The 50 m² of relief being sought for the lot area of Part 2 is numerically minor in nature given the size of the proposed lots.

Furthermore, the proposed lot fabric does not pose an adverse concern for replicability. Of all the properties on Yorkleigh Avenue between Scarlett Road to the east and the pedestrian walkway to the west, the proposed lot configuration could realistically be replicated at only two other properties. The proposed consent does not pose a concern for disrupting the immediate character of Yorkleigh Avenue as the resulting lot areas and frontages, if approved, would align with the physical character of a substantial number of lots in the immediate neighbourhood. Additionally, the proposal seeks to reorient the properties onto the flanking street whereby the lots would be experienced as Freemont Avenue properties. As such, City Staff have determined that there are no impacts to the neighbourhood character because of the reorientation of the lots.

Based on the above, Planning Staff are satisfied that the proposed lots are in keeping with the existing physical character of the neighbourhood. City Planning staff recommend that this report be received by the Committee of Adjustment for information.

CONTACT

Anthony Soscia, Planner, Community Planning, Etobicoke York District,
416-394-6041, Anthony.Soscia@toronto.ca

SIGNATURE



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

Etobicoke York District