



STAFF REPORT
Committee of Adjustment
Application

Date:	March 13, 2014
To:	Chair and Committee Members of the Committee of Adjustment Scarborough Panel
From:	Director, Community Planning, Scarborough District
Wards:	Ward 35- Scarborough Southwest
Reference:	File Nos. B004/14SC, A015/14SC & A016/14SC Address: 125 Donside Drive Application to be heard: March 20, 2014

RECOMMENDATION

Staff recommend that the applications **be refused** to protect the neighbourhood's consistent pattern of lot frontages and existing physical character.

APPLICATION

The applicant is seeking consent to sever the subject property into two residential lots, which are identified as Parts 1 & 2 on the draft R-plan. Part 1 would be 7.62 (25 feet) wide, and have an area of 330.10 square metres (3,553 square feet), and Part 2 would be 7.62 metres (25 feet) wide and have an area of 331.5 square metres (3,568 square feet). The applicant would demolish the existing house, and construct a new two-storey single-family dwelling on each of the proposed lots. In order to facilitate the proposed development, relief from the provisions of the Zoning By-law are being requested, as indicated below.

Part 1 - Retained Lot (File A015/14SC)

By-law 8786 and By-law 569-2013

1. The proposed lot frontage is 7.62 m.
Whereas the minimum required lot frontage is 12 m.
2. The proposed lot area is 330.1 m².
Whereas the minimum required lot area is 371 m².
3. The proposed side yard setback on the east side is 0.52 m.
Whereas the minimum required side yard setback is 0.9 m.

Part 2 - Conveyed Lot (File A016/14SC)

By-law 8786 and By-law 569-2013

1. The proposed lot frontage is 7.62 m.
Whereas the minimum required lot frontage is 12 m.
2. The proposed lot area is 331.5 m².
Whereas the minimum required lot area is 371 m².
3. The proposed side yard setback on the west side is 0.52 m.
Whereas the minimum required side yard setback is 0.9 m.

COMMENTS

The subject property currently contains a one-storey, single detached dwelling. It is within an area designated "Neighbourhoods" in the Toronto Official Plan, and is zoned for Single-Family Residential (S) Zone under the Clairlea Community By-law Number 8786, as amended. Under the new City-Wide By-law Number 569-2013, the property is zoned Residential Detached (RD) Zone.

The surrounding established neighbourhood is stable and defined by its consistently wide lots, mature trees and abundant landscaped open space. The housing pattern on the street and in the wider immediate area comprises one-storey dwellings, with intermingled two-storey homes.

Planning Staff examined residential lot frontages within the immediate neighbourhood bounded by Pinaire St to north, Presley Avenue to the east, Donside Drive to the south and Pharmacy Avenue to the west (lots on the east side only). The results of this assessment are attached to this report for the Committee's consideration (see attachment 1).

Of the 55 lots studied within the immediate neighbourhood, 92% are greater than the proposed lots, with the average lot frontage being 12.6 metres (41 feet). The subject property is located on a block of Donside Drive (between Pharmacy Avenue and Presley Avenue) that has a median lot frontage of 12.55 metres (41 feet). There are six lots with frontages equal to or less than the proposed lots, all of which existed prior to the enactment of the Clairlea Community By-law Number 8786.

The City of Toronto Official Plan policies for Neighbourhoods require that new development respect and reinforce the existing physical character of established neighbourhoods. Policy 4.1.5 states, "Development in established neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- b) Size and configuration of lots;
- c) Heights, massing, scale and dwelling type of nearby residential properties;

f) Prevailing patterns of rear and side yard setbacks and landscaped open space;

No changes will be made though rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood."

Given the average lot size in the immediate neighbourhood, Planning Staff are of the opinion that the proposed consent, which would create lots with frontages that are 4.38 metres (14 feet) below the zoning standard and 5 metres (16 feet) below the average, would not be in the public interest.

The proposed lot frontages and lot areas are not consistent or comparable with the predominant existing lot sizes in the neighbourhood. The variances for lot frontage and lot area do not maintain the general intent and purpose of the Official Plan and the variances therefore fail the Official Plan test of s.45(1) of the *Planning Act*.

The lot frontage and lot area variances do not maintain the general intent and purpose of the Zoning By-law, which is to require lot sizes that are consistent and compatible with prevailing lot sizes in the neighbourhood. The requested variances therefore fail the zoning by-law intent test of s.45(1) of the *Planning Act*. The variances are not minor and not desirable for the appropriate development of the land. Community Planning recommends that the variances should be refused.

If the Committee refuses the lot frontage and lot area variances, then the variance(s) to reduce the side yard setbacks will be redundant and should also be refused.

Planning staff are of the opinion that the application for consent to sever fails the criteria of s.51 (24) of the *Planning Act*, which requires regard be had to dimensions and shapes of the proposed lots and whether the plan conforms to the Official Plan, among other criteria. Further, Planning staff are of the opinion that approving this consent and associated variances would destabilize the neighbourhood as it would indicate an opportunity to sever and redevelop surrounding lots with similar frontage and area as proposed for 125 Donside Drive. The subject property is typical of the neighbourhood, having a 15.24-metre (50-foot) frontage currently occupied with a one-storey dwelling.

Reinvestment in the form of additions and renovations to existing homes, as well as replacement homes, has occurred on similar lots within the neighbourhood studied.

CONTACT

Candice Menezes

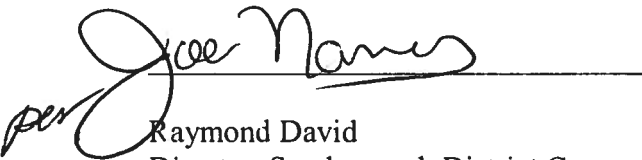
Assistant Planner, Community Planning, Scarborough District

Tel: 416-396-7037

Fax: 416-396-4265

E-mail: cmeneze2@toronto.ca

SIGNATURE

A handwritten signature in black ink, appearing to read "Raymond David", is written over a horizontal line. The signature is stylized and cursive.

Raymond David

Director, Scarborough District Community Planning

Attachment 1: Study Area

Attachment 1: Study Area

DONSIDE DRIVE				
Municipal Address	Frontage		Area	
	ft	m	sq ft	sq m
91	50	15.24	5,000	465
93	50	15.24	5,000	465
95	50	15.24	7,050	655
96	25	7.62	1,250	116
97	25	7.62	3,529	328
99	45	13.72	6,382	593
101	40	12.19	5,663	526
103	40	12.19	5,670	527
109	50	15.24	7,088	658
111	25	7.62	3,544	329
112	50	15.24	6,250	581
113	40	12.19	5,670	527
114	50	15.24	6,250	581
115	35	10.67	4,961	461
116	40	12.19	5,000	465
118	36	10.97	4,500	418
120	31	9.56	3,921	364
123	50	15.24	7,088	658
125	50	15.24	7,050	655
127	41	12.61	5,941	552

PRESLEY AVENUE				
Municipal Address	Frontage		Area	
	ft	m	sq ft	sq m
1	60	18.39	19,718	1,832
3	40	12.19	13,096	1,217
3A	40	12.19	13,096	1,217
5	40	12.19	13,096	1,217
7	40	12.19	13,103	1,217
11	50	15.24	5,634	523
15	25	7.62	8,185	760
17	25	7.62	8,194	761
18	40	12.19	5,295	492
19	50	15.24	16,388	1,522
20	45	13.72	5,957	553
21	50	15.24	16,354	1,519
22	70	21.34	9,263	861
23	50	15.24	16,338	1,518
25	32	9.75	6,400	595
26	40	12.19	5,295	492
27	40	12.19	13,126	1,219
28	40	12.19	5,295	492
29	40	12.19	13,126	1,219
30	40	12.19	5,295	492
31	66	20.12	21,659	2,012
32	50	15.24	6,619	615

BERTHA AVENUE				
Municipal Address	Frontage		Area	
	ft	m	sq ft	sq m
1	56	17.07	6,160	572
2	50	15.24	6,550	609
4	50	15.24	6,550	609
6	40	12.19	5,240	487
8	33	9.91	4,258	396
9	40	12.19	NA	NA
10	33	9.91	4,258	396
12	40	12.19	5,240	487
14	40	12.19	5,240	487
15	50	15.24	6,550	609
16	40	12.19	5,240	487
17	35	10.67	4,585	426
18	40	12.19	5,240	487
20	35	10.67	4,585	426
21	35	10.67	4,585	426
22	50	15.24	6,550	609
23	30	9.14	3,930	365
25	50	15.24	6,550	609
31	50	15.24	6,550	609
33	30	9.14	3,930	365
35	20	6.10	2,620	243

PHARMACY AVE (east side only)				
Municipal Address	Frontage		Area	
	Ft	m	sq ft	sq m
315	41	12.60	4,133	384
359	50	15.24	5,300	492
361	30	9.14	3,930	365
363	50	15.24	6,550	609
365	40	12.19	5,240	487
367	40	12.19	5,240	487
369	40	12.19	5,240	487
371	40	12.19	5,240	487
373	40	12.19	5,240	487
375	35	10.67	4,585	426
397	35	10.67	4,585	426
399	50	15.24	6,550	609