



STAFF REPORT
Committee of Adjustment
Application

Date:	February 13, 2017
To:	Chair and Members of the Committee of Adjustment Scarborough East District
From:	Paul Zuliani, Acting Director of Community Planning, Scarborough East District
Wards:	Scarborough – Rouge River (41)
Reference:	File Nos. B0051/16SC, A0254/16SC, A0255/16SC Address: 8 Lamont Avenue Application to be heard: February 16, 2016 at 11:00 a.m.

RECOMMENDATION

Staff recommend that the Committee refuse the applications in order to respect and maintain the existing pattern of lot frontages in the area and the existing physical character and stability of the *Neighbourhood*.

APPLICATION

This application is for consent to sever the land into two lots. Part 2 would have a frontage of 12.17 metres and a lot area of 549.7 square metres. Part 1 would have a frontage of 12.21 metres and a lot area of 551.5 square metres. The proposed lots are shown on the attached Site Plan. The owner is proposing to demolish the existing house and build two new detached houses. In order to facilitate the proposed development, relief from the provision of the Zoning By-law was requested, as outlined in A0254/16SC and A0255/16SC.

Part 1 - A0254/16SC

By-law No. 569-2013

1. To permit the proposed 12.21 metres lot frontage, whereas the Zoning By-law requires a minimum 24.38 metres lot frontage.
2. To permit the proposed 551.5 square metres lot area, whereas the Zoning By-law requires a minimum 1,101.2 square metres lot area.
3. To permit the proposed building length of 19 metres measured from the front wall to the rear wall, whereas the Zoning By-law permits maximum building length of 17 metres.

4. To permit the proposed 1 metres north side yard setback, whereas the Zoning By-law requires a minimum 1.2 metres side yard setback.
5. To permit the proposed 321 square metres floor area or 0.582 times the lot area, whereas the Zoning By-law permits maximum 275.7 square metres floor area or 0.5 times the lot area.

By-law No. 10076

6. To permit the proposed 321 square metres floor area or 0.582 times the lot area, whereas the Zoning By-law permits maximum 275.7 square metres floor area or 0.5 times the lot area.

Part 2 - A0255/16SC

By-law No. 569-2013

1. To permit the proposed 12.17 metres lot frontage, whereas the Zoning By-law requires a minimum 24.38 metres lot frontage.
2. To permit the proposed 549.7 square metres lot area, whereas the Zoning By-law requires a minimum 1,101.2 square metres lot area.
3. To permit the proposed building length of 19 metres measured from the front wall to the rear wall, whereas the Zoning By-law permits maximum building length of 17 metres.
4. To permit the proposed 0.94 metres north side yard setback, whereas the Zoning By-law requires a minimum 1.2 metres side yard setback.
5. To permit the proposed 321 square metres floor area or 0.584 times the lot area, whereas the Zoning By-law permits maximum 275.7 square metres floor area or 0.5 times the lot area.

By-law No. 10076

6. To permit the proposed 321 square metres floor area or 0.584 times the lot area, whereas the Zoning By-law permits maximum 275.7 square metres floor area or 0.5 times the lot area.

COMMENTS

The subject property is located south of Sheppard Avenue East and west of Midland Avenue. The applicant proposes to sever the subject property, creating two lots (Parts 1&2). Part 1 would have a lot frontage of 12.21metres, and a lot area of 551.5m². Lot 2 would have a lot frontage of 12.17metres and a lot area of 549.7m². The applicant further proposes to construct a new single family dwelling on each of the proposed lots.

The property is designated *Neighbourhoods* in the Toronto Official Plan. Policy 4.1.1 of the Official Plan states that *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, etc.

The Official Plan recognizes that *Neighbourhoods* are not static, meaning there will be change in these areas. Some physical changes are expected to occur within these areas, in the form of enhancements, additions and infill housing. A cornerstone policy is to ensure that new development in neighbourhoods respects the existing physical character of the area and that it reinforces the stability of the neighbourhood.

Policy 4.1.5 of the Official Plan outlines development criteria for established *Neighbourhoods*. "Development in established *Neighbourhoods* will respect and reinforce the existing physical character of Neighbourhood, including in particular:

b) size and configuration of lots

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

Also, as part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods and Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

The Minister of Municipal Affairs approved and modified OPA320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

The subject property is zoned Residential Detached (RD) in the City of Toronto Zoning By-Law No.569-2013, and zoned Single Family Residential (S) under Scarborough Zoning By-law No.10076, as amended. Under the City of Toronto Zoning By-law a minimum lot frontage of 24.38 metres and a minimum lot area of 1,101.2 square metres is required. Under the Scarborough Zoning By-law a minimum lot frontage of 24.38 metres and a minimum lot area of 1,101.2 square metres is required. The objective of the Zoning By-Law is to establish specific standards for development. Limitations on lot frontage and area are devised to achieve more uniform and consistent streetscapes and to maintain a standard pattern of development. However, these lots would not meet the frontage requirement for the "S" and "RD" Zone. These would result in small lot frontages, not consistent with the existing lot frontages in the neighbourhood.

Staff conducted analyses of the frontages, depths and areas found in the neighbourhood are within the same zone category. The study area includes the properties on Lamont Avenue. See attachment 1: Lot Study Results.

The 18 properties contained within this study area are zoned "S" and "RD" the majority of lot frontages in the study are more than 18.3metres (60 feet). Along Lamont Avenue there is only one lot with a lot frontage of between 9.1m (30ft) to 12.2m (39.9ft). When examining the 18 lots studied, 13 lots contain a frontage more than 18.3m (60ft) which represents the majority of the lots that make up the character of the neighbourhood, and 4 lots with a frontage ranges from 15.2m (50ft) to 18.3m(59.9ft). See Attachment 2&3: Lot Study Results, and Lot Study Graph.

10 Lamont Avenue was approved by the Committee of Adjustment on July 14, 2016, for a severance application and associated minor variances for the creation of two lots each with proposed lot frontages of 22.5metres. However, the application is appealed to the Ontario

Municipal Board, and a hearing is scheduled on February 14th, 2017. Attached is the Committee of Adjustment decision.

Planning Staff are of the opinion that a the proposed severance of this lot does not respect and reinforce the physical character of lots in this neighbourhood, and therefore, the intent and purpose of both the Official Plan Policy and Zoning By-law are not met. Also the severance application does not meet the following criteria of section 51(24) of the Planning Act:

- (c) The plan does not conforms to the Official Plan and adjacent plans of subdivisions
- (f) the dimensions and shapes of the proposed lots.

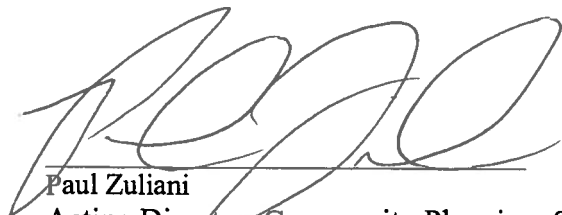
Approving the lot frontage variances could risk weakening the character of this neighbourhood, as it would create a precedent for the division of other lots in this neighbourhood. Therefore, staff recommend that the applications be refused in order to respect and reinforce the neighbourhood lot pattern and frontages as indicated in the prepared lot study.

Respectfully submitted,

CONTACT

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SIGNATURE



Paul Zuliani
Acting Director, Community Planning, Scarborough District
B0051/16SC, A0254/16SC, A0255/16SC

- Attachment 1: Lot Study Results
- Attachment 2: Lot Study Results Summary
- Attachment 3: Lot Study Results Graph

LOT STUDY RESULTS

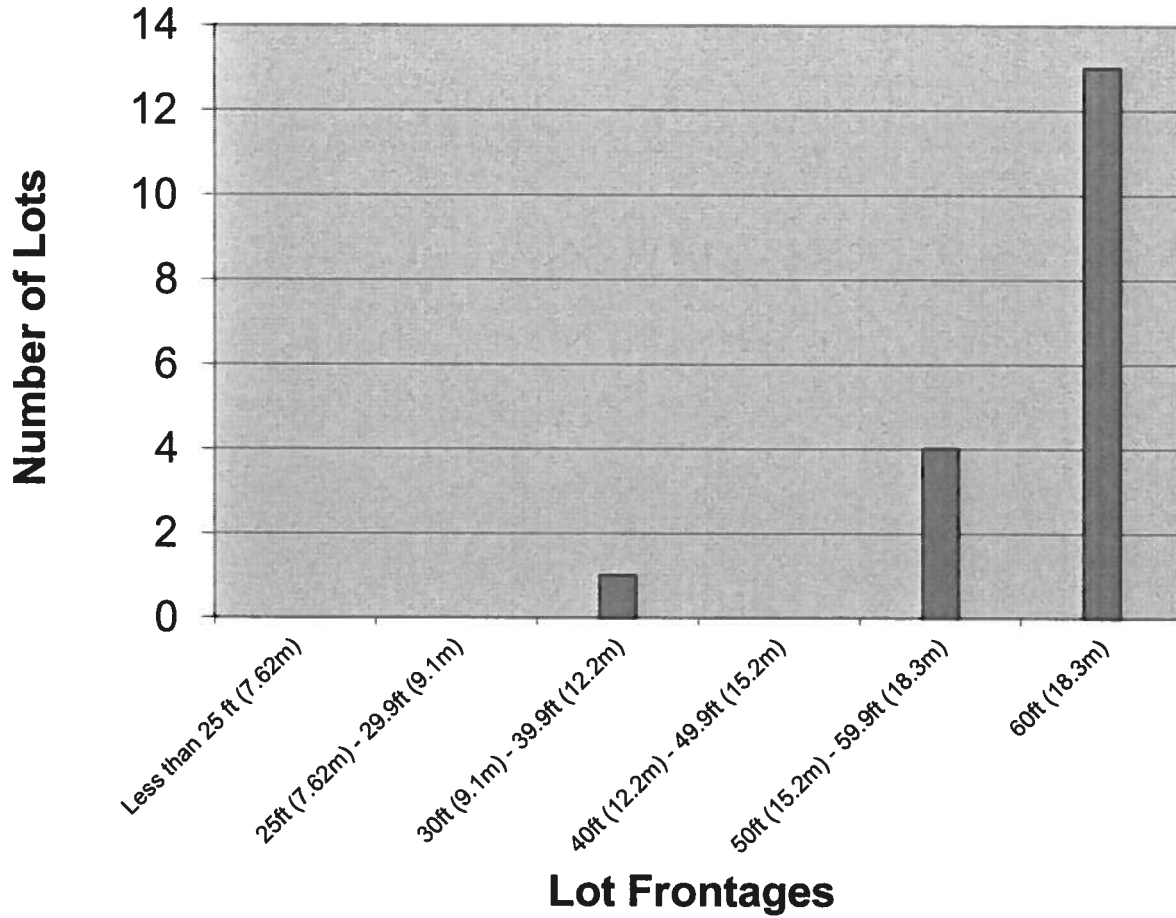
(Study Area For Lots Surrounding 8 Lamont Ave)

Number of Lots In Study **18**

Lot Frontage Sizes	Number of Lots in Study Area
Less than 25 ft (7.62m)	0
25ft (7.62m) - 29.9ft (9.1m)	0
30ft (9.1m) - 39.9ft (12.2m)	1
40ft (12.2m) - 49.9ft (15.2m)	0
50ft (15.2m) - 59.9ft (18.3m)	4
60ft (18.3m)	13
Total Lots in Study Area	18

	ft	m
Minimum Frontage	30.0	9.1
Maximum Frontage	81.0	24.7
Average Frontage	69.5	21.2
	sq. ft.	sq. m
Minimum Area	5,674.2	1,253.2
Maximum Area	13,489.5	1,253.2
Average Area	10,929.1	1,015.3
	acres	hectares
Total Lot Study Area	4.3	1.7
Units Per Acre/Hectare	4.2	10.4

Various Lot Frontage Sizes for Lots Surrounding 8 Lamont Ave



LOT STUDY RESULTS

(Study Area For Lots Surrounding 8 Lamont Ave)

No.	Address	Year Built	Frontage (FT)	Frontage (M)	Depth (FT)	Depth (M)	Area (SQ. FT)	Area (SQ. M)
5	LAMONT AVE	1949	81.0	24.69	150.2	45.77	12,162.99	1,129.98
8	LAMONT AVE	1949	80.0	24.38	148.2	45.17	11,856.01	1,101.46
9	LAMONT AVE	1949	80.0	24.38	151.3	46.13	12,106.37	1,124.72
10	LAMONT AVE	1951	80.0	24.38	148.2	45.17	11,856.76	1,101.53
11	LAMONT AVE	1949	80.0	24.38	151.3	46.13	12,106.37	1,124.72
15	LAMONT AVE	1950	80.0	24.38	151.3	46.13	12,106.37	1,124.72
18	LAMONT AVE	1946	75.0	22.86	108.0	32.92	8,098.11	752.34
19	LAMONT AVE	1949	80.0	24.38	151.3	46.13	12,106.37	1,124.72
23	LAMONT AVE	1951	80.0	24.38	151.3	46.13	12,106.37	1,124.72
27	LAMONT AVE	1954	53.0	16.15	178.0	54.24	9,431.33	876.20
29	LAMONT AVE	1947	30.0	9.14	189.1	57.65	5,674.19	527.15
31	LAMONT AVE	1949	52.0	15.85	228.1	69.54	11,864.29	1,102.23
32	LAMONT AVE	1951	75.0	22.86	108.0	32.92	8,098.11	752.34
33	LAMONT AVE	1941	50.0	15.24	249.5	76.05	12,474.93	1,158.96
34	LAMONT AVE	1955	75.0	22.86	108.0	32.92	8,098.22	752.35
35	LAMONT AVE	1951	50.0	15.24	269.8	82.23	13,489.53	1,253.22
51	LAMONT AVE	1958	75.0	22.86	162.1	49.41	12,159.01	1,129.61

Thursday, July 14, 2016

NOTICE OF DECISION
CONSENT
(Section 53 of the Planning Act)

File Number:	B015/16SC	Zoning	RD - Residential Detached/ S- Single Family Residential [WAIVER]
Owner(s):	YUN GANG XIE	Ward:	Scarborough-Rouge River (41)
Agent:	TAES ARCHITECTS INC	Heritage:	Not Applicable
Property Address:	10 LAMONT AVE	Community:	Agincourt Community
Legal Description:	PLAN 3395 LOT 25		

Notice was given and the application considered on Thursday, July 14, 2016, as required by the Planning Act.

THE CONSENT REQUESTED:

This application is for consent to sever the land into two lots. The lot to be conveyed and the lot to be retained would have a frontage of 22.5 metres and a lot area of 551 square metres. The proposed lots are shown on the attached Site Plan. The owner is proposing to demolish the existing house and build two new detached houses. In order to facilitate the proposed development, relief from the provision of the Zoning By-law was requested, as outlined in A075/16SC and A076/16SC.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

The Consent Application is Approved

The Committee has considered the provisions of Section 51(24) of the Planning Act and is satisfied that a plan of subdivision is not necessary. The Committee therefore consents to create new lots as shown on the attached lot division plan on the condition that before a Certificate of Consent is issued, as required by Section 53(42) of the Planning Act, the applicant is to file the following with the Committee office:

- (1) Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.
- (2) Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services. Contacts: John House, Supervisor, Land and Property Surveys, at

416 392-8338; jhouse@toronto.ca, or his designates, Elizabeth Machynia, at 416-338-5029; emachyni@toronto.ca, John Fligg at 416-338-5031; jfligg@toronto.ca

- (3) **Two copies of the registered reference plan of survey** integrated to NAD 83 CSRS (3 degree Modified Transverse Mercator projection), delineating by separate Parts the lands and their respective areas, shall be filed with the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services. Contact: John House, Supervisor, Land and Property Surveys, at 416 392-8338; jhouse@toronto.ca, or his designate, Virgil Gomes at 416 338-5033; vgomes@toronto.ca
- (4) **Three copies of the registered reference plan of survey** satisfying the requirements of the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services shall be filed with the Committee of Adjustment.
- (5) Prepare all documents and convey to the City, at nominal cost, a 5.0 metre corner rounding on the northwest corner of Lamont Avenue & Lamont Avenue, in fee simple, shown on the draft R-Plan as PART 3, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favor of the grantor until such time as said lands have dedicated as a public highway, all to the satisfaction to the Executive Director of Engineering and Construction Services and the City Solicitor;
- (6) Submit a draft Reference Plan of Survey to the Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
 - (a) be in metric units and integrated with the Ontario Co-ordinate System (3° MTM, Zone 10, NAD 83 CSRS);
 - (b) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
 - (c) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan;Pay all costs for registration and preparation of reference plan(s);
- (7) The applicant shall submit to Urban Forestry a complete application to Injure or Destroy Trees for privately owned trees, as per City of Toronto Municipal Code Chapter 813, Article III.
- (8) The applicant shall submit to Urban Forestry a complete application to Injure or Destroy Trees for privately owned trees, as per City of Toronto Municipal Code Chapter 813, Article II including submission of a Tree Loss Payment in the amount of \$5,971.00. Payment shall be made payable to the Treasure, City of Toronto and sent to Urban Forestry, Scarborough Civic Centre, 150 Borough Drive, 5th Floor, Toronto, Ontario, M1P 4N7.
- (9) The applicant shall submit to Urban Forestry a refundable Tree Protection Security Deposit in the amount of \$16,503.00 in the form of renewable letter of credit or other form acceptable to the General Manager of Parks, Forestry and Recreation to guarantee the protection of the City owned trees to be retained fronting the site or adjacent to the site, as per the City's Tree Protection Policy and Specifications for Construction near Trees and the City of Toronto Municipal Code Chapter 813, Article II.
- (10) The Owner shall obtain Final and Binding Decisions on minor variance applications A075/16SC and A076/16SC, to the satisfaction of the Deputy Secretary-Treasurer, Committee of Adjustment, Scarborough Panel.
- (11) Within **ONE YEAR** of the date of the giving of this notice of decision, the applicant shall comply with the

above-noted conditions and prepare for electronic submission to the Deputy Secretary-Treasurer, the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) or subsection 53(42) of the *Planning Act*, as it pertains to the conveyed land and/or consent transaction.

Lot Division

