



STAFF REPORT
Committee of Adjustment
Application

Date:	February 3, 2017
To:	Chair and Committee Members of the Committee of Adjustment, Scarborough Panel
From:	Paul Zuliani, Acting Director, Community Planning, Scarborough District
Wards:	Scarborough Southwest (36)
Reference:	File No. B0060/16SC, A0330/16SC & A0331/16SC Address: 198 Randall Crescent Application to be heard: Thursday, February 16, 2017 at 9:30 a.m.

RECOMMENDATION

Community Planning staff recommend that the applications be **refused** to protect the neighbourhood’s prevailing pattern of lot frontages and existing physical character.

APPLICATION

This application is for consent to sever the property into two lots. The proposed lots would each have a frontage of 8.38 m and a lot area of 427 m². The proposed lots are shown as Part 1 and Part 2 on the Draft Reference Plan (see Attachment 1: Draft Reference Plan). The owner is proposing to demolish the existing house and build two new detached houses (see Attachment 2: Site Plan). The applicant has requested the following variances:

PART 1 (File A0330/16SC) and PART 2 (File A0331/16SC)

By-law No. 569-2013

1. The proposed lot frontage is 8.3 m
Whereas the minimum required lot frontage is 12 m
2. The proposed lot area is 427 m²
Whereas the minimum required lot area is 464 m²
3. The proposed floor area is 0.58 x lot area (248.1 m² gross floor area)
Whereas the maximum permitted floor area is 0.5 x lot area (213 m²)

4. The proposed building length is 20.2 m
Whereas the maximum permitted building length is 17 m measured between the portion of the front main wall closest to the front lot line and the portion of the rear main wall closest to the rear lot line.
5. The proposed building depth is 21.1 m
Whereas the maximum permitted building depth is 19 m measured between the front yard setback required on the lot and the portion of the rear main wall furthest from the required front yard setback
6. The proposed roof eave would be 0.11 m from the north side lot line (PART 1)
The proposed roof eave would be 0.11 m from the south side lot line (PART 2)
Whereas the eaves of a roof may encroach into a required minimum building setback a maximum of 0.9 m, if they are no closer to a lot line than 0.3 m

By-law No. 9396

7. The proposed lot frontage is 8.3 m
Whereas the minimum required lot frontage is 12 m
8. The proposed lot area is 427 m²
Whereas the minimum required lot area is 464 m²
9. The proposed side yard setbacks are 0.45 m on the north side and 0.91 m on the south side (PART 1)
The proposed side yard setbacks are 0.45 m on the south side and 0.91 m on the north side (PART 2)
Whereas the minimum required side yard setback is 1.8 m
10. The proposed floor area is 0.58 x lot area (248.1 m² gross floor area)
Whereas the maximum permitted floor area is 0.5 x lot area (213 m²)
11. The proposed parking space dimensions are 3.2 m x 5.69 m
Whereas the minimum required parking spaces dimensions are 3.3 m x 5.6 m

COMMENTS

The subject property is located north of Kingston Road between Brimley Road and McCowan Road. It is within an area designated *Neighbourhoods* in the Official Plan. The property is zoned Single Family Residential (S) under the Cliffcrest Community Zoning By-law No. 9396, as amended and Residential Detached (RD) under the City of Toronto Zoning By-law No. 569-2013, as amended.

The surrounding established neighbourhood is characterized by one and two storey detached dwellings on wide lots with generous side yard setbacks, abundant landscaped open space and

mature trees. The subject property is typical of the neighbourhood, with a lot frontage of 16.76 metres and currently occupied by a one-storey detached dwelling.

The Official Plan policies for *Neighbourhoods* require that new development respect and reinforce the existing physical character of established neighbourhoods. Policy 4.1.5 states that “Development in established neighbourhoods will respect and reinforce the existing physical character of the 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.”

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 OPA 320 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.

To evaluate the proposal, Planning staff examined residential lot frontages within the surrounding neighbourhood bounded by Oakridge Drive to the north, McCowan Road to the east, Kingston Road and St. Clair Avenue to the south, and Brimley Road to the west. A total of 681 lots were examined within the surrounding neighbourhood and only 3 lots or 0.4% have a lot frontage equal to or less than the proposed frontage of 8.3 metres. A summary of lot frontages is attached to this report for the Committee's consideration (see Attachment 3: Summary of Lot Frontages by Street in the Study Area). Of the total lots in the study area, 99.6% have a frontage greater than the proposed lots, with the average lot frontage being 15.6 metres. There are 68 lots on Randall Crescent and the average lot frontage is 14.3 metres.

On Randall Crescent, there are two lots at 194 and 198 Randall Crescent which have frontages of 7.62 metres and 9.14 metres, respectively. These two lots existed prior to the enactment of the Cliffcrest Community Zoning By-law No. 9396 and were not created by consent.

Previous minor variance applications at 10 Randall Crescent to construct two new detached dwellings were refused by the Committee of Adjustment on August 13, 2015 (File A213/15SC and A214/15SC). A consent application was not required in this case as the property is two whole lots on a Registered Plan. However, variances for the existing frontages of 7.62 m each were still required. Community Planning recommended refusal of these applications to protect the existing physical character of the neighbourhood and to avoid setting a negative precedent for similar properties. The Committee's decision was appealed to the Ontario Municipal Board by the applicant but subsequently approved by the Board. In its decision the Board stated that:

"the reason for the authorization of the variances in this case relates to the specific conditions that occur at this address and on this section of Randall Crescent, and should not be construed as applying whole scale to the neighbourhood. This approval will not destabilize the neighbourhood and should not lead to the assumption by other property owners that similar circumstances exist for their properties." (OMB Case No. PL150973)

Given the average lot size in the surrounding neighbourhood, the proposed consent, which would create lots with frontages that are 3.7 metres below the zoning standard and 7.3 metres below the average in the study area, is not consistent or comparable with the prevailing existing lot sizes in the neighbourhood. The variances for lot frontage do not respect and reinforce the existing physical character of the neighbourhood, do not maintain the general intent and purpose of the Official Plan, and therefore fail the Official Plan test of s.45(1) of the *Planning Act*.

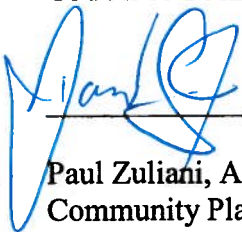
Additionally, the application for consent to sever fails the criteria of s.51(24) of the *Planning Act*, which requires regard be had to dimensions and shapes of the proposed lots and whether the plan conforms to the Official Plan, among other criteria. Approval of this consent and associated variances could destabilize the neighbourhood and set a negative precedent as it would indicate an opportunity to sever and redevelop surrounding lots with similar frontages.

The proposed lot frontages and 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 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. Therefore, Community Planning recommends that the consent and variances be refused.

CONTACT

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SIGNATURE



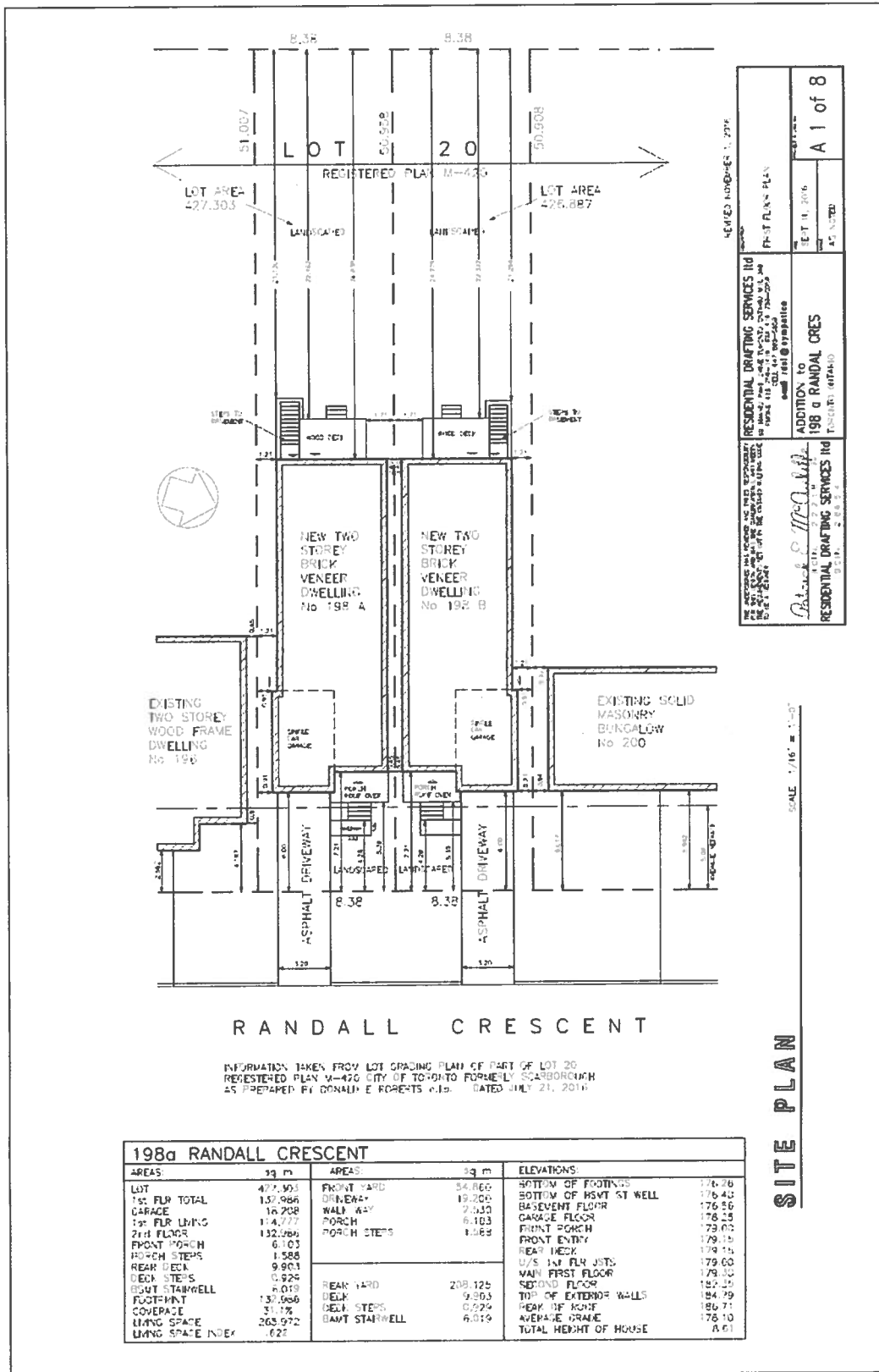
Paul Zuliani, Acting Director
Community Planning, Scarborough District

Attachment 1: Draft Reference Plan

Attachment 2: Site Plan

Attachment 3: Summary of Lot Frontages by Street in the Study Area

Attachment 2: Site Plan



Attachment 3: Summary of Lot Frontages by Street in the Study Area

FRONTAGE							
Street	No. of Lots	9 m and under		9.1 m - 11.9 m		12 m +	
		No.	%	No.	%	No.	%
Allister Ave	66	0	0.0%	0	0.0%	66	100.0%
Anson Ave	38	0	0.0%	5	13.2%	33	86.8%
Brimley Rd	32	0	0.0%	0	0.0%	32	100.0%
Cree Ave	18	0	0.0%	0	0.0%	18	100.0%
Dorset Rd	41	0	0.0%	0	0.0%	41	100.0%
Fermoy Rd	20	0	0.0%	0	0.0%	20	100.0%
Harewood Ave	63	0	0.0%	13	20.6%	50	79.4%
Horfield Ave	27	0	0.0%	0	0.0%	27	100.0%
Macduff Cres	35	0	0.0%	2	5.7%	33	94.3%
Mandarin Rd	7	0	0.0%	0	0.0%	7	100.0%
McCowan Rd	34	0	0.0%	2	5.9%	32	94.1%
Nicolan Rd	12	0	0.0%	0	0.0%	12	100.0%
Oakridge Dr	101	0	0.0%	1	1.0%	100	99.0%
Pastrano Crt	11	0	0.0%	0	0.0%	11	100.0%
Phyllis Ave	36	0	0.0%	0	0.0%	36	100.0%
Randall Cres	68	3	4.4%	4	5.9%	61	89.7%
St Clair Ave E	12	0	0.0%	0	0.0%	12	100.0%
Wadena Crt	7	0	0.0%	3	42.9%	4	57.1%
Willamere Dr	53	0	0.0%	0	0.0%	53	100.0%
	681	3	0.4%	30	4.4%	648	95.2%