

119 Harewood Avenue, Committee of Adjustment Application

Date: November 24, 2017

To: Chair and Committee Members of the Committee of Adjustment, Scarborough Panel

From: Director, Community Planning, Scarborough District

Wards: 36

File Number: B0051/17SC, A0355/17SC, A0356/17SC

Hearing Date: December 7, 2017

SUMMARY

This application is for consent to sever the property into two lots. Part 1 would have a frontage of 7.62 m and a lot area of 318.25 m². Part 2 would have a frontage of 7.62 m and a lot area of 317.1 m². The proposed lots are shown on the Draft Reference Plan (see Figure 1: Draft Reference Plan). The applicant is proposing to demolish the existing house and build two new detached houses (see Figure 2: Site Plan). The following variances are being requested:

Part 1 - A0355/17SC

By-law No. 569-2013

1. The proposed south side yard setback is 0.62 m
Whereas the minimum required side yard setback is 0.9 m
2. The proposed floor area is 342.62 m² or 1.08 times the lot area (the basement level is deemed the first floor and is included in the floor area)
Whereas the maximum permitted floor area is 190.31 m² or 0.6 times the lot area.
3. The proposed lot area is 318.25 m²
Whereas the minimum required lot area is 464 m²
4. The proposed lot frontage is 7.62 m
Whereas the minimum required lot frontage is 12 m
5. The proposed lot coverage is 40.8%
Whereas the maximum permitted lot coverage is 33%

6. The proposed main wall height is 7.03 m
Whereas the maximum permitted main wall height is 7 m
7. The proposed dwelling is 3 storeys
Whereas the maximum permitted number of storeys is 2
8. The proposed height of the first floor above established grade is 1.34 m
Whereas the maximum permitted height of the first floor above established grade is 1.2 m
9. The proposed building length is 21.61 m, measured from the front wall to the rear wall
Whereas the maximum permitted building length is 17 m
10. The proposed building depth is 22.7 m, measured from the front yard setback requirement on a lot to the rear wall
Whereas the maximum permitted building depth is 19 m
11. The proposed eaves would project 0.43 m and would be located 0.2 m from the south lot line
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

Part 2 - A0356/17SC

By-law No. 569-2013

1. The proposed north side yard setback is 0.62 m
Whereas the minimum required side yard setback is 0.9 m
2. The proposed 324.7 m² floor area or 1.02 times the lot area (the basement level is deemed the first floor and is included in the floor area)
Whereas the maximum permitted floor area is 190.31 m² or 0.6 times the lot area
3. The proposed lot area is 317.1 m²
Whereas the minimum required lot area is 464 m²
4. The proposed lot frontage is 7.62 m
Whereas the minimum required lot frontage is 12 m
5. The proposed lot coverage is 39.3%
Whereas the maximum permitted lot coverage is 33%
6. The proposed main wall height is 7.11 m
Whereas the maximum permitted main wall height is 7 m
7. The proposed dwelling is 3 storeys
Whereas the maximum permitted number of storeys is 2

8. The proposed height of the first floor above established grade is 1.4 m
Whereas the maximum permitted height of the first floor above established grade is 1.2 m
9. The proposed building length is 21.61 m, measured from the front wall to the rear wall
Whereas the maximum permitted building length is 17 m
10. The proposed building depth is 22.7 m, measured from the front yard setback requirement on a lot to the rear wall
Whereas the maximum permitted building depth is 19 m
11. The proposed eaves would project 0.43 m and would be located 0.2 m from the south lot line
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

RECOMMENDATIONS

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

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 15.24 metres and is 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 though 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, Community 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 the proposed frontage of 7.62 metres.

A summary of lot frontages is attached to this report for the Committee's consideration (see Figure 3: Summary of Lot Frontages by Street in the Study Area). Of the total lots in the study area, 99.6% have a lot frontage greater than the proposed lots, with the average lot frontage being 15.6 metres. There are 63 lots on Harewood Avenue and the average lot frontage is 14.6 metres.

Previous Committee of Adjustment applications at 10 Randall Crescent to construct two new detached dwellings with lot frontages of 7.62 metres 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 lot 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 (OMB) 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).

Previous consent and minor variance applications at 198 Randall Crescent to sever the property into two lots with frontages of 8.38 metres and to construct two new detached dwellings were refused by the Committee of Adjustment on February 16, 2017 (File B0060/16SC, A0330/16SC, A0331/16SC). The Committee's decision was appealed to the OMB by the applicant. Community Planning recommended refusal of these applications and is attending the OMB in opposition. An OMB continuation hearing is scheduled for January 30, 2018.

On Randall Crescent, there are two lots at 194 and 196 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.

Given the average lot size in the surrounding neighbourhood, the proposed consent, which would create lots with frontages that are 4.38 metres below the zoning standard and 7.98 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 the creation of the lots and for the construction of the proposed dwellings 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 ensure lot sizes and new development are ~~consistent and compatible with prevailing lot sizes and development 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

Cecilia Wong, Assistant Planner
Tel: 416-396-5279
E-mail: Cecilia.Wong@toronto.ca

SIGNATURE

Signed by David Sit, Community Planning Manager on behalf of Paul Zuliani, Director, Community Planning, Scarborough District.

A handwritten signature in blue ink, appearing to be 'David Sit', is written over the signature line.

ATTACHMENTS

Applicant's Drawings:

Figure 1: Draft Reference Plan

Figure 2: Site Plan

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

[illegible]

FOR COMMITTEE OF ADJUSTMENT



Model

Cement

ALBION BUILDER

1119 HAREWOOD AVE

TORONTO, ONTARIO

*THIS IS A HIRE-A-MET TO BE SEALED. ALL CHARGES MUST BE PAID BY CONTRACTOR PRIOR TO COMMENCEMENT OF EAR WORK. ANY DISCREPANCIES MUST BE REPORTED IMMEDIATELY TO THE DESIGNER.

1			
2			
3			
4			
5	FOR COMMITTEE OF ADJUSTMENT	02/22/2017	3
6	Issued for Zoning Certificate	01/22/2017	3
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			
36			
37			
38			
39			
40			
41			
42			
43			
44			
45			
46			
47			
48			
49			
50			
51			
52			
53			
54			
55			
56			
57			
58			
59			
60			
61			
62			
63			
64			
65			
66			
67			
68			
69			
70			
71			
72			
73			
74			
75			
76			
77			
78			
79			
80			
81			
82			
83			
84			
85			
86			
87			
88			
89			
90			
91			
92			
93			
94			
95			
96			
97			
98			
99			
100			

Sheet Title	
SITE PLAN	
Project No.	Drawing No.
17-001-21	
Scale	Date
1" = 200'	9/20/2017
Drawn by	Checked by
AB	P.J.

Figure 3: Summary of Lot Frontages in the Study Area

119 Harewood Avenue Study Area

Summary of Lot Frontages by Street in the Study Area

Street	No. of Lots	FRONTAGE					
		7.62 m - 9 m		9.1 m - 11.9 m		12 m and greater	
		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%
Total	681	3	0.4%	30	4.4%	648	95.2%