

Thursday, May 31, 2018

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

File Number: B0020/18SC
Property Address: 59 CLETA DR
Legal Description: PLAN 3507 LOT 49
Agent: CANTAM GROUP LTD
Owner(s): NAZNIN CHOWDHURY
Zoning: RD - Residential Detached/ S- Single Family Residential [ZZC]
Ward: Scarborough Southwest (35)
Community: Kennedy Park Community
Heritage: Not Applicable

Notice was given and the application considered on Thursday, May 31, 2018, as required by the Planning Act.

THE CONSENT REQUESTED:

This application is for consent to sever the land into two lots, as shown on the attached Site Plan. Lots to be created Part 1 and Part 2 would have a frontage of 8.99 metres. Part 1 would have a lot area of 498 square metres. Part 2 would have a lot area of 501 square metres. In order to facilitate the proposed development, relief from the provision of the Zoning By-law was requested, as outlined in A0125/18SC and A0126/18SC.

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 Refused

In the opinion of the Committee, the application does not satisfy the requirements of Section 51(24) of the Planning Act and is **NOT** approved for the following reason(s):

- The proposed land division is premature.
- The proposed land division does not conform to the policies of the official plan.

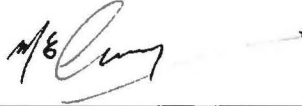
- The suitability of the land for the purposes for which it is to be subdivided has not been demonstrated.
- The suitability of the dimensions and shapes of the proposed lots has not been demonstrated.

SIGNATURE PAGE

File Number: B0020/18SC
Property Address: 59 CLETA DR
Legal Description: PLAN 3507 LOT 49
Applicant: CANTAM GROUP LTD
Owner(s): NAZNIN CHOWDHURY
Zoning: RD - Residential Detached/ S- Single Family Residential [ZZC]
Ward: Scarborough Southwest(35)
Community: Kennedy Park Community
Heritage: Not Applicable



David Peacock



Eden Gajraj

Hena Kabir



Nimrod Salamon



Sean Karmali

DATE DECISION MAILED ON: Tuesday, June 5, 2018

LAST DATE OF APPEAL: Monday, June 25, 2018

CERTIFIED TRUE COPY



Andre Robichaud
Manager & Deputy Secretary Treasurer
Scarborough Panel

Appeal Information

All appeals must be filed with the Deputy Secretary Treasurer, Committee of Adjustment by the last date of appeal as shown on the signature page.

Your appeal to the **Toronto Local Appeal Body (TLAB)** should be submitted in accordance with the instructions below unless there is a related appeal* to the Local Planning Appeal Tribunal (LPAT) for the same matter.

TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

To appeal this decision to the TLAB you need the following:

- a completed TLAB Notice of Appeal (Form 1) in **digital format** on a CD/DVD
- \$300 for each appeal filed regardless if related and submitted by the same appellant
- Fees are payable to the **City of Toronto** by cash, certified cheque or money order (Canadian funds)

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LOCAL PLANNING APPEAL TRIBUNAL (LPAT) INSTRUCTIONS

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- a completed LPAT Appellant Form (A1) in **paper format**
- \$300.00 with an additional reduced fee of \$25.00 for each connected appeal filed by the same appellant
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*A **related appeal** is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the Application Information Centre and contact the assigned planner if necessary. If there is a related appeal, your appeal to the **Local Planning Appeal Tribunal (LPAT)** should be submitted in accordance with the instructions above.

NOTE: Only individuals, corporations and public agencies may appeal a decision. The appeal may not be filed by an unincorporated association or group. However, the appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

Thursday, May 31, 2018

**NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)**

File Number: A0125/18SC
Property Address: 59 CLETA DR
Legal Description: PLAN 3507 LOT 49, PART 1
Agent: CANTAM GROUP LTD
Owner(s): NAZNIN CHOWDHURY
Zoning: RD - Residential Detached/ S- Single Family Residential [ZZC]
Ward: Scarborough Southwest (35)
Community: Kennedy Park Community
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, May 31, 2018, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

The applicant is seeking relief from the provisions of the Zoning By-law to construct a new two storey single family residential dwelling.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

By-law No. 569-2013 & By-law No. 9276

1. To permit the proposed 0.61 metres side yard setback
Whereas the Zoning By-law requires a minimum 0.9 metres side yard setback.
2. To permit the proposed 8.99 metres lot frontage
Whereas the Zoning By-law requires a minimum 12 metres lot frontage.

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 Minor Variance Application is Refused

It is the decision of the Committee of Adjustment to NOT approve this variance application for the following reasons:

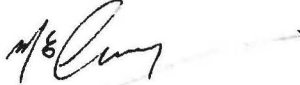
- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

SIGNATURE PAGE

File Number: A0125/18SC
Property Address: 59 CLETA DR
Legal Description: PLAN 3507 LOT 49, PART 1
Agent: CANTAM GROUP LTD
Owner(s): NAZNIN CHOWDHURY
Zoning: RD - Residential Detached/ S- Single Family Residential [ZZC]
Ward: Scarborough Southwest (35)
Community: Kennedy Park Community
Heritage: Not Applicable



David Peacock



Eden Gajraj

Hena Kabir



Nimrod Salamon



Sean Karmali

DATE DECISION MAILED ON: Tuesday, June 5, 2018

LAST DATE OF APPEAL: Wednesday, June 20, 2018

CERTIFIED TRUE COPY



Andre Robichaud
Manager & Deputy Secretary Treasurer
Scarborough Panel

Appeal Information

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Thursday, May 31, 2018

**NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)**

File Number: A0126/18SC
Property Address: 59 CLETA DR, PART 2
Legal Description: PLAN 3507 LOT 49
Agent: CANTAM GROUP LTD
Owner(s): NAZNIN CHOWDHURY
Zoning: RD - Residential Detached/ S- Single Family Residential [ZZC]
Ward: Scarborough Southwest (35)
Community: Kennedy Park Community
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, May 31, 2018, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

The applicant is seeking relief from the provisions of the Zoning By-law to construct a new two storey single family residential dwelling.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

By-law No. 569-2013 & By-law No. 9276

1. To permit the proposed 0.61 metres side yard setback;
Whereas the Zoning By-law requires a minimum 0.9 metres side yard setback.
2. To permit the proposed 8.99 metres lot frontage;
Whereas the Zoning By-law requires a minimum 12 metres lot frontage.

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 Minor Variance Application is Refused

It is the decision of the Committee of Adjustment to NOT approve this variance application for the following reasons:

- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

SIGNATURE PAGE

File Number: A0126/18SC
Property Address: 59 CLETA DR, PART 2
Legal Description: PLAN 3507 LOT 49
Agent: CANTAM GROUP LTD
Owner(s): NAZNIN CHOWDHURY
Zoning: RD - Residential Detached/ S- Single Family Residential [ZZC]
Ward: Scarborough Southwest (35)
Community: Kennedy Park Community
Heritage: Not Applicable



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59 Cleata Drive, Committee of Adjustment Application

Date: May 18, 2018

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

From: Director, Community Planning, Scarborough District

Wards: 35

File Number: B0020/18SC, A0125/18SC & A0126/18SC

Hearing Date: May 31, 2018

SUMMARY

The application is for consent to sever the lands to create two lots. The proposed lots would each have a frontage of 8.99 metres on Cleata Drive and a lot area of approximately 501 square metres each. The applicant is proposing to demolish the existing dwelling and build two new detached dwellings. The following variances are being requested:

Part 1 (A0125/18SC)

By-law No. 569-2013 & By-law No. 9276

1. To permit the proposed 0.61 metres side yard setback, whereas the Zoning By-law requires a minimum 0.9 metres side yard setback.
2. To permit the proposed 8.99 metres lot frontage, whereas the Zoning By-law requires a minimum 12 metres lot frontage.

Part 2 (A0126/18SC)

By-law No. 569-2013 & By-law No. 9276

1. To permit the proposed 0.61 metres side yard setback, whereas the Zoning By-law requires a minimum 0.9 metres side yard setback.
2. To permit the proposed 8.99 metres lot frontage, whereas the Zoning By-law requires a minimum 12 metres lot frontage.

RECOMMENDATIONS

Community Planning staff recommend that the applications be refused to protect the character and lot frontages in the neighbourhood.

COMMENTS

The subject property is located on the west side of Clela Drive, east of Kennedy Road and north of Danforth Road. The property is designated *Neighbourhoods* in the Official Plan. The property is zoned Single Family Residential (S) under the Kennedy Park Community Zoning By-law 9276, as amended, and Residential Detached (RD) under the City-Wide Zoning By-law 569-2013, as amended.

Official Plan 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;
- c) heights, massing, scale and dwelling type of nearby residential properties; and
- f) prevailing patterns of rear and side yard setbacks and landscaped open space.

As part of the City's ongoing Official Plan Five Year Review, Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized Apartment Neighbourhood sites and implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. The OMB commenced the hearing of appeals of OPA 320 in May 2017 and it remains ongoing.

Both Zoning By-laws require a minimum lot frontage of 12.0 metres. The applicant is proposing to sever the property to create two new lots, which will each have a lot frontage of 8.99 metres. The proposed lots will be undersized and will result in a zoning deficiency of 3.01 metres for lot frontage.

Community Planning staff analyzed residential lot frontages within a study area bounded by Covertte Avenue to the north, Brenda Crescent to the east, Danforth Road to the south and Kennedy Road to the west. There were a total of 421 lots within the study area, of which the average lot frontage is 14.8 metres.

Staff conducted a review of recent Committee of Adjustment decisions on Clela Drive. There has been only one approval for lot frontages less than 12.0 metres. Committee of Adjustment refused a proposal at 47 Clela Drive Application No. B009/16SC, A030/16SC & A031/16SC to protect the consistent pattern of lot frontages. The Ontario Municipal Board approved the proposal.

The application for consent fails to meet criteria of S.51(24) of the Planning Act, which requires consideration of the dimensions and shapes of the proposed lots and whether

the plan conforms to the Official Plan. The new lots will have lot frontages that are not consistent with the predominant lot sizes in the neighbourhood. Approval of this consent and variances could have an impact on the prevailing characteristics of the neighbourhood.

The variances 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 variances do not maintain the general intent and purpose of the Zoning By-law, are not minor and not desirable for the appropriate development of the land. Therefore, Community Planning recommends that the applications be refused.

CONTACT

Bruna Nigro, Assistant Planner
Tel: 416-396-7037
Email: Bruna.Nigro@toronto.ca

SIGNATURE

Signed by Victor Gottwald, Community Planning Manager on behalf of Paul Zuliani, Director, Community Planning, Scarborough District.

