

Thursday, May 10, 2018

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

File Number:	B0053/17SC	Zoning	Single Family (S) & Residential Detached (RD) [ZR]
Owner:	SIFAT ISLAM TAIFUR	Ward:	Scarborough Southwest (35)
Agent:	ARC DESIGN GROUP	Heritage:	Not Applicable
Property Address:	525 KENNEDY RD	Community:	Kennedy Park Community
Legal Description:	PLAN 3507 PT LOT 14		

Notice was given and the application considered on Thursday, May 10, 2018, as required by the Planning Act.

THE CONSENT REQUESTED:

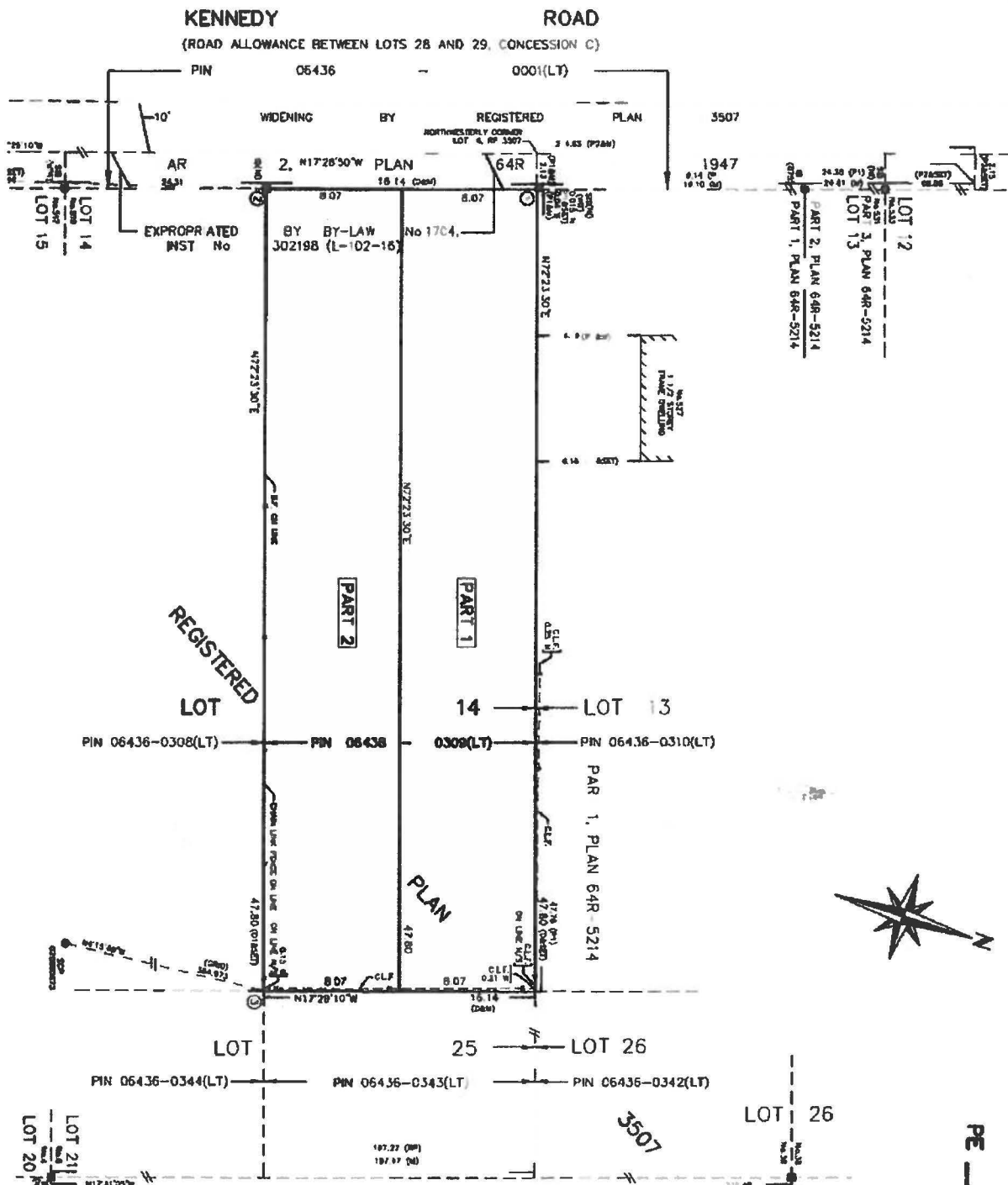
This application is for consent to sever the land at 525 Kennedy Road into two lots for proposed single family houses.

The proposed lots are shown as PART 1 and PART 2 on the attached Lot Division Plan. Each lot would have a frontage of 8 m on Kennedy Road and a lot area of approximately 385 m².

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

The Committee has considered the application for consent to the creation of new lots as shown on the attached Lot Division Plan. The Committee is not satisfied that the dimensions of the proposed lots would maintain the character of the established residential neighbourhood. The Committee is not satisfied that the application meets the criteria set out in the provisions of Section 51(24) of the *Planning Act*.



Lot Division Plan
 Applicant's Submitted Drawing
 Not to Scale

525 Kennedy Road
 File # B0053/17SC

10/05/2018

Attachment 1

SIGNATURE PAGE

File Number:	B0053/17SC	Zoning	Single Family (S) & Residential Detached (RD) [ZR]
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Agent:	ARC DESIGN GROUP	Heritage:	Not Applicable
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Legal Description:	PLAN 3507 PT LOT 14		



David Peacock



Eden Gajraj

Hena Kabir



Nimrod Salamon



Sean Karmali

DATE DECISION MAILED ON: Tuesday, May 15, 2018

LAST DATE OF APPEAL: Monday, June 4, 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 Ontario Municipal Board (OMB) 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
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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 10, 2018

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

File Number:	A0361/17SC	Zoning	Single Family (S) & Residential Detached (RD) [ZR]
Owner:	SIFAT ISLAM TAIFUR	Ward:	Scarborough Southwest (35)
Agent:	ARC DESIGN GROUP	Heritage:	Not Applicable
Property Address:	525 KENNEDY RD PART 1	Community:	Kennedy Park Community
Legal Description:	PLAN 3507 PT LOT 14		

Notice was given and a Public Hearing was held on Thursday, May 10, 2018, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

The owner is requesting consent to sever the land at 525 Kennedy Road into two lots, and has applied for variances for the proposed north lot, shown as Part 1 on the attached Lot Division Plan. The owner is proposing to demolish the existing dwelling and build a new single family dwelling.

REQUESTED VARIANCES TO THE ZONING BY-LAW:

By-law No. 569-2013 and By-law No. 9276:

- 1) The proposed lot frontage is 8 m and the proposed lot area is 385 m²
Whereas the minimum required lot frontage is 12 m and the minimum required lot area is 464 m²

By-law No. 569-2013:

- 2) The house is proposed as a three storey dwelling with a height of 9 m.
Whereas the permitted maximum height of the building is 7.2m and the building may have no more than two storeys
- 3) The proposed building length is 18.7 m
Whereas the permitted maximum building length for a detached house is 17.0 m measured between the front main wall of the building and the rear main wall of the building
- 4) The proposed building depth is 20.7 m
Whereas the permitted maximum building depth for a detached house is 19.0 metres, measured between the required front yard setback and the rear main wall of the building
- 5) The proposed first floor height is 1.32 m
Whereas the permitted maximum height of the first floor above established grade is 1.2 m

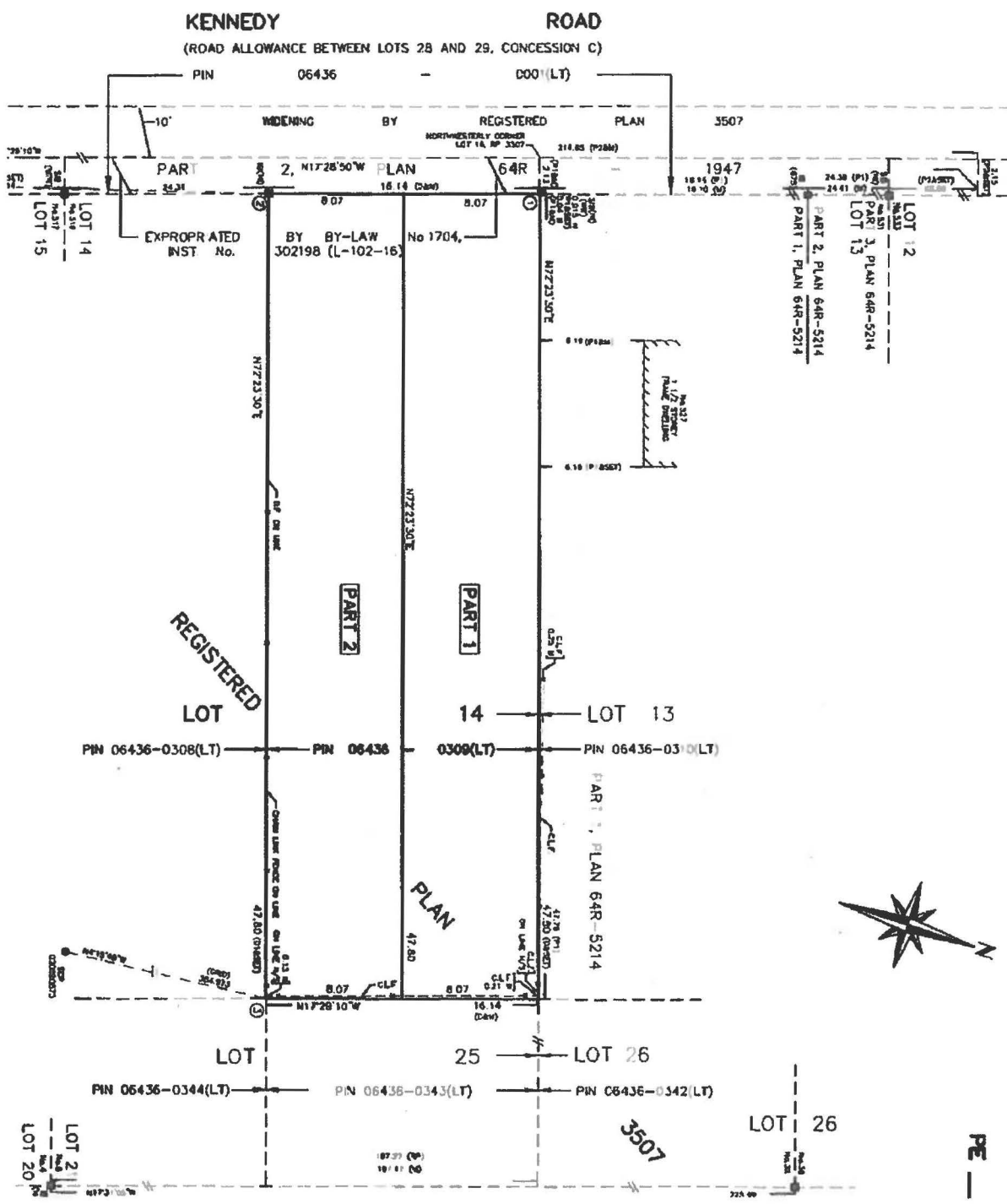
The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing,

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 refuse 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 variances are not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variances are not minor.



Lot Division Plan
 Applicant's Submitted Drawing
 Not to Scale

525 Kennedy Road (Part 1)
 File # A0361/17SC

10/05/2018

Attachment 1

SIGNATURE PAGE

File Number:	A0361/17SC	Zoning	Single Family (S) & Residential Detached (RD) [ZR]
Owner:	SIFAT ISLAM TAIFUR	Ward:	Scarborough Southwest (35)
Agent:	ARC DESIGN GROUP	Heritage:	Not Applicable
Property Address:	525 KENNEDY RD PART 1	Community:	Kennedy Park Community
Legal Description:	PLAN 3507 PT LOT 14		



David Peacock



Eden Gajraj

Hena Kabir



Nimrod Salamon



Sean Karmali

DATE DECISION MAILED ON: Tuesday, May 15, 2018

LAST DATE OF APPEAL: Wednesday, May 30, 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 above.

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 Ontario Municipal Board (OMB) for the same matter.

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- \$300.00 with an additional reduced fee of \$25.00 for each connected appeal filed by the same appellant
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Thursday, May 10, 2018

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

File Number:	A0360/17SC	Zoning	Single Family (S) & Residential Detached (RD) [ZR]
Owner:	SIFAT ISLAM TAIFUR	Ward:	Scarborough Southwest (35)
Agent:	ARC DESIGN GROUP	Heritage:	Not Applicable
Property Address:	525 KENNEDY RD PART 2	Community:	Kennedy Park Community
Legal Description:	PLAN 3507 PT LOT 14		

Notice was given and a Public Hearing was held on Thursday, May 10, 2018, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

The owner is requesting consent to sever the land at 525 Kennedy Road into two lots, and has applied for variances for the proposed south lot, shown as Part 2 on the attached Lot Division Plan. The owner is proposing to demolish the existing dwelling and build a new single family dwelling.

REQUESTED VARIANCES TO THE ZONING BY-LAW:**By-law No. 569-2013 and By-law No. 9276:**

- 1) The proposed lot frontage is 8 m and the proposed lot area is 385 m²
Whereas the minimum required lot frontage is 12 m and the minimum required lot area is 464 m²

By-law No. 569-2013:

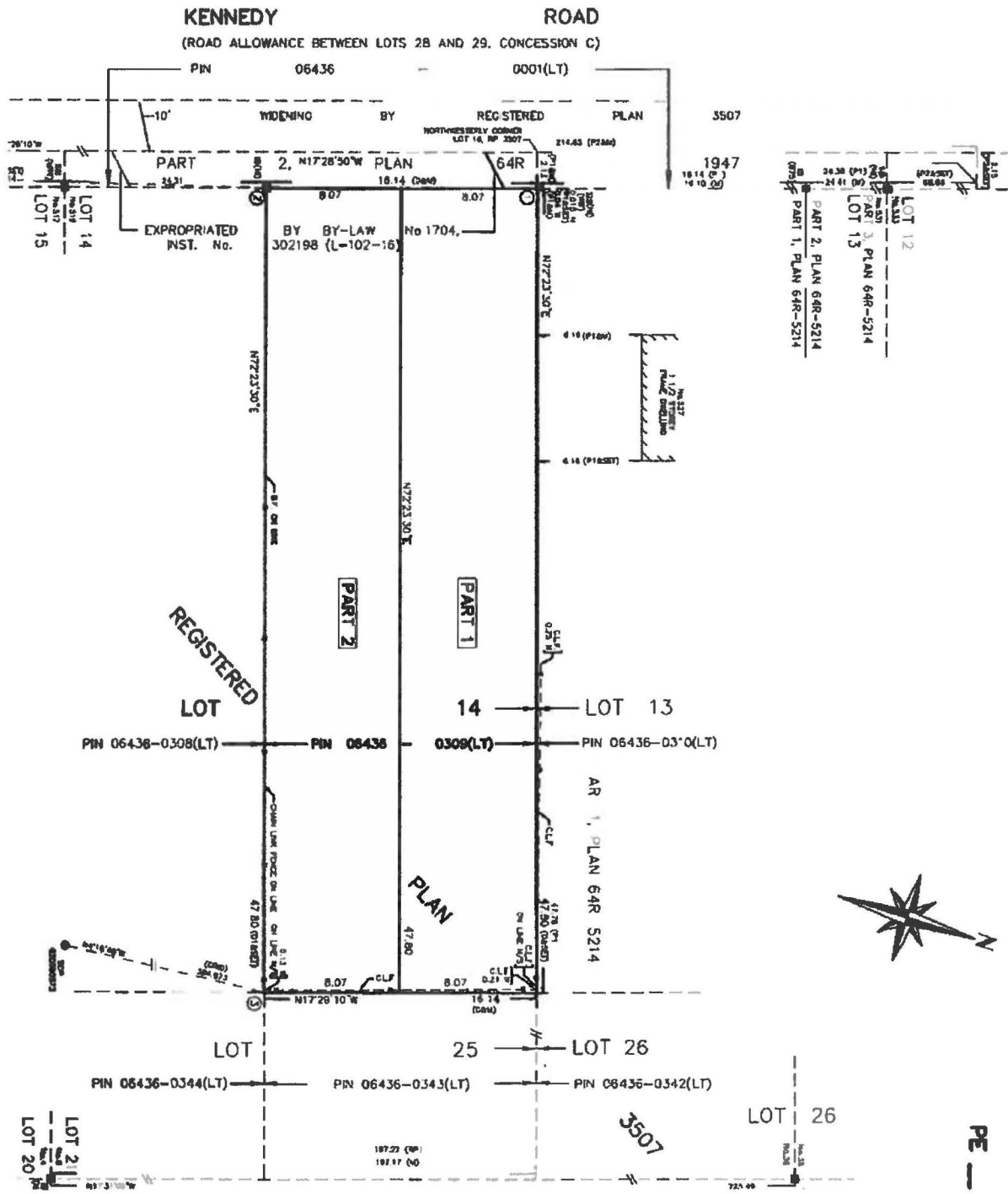
- 2) The house is proposed as a three storey dwelling with a height of 9 m.
Whereas the permitted maximum height of the building is 7.2m and the building may have no more than two storeys
- 3) The proposed building length is 18.7 m
Whereas the permitted maximum building length for a detached house is 17.0 m measured between the front main wall of the building and the rear main wall of the building
- 4) The proposed building depth is 20.7 m
Whereas the permitted maximum building depth for a detached house is 19.0 metres, measured between the required front yard setback and the rear main wall of the building

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 refuse 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 variances are not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variances are not minor.



Lot Division Plan
 Applicant's Submitted Drawing
 Not to Scale

525 Kennedy Road (Part 2)
 File # A0360/17SC

10/05/2018

Attachment 1

SIGNATURE PAGE

File Number:	A0360/17SC	Zoning	Single Family (S) & Residential Detached (RD) [ZR]
Owner:	SIFAT ISLAM TAIFUR	Ward:	Scarborough Southwest (35)
Agent:	ARC DESIGN GROUP	Heritage:	Not Applicable
Property Address:	525 KENNEDY RD PART 2	Community:	Kennedy Park Community
Legal Description:	PLAN 3507 PT LOT 14		



David Peacock



Eden Gajraj

Hena Kabir



Nimrod Salamon



Sean Karmali

DATE DECISION MAILED ON: Tuesday, May 15, 2018

LAST DATE OF APPEAL: Wednesday, May 30, 2018

CERTIFIED TRUE COPY



**Andre Robichaud
Manager & Deputy Secretary Treasurer
Scarborough Panel**

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525 Kennedy Road, Committee of Adjustment Application

Date: April 27, 2018

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

From: Director, Community Planning, Scarborough District

Wards: 35

File Number: B0053/17SC, A0360/17SC & A0361/17SC

Hearing Date: May 10, 2018

SUMMARY

The application is for consent to sever the lands to create two lots. The proposed lots would each have a frontage of 8.07 metres on Kennedy Road and a lot area of approximately 385 square metres each. The applicant is proposing to demolish the existing dwelling and building two new detached dwellings. The following variances are being requested:

PART 2 (File A0360/17SC) and PART 1 (File A0361/17SC):

By-law No. 569-2013 and By-law No. 9276:

- 1) The proposed lot frontage is 8.07 m and the proposed lot area is 385 m². Whereas the minimum required lot frontage is 12 m and the minimum required lot area is 464 m².

By-law No. 569-2013:

- 2) The house is proposed as a three storey dwelling with a height of 9 m. Whereas the permitted maximum height of the building is 7.2m and the building may have no more than two storeys.
- 3) The proposed building length is 19.7 m. Whereas the permitted maximum building length for a detached house is 17.0 m measured between the front main wall of the building and the rear main wall of the building.
- 4) The proposed building depth is 21.8 m

Whereas the permitted maximum building depth for a detached house is 19.0 metres, measured between the required front yard setback and the rear main wall of the building.

- 5) The proposed first floor height is 1.32 m for PART 1
Whereas the permitted maximum height of the first floor above established grade is 1.2 m.

RECOMMENDATIONS

Community Planning staff recommend that the applications be refused to protect the prevailing pattern of lot frontages and lot sizes in the neighbourhood.

COMMENTS

The subject property is located on the east side 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.

The property is located within a neighbourhood that is consists of wider residential lots with mature trees.

The 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 and a minimum lot area of 464 square metres. The applicant is proposing to sever the property to create two new lots, which will each have a lot frontage of 8.07 metres and lot area of 385 square metres. The proposed undersized lots would result in a zoning deficiency of 3.9 metres for lot frontage and 79.0 square metres for lot area.

Planning staff reviewed lot frontages and lot areas within the surrounding residential area bounded by: Corvette Avenue, the north side of Danforth Road, Brenda Crescent and Kennedy Road. There are only two properties along Kennedy Road that do not comply with the 12-metre requirement for lot frontage under the Zoning By-laws. 501 and 503 Kennedy Road each have a lot frontage of 11.5 metres and a lot area of 553 square metres. These two lots do not represent the prevailing lot pattern along Kennedy Road. The remainder of the lots fronting onto Kennedy Road comply with the required Zoning By-laws.

Staff conducted a review of recent Committee of Adjustment decisions, which revealed there have been no other approvals for lot frontages of 8.07 metres on Kennedy Road.

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 and lot areas 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.

