

7 Aragon Avenue

Date: May 16, 2018

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

From: Director, Community Planning, Scarborough District

Wards: Tom O'Shanter Community Ward (40)

File Number: B0008/18SC, A0046/18SC, A0047/18SC

Hearing Date: May 31, 2018

SUMMARY

The consent application proposes to sever the property into two (2) lots in order to allow two new single detached dwellings to be constructed. The minor variance applications request a number of proposed variances to the existing Zoning By-laws, including minimum lot frontage, setbacks and maximum building length.

The subject lands have a frontage of 23.14 metres along the east side of Aragon Avenue, a depth of 64.96 metres and a lot area of approximately 1,503.17 square metres.

The proposed lots would each have a frontage of 11.57 metres and an area of 751.58 square metres. The existing dwelling would be demolished and a new detached dwelling would be constructed on each lot.

The applicant has requested the following variances to the Zoning By-law:

Part 1 (A0046/18SC) & Part 2 (A0047/18SC)

By-law 569-2013:

1. The proposed lot frontage is 11.57 m
Whereas the required minimum lot frontage is 15 m
2. The proposed building length is 19.0 m
Whereas the permitted maximum building length is 17.0 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.

By-law 12360:

3. The proposed lot frontage is 11.57 m
Whereas the required minimum lot frontage is 15 m
4. The proposed first storey north side yard setback is 0.6 m (garage wall) for PART 1
The proposed second storey north and south side yard setbacks are 1.2 m for PART 1
Whereas the minimum required side yard setback is 1.2 m from each side for a one-storey dwelling plus 600 mm for each additional or partial storey
5. The proposed first storey south side yard setback is 0.6 m (garage wall) for PART 2
The proposed second storey north and south side yard setbacks are 1.2 m for PART 2
Whereas the minimum required side yard setback is 1.2 m from each side for a one-storey dwelling plus 600 mm for each additional or partial storey

RECOMMENDATIONS

Community Planning staff recommend that the Committee refuse the applications for the following reasons:

1. The requested lot frontages in the applications for minor variance for the two proposed residential lots would permit development that would not be consistent with the existing physical character of the neighbourhood and as such, does not maintain the general intent and purpose of the Official Plan and therefore fails the Official Plan test of Section 45 (1) of the *Planning Act*.
2. The application for consent to sever fails the criteria of Section 51(24) of the *Planning Act*, specifically subsections c) and f) which requires regard shall be had, among other matters, including conformity with the Official Plan and the dimensions and shapes of the proposed lots.

FINANCIAL IMPACT

There is no financial impact resulting from the adoption of the recommendations in this report.

DECISION HISTORY

There are no previous Committee of Adjustment applications filed on this property.

COMMENTS

The subject property is located north of Highway 401 and west of Birchmount Road. The applicant proposes to sever the subject property, creating two lots (Parts 1 and 2). Parts 1 (7A Aragon) and 2 (7B Aragon) which would each have lot frontages of 11.57 metres and a lot areas of 751.58 square metres. The applicant further proposes to construct a new two-storey detached dwelling on each Part. The existing house would be demolished. A number of associated variances to the existing zoning by-laws (569-2013 and 12360) are also requested.

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.

The intent of the Official Plan is to promote physical stability in areas designated *Neighbourhoods*. Healthy Neighbourhoods Official Plan Policy 2.3.1.1 states that "*Neighbourhoods* and *Apartment Neighbourhoods* are considered to be physically stable areas. Development within *Neighbourhoods* and *Apartment Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

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 *Neighbourhoods*, including the following":

- b) size and configuration of lots;

The policies also indicate that "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.

Amended Neighbourhoods Policy 4.1.5 provides refined and improved guidance regarding compatible development in established *Neighbourhoods*, to respect and reinforce the existing physical character of the neighbourhood, including among other matters, the prevailing size and configuration of lots.

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

On December 13, 2017 the OMB issued an order partially approving OPA 320 and brought into force new Policies 10 and 12 in section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister and relevant and represent Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found at the following link: www.toronto.ca/OPreview/neighbourhoods.

The property is zoned Residential Detached Zone (RD) under City of Toronto Zoning By-law No. 569-2013, as amended, and zoned Single Family Dwelling (S) under Tam O'Shanter Community Zoning By-law No. 12360, as amended. In reviewing these applications, Community Planning staff have determined that the proposed lots would not meet the minimum lot frontage requirement for the "RD" and "S" Zones. Both Zoning by-laws require a minimum lot frontage of 15 metres (for a single family dwelling) on Aragon Avenue. The rest of the neighbourhood under City of Toronto Zoning By-law 569-2013 has an Exception which requires that the minimum lot frontages are those which existed on the day of the enactment of this By-law, while the Tam O'Shanter Community Zoning By-law permits one Single-Family Dwelling per lot as shown on a Registered Plan. The intent of the Zoning By-law is to establish specific standards as to how land is developed. Minimum lot frontages are required in order to achieve uniform and consistent streetscapes and to maintain a standard pattern of development.

Staff conducted an analysis of the lot frontages and areas in the surrounding neighbourhood within the same zone category. The study area contains two RD zone categories: one with minimum lot frontage of 15 metres and the other with an Exception as noted above. The lot study area boundaries were Marlbank Road to the east, Warden Avenue to the west, Scarden Avenue to the south, and the residential properties south of Sheppard Avenue. (See attached Study Area Boundary).

The applicant is requesting two proposed lots with frontages of 11.57 metres. The lot study indicates approximately 95.5% of the lots (173 lots out of 181 lots) have lot frontages greater than 12 metres. Only 3.8% (7 lots) have lot frontages less than 12 metres. Further, 66.8% of the lots (121 lots out of 181 lots) have lot frontages greater than 15 metres, which is the minimum requirement for lot frontage under both City of Toronto Zoning By-law 569-2013 and the Tam O'Shanter Community Zoning By-law.

The requested lot frontages proposed in the applications for minor variance would permit proposed development that would not be consistent with the existing physical character of the neighbourhood and as such, does not maintain the general intent and purpose of the Official Plan, and therefore fails the Official Plan test of S.45(1) of the *Planning Act*.

Community Planning Staff are also of the opinion that the application for consent to sever fails the criteria of S.51(24) of the *Planning Act*, specifically subsections c) and f) which requires regard shall be had, among other matters, including conformity with the official plan and the dimensions and shapes of the proposed lots.

Community Planning staff therefore, recommend that Applications B0008/18SC, A0046/18SC and A0047/18SC be refused.

CONTACT

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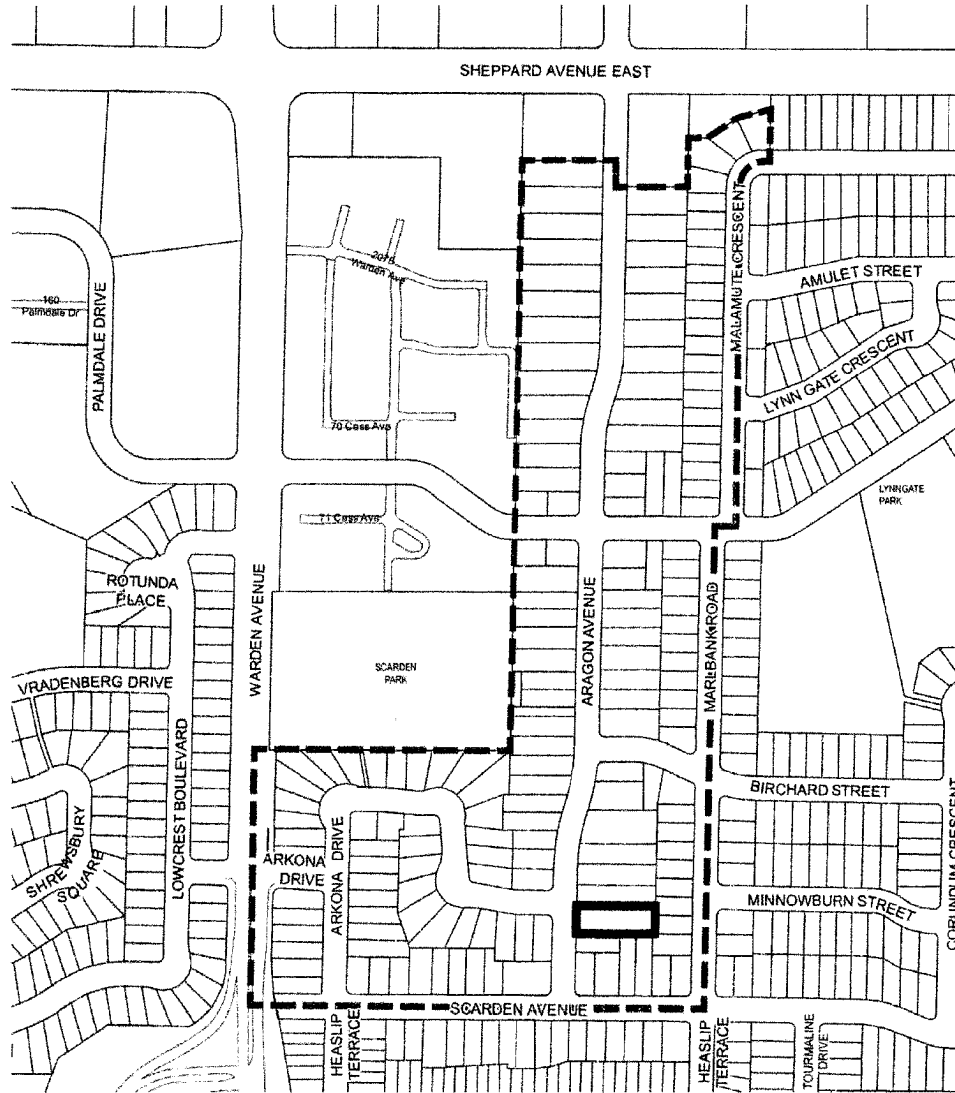
SIGNATURE

Original signed by Colin Ramdial, Community Planning Manager on behalf of Director.

Paul Zuliani
Director, Community Planning, Scarborough District

ATTACHEMENT

Study Area Boundary




Location Map

 Location of Application  Study Area

7 Aragon Avenue

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 Not to Scale
05/11/18