

100 Brenda Crescent, Committee of Adjustment Application

Date: September 6, 2019

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

From: Director, Community Planning, Scarborough District

Wards: 20

File Number: B0023/18SC, A0134/18SC, A0135/18SC

Hearing Date: September 18, 2019

RECOMMENDATIONS

Community Planning staff recommend the applications be **refused** as the proposal does not respect and reinforce the existing physical character of the neighbourhood.

SUMMARY

The applicant is proposing to sever the land at 100 Brenda Crescent into two lots, and to construct a new detached dwelling on each lot. The proposed lots would each have a lot frontage of 9.14 metres and a lot area of 258 square metres. The following variances are being requested:

Part 1:

By-law No. 569-2013

1. To permit the proposed 9.14 metres lot frontage and 258 square metres lot area, whereas the Zoning By-law requires a minimum 12 metres lot frontage and 464 square metres lot area.
2. To permit the proposed 39% lot coverage, whereas the Zoning By-law permits maximum 33% lot coverage.
3. To permit the proposed front porch to encroach 3.06 metres into the required setback, whereas the Zoning By-law permits maximum 2.5 metres encroachment in the required front yard setback.

4. To permit the proposed 6 metres front yard setback, whereas the Zoning By-law requires a minimum 9.11 metres front yard setback.

Part 2:

By-law No. 569-2013

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2. To permit the proposed 39% lot coverage, whereas the Zoning By-law permits maximum 33% lot coverage.

3. To permit the proposed front porch to encroach 3.06 metres into the required setback, whereas the Zoning By-law permits maximum 2.5 metres encroachment in the required front yard setback.

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COMMENTS

The subject property is located east of Kennedy Road and north of Danforth Road. The property is designated *Neighbourhoods* in the Official Plan. It is zoned Single-Family Residential (S) in the Kennedy Park Community By-law No. 9276, as amended and Residential Detached (RD) in the City of Toronto Zoning By-law No. 569-2013, as amended.

In considering an application for consent, regard shall be had, among other matters, to the following matters outlined in subsection 51(24) of the *Planning Act*:

- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (f) the dimensions and shapes of the proposed lots.

The Local Planning Appeals Tribunal issued an Order on December 7, 2018 to approve and bring into force Official Plan Amendment No. 320 (OPA 320). The approved policies reflect the policies endorsed by Council at its meetings of June 26 to 29, 2018 and July 23 to 30, 2018 in response to mediation and settlement offers from OPA 320 Appellants.

OPA 320 was adopted as part of the Official Plan Five Year Review and contains new and revised policies on Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods*. The approved amendments uphold the Plan's goals to protect and

enhance existing neighbourhoods that are considered stable but not static, allow limited infill on underutilized *Apartment Neighbourhood* sites and help attain Tower Renewal Program goals.

In its Order that approves OPA 320, the LPAT found that the OPA 320 policies are consistent with the Provincial Policy Statement (2014) and conform with the Growth Plan for the Greater Golden Horseshoe (2017).

The subject site is within an area designated *Neighbourhoods* in the Official Plan. Official Plan Policy 2.3.1.1 states that *Neighbourhoods* "are considered to be physically stable" and that "development in *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."

Official Plan Policy 4.1.5, as amended by OPA 320, states that "development in established *Neighbourhoods* will respect and reinforce the existing physical character of each geographic neighbourhood, including in particular:

b) prevailing size and configuration of lots."

Policy 4.1.5, as amended, clarifies that "prevailing will mean most frequently occurring for purposes of this policy."

Policy 4.1.5 further states the following regarding the physical characteristics of the geographic neighbourhood, and clarifies how the broader context and the immediate context are to be considered:

"The physical character of the geographic neighbourhood includes both the physical characteristics of the entire geographic area in proximity to the proposed development (the broader context) and the physical characteristics of the properties that face the same street as the proposed development in the same block and the block opposite the proposed development (the immediate context). Proposed development within a *Neighbourhood* will be materially consistent with the prevailing physical character of properties in both the broader and immediate contexts. In instances of significant difference between these two contexts, the immediate context will be considered to be of greater relevance."

Community Planning staff have reviewed lot frontages and lot areas in the surrounding neighbourhood, as well as previous Committee of Adjustment decisions.

Within the immediate context (same block as the subject property), there are no properties with a lot frontage of less than 10 metres or a lot size of less than 450 square metres. Approval of the severance could also disrupt the stability of the neighbourhood by indicating an opportunity to sever other lots of a similar size. Examples include 98 Brenda Crescent with a lot frontage of 17.98 metres and a lot area of 509.91 square metres, and 101 Brenda Crescent with a lot frontage of 17.75 metres and a lot area of 535.76 square metres.

In the broader context, the proposal would create the smallest lots within the area with the same zoning as the subject property, generally bounded by Corvette Avenue to the north, Brenda Crescent to the east, Danforth Road to the south and Kennedy Road to the west. There are properties of similar frontage and size in the Residential Semi-detached (RS) zone to the east of the subject property. However, Community Planning staff are of the opinion that this application is an example of the situation outlined in the Official Plan where there is a significant difference between the immediate and broader contexts, and Policy 4.1.5 directs that the immediate context will be considered to be of greater relevance.

A review of past Committee of Adjustment applications show that there were no previous consents for lots of a similar frontage and size in the immediate context, as shown in the table below.

Address	File Number	Proposed Lot Frontage (m)	Proposed Lot Area (sq m)	Decision
142 Brenda Cres	B003/14SC	11.25	627.75	Approved
120 Brenda Cres	B175/87	12.04	671.59	Approved

The lot configuration proposed in this application does not respect and reinforce the existing physical character of the neighbourhood. Community Planning staff recommend that the application be refused.

CONTACT

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SIGNATURE

Original signed by Rod Hines, Principal Planner on behalf of Paul Zuliani, Director, Community Planning, Scarborough District.