

14 Penaire Street, Committee of Adjustment Application

Date: January 18, 2021

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

From: Director, Community Planning, Scarborough District

Wards: Scarborough Southwest

File Number: B0031/20SC, A0197/20SC & A0198/20SC

Hearing Date: January 27, 2021

RECOMMENDATIONS

Community Planning recommends that the Committee **refuse** the application for consent to sever and the associated minor variance applications.

SUMMARY

The applicant is proposing to sever the properties into two residential lots and construct a detached dwelling on each new lot.

Conveyed - Part 1

The lot will have a frontage of 7.745 m and an area of 333.18 m². The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling, requiring variances to the Zoning By-law, as outlined in Application A0197/20SC.

Retained - Part 2

The lot will have a frontage of 7.745 m and an area of 327.81 m². The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling, requiring variances to the Zoning By-law, as outlined in Application A0198/20SC.

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

Part 1 and Part 2

1. Chapter 10.20.30.20.(1)(A), By-law No. 569-2013
The minimum required lot frontage is 12 m.
The proposed lot frontage is 7.74 m.
2. Chapter 10.20.30.10.(1)(A), By-law No. 569-2013
The minimum required lot area is 371 m².
The proposed lot area is 333 m² for Part 1 and 327 m² for Part 2.
3. Chapter 10.20.30.40.(1)(A), By-law No. 569-2013
The maximum permitted lot coverage is 33% of the lot area.
The proposed lot coverage is 33.8% for Part 1 and 34.5% for Part 2 (112.61 m²).
4. Exception RD 169.(C), By-law No. 569-2013
The minimum required side yard setback is 0.9 m.
The proposed side yard setback is 0.61 m from the east side lot line for Part 1 and 0.61 m from the west side lot line for Part 2.
5. Exception RD 169.(D), By-law No. 569-2013
The minimum required setback from a side lot line that abuts a street is 4.5 m.
The proposed east side yard setback abutting Presley Avenue is 1.23 m for Part 2 only.
6. Chapter 10.20.40.10.(4)(A), By-law No. 569-2013
The maximum permitted height for a dwelling with a flat roof is 7.2 m.
The proposed height is 8.29 m.
7. Chapter 10.20.40.10.(5), By-law No. 569-2013
The maximum permitted height of a parapet wall is 7.5 m (0.3 m above the roof).
The proposed height of the parapet wall is 8.59 m.
8. Chapter 10.5.80.40.(3)(B), By-law No. 569-2013
Vehicle access to a parking space must be from a flanking street that is not a main street (Presley Avenue).
The proposed driveway for Part 2 is from the front street (Penaire Street).

COMMENTS

The subject property is located east of Pharmacy Road and south of St. Clair Avenue. The property is designated *Neighbourhoods* in the Official Plan. It is zoned Residential Detached (RD) in the City of Toronto Zoning By-law 569-2013.

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 subject site is within an area designated *Neighbourhoods* in the Official Plan, which are considered to be physically stable areas. Policy 4.1.5 specifies 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 also states that "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)." It speaks to instances where these two contexts differ, and states that "the immediate context will be considered to be of greater relevance."

In addition, Policy 4.1.5 defines prevailing as "most frequently occurring".

Planning staff analyzed residential lot frontages within similar zoning in the surrounding neighbourhood generally bounded by Nancy Avenue to the north, Heron Avenue and Presley Avenue to the east, Donside Drive to the south, and the east side of Pharmacy Avenue to the west. There were a total of 263 lots within the study area, of which the average lot frontage is 12.6 metres and average lot area is 550 square metres. The vast majority of lots in the surrounding area have lot frontages that equal or greater than 12 metres, the minimum lot frontage permitted by the Zoning By-law. Only 12 properties, or 4.5% have lot frontages that are similar or less than the proposed frontages. These 12 properties are located on Bertha Avenue, Donside Drive, Pharmacy Avenue and Presley Avenue, none are located on Penaire Street.

Approval of the consent to sever and the associated lot frontage and lot area variances could indicate an opportunity to sever other properties of similar size in this neighbourhood. All lots on Penaire Street exceed 15 metres, meaning that all lots on Penaire Street would become candidates for severance should this application be approved, which could have a potentially destabilizing effect in the neighbourhood if other properties were also severed in a similar manner.

Community Planning staff recommend the applications for consent to sever and minor variances at 12 Penaire Street be refused as they do not maintain the intent and purpose of the Official Plan, do not maintain the intent and purpose of the Zoning By-law, are not minor and are not desirable for the appropriate development or use of the land.

CONTACT

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SIGNATURE

A handwritten signature in blue ink, appearing to read 'R/H's', is positioned above a horizontal line.

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