

8 Adams Drive – Committee of Adjustment Application

Date: October 6, 2023

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

From: Director, Community Planning, Scarborough District

Wards: 24 Scarborough - Guildwood

File Number: A0161/23SC

Hearing Date: October 18, 2023

RECOMMENDATIONS

Community Planning recommends that the Committee **refuse** the requested Variances.

SUMMARY

To legalize 7 secondary suites in basement of single-detached dwelling. Previous Committee of Adjustment Decision A357/07SC.

1. Chapter 150.10.40.1.(2)(A), By-law No. 569-2013

An addition or exterior alteration to an existing building to accommodate a secondary suite is permitted if it does not alter or add to a front wall.

Proposed basement walk-out stair at front leading to the secondary suites of the existing detached house altered/added to a front wall that faces a street.

2. Chapter 10.20.40.70.(2)(B), By-law No. 569-2013

The minimum required rear yard setback is 12.46 m.

The proposed rear yard setback for proposed basement rear/side addition is 11.98 m.

3. Chapter 10.5.40.60.(1)(C)(ii), By-law No. 569-2013

A platform without main walls may encroach into the required rear yard setback 2.5 m if it is no closer to a side lot line than 1.22 m.

The proposed rear porch platform encroaches 0.48 m into the required rear yard setback and is 1.09 m from the north side lot line.

4. Chapter 150.10.20.1.(2), By-law No. 569-2013

A secondary suite is a permitted use provided each dwelling unit have a maximum of one (01) secondary suite.

The proposed number of secondary suites in basement is seven (07).

5. Exception RD 468.(B), By-law No. 569-2013

The minimum required setback from a side lot line is 1.2 m.

The proposed basement rear/side addition is 1.09 m from the north side lot line.

COMMENTS

The subject property is located north of Kingston Road and west of Morningside Avenue in the West Hill Community. The property is zoned Residential Detached zone RD (f15.0; a646)(x468) in the City of Toronto Zoning By-law No. 569-2013. The application proposes to legalize 7 "secondary suites" in the basement of an existing dwelling.

Official Plan

The subject property is designated *Neighbourhoods* on Map 20 in the City of Toronto Official Plan. Section 4.1 of the Plan outlines the development policies for Neighbourhoods. The preamble to the development criteria states that "physical changes to our established Neighbourhoods must be sensitive, gradual, and generally 'fit' the existing physical character."

Policy 4.1.5 of the development criteria for Neighbourhoods requires that development in established Neighbourhoods respect and reinforce the existing physical character of the neighbourhoods, including in particular:

- c) prevailing heights, massing, scale, density and dwelling type of nearby residential properties;
- d) prevailing building types; and
- g) prevailing patterns of rear and side yard setbacks and landscaped open space.

Policy 4.1.8 of the Official Plan states that "Zoning By-laws will contain numerical site standards for matters such as building type and height, density, lot sizes, lot depths, lot frontages, parking, building setbacks from lot lines, landscaped open space and any other performance standards to ensure that new development will be compatible with the physical character of established residential Neighbourhoods."

Zoning By-law

The Zoning By-law currently permits only one secondary suite per detached house, semi-detached house, or townhouse, with the secondary suite to have its own exclusive pedestrian entrance separate from the principal dwelling. City Council on May 15, 2023 also adopted By-law 474-2023 which, in part, now permits duplex, triplex and fourplex building types within Residential Detached (RD) zones. Such building types by definition are separate and distinct from secondary suites under the by-law, however, and should

not be confused as suggesting any permission for even two, three or four secondary suites.

With any significant changes to City policy regarding type, tenure and arrangement of housing, Community Planning prefers to take a measured and intentional approach to ensure that any planning decisions which represent a potentially impactful precedent for a neighbourhood, and/or housing type, are done so to minimize negative impacts on the community at large.

City Planning staff have concerns that the subject seven suites already existing in the basement, particularly with such suites sharing a common access hallway having multiple access points, do not properly warrant consideration for variance purposes as representing bona fide secondary suites. The proposal amounts to an apartment building which is not a currently permitted built form and would properly require approval of a rezoning application by City Council.

The requested variance to permit the addition of a front-facing entrance also seeks to normalize a number of elements which Community Planning feels would set a negative precedent relating not only to built form and neighbourhood context, but of due process as to how acceptable development is to expected to occur.

Community Planning feels that granting this variance request is not minor, does not represent good planning, and sets a serious precedent for the surrounding neighbourhood regarding the lawful number of dwelling units allowed on a lot in a Residential Detached (RD) zone.

As such, City Planning staff have determined that the proposal does not maintain the general intent and purpose of the Official Plan and Zoning By-law and is not in keeping with the existing physical character of the neighbourhood. City Planning staff recommend that the Minor Variance Application be refused.

CONTACT

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SIGNATURE



Original signed by Rod Hines, Principal Planner on behalf of Christian Ventresca, Director, Community Planning, Scarborough District