



STAFF REPORT
Committee of Adjustment
Application

Date: July 24th, 2024

To: Chair and Committee Members of the Committee of Adjustment, North York District

From: David Sit, Director, Community Planning, North York District

Ward: Willowdale

File No: B0019/24NY, A0236/24NY & A0237/24NY

Address: 86 Harlandale Avenue

Hearing Date: August 1st, 2024

RECOMMENDATIONS

Staff recommend that Application No. B0019/24NY be refused. The requested consent to sever fails to satisfy the consent criteria under Section 51(24) of the *Planning Act* and the requested minor variance applications do not meet the four tests for minor variance under Section 45(1) of the *Planning Act*.

APPLICATION

THE CONSENT REQUESTED

B0019/24NY– 86 Harlandale

To obtain consent to sever the property into two residential lots and construct two new dwellings.

Retained– Part1

Address to be assigned.

The frontage is 7.62 meters and the lot area is 273.5 square meters.

The property will be redeveloped as the site of a new detached dwelling, requiring variances to the zoning by-law as outlined in application # A0237/24NY.

Conveyed – Part2

Address to be assigned.

The frontage is 7.62 meters and the lot area is 273.5 square meters.

The property will be redeveloped as the site of a new detached dwelling, requiring variances to the zoning by-law as outlined in application # A0236/24NY.

Application numbers B0019/24NY- A0236/24NY - A0237/24NY be considered jointly.

COMMENTS

The subject property is located on the east side of Bangor Road, northeast of Harlandale Avenue and Bangor Road. The property is zoned *RD (f15.0; a550) (x5)* under City of Toronto Zoning By-law No. 569-2013. Application No. B0019/24NY is requesting consent to sever the property into two residential lots and construct two new dwellings. Application Nos. A0236/24NY and A0237/24NY propose to construct a new dwelling on each of the newly created lots.

City of Toronto Zoning By-law No. 569-2013 requires a minimum lot frontage of 15.0 meters and a minimum lot area of 550 square meters. Lot frontage and area provisions are established in order to achieve a consistent streetscape and pattern of development. The applications propose frontages of 7.62 meters and lot areas of 273.5 square meters.

The requested consent is subject to the consent criteria listed under Section 51(24) of the *Planning Act*, including in particular:

- “(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any; and
- (f) the dimensions and shapes of the proposed lots”.

Staff conducted a review of lot frontages and lot patterns for residential lots in the neighbourhood generally bounded by Elmhurst Avenue to the north, Bangor Road to the west, and Harlandale Avenue to the southeast, which includes a total of 390 lots.

The lot study concluded that, although there are some lots that are similar to the proposed lots within the neighbourhood, the overwhelming majority of lots have a frontage greater than 15 meters and lot areas 500 square meters and more. Out of the 390 lots, 4 have frontages and lot areas that are comparable to the proposed. However, two of the comparable lots are not in the immediate context of the property.

The subject property is designated *Neighbourhoods* in the City of Toronto's Official Plan. The Official Plan defines *Neighbourhoods* as physically stable areas where new development will respect and reinforce the existing physical character of the neighbourhood. Section 4.1 outlines the development policies in *Neighbourhoods*. The preamble to the development criteria states that "physical changes to our established *Neighbourhoods* must be sensitive, gradual and 'fit' the existing physical character".

Policy 4.1.5 of the development criteria for *Neighbourhoods* requires 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; and

g) prevailing patterns of rear and side yard setbacks and landscaped open space".

Policy 4.1.5 of the Official Plan goes on to state that the "prevailing building type and physical character of a geographic neighbourhood will be determined by the most frequently occurring form of development in that neighbourhood".

The Official Plan in the *Neighbourhoods* section in Chapter Four states "In instances of significant difference between these two contexts, the immediate context will be considered to be of greater relevance."

Further, the consent criteria of Section 51(24) of the *Planning Act* require the consent to conform to the Official Plan and consider whether the dimensions and shape of the proposed lots are appropriate. The dimensions of the lot are not consistent with the adjacent lots and would create a lot with dimensions such that substandard side yard setbacks are needed. As such, Staff are of the opinion the proposed consent to sever does not conform to the Official Plan policies and should be refused.

Staff recommend that the application for consent be refused as it fails to satisfy all of the consent criteria listed in Section 51(24) of the *Planning Act*. As the requested lot severance is not appropriate, the minor variances associated with the severance should also be refused.

CONTACT

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SIGNATURE



Signed by Guy Matthew, MCIP, RPP, Manager for
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