

579 Glencairn Avenue Committee of Adjustment Application

Date: October 31st, 2024

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

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

Ward: Eglinton-Lawrence

File No: B0025/24NY, A0299/24NY, A0300/24NY

Hearing Date: November 7th, 2024

RECOMMENDATIONS

Community Planning Staff recommends that the Committee of Adjustment refuse applications B0025/24NY, A0299/24NY & A0300/24NY. 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.

COMMENTS

The subject property is located west of Bathurst Street, south of Lawrence Avenue West. The property is zoned Residential Detached (RD) (f15.0; a550) (x5) under City of Toronto Zoning By-law No. 569-2013. The applicant proposes to sever the existing residential lot to create two residential lots and construct a detached dwelling on each lot. Both the severed and retained lots require variances for reduced lot area and lot frontage. Additional variances are required to accommodate the proposed dwellings.

The subject property is designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are considered stable areas where new development will respect and reinforce 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;
- c) prevailing heights, massing, scale, density and dwelling type of nearby residential properties; 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 states that no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the overall physical character of the entire Neighbourhood.

City of Toronto Zoning By-law No. 569-2013 requires a minimum lot frontage of 15.0 metres and a minimum lot area of 550 square metres. The applicant is proposing a lot frontage of 7.62 metres and a lot area of 310.4 square metres.

Policy 4.1.5 of the Neighbourhoods policies in the Official Plan 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)". For the purposes of this application, the broader geographic neighbourhood that was reviewed is located within the interior of the neighbourhood where similar uses to the proposed development currently exist. This area includes residential properties located east of Englemount Avenue, north of Viewmount Avenue, south of Glen Park Avenue and west of Bathurst Street.

This study boundary contained a total of 223 residential lots and found that there was one residential lot with a frontage of 7.6 metres, and one additional lot with a frontage of 5.4 metres on an irregularly shaped lot. Both of these sites were within the broader context of the site. The remaining 221 lots have a frontage of at least 9 metres. Additionally, 4 lots within the broad context of the site, have lot areas of less than 350 square metres, whereas the majority of the lots within the neighbourhood contained lot areas of over 350 square metres.

Section 51(24) of the Planning Act provides consent criteria for new developments and states that regard shall be had to whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any; and the suitability of the land for the purposes for which it is to be subdivided.

Staff have reviewed the applications and are of the opinion that the proposal would introduce a more compact lot pattern to a stable residential neighbourhood whereby the required frontage has been maintained throughout the existing neighbourhood character. Therefore, it does not conform with the Official Plan and fails to meet the consent criteria listed in Section 51(24) of the Planning Act.

The proposed severance would create lots that would require additional variances based on the development standards that apply for each proposed dwelling through Zoning By-law No. 569-2013. As the proposed lots are undersized, variances are required to support each proposed dwelling, including a reduced lot frontage and lot area. The cumulative effect of these variances creates a development that is not consistent with the existing neighbourhood. Therefore, Staff find that the proposal does not meet the intent of the

Official Plan or Zoning By-law, is not minor in nature and is not a desirable use of the lands.

Staff recommend that Application No. B0024/24NY be refused as it fails to satisfy the consent criteria listed in Section 51(24) of the Planning Act and Application Nos. A0289/24NY and A0290/24NY be refused as they fail to satisfy each of the four tests under Section 45(1) of the Planning Act.

CONTACT

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SIGNATURE



Signed by Shelly Cham MCIP, RPP for
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