



STAFF REPORT
Committee of Adjustment
Application

Date: May 5th, 2025

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: B0034/24NY, A0435/24NY & A0436/24NY

Address: 369 Cummer Avenue

Hearing Date: May 15, 2025

RECOMMENDATIONS

Staff recommend that consent Application No. B0034/24NY and related minor variance Application Nos. A0435/24NY and A0436/24NY 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

B0034/24NY – 369 Cummer Avenue

To obtain consent to sever the property into two residential lots and to construct two new dwellings. File numbers B0034/24NY, A0435/24NY & A0436/24NY will be jointly considered.

Retained – Part 1

ADDRESS TO BE ASSIGNED

The proposed lot frontage is 9.75m.

The proposed lot area is 567.82m².

The property will be redeveloped as the site of a new dwelling and garden suite, requiring variances to the Zoning By-law(s), as outlined in application # A0436/24NY.

Conveyed – Part 2

ADDRESS TO BE ASSIGNED

The proposed lot frontage is 9.75m.

The proposed lot area is 567.82m².

The property will be redeveloped as the site of a new dwelling and garden suite, requiring variances to the Zoning By-law(s), as outlined in application # A0435/24NY.

Application numbers B0034/24NY, A0435/24NY & A0436/24NY be considered jointly.

COMMENTS

The subject property is located on the south side of Cummer Avenue, between Maxome Avenue to the west and Conacher Drive to the east.

The property is zoned RD (f15.0; a600) (x5) under City of Toronto Zoning By-law No. 569-2013. Application No. B0034/24NY is requesting consent to sever the property into two lots. Application Nos. A0435/24NY and A0436/24NY propose to construct a new dwelling (duplex) and garden suite on each lot. There would be three dwelling units on each lot.

The subject property is designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are considered physically stable areas where new development will respect and reinforce the existing physical character of the neighbourhood. Section 4.1 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 '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."

The Plan outlines that the geographic neighbourhood is delineated by considering the context within the *Neighbourhoods* in proximity to the proposed development, including zoning, and lot size and configuration, among others. The Plan states that no changes will be made through re-zoning, minor variance, consent, or other public action that are out of keeping with the overall physical character of the entire *Neighbourhoods*.

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)." The policy goes on to state that:

"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."

The immediate context includes the same block and the block opposite the proposed development that faces the same street. The immediate context comprises lots that are zoned RD (f15.0; a600) (x5).

City of Toronto Zoning By-law No. 569-2013 requires a minimum lot frontage of 15.0 meters and a minimum lot area of 600 square meters. Lot frontage and lot area are established in order to achieve a consistent streetscape and pattern of development. The consent application proposes frontages of 9.75 meters and lot areas of 600 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 patterns for residential lots in the immediate neighborhood.

The lot study area completed by staff include a total of 369 lots. Of those 369 lots, 233 lots have a frontage greater than 13 metres. The prevailing lot frontages in this area are larger than the proposed lot frontage of 9.75 meters.

The proposed frontages are not consistent with the prevailing character of neighborhood and would introduce lots that are inconsistent with the established pattern. Staff recommend refusal of the severance application.

Staff recommend that the applications for consent be refused as they fail to satisfy the consent criteria listed in Section 51(24) of the *Planning Act*. Staff also recommend that the applications for minor variance be refused as they do not meet the tests outlined in Section 45(1) of the *Planning Act*.

CONTACT

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SIGNATURE



Signed by Guy Matthew, MCIP, RPP, Manager for
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