

537 Kennedy Road

Committee of Adjustment Application

Date: March 31, 2026

To: Chair and Committee Members, Committee of Adjustment, Scarborough District

From: Director, Community Planning, Scarborough District

Ward: 20 - Scarborough Southwest

File No: A0348/21SC

Hearing Date: April 8, 2026

RECOMMENDATIONS

The Director, Community Planning, Scarborough, recommends that the subject application be **refused**.

SITE CONTEXT

The subject property is located north of St. Clair Avenue East, on the east side of Kennedy Road in the Kennedy Park Community. The property is zoned Residential Detached zone RD (f12.0; a464)(x340) in the City of Toronto Zoning By-law No. 569-2013, as amended.

The subject property is designated *Neighbourhoods* on Map 20 in the City of Toronto Official Plan.

DECISION HISTORY

On September 21, 2021, the Applicant submitted an application (the "Original Proposal") to legalize an existing accessory structure for use as a garden suite. The structure, constructed without permits in 2014, required multiple variances related to massing and placement.

In December, 2021, at the scheduled Committee of Adjustment hearing, the Applicant requested and was granted a deferral, citing a family emergency.

On February 16, 2024, the Applicant submitted a revised proposal to Committee of Adjustment Staff. The revised submission included minor modifications to the Original Proposal. Community Planning staff identified significant concerns and engaged in discussions with the Applicant regarding the appropriateness of the proposal.

On March 27, 2024, at the Committee of Adjustment hearing, the Applicant requested and was granted a further a deferral to address outstanding Community Planning concerns.

On July 2, 2024, Community Planning staff submitted a report recommending refusal of the application in its entirety, citing concerns with the scale and massing of the proposed garden suite relative to the applicable Zoning By-law performance standards and the primary dwelling on the property. The report identified that the proposal was not reflective of the prevailing context and approval by the Committee would set an undesirable precedent.

On July 15, 2024, the Applicant requested and was granted an additional deferral due to an inability to post the required Notice signage within the prescribed timeframe.

On February 17, 2026, the Applicant submitted a further revised Proposal (the "Current Proposal") to Committee of Adjustment Staff.

COMMENTS

Having regard to Site and Area Specific Policy 670 of the Official Plan and the City of Toronto Zoning By-law 849-2025, Community Planning Staff have major concerns with the proposed application; in particular, the size and scale of the current garage structure/proposed garden suite relative to both the dimensions of the subject property, as well as to the smaller primary residential dwelling on the lot.

The City-wide Garden Suite By-law establishes a framework to permit ancillary residential units that are modest in scale and clearly subordinate to the principal dwelling, while maintaining appropriate rear yard open space and limiting impacts on adjacent properties. The City-wide Garden Suite By-law includes performance standards respecting maximum gross floor area, setbacks, separation distances, and massing to ensure compatibility with the existing neighbourhood context.

The proposed garden suite variances do not meet this intent. The existing two-storey structure, proposed to be legalized, exceeds the permitted scale and does not maintain an appropriate relationship with the primary dwelling on the lot. With a width of approximately 7.92 metres and a reduced side yard setback of 0.63 metres, the proposed development occupies a significant portion of the rear yard and results in excessive massing.

The Zoning By-law requires a minimum of 1.68 metres from a side lot line. The proposed setback is 0.63 metres. The scale and proximity of the proposed structure to the side lot lines results in adverse impacts, including overlook and reduced sky view on adjacent properties. These impacts are not mitigated by the absence of windows on the side elevations.

As such, the requested reduction in side yard setback is not supportable and does not represent appropriate development of the site.

City of Toronto Zoning By-law 849-2025, 150.7.60.50(2) states:

"(4) Garden Suite – Maximum Gross Floor Area

In addition to the requirements of regulation 150.7.60.50(2), an ancillary building containing a garden suite is subject to the following: (A) the maximum gross floor area for an ancillary building containing a garden suite is 120 square metres; and (B) despite (A) above, the maximum gross floor area for an ancillary building containing a garden suite that is one storey is 60 square metres."

The size and massing of the proposed ancillary structure significantly exceeds the applicable performance standards of Zoning By-law 569-2013, as amended by the City-wide Garden Suite By-law 849-2025. The proposed gross floor area exceeds both the maximum permitted size and the requirement that a garden suite be subordinate to the primary dwelling on the lot. The By-law identifies 120 square metres as an absolute maximum gross floor area for a garden suite. The proposed garden suite is 169.02 square metres.

The proposed built form does not maintain an appropriate relationship with the principal dwelling and represents an overdevelopment of the site. As such, the requested variances for gross floor area, both in terms of the maximum permitted and relative to the primary dwelling, are not supportable.

Policy 4.1 and SASP 670 of the Toronto Official Plan requires that development in *Neighbourhoods* respect and reinforce the existing physical character, including patterns of rear yard open space, building scale and massing. The proposed development does not achieve this as it introduces a form of development that is not consistent with the established context and does not maintain appropriate rear yard amenity space.

The proposal represents an overdevelopment of the rear yard and seeks to legalize a structure that was constructed without permits and does not comply with the applicable performance standards of the Zoning By-law. Approval of the requested variances would set an undesirable precedent for similar over-scaled garden suites within the neighbourhood.

Based on the foregoing, Community Planning staff are of the opinion that the proposal does not meet the four tests under Section 45(1) of the Planning Act and recommend refusal of the application.

Based on the foregoing, the proposal results in an over-scaled and incompatible built form that does not function as an ancillary structure and introduces unacceptable impacts on adjacent properties. Further, the submission does not include substantive changes that address the previously identified concerns by Community Planning staff.

Community Planning staff are of the opinion that the proposal does not meet the four tests under Section 45(1) of the Planning Act. The development is not appropriate for the site, and refusal of the application is recommended.

CONTACT

Andrew Castaneda, Assistant Planner
Community Planning, Scarborough
416-396-7692
andrew.castaneda@toronto.ca

SIGNATURE

A handwritten signature in blue ink, appearing to read "H. Tang".

Signed by Henry Tang, Manager, Community Planning for Christian Ventresca,
Director, Community Planning, Scarborough District