

September, 2012

DEVELOPMENT IN LAWRENCE PARK

Tips for Residents

The Lawrence Park Ratepayers' Association ("LPRA") maintains a Development Committee, a goal of which is to help neighbours work together and reach consensus on development issues. Residents, or other interested parties, with any questions on development in our neighbourhood can reach the Committee by emailing development@lpra.ca.

History

For the past several years, the Development Committee has been advocating on behalf of the residents of Lawrence Park at the Committee of Adjustment (C of A) and Ontario Municipal Board (OMB) to uphold the guiding principles of development in our neighbourhood:

- to preserve the "garden suburb" (or residential park) character of Lawrence Park by preserving as much green space in the public realm as possible
- to maintain the feeling of a harmonious streetscape
- to encourage neighbours to work together with owners/builders to develop consensus on development issues
- to support residents at the Committee of Adjustment (C of A) and the Ontario Municipal Board (OMB) when negotiations fail and the collective welfare is threatened, and
- to be guided by the results of our surveys of residents.

These principles were refined based on the results of the surveys of residents that were commissioned in recent years and which provided input on residents' priorities in respect of development in Lawrence Park.

Our Stand on Some Specific Considerations of Development

For detail on LPRA preferences in respect of development in our neighbourhood, please see [Development in Lawrence Park: Guiding Principles](#).

A disclaimer. The information in this document is not meant to be planning or legal advice.

Frequently Asked Questions

1. Should we renovate or tear down and build new?

If possible, please try to restore or renovate our stock of older homes. We urge new homeowners, builders and architects to protect our historically significant, well-designed homes. We are working hard to ensure we have a comprehensive list of “important” historic houses in Lawrence Park as well as architecturally unique homes of more recent vintage.

Having said that, we understand that not all older homes are “important” and it is sometimes not possible to restore an older home to meet the needs of today’s families. The City by-laws set standards for density, set-backs and the like with which you will have to conform. Your architect will be able to advise you on those guidelines and we urge you to respect them in your design so as to not infringe on your neighbours.

2. Is my home “historically significant” or “important”?

There are several homes currently on the City of Toronto Inventory of Heritage Properties or in the process of consideration for listing and also a number that have been designated. (To understand this process, check out the City of Toronto website: http://www.toronto.ca/heritage-preservation/heritage_properties_inventory.htm).

Additionally, there is a walking tour through historic Lawrence Park described in [Historical Walking Tour of Lawrence Park](#) by Barbara Myrvold and Lynda Moon, published in 2007 by the Toronto Public Library Board (link). The tour profiles a number of homes with interesting histories and architectural features. Several homes that on the Inventory form the basis for that walk, including

- 12 Buckingham Ave.
- 79 Dawlish Ave.
- 181 Dawlish Ave.
- 4 Glengowan Rd.
- 41 Weybourne Cres.
- 12 Sunnyside Cres. and
- 77-79 St. Edmund's Drive (which is designated)

Other properties are in the queue for consideration.

3. What do I do if I require a variance from the by-law in order to renovate or build?

Your architect will be able to assist you with this process but the following is a summary of the steps you will likely have to go through. As a neighbourhood matter, if you require variances, we recommend that you get in touch with your immediate neighbours and the LPRA to provide details of the planned development. This is an opportunity to address concerns and develop consensus.

1. Pre-Application Consultation: Applicant attends a local planning office to discuss proposal with planning staff who set out steps to be taken by applicant.
2. Preliminary Project Review: Applicant brings detailed proposal to planning staff who review zoning by-law and inform applicant of variances required from zoning by-law, if any.
3. Submission of Complete Application: Applicant submits a completed application form with multiple copies of plans and drawings. Applicant may also chose to submit a cover letter explaining variances applied for, photographs or letters of support from neighbours.
4. Public Notice – Sign on Property: The applicant is required to display a sign provided by the City on the property for which the minor variance is being sought. The sign includes information regarding the proposed variance, the hearing date when the applicant will go to the Committee of Adjustment, and a name and telephone number of a City staff contact person.

4. What are the tests of whether a variance is minor?

Whether or not a minor variance ought to be granted is based on an objective analysis of the four tests in Policy 5, Section 4.1 of the Toronto Official Plan (page 4-4 of the Official Plan). An analysis of the four tests must be objective and should consider legitimate planning issues such as impacts on the streetscape, compatibility of uses, shadowing impacts and loss of privacy.

The four tests, each of which must be satisfied in order to permit (but not require) approval of a minor variance application, are:

- it is minor in size, nature, importance and impact
- it is desirable for the appropriate development or use of the land, building or structure in relation to the broad public and planning interest,
- upon analysis, the general intent and purpose of the zoning by-law are found to be maintained, and

- the variance conforms with the official plan in effect on the date of application.

The new, proposed Toronto Official Plan states that:

1. “Development will respect and reinforce the general physical patterns and character of established neighbourhoods” including “continuation of special landscape or built-form features that contribute to the unique character of the neighbourhood.”
2. “Particular regard will be placed on the height, massing scale and type of dwelling” and” prevailing pattern of setbacks and landscaped open space.”
3. “Neighbourhoods are physically stable areas made up of residential uses...”

If you support or object to a minor variance, be reasoned in your arguments and bear in mind that concerns or evidence must be presented in light of the four tests. Think about the character of the neighbourhood and whether or not what is being proposed would fit into the neighbourhood. You may want to speak to a City planner, or a consulting planner, as to how to best frame your application or objections.

5. How do I find out if a neighbour is planning a new build or renovation?

If the new build or renovation requires a variance, the City will mail notice of the proposed minor variance and the date of the hearing at the Committee of Adjustment to neighbours within 60 metres of the property where the variance is being sought. You will not be notified if no variance is required.

The notice of a C of A hearing is an invitation to go to City Hall, meet the planner responsible for assessing the proposed project and talk through the unique issues of each application. You must act quickly since you usually have less than two weeks from the notice to hearing.

6. What do I do if I have received notice of a Committee of Adjustment meeting because a neighbour is planning a new build or renovation?

Most importantly, you must act quickly as a Committee of Adjustment hearing will usually occur less than two weeks after the notice is mailed to neighbours!

Residents who intend to oppose may wish to contact other affected neighbours to understand whether their concerns are shared and should also reach out to the applicant to ensure they are aware of your thoughts. Please also contact the Lawrence Park Ratepayers’ Association as soon as possible at development@lpra.ca.

If a number of neighbours are opposed, the LPRA may invite all neighbours, including the applicant, to a meeting. Our goal is to help the neighbours reach an agreement on an acceptable scope of project and avoid the cost and frustration of an Ontario Municipal Board hearing.

The Planning Department welcomes citizens to come and see plans and do their own due diligence. The City contact on the public notice is usually the planner responsible for determining if the proposed variance meets the four tests under the *Planning Act* (see above). The planner may prepare a written recommendation report to the Committee of Adjustment, which will be considered at the hearing to determine whether or not to grant the variances.

If you have concerns or oppose the proposed variance, you should contact the planner at the very first opportunity. If legitimate planning concerns are raised, these will likely make their way into the planner's report. The planner may also include a list of persons, and their specific concerns, in the report to the C of A. The planner will discuss the proposal and may even meet with local residents to discuss their concerns. The public notification process provides an opportunity to become involved in the process before the Committee of Adjustment hearing takes place.

If, after these meetings with the Planning Department, neighbours and/or the applicant, you wish to object to the requested variances, you should write a letter to the C of A, preferably by the Friday preceding the Wednesday meeting. This allows time to get your views included in the materials circulated to Committee Members prior to the meeting, who often visit the property over the weekend. Photographs are often helpful in making a point and may be included. Please submit by fax to Deputy Secretary-Treasurer, North York Panel, Committee of Adjustment at 416-395-7200, copy the LPRA Development Committee at development@lpra.ca and bring copies of your submission with you to the meeting (if you are able to attend).

7. How does the Committee of Adjustment hearing work and will I have to go?

At the hearing, the C of A will formally consider the minor variance application. The applicant will describe the proposal, the variance sought, why it is a minor variance and why the Committee should grant the variance. Applicants sometimes hire a planner, an architect or a lawyer to present their application. The City planner may speak to the opinions in his or her recommendation report. While the Committee is not required to follow the recommendation of staff, it will generally give the staff position significant consideration.

People who oppose or support the application will also be given an opportunity to speak to the Committee. It is helpful to provide the Committee with a letter stating who you are or the group you represent, where you live, and a summary

of your planning concerns with the proposed variance. You may also (but do not have to) bring professional consultants such as an architect or planner with you.

You do not have to have submitted a written objection prior to the meeting in order to present your view at the hearing, although it is helpful. Nor do you need to register your attendance prior to the meeting. Simply come to the front of the meeting room when the property you are concerned with is addressed, as invited by the Chair. Alternatively, if you have written a letter and cannot attend, you may wish to ask a neighbour with similar views to represent you to the Committee.

The Committee will consider submissions made by the applicant, City staff, and others when making its decision, and seems to take notice when neighbours are concerned enough to attend the hearing. If it is satisfied that it has enough information, the Committee may grant or deny the application for minor variance at that time. In some instances, the Committee may ask for more information and defer the application to another date. An objector who does not formally voice their concern to the Committee will likely be denied the opportunity to appeal the decision of the Committee to the Ontario Municipal Board.

All participants should be professional, prepared, and focus on the four tests when considering the merits of the variance application. If you would like a copy of the written decision of the Committee, fill out one of the request forms on the table at the foot of the auditorium and give it to one of the clerks seated at the left of the Committee members.

The usual meeting schedule is every other Wednesday at City Hall, North York Civic Centre, 5100 Yonge Street, Toronto, M2N 5V7. You can check the schedule (for the North York panel) at:
http://www.toronto.ca/planning/comm_adj.htm.

8. How does an appeal to the OMB work?

Should the applicant or objector not agree with the decision of the Committee of Adjustment there is a twenty day period within which an application to appeal the decision may be filed with the Ontario Municipal Board (for a fee in the range of \$125). An appeal to the Board is more formal than a C of A hearing and typically includes professional planners or other experts who provide expert opinion evidence as to why the minor variance should be supported or denied. Many hearings also involve lawyers.

9. Will the LPRA help me negotiate with my neighbour?

The LPRA Development Committee will work with you when requested to help you understand variance requests and strategies for dealing with neighbourhood development. We can advise but impacted neighbours must lead the process.

10. How do I reach our City Councillor?

Our City Councillor is Jaye Robinson. She has a team of advisors who can help with neighbourhood development issues. Councillor Robinson's email is: councillor_robinson@toronto.ca

Some final thoughts

We are fortunate to reside in a lovely, desirable neighbourhood that was developed through the vision of Wilfrid Servington Dinnick starting in 1907. Originally a “garden suburb” of Toronto, Lawrence Park is now very much a central neighbourhood working hard to retain its “garden” feel. In fact, large developments along the Bayview Avenue and Yonge Street edges of our community attract buyers because of their proximity to our green space.

Living here, we value our history which reinforces community through story and sense of place and, of course, enhances local real estate values. Some highlights from our neighbourhood's storied past include:

- The Forsey Page House, 79 Dawlish Avenue, built for himself by architect Forsey Page in 1928/9 with a design reminiscent of French-Canadian precedents and the architecture of Normandy France. This home was beautifully renovated in 2011 in a manner that preserved many of the original details.
- The B.C. Coast Wood Trend House, 41 Weybourne Crescent, built in 1955/6 by Eric Arthur, a professor of architecture at University of Toronto, as publicity to promote the use of wood as a building material.
- The Dutch House, 40 St. Leonard's Avenue, built in 1910/11 in a Dutch colonial style with a gambrel roof and recessed, gallery-style verandah.
- 110 Dawlish Avenue was the first Lawrence Park house built east of Mount Pleasant Road (Sidmouth Avenue as it was then called) and was constructed in 1911. It features a Flemish-style gable on the east side of the home.

Many more, but by no means all of the important homes in Lawrence Park, are identified in ***Historical Walking Tour of Lawrence Park*** by Barbara Myrvold and Lynda Moon, which can be purchased from the LPRA for \$10.

Having said that, vibrant neighbourhoods change and develop and we welcome development that honours the history of Lawrence Park as a “garden suburb” with “homes and gardens ... designed to fit harmoniously into their surroundings.” Positive change is represented by new, well-designed homes that respect the spirit of our streets, complement the streetscape and do not mass or overwhelm other homes.

Over time, we hope to preserve our sense of neighbourhood, perhaps in the same way that Beacon Hill in Boston or Knob Hill in San Francisco are special places within those cities.

Contact Information

- The LPRA Development Committee: development@lpra.ca if you have any questions on development in our neighbourhood or comments / corrections to these tips.
- General Committee of Adjustment enquiries: Deputy Secretary-Treasurer, Committee of Adjustment: 416-395-7115; fax: 416-395-7200 or Sai-man Lam at 416-395-7402
- Jaye Robinson, City Councillor: 416-395-6408 or councillor_robinson@toronto.ca
- Cindy Buda, Constituency Assistant to Jaye Robinson: 416-395-6408 or cbuda@toronto.ca
- City of Toronto Committee of Adjustment information: http://www.toronto.ca/planning/comm_adj.htm
- Ontario Municipal Board information: <http://www.omb.gov.on.ca>

References:

Historical Walking Tour of Lawrence Park by Barbara Myrvold and Lynda Moon, published 2007 by the Toronto Public Library Board.

Applying for or Objecting to a Minor Variance Application, pamphlet by the Yorkmills Valley Association