

**STAFF REPORT  
ACTION REQUIRED**

<b>Date:</b>	July 3, 2008
<b>To:</b>	Chairman and Members of the Committee of Adjustment Toronto and East York Panel
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 32, Beaches – East York
<b>Reference:</b>	A0670/08TEY – 1917 Queen Street East Agent: Martin Kohn To be heard: July 9, 2008, 2:00 p.m.

**APPLICATION**

The applicant seeks to convert the enclosed garden located at the rear of the building into a patio to be used in conjunction with the existing pastry shop.

The following variance has been requested:

The by-law permits patio uses only in the front of the main wall of the building, whereas, the proposed patio is located at the rear of the building.

**COMMENTS**

Planning Staff have reviewed the application and discussed concerns with the applicant.

Staff have concerns with the proposed patio located at the rear of the building, as such patio uses are strictly prohibited on this portion of Queen Street East between Woodbine Avenue and Nursewood Avenue. On February 24, 1986, Zoning By-law 180-86 was enacted to limit the size of restaurants to 165 m<sup>2</sup> and also to outright prohibit any patios associated with restaurants, as these were deemed to be incompatible with the surrounding low-density residential neighbourhood. However, on May 21, 1996, by-law 180-86 was amended to permit patios, but only on the condition that they are located between the front wall of the premises and the front lot line. This was done so as to allow the establishment itself to act as a buffer between the patio and the abutting residential neighbourhood.

The patio proposed at 1917 Queen Street East would be located in the rear yard and within close proximity to residential properties, and, therefore, should not be permitted.

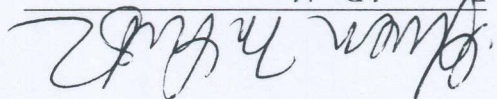
**RECOMMENDATION**

Planning staff respectfully recommends that Committee refuse Application No. A0670/08TEY.

**CONTACT**

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**SIGNATURE**



Raymond David,

Acting Director, Community Planning, Toronto and East York District

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Copy:

Councillor, Sandra Bussin, Ward 32, Beaches - East York (by hand)  
Martin Kohn, Agent (by fax: (416)504-7509))