

**June 9, 2015**



**From: Councillor Josh Colle**

**To: North York Community Council**

**Re: City initiated Zoning By-law exemption for 543 Marlee Avenue – Sweet House Coffee**

**Background:**

Zoning By-law No. 569-2013 permits an outdoor patio provided that it is set back at least 30 metres from a lot in the Residential Zone category. North York Zoning By-law 7625 permits an outdoor café adjoining the boundary of a Residential Zone provided a 1.8 metre high decorative masonry wall be erected along the boundary of the zone. An outdoor café has been located at the north end of 543 Marlee Avenue abutting Glencairn Avenue for approximately 20 years.

In order to comply with the spirit and purpose of the bylaw, the property owner has set the patio back over 20 feet from the property line and 14 feet from the laneway that also acts as a buffer between the neighbouring commercial and residential properties. They have also installed a 1.8 metre decorative fence made of wood (rather than masonry) to further shield any commercial uses in the patio from the neighbouring residential zone. This sight and noise barrier has been further enhanced with a row of bushes. In addition, the business owners have consulted with the neighbours about this layout to ensure that there are no issues with the patio and have agreed to cease operations on the small patio every night well before the time that is permitted under City bylaws.

The building of a 1.8 metre stone wall closer to the laneway would not only reduce visibility at the corner of Glencairn Avenue and the laneway (thereby creating safety issues), and the 1.8 metre concrete wall would be entirely out of character, and an eyesore, for the neighbourhood. The existing restaurant is small and it would be a financial hardship to modify the existing patio and screening in order to comply with the zoning by-laws.

**Recommendation:**

That Community Planning staff undertake a City initiated Zoning By-law exemption to the provisions of Zoning By-law No. 569-2013 and North York Zoning By-law 7625 for the outdoor café at the north end of 543 Marlee Avenue for Sweet House Coffee to permit continuation in its existing form, and report back by the fourth quarter of 2015.

**Councillor Colle**  
**Ward 15- Eglinton-Lawrence**