

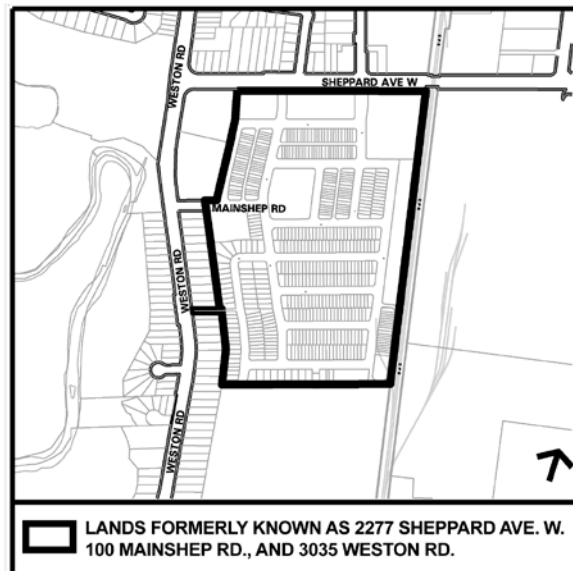
**Supplementary Report - Lands Formerly Known as 2277 Sheppard Avenue West, 100 Mainshep Road and 3035 Weston Road - Proposed Zoning By-law Amendments**

<b>Date:</b>	December 16, 2015
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 7 – York West
<b>Reference Number:</b>	15 111548 WET 07 TM

**SUMMARY**

A Final Report on the subject application was considered by Etobicoke York Community Council on September 8, 2015. The report recommended that City Council amend former City of North York Zoning By-law No. 7625 for the lands at the southeast corner of Weston Road and Sheppard Avenue West (formerly known as 2277 Sheppard Avenue West, 100 Mainshep Road and 3035 Weston Road) to permit larger rear yard decks. Etobicoke York Community Council recommended the staff recommendations be approved by City Council, but added a recommendation that City Council approve reimbursement of Committee of Adjustment fees charged to applicants whose Minor Variance applications would not have been required had the proposed Zoning By-law been in force and effect at the time the applications were made.

At its meeting on September 30, 2015, City Council adopted the recommendations to amend the Zoning By-law, but directed the Chief Planner and Executive Director, City Planning to report to Etobicoke York Community Council on the recommendation



that Committee of Adjustment fees be reimbursed.

## **RECOMMENDATION**

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### **The City Planning Division recommends that:**

1. Etobicoke York Community Council direct the Director of Community Planning, Etobicoke York District to work with the Ward Councillor to determine an appropriate community benefit for the lands at the southeast corner of Weston Road and Sheppard Avenue West (formerly known as 2277 Sheppard Avenue West, 100 Mainshep Road and 3035 Weston Road) having a value that would be equivalent to the total application fees paid by residents whose Minor Variance applications would not have been required had the proposed Zoning By-law been in force and effect at the time the applications were made.

### **Financial Impact**

The recommendation above could have future financial impact, however, it is anticipated the funding for the community benefit identified in the recommendation will be incorporated into future capital budgeting.

## **DECISION HISTORY**

At its meeting on January 13, 2015, Etobicoke York Community Council directed the Director of Community Planning, Etobicoke York District to:

- review recent Committee of Adjustment rear yard deck variance applications in the residential subdivisions on the lands formerly known as 2277 Sheppard Avenue West, 100 Mainshep Road and 3035 Weston Road;
- review existing Zoning By-law provisions relating to rear yard decks for these subdivisions with a view to bringing forward a report and a recommended Zoning By-law Amendment to the earliest possible Etobicoke York Community Council meeting to permit larger decks of a reasonable size that would provide privacy protection for side by side abutting properties; and
- hold a consultation meeting with the community prior to introducing the report and draft Zoning By-law Amendment.

Community Council's direction can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EY3.50>

A Preliminary Report was adopted by Etobicoke York Community Council at its meeting on April 14, 2015. The report recommended that staff be directed to schedule a community consultation meeting. The Preliminary Report can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EY5.4>

A Final Report, which recommended that City Council amend former City of North York Zoning By-law No. 7625 for the subject lands was considered by Etobicoke York Community Council on September 8, 2015. Etobicoke York Community Council recommended the staff

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recommendations be approved by City Council, but added a recommendation that City Council approve reimbursement of Committee of Adjustment fees charged to applicants whose Minor Variance applications would not have been required had the proposed Zoning By-law been in force and effect at the time the applications were made.

At its meeting on September 30, 2015, City Council adopted the recommendations to amend the Zoning By-law, but directed the Chief Planner and Executive Director, City Planning to report to Etobicoke York Community Council on the recommendation that Committee of Adjustment fees be reimbursed. City Council's direction can be viewed at the following link:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EY8.6>

## **ISSUE BACKGROUND**

Many of the recently constructed single and semi-detached houses in the residential subdivisions on the subject lands were constructed with small rear yard decks attached to the kitchen and living area on the second level of three-storey homes. The decks were constructed in compliance with the approved site-specific Zoning By-law standards. Several owners and occupants of these houses enlarged or reconstructed their rear yard decks to provide space for a table and chairs and a barbeque/outdoor cooking area that could not be accommodated on the small decks.

The enlargement and reconstruction of these decks necessitated that each property owner apply to the Committee of Adjustment for relief from the Zoning By-law standards to permit a larger deck. The Ward Councillor received comments and concerns from residents in the subdivisions that the existing Zoning By-law provisions did not permit reasonably-sized decks and should be amended to avoid individual owners having to obtain relief from the Zoning By-law by filing a Minor Variance application with the Committee of Adjustment.

At the direction of Etobicoke York Community Council, Planning staff conducted a review of recent Committee of Adjustment rear yard deck variance applications in the subject area and recommended that the maximum permitted deck size be increased to allow for more practical use. Staff provided two recommendations that were considered by Etobicoke York Community Council on September 8, 2015:

1. City Council amend former City of North York Zoning By-law No. 7625, for the lands formerly known as 2277 Sheppard Avenue West, 100 Mainshep Road and 3035 Weston Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 3 to the report (August 17, 2015) from the Director, Community Planning, Etobicoke York District; and
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

Etobicoke York Community Council recommended adoption of these recommendations, but added a third recommendation:

3. City Council approve reimbursement of Committee of Adjustment fees charged to applicants whose Minor Variance application would not have been required had the proposed Zoning By-law been in force and effect.

At its meeting on September 30, 2015, City Council adopted Recommendations 1 and 2 and referred Recommendation 3 to the Chief Planner and Executive Director, City Planning to report to the Etobicoke York Community Council on the extenuating circumstances that might warrant the reimbursement of Committee of Adjustment fees.

## **COMMENTS**

Current Planning application fees have been established to reflect the average amount of work undertaken by City staff on various types of applications. With respect to individual Committee of Adjustment application fees, each property owner seeking a Minor Variance for their deck paid \$1,427.67 in 2013, \$1,452.65 in 2014 or \$1,487.37 in 2015, depending on when the application was submitted to the City. Fees increase annually based on City Council direction and are doubled when an Order to Comply has been issued by Municipal Licensing and Standards staff and is outstanding. To date, the total amount paid in fees for all applications to the Committee of Adjustment in the subject area to permit larger decks is approximately \$35,000.

Planning staff are of the opinion that refunds for these applications are not appropriate as the Committee of Adjustment application review process has been completed and the applications in question have been adjudicated by the Committee of Adjustment. Planning staff consulted with Legal and Finance staff and it is the collective opinion that there are no extenuating circumstances in this case that would warrant reimbursement of the Committee of Adjustment application fees.

## **Conclusion**

Planning staff acknowledge the significant expenditure made by residents in these subdivisions on applications to the Committee of Adjustment. Although it has been determined there are no extenuating circumstances that warrant reimbursement of fees paid, it is the opinion of staff that an appropriate community benefit for the subject area, having a value equivalent to the amount paid in Committee of Adjustment fees, could be determined and provided in the future through consultation with the Ward Councillor.

## **CONTACT**

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## **SIGNATURE**

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