

Thursday, May 23, 2013

NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)

File Number:	A216/13NY	Zoning	R4 [PPR]
Owner(s):	HENRY CHIANG I-SING CHOU	Ward:	Willowdale (23)
Agent:	LORNE ROSE		
Property Address:	51 ELMWOOD AVE	Community:	North York
Legal Description:	PLAN 1801 LOT 323		

Notice was given and a Public Hearing was held on Thursday, May 23, 2013, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new two-storey detached dwelling with an integral, at grade, two car garage. The existing dwelling would be demolished.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

North York Zoning By-law No. 7625

1. Proposed east side yard setback of 1.22m
WHEREAS the minimum required east side yard setback is 1.8m;
2. Proposed west side yard setback of 1.23m
WHEREAS the minimum required west side yard setback for a reversed corner lot is 3.0m;
3. Proposed 2.08m one storey extension west side yard setback of 1.84m
WHEREAS the minimum required west side yard setback for a one storey extension for a reversed corner lot is 3.0m;
4. Proposed side porch and canopy projection into the west side yard with a setback of 0.32m
WHEREAS the minimum required side yard setback for a side porch and canopy projecting into the side yard is 0.6m;
5. Proposed side porch and canopy area of 2.96m²
WHEREAS the maximum permitted area of side porch and canopy projecting into the side yard is 2.3m²; and
6. Proposed lot coverage of 40.39% of the lot area
WHEREAS the maximum permitted lot coverage is 30% of the lot area.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance Application is Approved on Condition

It is the decision of the Committee of Adjustment to **APPROVE** the following variance(s):

North York Zoning By-law No. 7625

1. Proposed east side yard setback of 1.22m
WHEREAS the minimum required east side yard setback is 1.8m;
2. Proposed west side yard setback of 1.23m
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WHEREAS the minimum required side yard setback for a side porch and canopy projecting into the side yard is 0.6m;
5. Proposed side porch and canopy area of 2.96m²
WHEREAS the maximum permitted area of side porch and canopy projecting into the side yard is 2.3m²; and

It is the decision of the Committee of Adjustment to **MODIFY** and **APPROVE** the following variance(s):

6. Proposed lot coverage of **35.00%** of the lot area
WHEREAS the maximum permitted lot coverage is 30% of the lot area.

For the following reasons:

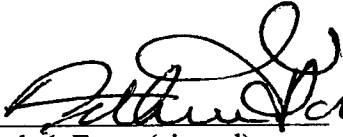
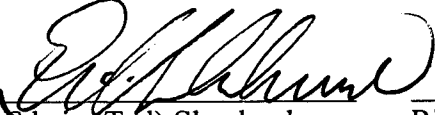
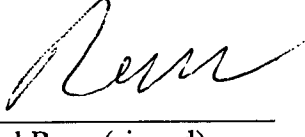
- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):

1. The owner shall satisfy the City of Toronto Municipal Code Chapter 813, Article II, with respect to City owned trees, to the satisfaction of the Urban Forestry Division.
2. The owner shall submit a Tree Security Deposit (in the form of a certified cheque or letter of credit only) and sign a Tree Preservation Agreement to the satisfaction of the Urban Forestry Division.

SIGNATURE PAGE

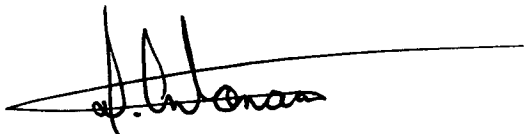
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Agent:	LORNE ROSE		
Property Address:	51 ELMWOOD AVE	Community:	North York
Legal Description:	PLAN 1801 LOT 323		

		
Arthur Forer (signed)	Edwin (Ted) Shepherd (signed)	Richard Ross (signed)

DATE DECISION MAILED ON: Friday, May 31, 2013

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, June 12, 2013

CERTIFIED TRUE COPY



Dan Antonacci
Manager & Deputy Secretary Treasurer
North York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$125.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at www.omb.gov.on.ca.

MEMORANDUM

Date: May 23rd, 2013

To: Chair and Members of the
Committee of Adjustment, North Panel

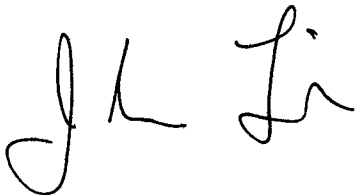
From: Councillor John Filion
Ward 23, Willowdale

Re: 51 Elmwood Avenue
A216/13NY

I am writing in support of the Planning Staff Report, and to request that the Committee give consideration to refusing the proposed variances for lot coverage, west side yard setback and one storey extension west side yard setback, as they are out of character with the surrounding neighbourhood and do not meet the intent of the zoning bylaws.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'JL Filion', with a stylized, cursive script.

Councillor John Filion
Ward 23, Willowdale

39



STAFF REPORT

Committee of Adjustment Application

Date:	May 14, 2013
To:	Chair and Committee Members of the Committee of Adjustment North York District
From:	Allen Appleby, Director, Community Planning, North York District
Ward:	Ward 23 (Willowdale)
Reference:	File No. A216/13NY Address: 51 ELMWOOD AVE Application to be heard: Thursday, May 23, 2013 at 3:00 p.m.

RECOMMENDATION

Planning recommends that Variance No. 2 for a proposed west side yard setback of 1.23 m for a reversed corner lot and Variance No. 3 for a proposed 2.08 m one storey extension west side yard setback for a reversed corner lot of 1.84 m be **increased**, and;

Variance No. 6 for proposed lot coverage of 40.39% be **reduced** to better fit the neighbourhood character.

APPLICATION

To construct a new two-storey detached dwelling with an integral, at grade, two car garage. The existing dwelling would be demolished. This application was deferred SINE DIE at the May 8, 2013 meeting of the Committee of Adjustment to address a west side yard setback in lieu of an east side yard setback.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

North York Zoning By-law No. 7625

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WHEREAS the minimum required east side yard setback is 1.8m;
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WHEREAS the minimum required west side yard setback for a reversed corner lot is 3.0m;
3. Proposed 2.08m one storey extension west side yard setback of 1.84m
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4. Proposed side porch and canopy projection into the west side yard with a setback of 0.32m
WHEREAS the minimum required side yard setback for a side porch and canopy projecting into the side yard is 0.6m;
5. Proposed side porch and canopy area of 2.96m²
WHEREAS the maximum permitted area of side porch and canopy projecting into the side yard is 2.3m²; and
6. Proposed lot coverage of 40.39% of the lot area
WHEREAS the maximum permitted lot coverage is 30% of the lot area.

COMMENTS

The subject property is located east of Yonge Street and north of Sheppard Avenue East and is designated *Neighbourhoods* in the City of Toronto Official Plan. The Official Plan acknowledges that *Neighbourhoods*, while stable, will be subject to physical change in the form of enhancements, additions, and infill housing. The key policy of the Plan is to ensure that new development will respect and reinforce the existing physical character of the neighbourhood. Section 4.1 of the Plan outlines the development policies for *Neighbourhoods*.

Policy 4.1.5 states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- c) Heights, massing, scale and dwelling type of nearby residential properties;

The Plan affirms that no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood.

The subject property is zoned R4 in the former City of North York By-Law No. 7625, as amended. The objective of the Zoning By-Law is to establish specific standards as to how land is developed. The intent of the provisions relating to side yard setbacks and lot coverage are to ensure more uniform and consistent built form streetscapes to maintain a standard pattern of development.

The applicant is proposing to construct a new two-storey dwelling with an integral, at-grade, garage. The existing dwelling would be demolished. Planning Staff have concerns with variances for the west side yard setback for a reversed corner lot, the one storey extension west side yard setback for a reversed corner lot, and lot coverage.

Staff recommends that the variances for the west side yard setback for a reversed corner lot and the one storey extension west side yard setback for a reversed corner lot be **increased**. Additionally, staff recommends that the variance for lot coverage be **reduced** because they do not respect and reinforce the neighbourhood character.

Respectfully submitted,

CONTACT

Jason Brander, Planner
Tel: 416-395-7124
Fax: 416-395-7200
E-mail: jbrande@toronto.ca

SIGNATURE

A handwritten signature in black ink, appearing to read "Allen Appleby", is written over a horizontal line.

Allen Appleby
Director, Community Planning, North York District

A216/13NY – 51 ELMWOOD AVE



City Planning Division
Jennifer Keesmaat, MES MCIP RPP
Chief Planner and Executive Director

City Planning

North York Civic Centre
5100 Yonge Street
North York, Ontario
Canada, M2N 5V7
Tel.: (416) 395-7100
Fax: (416) 395-7200

Mailed on/before: Monday, May 13, 2013

REVISED
PUBLIC HEARING NOTICE
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)

MEETING DATE AND TIME: Thursday, May 23, 2013 at 3:00 p.m.

LOCATION: Council Chamber, North York Civic Centre, 5100 Yonge St., M2N 5V7

File Number:	A216/13NY	Zoning	R4 [PPR]
Owner(s):	HENRY CHIANG I-SING CHOU	Ward:	Willowdale (23)
Agent:	LORNE ROSE		
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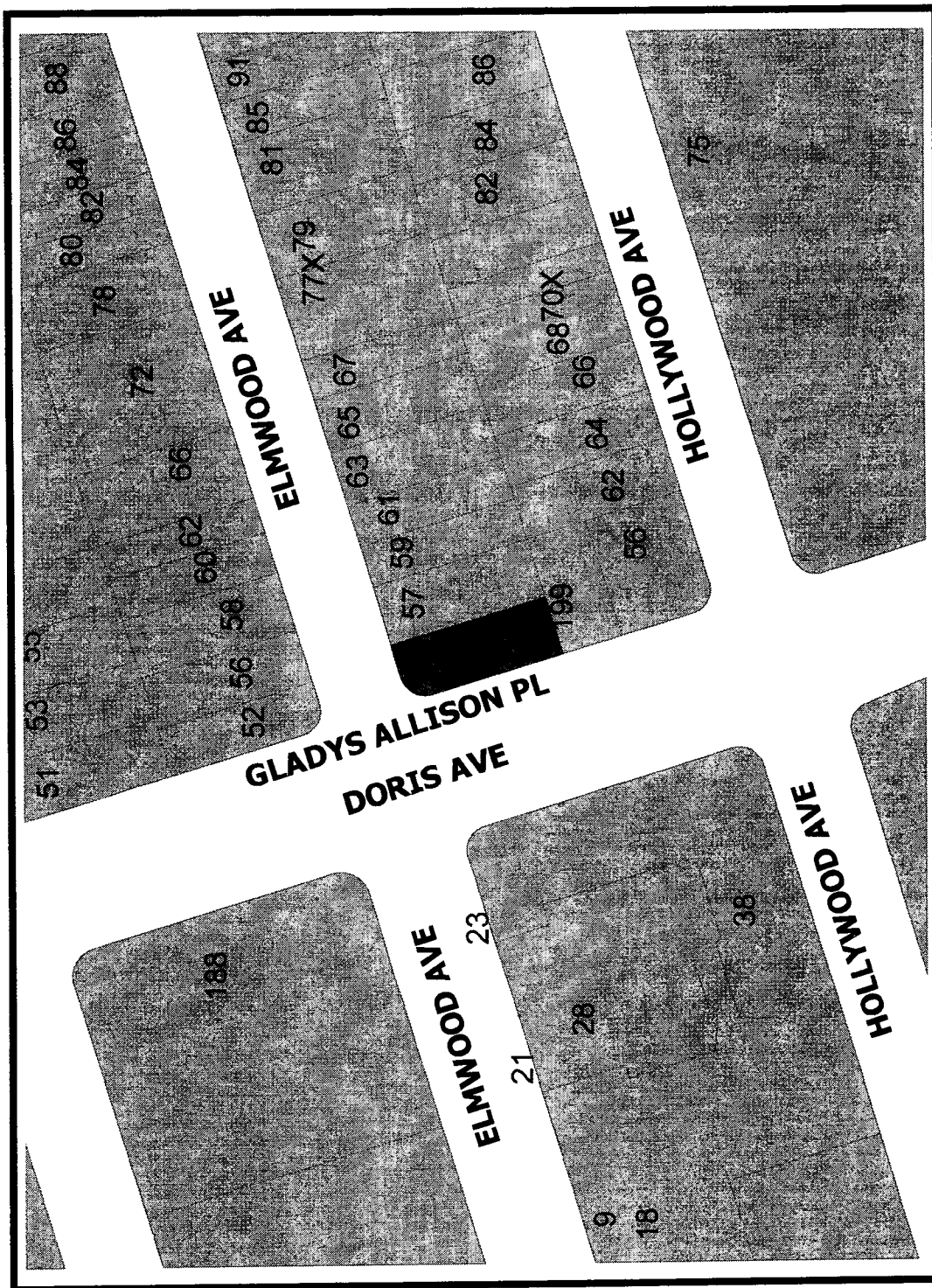
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Dan Antonacci (signed)
Manager and Deputy Secretary-Treasurer
North York Panel

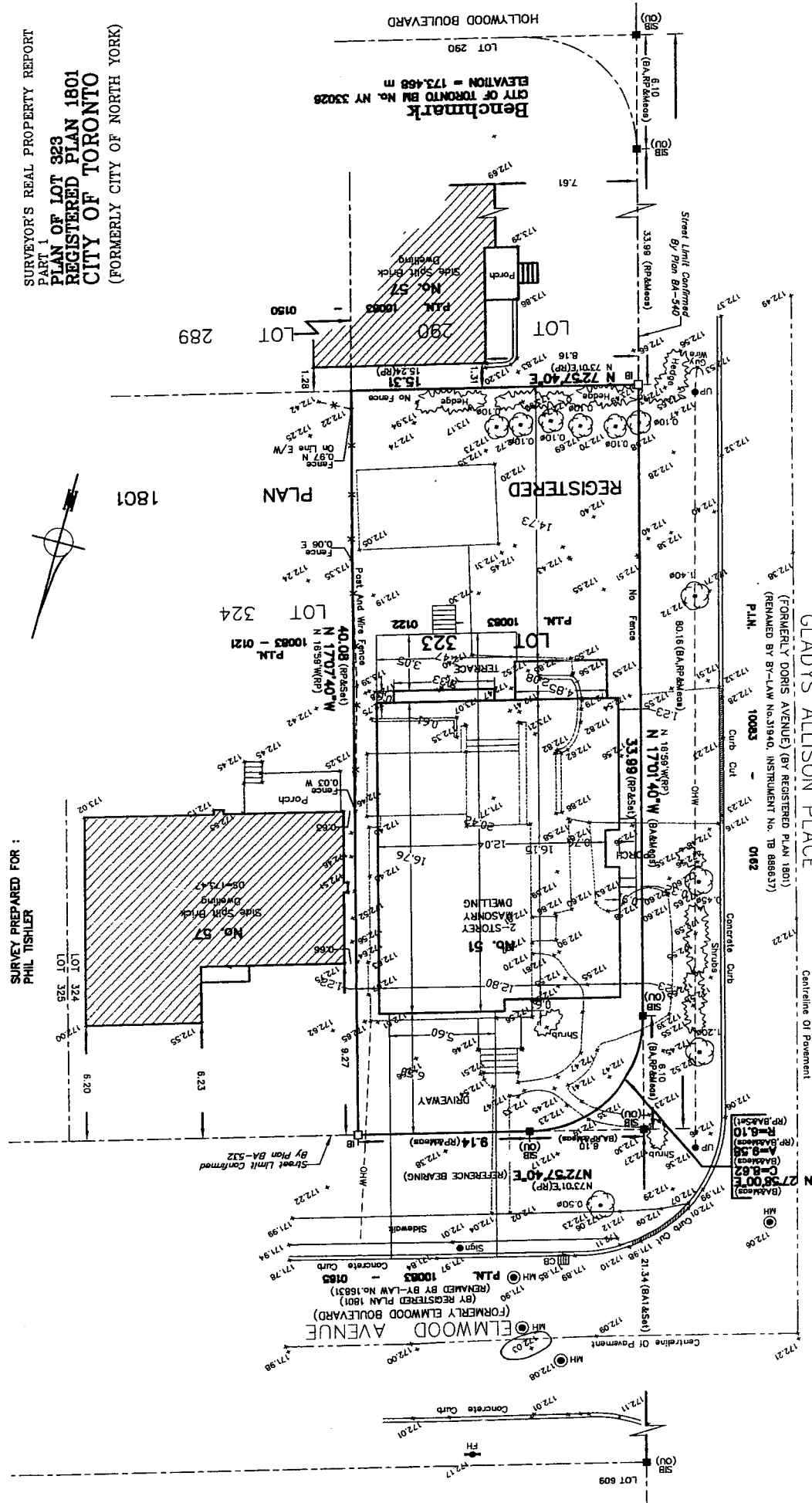


A216/13NY



SURVEY PREPARED FOR :
PHIL TISLER

SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN OF LOT 323
REGISTERED PLAN 1801
CITY OF TORONTO
(FORMERLY CITY OF NORTH YORK)



FRONT YARD AREA = 95.7 M²
DRIVEWAY AREA = 36.4 M²

PROPOSED SITE PLAN

SCALE 1:500

GLADYS ALLISON PLACE

erl surveyors
Ontario Land Surveyors
1234 REID STREET, UNIT 10, RICHMOND HILL L4B 1C1
TELEPHONE (905) 731-7534 FAX (905) 731-7531 EMAIL info@erl.com
DRAWING : 12217 SPR-TR ELWOOD 451.DWG PROJECT : 12217
CALC. BY OT, DRAWN BY HD, CHECKED BY JL

51 ELWOOD AVE.
4216/13 NV