



STAFF REPORT
Committee of Adjustment
Application

Date:	June 24, 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 16 (Eglinton-Lawrence)
Reference:	File No. A406/13NY Address: 478 MELROSE AVENUE Application to be heard: Thursday, July 4, 2013 at 10:00 a.m.

RECOMMENDATION

Planning recommends that the application be **refused**.

APPLICATION

To maintain and legalize the carport at the rear of the property.

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

1. **Section 14-B(6), By-law No. 7625**
Proposed lot coverage of 57.89% of the lot area
WHEREAS the maximum permitted lot coverage is 30% of the lot area;
2. **Section 6(23)(a)(ii)(B), By-law No. 7625**
Proposed carport lot coverage of 16.39% of the lot area
WHEREAS the maximum permitted carport lot coverage is 10%; and
3. **Section 6(23)(a)(i)(E)(IV), By-law No. 7625**
Proposed west side yard setback of 0.16m
WHEREAS the minimum required west side yard setback is 1.2m.

COMMENTS

The subject property is located west of Avenue Road and north of Lawrence Avenue West 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 R7 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 lot coverage and side yard setbacks is to ensure more uniform and consistent built form streetscapes to maintain a standard pattern of development.

The applicant proposes to maintain and legalize a carport at the rear of the property constructed without an approved building permit. Planning staff has concerns with the variances as proposed.

For the Committee's information, this property was subject to a prior application for minor variance. Application A372/10NY approved variances for lot area, lot frontage and width, front yard setback, side yard setbacks, and lot coverage. It is of note that the lot coverage approved as part of Application A372/10NY was 41.5%.


Staff recommends that the application be refused because it does 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


for Allen Appleby
Director, Community Planning, North York District

A406/13NY - 478 MELROSE AVENUE