

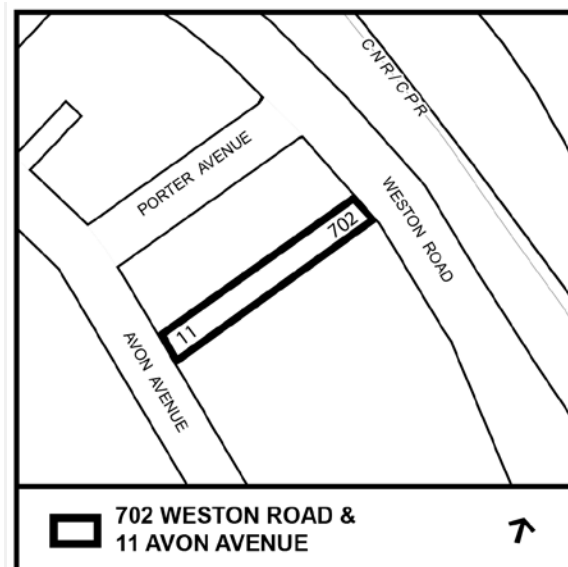
702 Weston Road and 11 Avon Avenue – Zoning By-law Amendment Application – Supplementary Report

Date:	August 19, 2015
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 11 – York South-Weston
Reference Number:	13 264497 WET 11 OZ

SUMMARY

At its May 12, 2015 meeting, Etobicoke York Community Council adjourned the statutory public meeting considering this Zoning By-law Amendment application for the subject property. The Zoning By-law Amendment would permit the conversion of an existing office building into a single-detached residential building on the 11 Avon Avenue portion of the subject site. The office building is presently being used as a residence. The meeting was adjourned to provide the applicant an opportunity to rectify the grading, retaining wall and fencing along the north property line as well as address the matters outlined in Recommendations 5 and 6 of the Final Report, dated April 22, 2015 from the Director, Community Planning, Etobicoke York District. These recommendations were related to landscaping at the rear of 11 Avon Avenue and concerns from Urban Forestry staff.

Planning staff are satisfied that the above concerns have been addressed and this Supplementary Report recommends that City Council approve the application to amend the Zoning By-law, subject to amended recommendations.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Etobicoke York Community Council recommend that City Council adopt Recommendations 1 to 4 contained in the April 22, 2015 report from the Director, Community Planning, Etobicoke York District; and
2. Etobicoke York Community Council receive for information Recommendations 5 to 9 contained in the April 22, 2015 report from the Director, Community Planning, Etobicoke York District, having regard that they are no longer applicable.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

An application to amend the Zoning By-law was submitted on November 13, 2013. A Preliminary Report on the subject application was considered by Etobicoke York Community Council at its meeting of February 25, 2014 recommending that Planning staff hold a community consultation meeting. This Preliminary Report can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EY31.11>.

A Final Report, recommending approval of the Zoning By-law Amendment, was prepared for the consideration of Etobicoke York Community Council at its meeting on May 12, 2015. It was the decision of Etobicoke York Community Council to adjourn the statutory public meeting until September 8, 2015 to provide the applicant an opportunity to rectify the grading, retaining wall and fencing along the north property line as well as address the matters outlined in Recommendations 5 and 6 of the Final Report, dated April 22, 2015 from the Director, Community Planning, Etobicoke York District. This Final Report can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EY6.1>.

ISSUE BACKGROUND

At the May 12, 2015 meeting of the Etobicoke York Community Council, an abutting landowner to the north spoke in opposition to the application due to concerns regarding soil erosion in his backyard. The subject property slopes downward from Weston Road to Avon Avenue and there is a significant grade change along the north property line between the subject property and the houses that front Porter Avenue to the north. As a result, there is a drop of approximately 0.5 metres at the rear of 9 Porter Avenue to the subject property, and this drop increases to approximately 1.2 metres at the rear of 21 Porter Avenue.

A retaining wall constructed with a series of 'Jersey barriers' has been erected along the north property line and the gap between the retaining wall and the rear yards to the north has been filled with soil. The abutting landowner to the north spoke in opposition to the application due to soil erosion and concerns related to fencing along the property line. Etobicoke York Community Council adjourned the public meeting to allow the applicant an opportunity to rectify the retaining wall, fencing and grading along the north property line.

In adjourning the public meeting, Etobicoke York Community Council also advised the applicant to address the matters outlined in Recommendations 5 and 6 of the Final Report, dated April 22, 2015, from the Director, Community Planning, Etobicoke York District. These recommendations were as follows:

5. Prior to introducing the necessary Bills to City Council for enactment, require the applicant to install the proposed grassed area and fencing at the rear of 11 Avon Avenue as per Site Plan A1, dated August 12, 2014, to the satisfaction of the Director, Community Planning, Etobicoke York District; and
6. Prior to introducing the necessary Bills to City Council for enactment, require the applicant to fulfill the pre-approval conditions from Urban Forestry staff concerning an Application to Injure or Destroy Trees to the satisfaction of the General Manager, Parks, Forestry and Recreation.

Three other related recommendations were also included in the Final Report. They are as follows:

7. Should the matters outlined in Recommendations 5 and 6 not be fulfilled prior to December 31, 2015, City Council rescind its approval of Recommendations 1, 2 and 3 and authorize the Director, Municipal Licensing and Standards to take the necessary action to issue an Order to Comply with the applicable Zoning By-laws;
8. Should the matters outlined in Recommendations 5 and 6 not be fulfilled prior to December 31, 2015, the Director, Community Planning, Etobicoke York District shall report back to City Council that Recommendations 1, 2 and 3 have been revoked pursuant to Recommendation 7; and
9. The City Clerk forward a copy of City Council's decision to the Director, Municipal Licensing and Standards.

COMMENTS

The applicant advised Planning staff that the concerns raised at Etobicoke York Community Council on May 12, 2015 have been addressed. City Planning and Toronto Building staff met with the applicant on site on July 24, 2015 to perform an inspection.

Landscaping and Fencing

As per Recommendation 5 above, the applicant was required to install fencing and sod at the rear of 11 Avon Avenue to provide outdoor amenity space for the dwelling. The site visit revealed that the fencing and sod have been installed and Planning staff are satisfied this has been done substantially in accordance with the submitted site plan. Toronto Building staff have advised that the fence has been constructed appropriately. Recommendation 5 is therefore no longer applicable.

Application to Injure or Destroy Trees

As per Recommendation 6 above, prior to the installation of the fencing and sod at the rear of 11 Avon Avenue, the applicant was required to submit an *Application to Injure or Destroy Trees* to Urban Forestry. Urban Forestry staff have advised that the required application was submitted and that a tree removal permit was issued in March 2015. Recommendation 6 is therefore no longer applicable.

Grading, Retaining Wall and Fencing Along the North Property Line

To address the concerns related to the retaining wall and fencing along the north property line, the applicant has removed soil from between the retaining wall and the fences and has added a row of cinder blocks along the top of the retaining wall to a height which is approximately level with the grade at the rear property line.

Planning staff have had recent discussions with the abutting landowner to the north who spoke at the May 12, 2015 Etobicoke York Community Council meeting in opposition to the application. Notwithstanding the recent modifications to the retaining wall, the abutting landowner continues to cite concerns relating to aesthetics and functionality.

Although Planning staff recognize that the retaining wall is not aesthetically pleasing, there is no legislative authority to require Site Plan Approval or include a recommendation relating to the retaining wall through the proposed Zoning By-law Amendment. Recommendations must directly relate to the proposed zoning itself. The retaining wall is not visible from the street or the abutting landowner's property and does not negatively impact the public realm. Further, following a site inspection, Toronto Building staff have advised that the retaining wall along the north lot line is structurally sound and will perform as intended.

Conclusion

Planning staff are satisfied that Recommendations 5 and 6 included in the April 22, 2015 Final Report have been satisfied and are no longer applicable to the application. Similarly, Recommendations 7 through 9 are also no longer applicable. Staff are also satisfied that the grading, retaining wall and fencing along the north property line have been rectified. Staff are therefore recommending that the application to amend the Zoning By-law be approved by City Council.

CONTACT

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SIGNATURE

Neil Cresswell, MCIP, RPP
Director of Community Planning
Etobicoke York District

ATTACHMENT

Attachment 1: Site Plan

[illegible]

Site Plan
Applicant's Submitted Drawing
Not to Scale
01/27/2015