



**STAFF REPORT**  
Committee of Adjustment  
Application

<b>Date:</b>	December 3, 2014
<b>To:</b>	<b>Chair and Committee Members of the Committee of Adjustment Scarborough Panel</b>
<b>From:</b>	Raymond David, Director, Scarborough District Community Planning
<b>Wards:</b>	Scarborough Centre (38)
<b>Reference:</b>	File No. A267/14SC Address: 8 Farmbrook Road Application to be heard: Thursday, December 11, 2014 at 9:30 a.m.

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COMMUNITY PLANNING DIVISION

**RECOMMENDATION**

Community Planning staff recommend that the Committee of Adjustment refuse the requested variances to permit the deck above the detached garage.

**APPLICATION**

The applicant is seeking relief from the provisions of the Zoning By-law to reconstruct an existing deck above the detached garage.

The applicant has requested the following variances:

**By-law No. 569-2013**

1. To permit the proposed/existing 0.61 metres rear yard setback for the deck located on top of the garage, whereas the Zoning By-law requires a minimum setback of 2.77 metres.
2. To permit the proposed/existing 0.81 metres north side yard setback for the deck located on top of the garage, whereas the Zoning By-law requires a minimum setback of 2.77 metres.
3. To permit the proposed/existing deck (platform) to be located on top of the existing ancillary building (garage), whereas the Zoning By-law does not permit platforms to be located on an ancillary building.

## **By-law No. 9510**

4. To permit the proposed/existing deck (platform) to be located on top of the existing ancillary building (garage), whereas the Zoning By-law does not permit platforms to be located on an ancillary building.

## **COMMENTS**

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The property is designated *Neighbourhoods* in the Official Plan. According to the Official Plan, *Neighbourhoods* are "physically stable areas made of residential uses in lower scale buildings". In order to maintain the stability of Toronto's *Neighbourhoods*, physical change must be sensitive and gradual. The intent of the Official Plan in areas designated *Neighbourhoods* is to permit development that respects and reinforces the existing physical character of the established neighbourhood.

The property is zoned Single-Family Residential (S) under the Woburn Community By-law Number 9510, as amended, and Residential Detached (RD) under the City of Toronto Zoning By-law 569-2013. The purpose of the Zoning By-law is to ensure that development is compatible with the neighbourhood character and to limit the impact of development on adjacent residential properties.

Planning staff have reviewed the application and have concerns with the proposal. Staff believe the potential noise, privacy, and overlook impacts caused by the deck above the detached garage and its proximity to the property lines would adversely affect the use and enjoyment of the rear yards of the surrounding neighbours.

The deck is approximately 32 square metres, is 2.77 metres above the ground (measured to the deck floor) and is set back 0.61 metres from the rear lot line and 0.81 metres from the north side lot line. Cumulatively, these conditions would result in an unacceptable situation for the surrounding neighbours to have to cope with the potential of overlook and invasion of their privacy.

There is no record of any variances granted for a deck on top of an accessory structure in this neighbourhood. The situation at 8 Farmbrook Road would be the only one of its kind and would not be in keeping with the prevailing character of the area. The rear yard of the subject property has ample space to accommodate an at-grade amenity area.

The proposed variances are not minor, are not desirable for the appropriate development of the land and do not meet the intent and purpose of the Official Plan or Zoning By-law. Staff recommend that the Committee refuse the requested variances for the deck above the detached garage.

## **CONTACT**

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## **SIGNATURE**

A handwritten signature in cursive script, appearing to read "Raymond David", written over a horizontal line.

 Raymond David  
Director, Scarborough District Community Planning