



**STAFF REPORT**

**Committee of Adjustment JUN 15 2016  
Application**

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CITY OF TORONTO PLANNING  
NORTH YORK CIVIC CENTRE

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<b>Date:</b>	June 13, 2016
<b>To:</b>	<b>Chair and Committee Members of the Committee of Adjustment North York District</b>
<b>From:</b>	Joe Nanos, Director, Community Planning, North York District
<b>Ward:</b>	Ward 23 (Willowdale)
<b>Reference:</b>	File No. A0427/16NY Address: <b>375 ELLERSLIE AVENUE</b> Application to be heard: Wednesday, June 22, 2016 at 11:00 a.m.

**RECOMMENDATION**

Should the Committee approve Application No. A0427/16NY, Planning recommends that the following variances be **reduced**:

1. Variance Nos. 1 and 3 with respect to the proposed finished first floor height.

**APPLICATION**

To legalize and maintain the existing dwelling as constructed.

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

1. **Chapter 10.20.40.10.(6), By-law No. 569-2013**  
The maximum permitted finished first floor height is 1.20m.  
The finished first floor height is 1.65m.
2. **Chapter 10.20.40.10.(3), By-law No. 569-2013**  
The maximum number of storeys permitted is two (2).  
The number of storeys is three (3).
3. **Section 6(30), By-law No. 7625**  
The maximum permitted finished first floor height is 1.50m.  
The finished first floor height is 2.32m.
4. **Chapter 10.20.40.50.(1), By-law No. 569-2013**  
The maximum permitted area of each platform at or above the second storey is 4.00m<sup>2</sup>.  
The proposed platform at or above the second storey is 8.67m<sup>2</sup>.

## COMMENTS

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The subject property is located west of Yonge Street and north of Sheppard 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.

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 City of North York By-Law No. 7625, as amended, and RD (f15.0; a550) (x5) in the City of Toronto Zoning By-law 569-2013, as amended. The objective of the Zoning By-Law is to establish specific standards as to how land is developed.

The subject property was previously before the Committee of Adjustment on Wednesday February 5, 2014 (File No. A872/13NY). The application sought variances related to side exterior main wall height, building length, side yard setbacks, lot frontage and width, building height and finished first floor height. The application was approved on condition. The finished first floor height under By-law No. 7625 was approved at 1.85 metres. No finished first floor height variance under By-law No. 569-2013 was identified or requested as part of the previous application.

The applicant is proposing to legalize and to maintain the existing dwelling as constructed (File No. A0427/16NY). During inspections conducted by the Buildings Department, it was determined that the constructed finished first floor height of the dwelling had not been built in accordance to what was approved at the Committee of Adjustment (File No. A872/13NY).

Due to the constructed finished first floor height, the dwelling is considered a 3-storey structure (Variance No. 2) whereas a 2-storey dwelling is permitted. Planning staff have concerns with Variance Nos. 1 and 3 for a proposed finished first floor height of 1.65 metres under By-law 569-2013 and 2.32 metres under By-law No. 7625. Staff have reviewed the submitted plans and note that 8 risers lead to the front entrance of the dwelling. Staff have surveyed the immediate neighbourhood and found that there is a range between 4-6 risers leading to the front entrances of dwellings.

Should the Committee choose to approve this application, Planning Staff recommends that the proposed variances No. 1 and 3 for finished first floor height be **reduced**.

Respectfully submitted,

**CONTACT**

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**SIGNATURE**



*for* Joe Nanos  
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**A0427/16NY – 375 ELLERSLIE AVENUE**