

NY12.36.2

SAHRA



South Armour Heights Residents' Association

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February 21, 2016

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**Application Number: 15 258935 NNY 16 OZ**  
**City initiated Amendment to the Zoning By-Law**

Ms. Adamo

The South Armour Heights Ratepayers Association ("SAHRA") is an incorporated non-profit association founded in 1988 that represents residents bounded by the 401 south to Brooke/Yonge Blvd and west over to Avenue Road. We were a member of the Local Advisory Committee (LAC) involved with the creation of the Avenue Road Avenue Study. We continue to be an active partner ensuring development along Avenue Road is beneficial to both the residential and business communities living near Avenue Road.

We welcome the City's proposal to improve the Zoning By-law and provide greater clarity regarding step-back requirements along Avenue Road. SAHRA has reviewed the proposal that was first presented to the Community on November 12, 2015. Below is what was proposed on November 12th and it is our understanding that this is what will be presented to North York Community Council on February 23rd:

"Any building or structure 3 storeys or greater shall have a minimum 2 metre step-back of the building wall facing a lot line abutting a public street, at the top of the second storey. The step-back shall be measured from the external face of the wall of the building at the top of the second storey."

What follows is a review of what we previously submitted, prior to the Notice of Public Meeting, and our current thinking. For ease of presentation any deletions/additions have been highlighted.

**SAHRA Option #1 (originally submitted January 1, 2016):**

Any building or structure 3 storeys or greater in height shall have a minimum 2 metre step-back of the building wall facing a lot line abutting a public street(s), at the top of the second storey. The step back shall be measured from the external face of the wall(s) of the building at the top of the second storey.

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## SAHRA Option #2:

"Any building or structure 3 storeys or greater shall have a minimum 2 metre step-back of the building main wall facing a lot line abutting a public street, at the top of the second storey. The step-back shall be measured from the external face of the main wall of the building at the top of the second storey."

In an effort to further simplify, we examined how "wall" was used and defined in By-law 569-2013. (Unfortunately a similar review could not be completed for By-law 7629, as it does not seem to be readily available online.) By-law 569-2013 has the following definition, which is the only definition related to walls:

### Chapter 800 Definitions

#### 800.50 Defined Terms

(455) **Main Wall** means any exterior wall of a building or structure, including all structural members essential to the support of a roof over a fully or partly enclosed area.

Using this definition we believe Option 2 is consistent with the language of the Zoning By-law and the proposed change.

## **SAHRA's request is that the Council considers Option 2.**

As a concluding note, while we believe the addition of "3 storeys or greater" is a significant improvement, we also believe that "main external building wall", "building wall" or "main wall" are the same thing given the definition of "main wall" in By-Law 569-2013. The usage of the term "main" is in no way a reference to the building wall facing Avenue Road. It is our opinion that the existing By-law requires a step-back on all walls abutting a public street, including those facing Avenue Road and those facing side streets. It is most unfortunate that City Legal and Planning took the position that they could not enforce the current version of this by-law for 2078 Avenue Road and 1912-1914 Avenue Road. We hope that this amendment will clarify the issue going forward such that the City, through its Planning and Building Departments, will enforce this By-law requirement.

We would appreciate receiving a copy of the Decision.

Yours truly

Robert Williams, Director

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