



STAFF REPORT
Committee of Adjustment
Application

Date: January 29, 2019

To: Chair and Committee Members of the Committee of Adjustment, North York District

From: Joe Nanos, Director, Community Planning, North York District

Ward: Ward 18, Willowdale

File No: A0713/18NY

Address: 88 Nipigon Avenue

Application to be heard: Thursday, February 7, 2019 at 2:00 p.m.

RECOMMENDATIONS

Staff recommend that Application No. A0713/18NY be refused as it fails to satisfy all of the four tests for minor variance under Section 45(1) of the *Planning Act*.

APPLICATION

To legalize and maintain the rear gazebo

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

- 1. Chapter 10.20.30.40.(1), By-law 569-2013**
The maximum permitted lot coverage is 30 % of the lot area.
The proposed lot coverage is 43.4 % of the lot area.
- 2. Chapter 10.5.60.70.(1), By-law 569-2013**
The total area on a lot covered by ancillary buildings or structures may not exceed 10 % of the lot area.
The proposed ancillary buildings or structures cover 11.4 % of the lot area.
- 3. Chapter 10.5.60.20.(11), By-law 569-2013**
The minimum required side yard setback for a platform, such as a deck or similar structure, is 0.3m.
The proposed platform is 0.0m from the rear lot line.
- 4. Chapter 10.5.60.20.(11), By-law 569-2013**
The minimum required side yard setback for a platform, such as a deck or similar structure, is 0.3m.
The proposed platform is 0.0m from the east side lot line.
- 5. Chapter 10.5.60.20.(11), By-law 569-2013**
The minimum required side yard setback for a platform, such as a deck or similar structure, is 0.3m.
The proposed platform is 0.0m from the west side lot line.

COMMENTS

The subject property is located on the north side of Nipigon Avenue, east of Yonge Street and south of Steeles Avenue East. The property is zoned *RD(f15.0; a550)(x5)* in the City of Toronto Zoning By-law No. 569-2013. The application proposes to legalize and maintain a rear gazebo.

The subject property is designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are considered to be stable areas where new development will maintain the existing physical character of the area. Section 4.1 outlines the development policies for *Neighbourhoods*. The preamble to the development criteria states "physical changes to our established *Neighbourhoods* must be sensitive, gradual, and generally 'fit' the existing physical character." Policy 4.1.5 of the development criteria for *Neighbourhoods* requires that "development in established *Neighbourhoods* will respect and reinforce the existing physical character of each geographic neighbourhood, including in particular:

- g) prevailing patterns of rear and side yard setbacks and landscaped open space".

Staff have concerns with Variance Nos. 3, 4, and 5 which proposes a rear yard setback, east side yard setback, and west side yard setback of 0.0 metres as measured under Zoning By-law No. 569-2013, whereas a minimum setback for a platform, or similar structure, of 0.3 metres is required. Side yard setback provisions are intended, in part, to ensure adequate separation distance between neighbouring properties and to establish a consistent rhythm along the streetscape. Staff found that not only is the proposed application not consistent with the prevailing patterns of setbacks of nearby residential properties, but the application also poses potential undesirable impacts to the neighbouring properties to the east, west, and north. Furthermore, it is unclear how the structure could be adequately maintained with the proposed setbacks. As a result, Staff are of the opinion that the proposed rear yard and side yard setbacks fail to satisfy the general intent and purpose of the Official Plan and Zoning By-law, and are not minor or desirable.

Staff recommend that Application No. A0713/18NY be refused as it fails to satisfy all of the four tests for minor variance under Section 45(1) of the *Planning Act*.

CONTACT

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SIGNATURE

A handwritten signature in blue ink, appearing to read "Joe Nanos", is written over a faint, light blue circular stamp or watermark.

for

Joe Nanos, Director, Community Planning, North York District