

Date: September 1, 2020

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

From: Al Rezoski, Director (Acting), Community Planning, North York District

Ward: 18 – Willowdale

File No: A0274/20NY

Address: 120 Hendon Avenue

Hearing Date: September 17, 2020

RECOMMENDATIONS

Staff recommend that the following Staff modification be made to the application:

1. Variance No. 1 for the proposed ancillary building height, as measured under Zoning By-law No. 569-2013, be modified from a maximum building height of 5.9 metres to a maximum building height of 5.35 metres.

Should the Committee choose to approve the application with the Staff recommended modification, Staff recommend that the following condition be attached:

1. The proposed windows on the east and west elevations shall be limited in size to 0.61 metres in length and 1.219 metres in width.

Should the applicant not agree to the recommended modification as outlined, Staff recommend that:

1. The application be refused as it fails to meet the four tests as set out in Section 45(1) of the *Planning Act*.

APPLICATION

To replace the existing sloped roof with a new flat roof.

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

1. **Chapter 10.5.60.40.(2), By-law No. 569-2013**
The maximum height of an ancillary building or structure is 4.0 m.
The proposed height of the ancillary structure is 5.9 m.

COMMENTS

The subject property is located on the north side of Hendon Avenue, northwest of Yonge Street and Finch Avenue West. The property is zoned *RD(f9.0; a275)* under City of Toronto Zoning By-law No. 569-2013 and *R7* under the former City of North York Zoning By-law No. 7625. The application proposes to remove the existing sloped roof from the detached garage to replace with a flat roof.

Staff recommend that the following modification be made to the application to be more in keeping with the intent of the Zoning By-law:

- Variance No. 1 for the proposed ancillary building height, as measured under Zoning By-law No. 569-2013, be modified from a maximum height of 5.9 metres to a maximum height of 5.35 metres.

Should the applicant fail to make the Staff recommended modification, Staff recommend that the application be refused as it fails to satisfy the four tests as set out in Section 45(1) of the *Planning Act*.

The subject property was previously before the Committee of Adjustment to request an increased ancillary structure height of 6.7 metres. Staff had concerns related to the proposed height as it was excessive, and Staff had concerns with the proposed windows on the west side, which introduced overlook concerns for the neighbours to the north and west of the subject property. The application was refused by the Committee of Adjustment and the decision was appealed to the Toronto Local Appeal Body (File No.: 19 113459 S45 10 TLAB). The Toronto Local Appeal Body upheld the Committee's decision to refuse the application.

The application currently before Committee proposes an ancillary structure height of 5.9 metres, as measured under Zoning By-law No. 569-2013, whereas a maximum ancillary structure height permitted is 4.0 metres. Ancillary structure height provisions are intended, in part, to manage the mass and scale of structures to minimize impacts on abutting properties. Review of the TLAB decision outlines that the ancillary structure was built in the mid-1950s as two-storeys with a pitched roof measuring approximately 7.5 metres in height. Through discussions with the applicant, Staff have been notified that revisions have been made to the application to reduce the proposed height from 5.9 metres to 5.69 metres. However, Staff recommend that the height be further reduced to 5.35 metres, as outlined above, which would measure 5.0 metres from established grade to the top of the exterior wall, plus an additional height of 0.35 metres for the proposed flat roof. The Staff recommended height is to ensure that the structure is more in keeping with the character of ancillary structures in the surrounding area and that the height is in keeping with the intent of the Zoning By-law. Further, the recommended height modification is to ensure that the second storey is limited to storage space, as indicated by the applicant. The recommended window dimensions is to ensure that

adequate sunlight is provided into the storage space, while limiting overlook concerns to the abutting north and west side properties.

Staff recommend that the application be approved subject to the Staff recommended height modification and window dimensions outlined in the Recommendations section of this report. However, should the applicant fail to make the recommended height modification, Staff recommend that the application be refused.

CONTACT

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SIGNATURE



Signed by John Andreevski, Manager, Community Planning, North York District on behalf of Al Rezoski (Acting) Director, Community Planning, North York District