

Date: August 18, 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: A0243/20NY

Address: 160 Ellerslie Avenue

Hearing Date: September 10, 2020

RECOMMENDATIONS

Should the Committee choose to approve this application, Staff recommend that the following variance be refused:

1. Variance No. 9 for the proposed rear deck, as measured under Zoning By-law No. 569-2013.

Further, should the Committee choose to approve this application, Staff recommend that the following variance first be modified:

1. Variance No. 2 for the proposed west side yard setback, as measured under Zoning By-law No. 569-2013.

APPLICATION

To construct a rear one-storey addition, a deck, and west side two-storey addition.

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

1. **Chapter 900.3.10(5)A), By-law No. 569-2013**
Despite regulation 10.20.40.70 (3), the minimum side yard setback is 1.8 m.
The proposed East side yard setback is 1.74 m.
2. **Chapter 900.3.10(5)A), By-law No. 569-2013**
Despite regulation 10.20.40.70 (3), the minimum side yard setback is 1.8 m.
The proposed West side yard setback is 1.217 m.
3. **Chapter 10.5.40.50.(2), By-law No. 569-2013**
In the Residential Zone category, a platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3 metres of a building, must comply with the required minimum building setbacks for the zone.
The required minimum building setback for the zone is 1.8 m.
The proposed rear deck is 1.798 m.

4. **Chapter 10.5.40.50.(4)A, By-law No. 569-2013**
In the Residential Zone category, the level of the floor of a platform, such as a deck or balcony, permitted in accordance with (2) above and located at or below the first storey of a residential building other than an apartment building, may be no higher than 1.2 m above the ground at any point below the platform, except where the platform is attached to or within 0.3m of a front wall, the floor of the platform may be no higher than 1.2 m above established grade.
The floor of the platform is 1.22 m above established grade.
5. **Chapter 10.20.40.10.(2)B(ii), By-law No. 569-2013**
The permitted maximum height of all side exterior main walls facing a side lot line is 7.5 m.
The proposed height of the side exterior main walls facing a side lot line is 8.68 m.
6. **Chapter 10.20.40.10.(3)A, By-law No. 569-2013**
The permitted maximum number of storeys is 2.
The proposed number of storeys is 3.
7. **Chapter 10.20.40.10.(6), By-law No. 569-2013**
The permitted maximum height of the first floor above established grade is 1.2 m.
The proposed height of the first floor above established grade is 1.38 m.
8. **Chapter 10.20.40.70.(1), By-law No. 569-2013**
The required minimum front yard setback is 8.59 m.
The proposed front yard setback is 6.29 m.
9. **Chapter 10.20.40.50.(1)B), By-law No. 569-2013**
The permitted maximum area of each platform at or above the second storey of a detached house is 4.0 m².
The proposed area of the rear deck at or above the second storey is 59.46 m².
10. **Chapter 10.5.40.60.(3)(A)(ii), By-law No. 569-2013**
Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no wider than 2.0 m.
The proposed stairs are 2.84 m wide.
11. **Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8 m.
The proposed building height is 9.33 m.
12. **Section 6(30)a, By-law No. 7625**
The maximum finished first floor height is 1.5 m.
The proposed finished first floor height is 1.73 m.

COMMENTS

The subject property is located on the north side of Ellerslie Avenue, northwest of Beecroft Road and Sheppard Avenue West. The property is zoned *RD(f15.0; a550)(x5)* under City of Toronto Zoning By-law No. 569-2013 and *R4* under the former City of North York Zoning By-law No. 7625. The application proposes to construct a rear one-storey addition, a deck, and west side two-storey addition.

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

- Modify Variance No. 2 for the proposed west side yard setback from 1.217 metres to 1.5 metres, as measured under Zoning By-law No. 569-2013.

The application is proposing a west side yard setback of 1.217 metres, as measured under Zoning By-law No. 569-2013, whereas a minimum side yard setback of 1.8 metres is required. Side yard setback provisions are intended, in part, to ensure adequate separation distance between neighbouring structures, access to the rear yard for building maintenance, as well as to establish a consistent rhythm along the streetscape. Although properties along this portion of Ellerslie Avenue have been granted similar side yard setback approvals, these were generally for smaller sized lots with frontages ranging from 10.68 metres to 12.19 metres. Lots in the surrounding area with a frontage of 15.0 metres or greater have generally been approved with side yard setbacks of 1.5 metres or greater. The subject lot has a frontage of approximately 20.42 metres. Staff are of the opinion that the recommended west side yard setback modification is in keeping with the intent of the zoning by-law and the character of the neighbourhood as required by the *Neighbourhoods* policies of the Official Plan.

The application is proposing an increased side exterior main wall height of 8.68 metres, as measured under Zoning By-law No. 569-2013, whereas a maximum height of 7.5 metres is permitted. The increased side exterior main wall height is due to the highest point of the wall on the pitched roof. The proposed side exterior main wall height is short of the maximum building height of 8.9 metres.

The application is proposing three storeys, as measured under Zoning By-law No. 569-2013, whereas the maximum number of storeys permitted is two. The proposed number of storeys is considered technical in nature. The basement floor is considered the first storey due to the height of the basement ceiling being closest to established grade. As a result, the main floor is considered the second storey and the second floor is considered the third storey. In addition, due to the main floor being considered the second storey, the proposed rear platform is defined as a platform at or above the second storey.

The application is proposing a rear platform area of 59.46 square metres, as measured under Zoning By-law No. 569-2013, whereas a maximum of 4.0 square metres is permitted for platforms at or above the second storey. Platform area provisions are

intended, in part, to limit oversight and privacy concerns from abutting properties. The proposed second storey location of the rear platform is considered technical, due to the proposed three storey variance mentioned above. Although the variance is considered technical, Staff are of the opinion that the proposed platform area of 59.46 square metres is not minor in nature and not in keeping with the prevailing character of rear platforms in the neighbourhood. The greatest platform area approved in the surrounding area is 5.0 square metres. As such, Staff are of the opinion that Variance No. 9 for the proposed rear deck area should be refused.

Should the Committee choose to approve the application, Staff recommend the application be made subject to the conditions outlined in the Recommendations section of this report.

CONTACT

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SIGNATURE

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

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