



STAFF REPORT

Committee of Adjustment Application

Date: September 30, 2021

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

From: John Andreevski, Director (Acting), Community Planning, North York District

Ward: Eglinton - Lawrence

File No: A0581/21NY

Address: 10 Stayner Avenue

Hearing Date: October 7, 2021

RECOMMENDATIONS

Should the Committee choose to approve the application, Staff recommend the following variances first be refused:

- 1) Variance no. 1 for the proposed rear yard soft landscaping, as measured under Zoning By-law No. 569-2013; and
- 2) Variance no. 2 for the proposed lot coverage, as measured under Zoning By-law No. 569-2013.

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

- 1) Variance no. 4 for the proposed area of each platform at or above the second storey, as measured under Zoning By-law No. 569-2013, to be reduced from 15.98 m² to less than 10 m².

APPLICATION

To maintain accessory structure (pergola) in rear yard, secondary suite in basement, excavated rear deck and roof deck on second floor in the front, and to construct a new wall and roof enclosure for the basement.

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

1. **Chapter 10.5.50.10.(3), By-law No. 569-2013**
A lot with a residential building, other than an apartment building, must have a minimum of 50% of the rear yard for soft landscaping if the lot frontage is greater than 6.0 m.
The proposed rear yard soft landscaping area is 4.26%.

2. **Chapter 10.20.30.40.(1), By-law No. 569-2013**
The permitted maximum lot coverage is 35%.
The proposed lot coverage is 53.64%.
3. **Chapter 10.20.40.20.(1), By-law No. 569-2013**
With a minimum required lot frontage of 18.0 m or less, the permitted maximum building length for a detached house is 17.0 m.
The proposed building length is 23.9 m.
4. **Chapter 10.20.40.50.(1) , 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 each platform at or above the second storey is 15.98 m².
5. **Chapter 10.5.40.60.(1), By-law No. 569-2013**
A platform without main walls, attached to or less than 0.3 m from a building, with a floor higher than the first floor of the building above established grade may encroach 1.5 m into the required front yard setback, if it is no closer to a side lot line than the required side yard setback of 1.8 m.
The proposed platform encroaches 2.065 m into the required front yard setback and is 0.311 m from the west side lot line.
6. **Chapter 10.5.60.20.(2), By-law No. 569-2013**
The minimum rear yard setback for ancillary buildings or structures is 0.3 m.
The proposed rear yard setback for the ancillary building is 0.272 m.
7. **Chapter 10.20.40.30.(1), By-law No. 569-2013**
The permitted maximum building depth for a detached house is 19.0 m.
The proposed building depth is 21.71 m.
8. **Chapter 10.5.60.20.(3), By-law No. 569-2013**
The minimum side yard setback for an ancillary building or structure in a rear yard and 1.8 m or more from the residential building on the lot is 0.3 m.
The proposed east side yard setback for the ancillary building is 0.0 m.
9. **Chapter 150.10.20.1.(2), By-law No. 569-2013**
A secondary suite is a permitted use provided that it within a detached house or semi-detached house, each dwelling unit may have a maximum of one secondary suite.
The proposed number of secondary suites is 2.

10. **Chapter 150.10.40.1(1), By-law No. 569-2013**

A pedestrian entrance leading exclusively to a secondary suite is not permitted in a front wall of a detached house or semi-detached house.

The proposed pedestrian entrance leading exclusively to a secondary suite is located in the front main wall of the existing detached house.

COMMENTS

The subject property is located on the north side of Stayner Avenue, west of Allen Road and north of Eglinton Avenue West. The property is zoned *RD (f15.0; a550)(x5)* under City of Toronto Zoning By-law No. 569-2013. The application proposes to maintain an accessory structure (pergola) in rear yard, secondary suite in basement, excavated rear deck and roof deck on second floor in the front, and to construct a new wall and roof enclosure for the basement.

The application is proposing rear soft yard landscaping of 4.26%, whereas under Zoning By-law No. 569-2013 a residential building is required to have a minimum of 50% of the rear yard for soft landscaping. Further, the application is proposing a lot coverage of 53.63%, whereas Zoning By-law No. 569-2013 permits a maximum lot coverage of 35%. Landscaping and lot coverage provisions are intended, in part, to regulate the size of dwellings and structures, to maintain soft landscaping and open space, and provide on-site stormwater management. Staff's research of the subject property indicates a 2008 Minor Variance application A0278/08NY, which requested to permit the construction of a second storey above the existing dwelling, a two-storey rear addition and a two-storey addition to the east side of the dwelling. This application proposed a lot coverage of 40%, as well as other variances for front and side yard setbacks, dwelling length and height, first floor height, and front yard hard surface area. The application was refused, in whole. The application was appealed to the OMB in 2009 and ultimately refused. Staff are of the opinion the proposed rear soft yard landscaping of 4.26% and proposed lot coverage of 53.63% are not in keeping with the intent of the Zoning By-law or the character of the neighbourhood, as required by the *Neighbourhoods* policies of the Official Plan, and recommend the variances be refused.

The application is proposing a platform area at or above the second storey of 15.98 m² whereas under Zoning By-law No. 569-2013 allows a maximum platform area of 4 m². Staff recommends the platform area be reduced to less than 10 m² to be more in keeping with the intent of the Zoning By-law and other approvals in the neighbourhood.

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

CONTACT

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SIGNATURE



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