

**STAFF REPORT****68 Alcorn Avenue, Committee of Adjustment
Application**

Date: January 10, 2023

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

From: Director, Community Planning, Toronto and East York District

Ward: Toronto-St. Paul's (Ward 12)

File: A0787/22TEY

Application Hearing Date: Jan 18, 2023

RECOMMENDATIONS

Community Planning staff recommends that Application A0787/22TEY be refused, in its current form.

APPLICATION

The applicant is seeking relief from the provisions of Zoning By-law 569-2013 to legalize and maintain the rear deck that was constructed beyond the limits of a building permit, as approved under Minor Variance Decision A0224/20TEY.

The following variances are requested:

1. Chapter 10.5.50.10.(3)(B), By-law 569-2013

A minimum of 25% (12.84 m²) of the rear yard must be maintained as soft landscaping. In this case, 11.07% (5.69 m²) of the rear yard will be maintained as soft landscaping.

2. Chapter 10.5.40.60.(1)(D) By-law 569-2013

A platform without main walls, attached to or less than 0.3 m from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required rear yard setback 1.5 m if it is no closer to a side lot line than the required side yard setback (1.88 m).

The rear ground floor deck encroaches 6.93 m into the required rear yard setback and is located 0.95 m from the side (east) lot line and 0.44 m from the side (west) lot line.

3. Chapter 10.5.40.50.(3), By-law 569-2013

The level of the floor of a platform located at or above the second storey of a residential building is not permitted to be higher than the level of the floor of the storey from which it gains access

The rear first storey deck is 1 m higher than the level of the floor of the storey from which it gains access

CONTEXT

The subject property is located on the north side of Alcorn Avenue, and a public lane at the rear.

The property is designated *Neighbourhoods* on Map 17 of the Official Plan. *Neighbourhoods* are low rise and low density residential areas that are considered to be physically stable. Development in *Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas (Policy 2.3.1.1).

The subject property is within a Residential Zone R (d1.0) (x745) under City-wide Zoning By-law 569-2013.

COMMENTS

Following the deferral of Minor Variance Application A0787/22TEY on October 19, 2022 and the addition of Variance #3 in the Public Notice, Community Planning's Comments included in the Planning Report Submitted on October 7, 2022 stand and read as follows:

The subject site backs onto a public lane. The site has an angled rear yard because the lane jogs at the rear of the property.

There was a previously approved Minor Variance Application A0224/20TEY in 2020, which granted approval for a rear deck to encroach 2.9 metres into the required rear yard setback. However, the rear deck was constructed beyond what was approved and is virtually built to the edge of the jog in the lane.

As built, the rear deck is too large and too close to the rear property line that abuts the rear lane. The deck creates negative impacts for the neighbouring properties and sightlines along the public lane and impacts the physical character of the laneway.

The proposal does not maintain the general intent and purpose of the Official Plan or Zoning By-law and is an uncharacteristic built form for this neighbourhood. As such, Community Planning recommends that the application be refused.

CONTACT

Cameron Williamson, Assistant Planner, Community Planning, Toronto and East York District, 416-338-7241, Cameron.Williamson@toronto.ca

SIGNATURE



A handwritten signature in black ink, appearing to read "Oren Tamir". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Signed by Oren Tamir, Manager, Community Planning
On behalf of
Alex Teixeira, MCIP, RPP
Acting Director, Community Planning
Toronto and East York District