

## **10 Ternhill Crescent Committee of Adjustment Application**

**Date:** November 5th, 2024

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

**From:** David Sit, Director, Community Planning, North York District

**Ward:** Don Valley East

**File No:** A0480/24NY

**Hearing Date:** November 7, 2024

### **RECOMMENDATIONS**

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The applicant has indicated to staff that the following modifications have been made to the application and will be presented on the floor of the Committee of Adjustment hearing:

1. Modify Variance No.1 for the lot coverage from 31.86% to 30.95%.
2. Modify Variance No. 4 for the rear yard setback from 7.10 metres to 7.48 metres.

Planning staff recommend that should the Committee of Adjustment approve this application, the following modification also first be imposed:

1. Refuse Variance No. 3 for the roof garden platform.

### **COMMENTS**

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The application proposes to construct a new dwelling. As submitted, the application proposes a lot coverage of 31.86%, whereas Zoning By-law 569-2013 permits a maximum lot coverage of 25%. The intent of regulating lot coverage is to ensure a level of consistency of massing and scale in a neighbourhood concerning the amount of built form and open space on a lot. Regulating lot coverage also assists with on-site stormwater management, supported through maintaining an adequate landscaping allowance. The applicant has agreed to revise the lot coverage to 30.95%.

This application proposes a rear yard setback of 7.10 metres, whereas Zoning By-law 569-2013 permits a minimum of 7.64 metres. The intent of regulating the rear yard setback is to ensure that new dwellings and structures are relatively aligned with one another, to avoid impacts on privacy and overlook, and to ensure that open space and landscaping patterns, that aid on-site stormwater management, are maintained. The applicant has agreed to revise the rear yard setback to 7.48 metres.

Lastly, this application also proposes a roof garden platform with an area of 19.19 square metres, whereas Zoning By-law 569-2013 permits a maximum platform area of 4.0 square metres. The intent of regulating platform area is to ensure the size of the platform is consistent with the physical character of the neighborhood and to mitigate impacts on privacy, overlook and noise. The Official Plan also states that physical changes to *Neighbourhoods* must be “sensitive, gradual and fit the existing physical neighbourhood.” In addition, the Official Plan also makes direct reference to mitigating impacts such as privacy and noise, which are related concerns to the size of the proposed roof garden platform. While the applicant has attempted to mitigate these concerns with the introduction of planters, the size of the platform is of primary concern. As proposed, the roof garden platform is far in excess of the by-law permitted amount and thus the concern with privacy, overlook and noise is much greater. To limit the impact of the roof deck to the adjacent neighbours, staff are of the opinion the roof deck should be revised to meet the by-law requirement of 4.0 square metres. As such, staff recommend that the variance for the roof garden platform should be refused.

Should the applicant fail to make the aforementioned revisions, Staff recommend that Variance No. 1 for the lot coverage, Variance No. 3 for the roof garden platform and Variance No. 4 for the rear yard setback be refused. The applicant has been made aware of the above-noted recommended conditions.

## **CONTACT**

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## **SIGNATURE**

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Signed by Dan Tovey for  
David Sit, MCIP, RPP, Community Planning North York District