

Guidelines to Assist Residents in dealing with a Committee of Adjustment Application affecting their Property and Neighbourhood

Hearing Notices

Notices are distributed to properties within 50 M of the applicant's property about two weeks ahead of the hearing. Committee applications deal with severances (i.e. splitting a lot into one or more lots) and minor variances (deficiencies or exceedances to the zoning by-laws).

You are advised to review the notice carefully and consider the implications for your property and for the neighbourhood. If you have concerns we would encourage you to

- (1) write to the CofA with your concerns and
- (2) attend and speak at the hearing if at all possible
- (2) contact the Councillor and ask him to support your concerns
- (4) contact your neighbours to discuss their concerns, if any
- (5) if the owner/agent contacts you about the application consider carefully before signing a petition in support.
- (6) let the LRA know that you oppose and what your concerns are; the LRA writes and attends hearings where there an application is deemed to have a negative impact on Leaside character or is otherwise undesirable, and there is community opposition.

Hearings process

During COVID hearings are held virtually and the agenda is divided into two sessions at 9.30am and 2pm. The hearing proceeds in order of the agenda.

In "normal" times the hearing is held at the NY Civic Centre in the Council Chamber. Paid parking is available on Beecroft Ave. For subway use North York Centre station (line 1).

The hearings commence at 9.30am, and/or at 2pm. The items are listed in order; but they are first divided into two ("triage") based on opposition being present, or not. The Chair goes through the agenda for the respective session (9.30am or 2pm) and asks whether there is anybody there in opposition. Applications where there is NO opposition are dealt with first. The ones where IS opposition are dealt with afterwards. So, if you are not there at 9.30am or 2pm as appropriate for your item and there is no one else, the Chair will assume there is no opposition present for that item and will proceed on that basis. (The LRA is on record as opposing this "triage" process as being unfair to the residents who attend however it is still the current procedure).

When the item you are concerned about is called, move forward to the front. If you plan to speak, go forward to sit at the front table on the right side. Those who do not plan to speak should also go forward and sit in the row behind.

Speakers address the Committee from the podium at the left of the floor.

There is an overhead projector for showing photographs. Use of photographs helps to explain the character of the street.

Procedure for hearing an item

1. The applicant/proponent or agent describes the request; the Committee may ask questions
2. The Chair invites other stakeholders (neighbours, LRA) to come forward. Describe your concerns (max 5 minutes per person, trying not to duplicate the points made by others)

The Committee can ask questions but this is the only opportunity for the neighbours to raise concerns – you do not get a second chance

3. The applicant/their agent speaks to the concerns raised by stakeholders or questions from the Committee
4. The item goes into Committee (no more comment from applicant or stakeholders), a motion is made, seconded, and voted on.

Notice of decisions

If you complete the card (available at the front) you will be mailed a copy of the decision.

The Planning Act

Severances

The Planning Act (Section 53) requires that any proposed severance must conform to the requirements of the Official Plan and be consistent with the Provincial Policy Statement.

Section 51(24) of the Planning Act requires

1. Conform to the policies of the OP
2. Demonstrate the suitability of the land for the purposes for which it is to be subdivided
3. Demonstrate the suitability of the dimensions and shapes of the proposed lots

Minor Variances - The “Four Tests”

The CofA hears the application and decides whether or not to approve an application for minor variances based on the “tests” under the *Planning Act*. The variances must satisfy each of the four “tests” set out in s. 45(1) of the *Planning Act*.

- 1) Must maintain the intent and purpose of the Official Plan whose policies are directed to ensuring that new development in a neighbourhood respects the existing physical

character of that neighbourhood.

- 2) Must respect the intent and purpose of the zoning by-law (City By-law 569-2013 and Leaside By-law No.1916), wherein restrictions on setbacks, building and wall heights, floor space and integral garage provisions ensure that the massing of new development is appropriately scaled to other existing development.
- 3) Must be “minor”: Negative impacts of the proposed dwelling are significant
- 4) The variances must be desirable for the appropriate development of the property:

Re 1) the Leaside Character Preservation Guidelines, 2003 can be used to describe aspects of physical “character” of Leaside houses and how they are impacted by the proposed development (see attached).

<https://leasideresidents.ca/residential-character-preservation-guidelines/>

Re 2) some of the most common variances of the zoning by-law requested include:

- exceedances to the maximum permitted building height of either 7.2m (flat roof) or 8.5M (peaked roof)
- Exceedances to the maximum permitted height of exterior main walls of 7.0m
- Less than minimum required side yard setbacks of 1.2m
- Exceedances of maximum permitted Floor Space Index (i.e. density)
- Exceedances of lot coverage (footprint of all buildings)
- Various failure to comply such as eaves and deck size

Leaside Planning Context

We are getting development that represents significant “massification” not necessarily “intensification” of the housing stock. And often such development is neither consistent with the prevailing character of the community nor reinforces the stability of the Leaside Community.

Leaside holds an important position in the history of planning in this country. It is one of the first three model new towns based on the Garden City principles of Ebenezer Howard in Canada (and the first in Ontario). Preservation of the elements, which characterize both the streetscape and the road network are essential to maintaining its historic value. Demolition sets a precedent of systematically eroding the hisitoric Garden City character of Leaside.

References:

[Leaside Cultural Heritage Landscape](#), Leaside Matters, 2016

[Residential Character Preservation Guidelines for House Renovations, Additions and Infill Development in the Community of Leaside](#), City of Toronto and Leaside Character Preservation Advisory Committee

Other Suggestions

1. The street/neighbourhood context of the application is very important and it is beneficial to bring photographs and illustrate your comments by pointing to the photographs – there is an overhead projector at the podium that works well with photographs and other images
3. The hearing is a tribunal that hears evidence and makes a decision. It is important to be respectful to the members of the Committee.
4. The Committee is only concerned with “planning matters” i.e. not with personal concerns you may have about the applicant or their behaviour,
5. Residents may make comments about matters that are outside the purview of the Committee but nevertheless are important, such as impacts on trees, ravines, flooding etc.

Appeals

The CofA decision can be appealed to the Toronto Local Appeal Body (TLAB) within 20 days of the CofA decision (cost \$300). This may be the applicant appealing a refusal decision or a resident or resident group (i.e. LRA) appealing an approval decision.

To make an appeal the appellant has to apply and pay the \$300 fee by certified cheque at the North York Civic centre in person within 20 days of the hearing. The City sends the package to the Toronto Local Appeal Body (TLAB). The transmittal letter to the TLAB is copied to those who requested to be kept informed of events. The TLAB will notify about the time and place of the hearing and the intermediate deadlines.

<https://www.toronto.ca/city-government/planning-development/committee-of-adjustment/appeals/filing-an-appeal/>

For questions or comments please contact

Geoff Kettel
gkettel@gmail.com
Updated Oct, 2021

Attachment:

Summary of Leaside Residential Character Preservation Guidelines 2003

Section	Guideline	Comment
1. Pedestrian Realm/ Streetscape	Front yard setback (in line)	
	Preserve existing street trees	
	Preserve any trees on private property greater than 15cm. diameter	

	Protect root systems of existing trees	
	Landscape front yard with soft landscaping	
	Avoid enclosing the front yard with fencing so as to not interrupt the continuity of the open front yard system	
	Use appropriate landscaping to add interest and soften the impact of privacy fences or use natural hedges as screening	
2. Front entrance and Parking	Front entrance design that reflects (size, style), the predominant entrance designs along the same street	
	Locate the garage at grade and behind the main front wall Driveway width restricted to 3 metres	
	Wherever possible use permeable pavers	
	Blend the garage design with that of the front façade by incorporating similar architectural elements such as roof pitch	
3. Mass and scale	Design the house so as to de-emphasize its height and ensure that the height of the front elevation is within the range of heights established along the same street, and within the max. height of 8.5M	
	Preserve the primary plane of the front of the structure and increase the rear plane instead	
	Ensure that finished ground floor heights are consistent with the prevailing floor heights typical of the street	
	Whenever possible minimize the visual impact of additions by putting them at the rear of a building	
	Design the front wall of house and roof mass as a composition of architectural elements incorporating projection, dormers, gables, and subordinate wall planes	
	Design the building's front façade so as to retain the ratio of solid wall to	

	<p>window and door openings of typical residences along the same street</p>	
<p>4. Building Elements</p>	<p>Design roof to correspond to the roof pitch, scale and height of roofs typical along the same street</p> <p>Use roofing material similar in scale and texture to that used along the same street</p>	
	<p>Use brick which is similar in colour to that used on majority of the houses on the same street as the primary building materials. Use stucco only as accent material</p>	
	<p>Ensure that dormers are on the front face of a house are subordinated to the overall roof mass and are in scale with those found along the same street.</p>	
	<p>Maintain the regularity of the various front faced elements particularly windows and entrance stoop</p>	
	<p>Use materials for additions that complement that used in existing structure</p>	