

# TORONTO STAFF REPORT

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November 9, 2006

To: Chairman and Members of the Committee of Adjustment  
North York Panel

From: Thomas C. Keefe, Director, Community Planning, North York District

File Number:	A0788/06NY	Zoning	R4(73)
Owner(s):	JOVI HOLDINGS CORPORATION	Ward:	Willowdale (24)
Agent:	JOE MAFFEI		
Property Address:	<b>292-298 CUMMER AVE (PROPOSED 6 GERANIUM COURT - LOT 3)</b>	Community:	

Legal Description:

## **PURPOSE OF THE APPLICATION:**

This is an application under Section 45 of the Planning Act, for variance from the provisions of the North York Zoning By-law 7625, as amended, to permit the construction of a new single detached two storey dwelling with a below grade garage.

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

1. The elevation of the floor entrance of the garage to be located below the elevation of the centre line of the road (established grade)  
WHEREAS the elevation of the floor entrance of the garage shall be located at or above the elevation of the centre line of the road (established grade).

## Location:

The subject property is located in the area west of Bayview Avenue, east of Yonge Street, and north of Finch Avenue East on the north side of Cummer Avenue. The subject lot is designated as proposed Lot 3 on a draft Plan of Subdivision and would maintain a frontage of approximately 15.24m (50') onto proposed Street "A" (Geranium Court), a depth of approximately 30.92m (101.44') and an area of 471.1m<sup>2</sup> (5,071.04sq.ft.). The entire property has an approximate lot area of 0.736 hectares. The lands presently contain three dwellings municipally known as 292, 294 and 296 Cummer Avenue.

## History:

Applications for Official Plan, Zoning Amendment and Plan of Subdivision were submitted in 2002 by the applicant requesting the development of 17 single family residential dwellings. These applications were appealed by the applicant to the Ontario Municipal Board in early 2003 due to the failure of Council

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to make a decision in the allotted time under the Planning Act. In a decision dated January 14, 2004, the Ontario Municipal Board dismissed the Official Plan amendment seeking an increased density of 24 units per acre. The modified Zoning Amendment and Draft Plan of Subdivision approval reduced the proposal from a 17 lot development to 12. Also amended were the proposed front, side and rear lot setbacks, the building storeys and building height limits of 9.1m. The Board Order was withheld pending the receipt of an amended Plan of Subdivision showing 12 lots and a draft zoning By-law to be provided by applicant. In a decision dated December 2, 2004, the Ontario Municipal Board subsequently approved an amended Draft By-law. However, draft Plan of Subdivision has not been approved.

The submitted zoning by-law approved by the Ontario Municipal Board did not consider zoning relief for below grade garages on lots with frontages greater than 13.7m (44.95'). As a result of the decrease in the maximum number of lots being reduced from 17 to 12, seven lots increased to a width greater than 13.7m (45') while five lots remained less than 13.7m (45').

While the width of the proposed lots increased after the maximum permitted unit count was decreased from 17 to 12, only a building lot layout with building footprints was included. No revised plans showing dwelling elevations or floor plans were submitted with the draft zoning by-law. This application seeks to allow a below grade garage in a dwelling on one of the proposed lots (Lot 3) which would have a frontage greater than 13.7m (45').

### Comments:

The applicant proposes to construct a new dwelling with an integral below grade garage having overall dimensions of approximately 15.92m (52.23') x 12.84m (42.13'). The proposed dwelling would maintain a building height of 9.1m and a first floor elevation of 2.3m in accordance with By-Law 735-2005 which designated the property as an R4(73) zone. A Variance is requested with regard to a below grade garage.

The proposed floor entrance would be located approximately 0.48m (1.57') below the established grade (centreline of the road). Below grade garage are not permitted in the former City of North York on lots having a frontage of 13.7m (45') or more. The general intent and purpose of this provision of the by-law is to allow requests for below garages to be examined in some detail, particularly in regard to respecting and reinforcing the character of established streetscapes.

The subject dwelling would be located on a proposed lot which would front onto a cul-de-sac of nine (9) lots. As the plan of subdivision has not been approved, no dwellings have been constructed. Of the nine lots situated on proposed Street "A", four proposed lots (designated as lots 8, 9, 10 and 11) would have frontages and widths of less than 13.7m (45') and would be permitted below grade garages as-of-right. The R4(73) zone notes specific requirements for each of the 12 units proposed in the development. First floor elevations range from 1.8m to 2.9m and building heights for the development is 9.1m.

### Recommendation:

Should the Committee choose to approve the requested variance, it is recommended that approval be conditional upon the following:

1. That the property be developed essentially in accordance with the plans stamped "Received – October 19, 2006";

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2. That the proposed floor entrance of the garage is to be located no more than 0.48m (1.57') below the elevation of the centre line of the road (established grade).

Respectfully submitted,

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Thomas C. Keefe, Director  
Community Planning, North District

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