

TORONTO STAFF REPORT

December 8, 2008

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

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

Subject: File Number A0715/08NY
Charles John Schumacher
1 St. Edmund's Drive
Don Valley West (25)

Application:

The applicant is seeking to construct a two-storey addition to the existing three-car detached garage and a second storey above.

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

1. Proposed gross floor area of the detached garage equal to 11% of the lot area (198.9 m²)
WHEREAS a maximum gross floor area of an accessory structure equal to 5% of the lot area is permitted (90.65 m²);
2. Existing and proposed rear yard setback of the detached garage of 2.04 m
WHEREAS a minimum setback of 3 m is required;
3. Existing and proposed north side yard setback of the detached garage of 1.4 m
WHEREAS a minimum setback of 3 m is required;
4. Proposed garage is two-storeys
WHEREAS a garage is required to be one-storey; and
5. Proposed garage height of 7.49 m
WHEREAS a maximum garage height of 4 m is permitted.

Comments:

The applicant is seeking to add a second storey to the detached garage which is considered an accessory structure by the by-law. *Accessory* is defined under By-law 438-86 as:

a use, building or structure naturally and normally incidental, subordinate in purpose or floor area, or both, and exclusively devoted to a principal use, building or structure

A garage is *accessory* to the dwelling as it provides the subordinate use of providing parking facilities for use by the occupants of the dwelling. The dwelling provides living facilities and is the principal building and use on the lot. The floor plans of the addition show a games area on the second floor as well as bathroom facilities on the main level. These are not appropriate uses for an accessory structure as they are not subordinate in use to the main building on the lot. Adding a second building on the site for habitable space would not be appropriate nor desirable development on the subject site. Habitable space should be provided by the main dwelling with accessory structures providing supporting attributes to the dwelling.

A garage that has two-storeys, including living space, and also requires a variance to the height does not meet the intent of the by-law. The goal of the by-law is to ensure that a garage be limited to a space for the parking of vehicles and not become more liveable space. Part of this is achieved by keeping garages to a maximum of one storey and by also setting out a maximum height. This application seeks to exceed both of these limits and would create a garage that is clearly not of the type that is intended by the by-law.

The Official Plan requires that any development within a *Neighbourhood* “respect and reinforce the existing physical character” of that neighbourhood. A two-storey garage is not characteristic of the area and would not be in keeping with the intent of the Official Plan.

Recommendations:

It is recommended that the application be refused as it does not meet the four tests for a minor variance.

Contact:

Guy Matthew, Assistant Planner

Tel (416) 395-7402

Fax (416) 395-7200

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