

# TORONTO STAFF REPORT

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December 10, 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 A0278/08NY  
1152030 Ontario Inc.  
10 Stayner Avenue  
Eglinton-Lawrence (15)

Application:

The applicant proposes to construct a second storey above the existing dwelling, a two-storey rear addition and a two-storey addition to the east side of the dwelling. The altered building will maintain 50% of the existing walls which classifies the project as an addition and not as a new dwelling. The existing rear shed would be demolished.

**REQUESTED VARIANCES TO THE ZONING BY-LAW:**

1. Proposed lot coverage of 40% of the lot area  
WHEREAS a maximum lot coverage of 35% is permitted;
2. Proposed front yard setback of 5.13 m  
WHEREAS a minimum front yard setback of 6.5 m is required;
3. Proposed east side yard setback of 1.64 m  
WHEREAS a minimum side yard setback of 1.8 m is required;
4. Proposed west side yard setback of 0.68 m  
WHEREAS a minimum side yard setback of 1.8 m is required;
5. Proposed dwelling length of 17.59 m  
WHEREAS a maximum dwelling length of 16.8 m is permitted;
6. Proposed dwelling height of 9 m  
WHEREAS a maximum dwelling height of 8 m is permitted;

7. Proposed finished first floor height of 1.55 m  
WHEREAS a maximum finished first floor height of 1.5 m is permitted; and
8. Proposed front yard hard surface equal to 58.6% of the front yard  
WHEREAS a maximum of 50% of the front yard shall be hard surface.

Comments:

The applicant has applied for a number of variances from North York Zoning By-law No. 7625 in order to construct several additions to the existing bungalow. The purpose of the By-law is to delineate a building envelope within which it is appropriate to construct a dwelling. This is done by setting standards such as minimum setbacks from lot lines and maximum limits for height, length and coverage. The applicant is seeking variances from all these standards, and while some of them may be extensions of an existing situation, the cumulative impact is a dwelling which is far in excess of what the By-law intended.

The Official Plan designates the subject property as *Neighbourhoods* and as such is subject to those policies. The Plan requires that new development “respect and reinforce” the existing physical character of the neighbourhood. The subject property is located on a dead end street with only a few neighbouring properties, creating a definable community. The only variances which have been approved on this part of Stayner Avenue are for existing lot conditions and side yard setbacks. Other applications for lot coverage and dwelling length similar to the current proposal have been refused by the Committee. The lack of similar minor variance decisions on the block suggests that permitting a dwelling exceeding the building envelope in every aspect is not in keeping with the character of the neighbourhood and would not meet the intent of the Official Plan.

The proposed development will have a massing far in excess of what is desirable for the lot and is not appropriate development. The proposed dwelling is not in keeping with other dwellings on the street and will have adverse impacts on the streetscape of the neighbourhood. No other dwellings of similar massing and coverage have been permitted and it would not be prudent to allow a dwelling of this size to be constructed on the street.

Staff also have a concern with the plans submitted with the application. Interior stairs are shown on the drawings which extend up into the skylight and could result in the entire roof being converted into a balcony. The applicant is proposing a parapet greater than 1 metre in height which is excessive as a decorative feature but may be construed to be a railing for habitable rooftop space. A roof top balcony such as this would not be a desirable situation and staff are concerned that the relationship between the location and size of the skylight and the interior stairs would permit this alteration at a later date.

Recommendations:

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

Contact:

Guy Matthew, Assistant Planner

Tel (416) 395-7402

Fax (416) 395-7200

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