

106 Wychwood Park - Ontario Municipal Board Appeal - Request for Direction Report

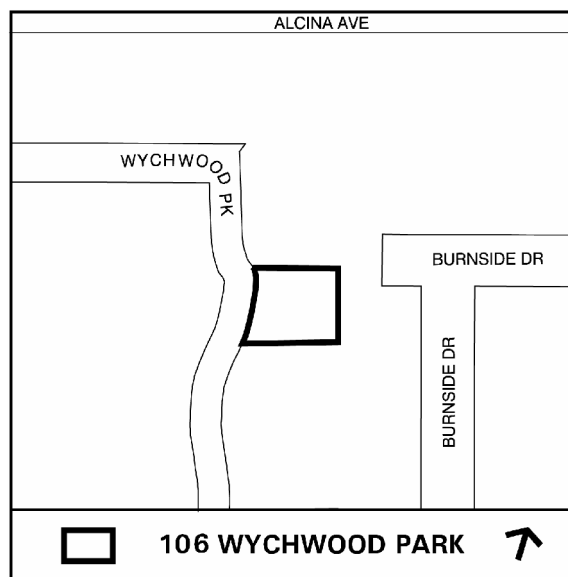
Date:	March 2, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 21 – St. Paul's
Reference Number:	OMB Case Number: PL080323

SUMMARY

This application is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006. The application before the Ontario Municipal Board (OMB) is to sever the subject property into two lots, demolish the existing dwelling and construct two new detached dwellings. The application for variances and consent were before the Committee of Adjustment on February 27, 2008 and were refused. The applicant appealed the refusal to the OMB and City Council authorized the City Solicitor and staff to attend the OMB hearing in support of the Committee of Adjustments' refusal.

Since the OMB appeal, City staff held several meetings with the applicant, area residents and the local Councillor. These discussions resulted in the submission of revised plans, which Heritage Preservation Services staff recommended approval of, subject to several conditions. The Toronto Preservation Board recommended refusal of the revised application.

The purpose of this report is discuss the settlement offer based on the revised plans and recommend that City Council direct staff to appear at the OMB to settle the appeal. This alters City Council's previous directions to appear in



opposition to the initial proposal.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor and other necessary staff to attend the Ontario Municipal Board hearing to settle the appeal for variances and consent at 106 Wychwood Park, based on the revised plans attached to this report.
2. City Council authorize the City Solicitor and necessary staff to draft terms of settlement to present to the Ontario Municipal Board at its scheduled hearing.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

At its Public Hearing on Wednesday, February 27, 2008, the Committee of Adjustment refused the application for variances and consent. Variances requested for the new proposed lots related to: residential gross floor area, minimum required front yard setbacks, below-grade integral garages and residential buildings fronting onto a public street.

Following the Committee of Adjustment's refusal and the applicant's OMB appeal of the decision, City Council adopted a motion instructing the City Solicitor and the Acting Chief Planner and Executive Director, City Planning, to attend the Ontario Municipal Board in support of the Committee of Adjustment Decision, at its meeting April 28 and 29, 2008. (Decision Document can be accessed at this link – Item 14.71 – <http://www.toronto.ca/legdocs/mmis/2008/cc/decisions/2008-04-28-cc20-dd.pdf>)

As part of the approvals process for the subject property, the applicant was required to submit an application to demolish the existing dwelling and erect replacement dwellings to Heritage Preservation Services, given that the property fell within a Heritage Conservation District. City Council has 90 days to respond to such a demolition request under the Ontario Heritage Act (OHA). At its meeting on October 29 and 30, 2008, City Council adopted a motion authorize the City Solicitor to enter into an agreement with the owner of 106 Wychwood Park to extend the 90-day limit to continue negotiations prior to an Ontario Municipal Board Hearing. (Motion can be accessed at this link: <http://www.toronto.ca/legdocs/mmis/2008/cc/bgrd/mm25.9.pdf>)

At its meeting on February 20, 2009, the Toronto Preservation Board considered an application to demolish the existing dwelling at 106 Wychwood Park and replace it with two detached dwellings as per the revised plans. The Toronto Preservation Board recommended that Toronto and East York Community Council refuse the application. (Decision Document can be accessed at this link – Item PB21.6 – <http://www.toronto.ca/legdocs/mmis/2009/pb/decisions/2009-02-20-pb21-dd.pdf>).

ISSUE BACKGROUND

Revised Proposal

The application before the Committee of Adjustments requested variances for residential gross floor area (GFA), minimum required front yard setbacks, below-grade integral garages and residential buildings fronting onto a private street. With respect to the variances, in the current revised plans the density was decreased from 0.71 to 0.57 (north lot) and 0.66 to 0.56 (south lot). The front yard setbacks were adjusted such that the new dwellings would make a transition from the neighbouring dwellings to the north and south front walls of 108 and 100 Wychwood Park.

Both the original and revised proposals include below-grade integral garages on the front face of the two proposed dwellings. However, the proposed below-grade integral garages do not exhibit reverse sloped driveways because the grade of the lot rises to the east. Community Planning staff are opposed to variances for below-grade garages that include reverse sloping driveways.

Unrelated to requested variances, the applicant revised the plans to increase landscaping opportunities and redesigned the proposed dwellings. The revised plans increases the side yard setback between the proposed new dwellings from 2.85 metres to 4.7 metres, which allows for tree planting opportunities that did not exist with the original proposal. The overall designs of the proposed new dwellings were changed to more closely resemble the arts and crafts style that is characteristic of the area.

Heritage Conservation District

The subject site is situated in the Wychwood Park Heritage Conservation District. As such, the applicant submitted a Heritage Impact Statement (HIS) to accompany the application to demolish the existing dwelling and revised plans for the two replacement dwellings. In their report to the Toronto Preservation Board (dated January 29, 2009), Heritage Preservation Services (HPS) staff stated that the:

Current (revised) proposal forms a reasonable approach regarding the demolition of the existing structure and construction of the two proposed replacement buildings in that it does not adversely impact the salient features in the district as described (in the HPS report).

Tree Preservation

There exists a mature Norway Maple tree in the front yard of the proposed south dwelling. The above and below grade footprint of the proposed south dwelling is measured 2.4 metres away from this tree. Urban Forestry staff indicated that 2.4 metres is the minimum tree protection zone. Norway Maples also have one of the highest condition ratings that can be found in the City and are somewhat tolerant of disturbance to their roots. Urban Forestry staff indicate that the survivability of the tree in question will factor in the tree protection plan and the ability of the builders to correctly follow the protection plan. In its report to the Toronto Preservation Board, HPS staff included a

condition that the applicant provide a detailed landscape plan with revised arborist report and tree protection plan to the satisfaction of the Supervisor, Tree Protection and Plan Review, Urban Forestry and Manager, Heritage Preservation Services.

COMMENTS

Community Consultation

Throughout the last two years, Community Planning and HPS staff held several meetings with the representatives of the Wychwood Park Heritage Advisory Committee and members of the Wychwood Park rate payers association. Community Planning staff received the community's input on the application and encouraged the applicant to address many of the community's concerns.

Revised Plans

Planning staff do not object to the approval of the revised plans, submitted to the City (deemed to be a complete application for demolition under the OHA on September 29, 2008), subject to the conditions laid out in the HPS report (dated January 29, 2009, accessed at this link: <http://www.toronto.ca/legdocs/mmis/2009/pb/bgrd/backgroundfile-18941.pdf>).

Revised Directions

Since the Committee of Adjustment refusal of the original application on February 27, 2008, HPS and Planning staff have discussed, at length, this proposal and designs to mitigate impacts and that would closer comply with the Heritage Conservation District Plan for Wychwood Park and the provisions with the Zoning By-law. Given the revisions made to the plans, Planning staff are in a position to recommend a settlement with the applicant at the Ontario Municipal Board. This would require Council to reverse their previous instructions to oppose the application at the OMB.

CONTACT

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SIGNATURE

Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

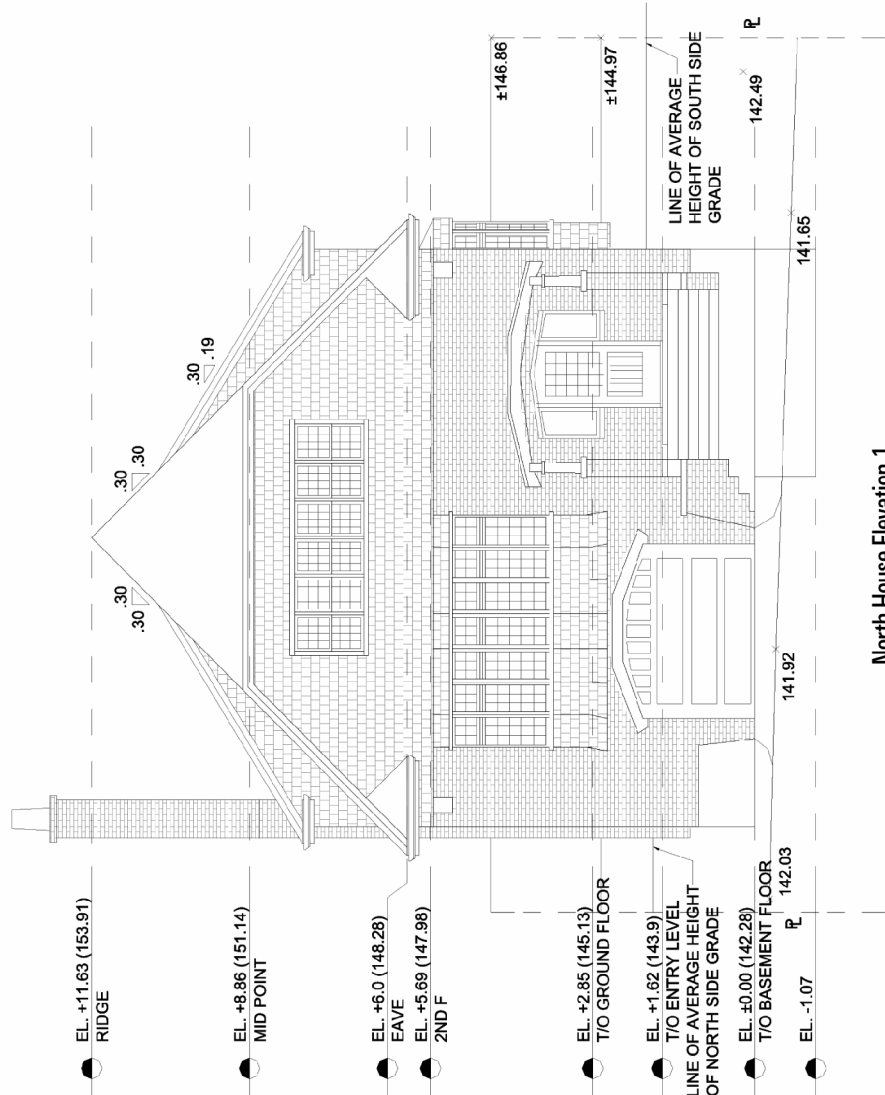
Attachment 1:	Site Plan
Attachments 2-5:	Elevations (North House)
Attachments 6-9:	Elevations (South House)
Attachment: 10:	Zoning
Attachment 11:	Heritage Preservation Report (dated January 29, 2009)

Staff report for action – Request for Direction – 106 Wychwood Park



File # PL_080323

Attachment 2: Front Elevation (North House)



Elevation

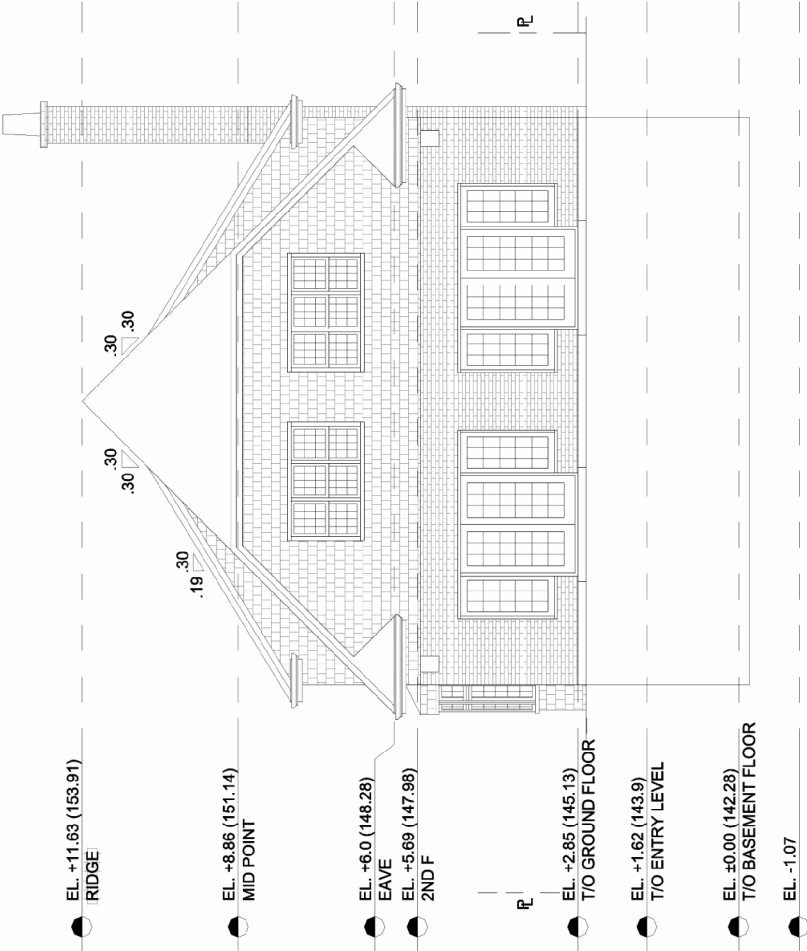
Applicant's Submitted Drawing

Not to Scale
02/23/09

106 Wychwood Park

File # PL_080323

Attachment 3: Rear Elevation (North House)



North House Elevation 2

Elevation

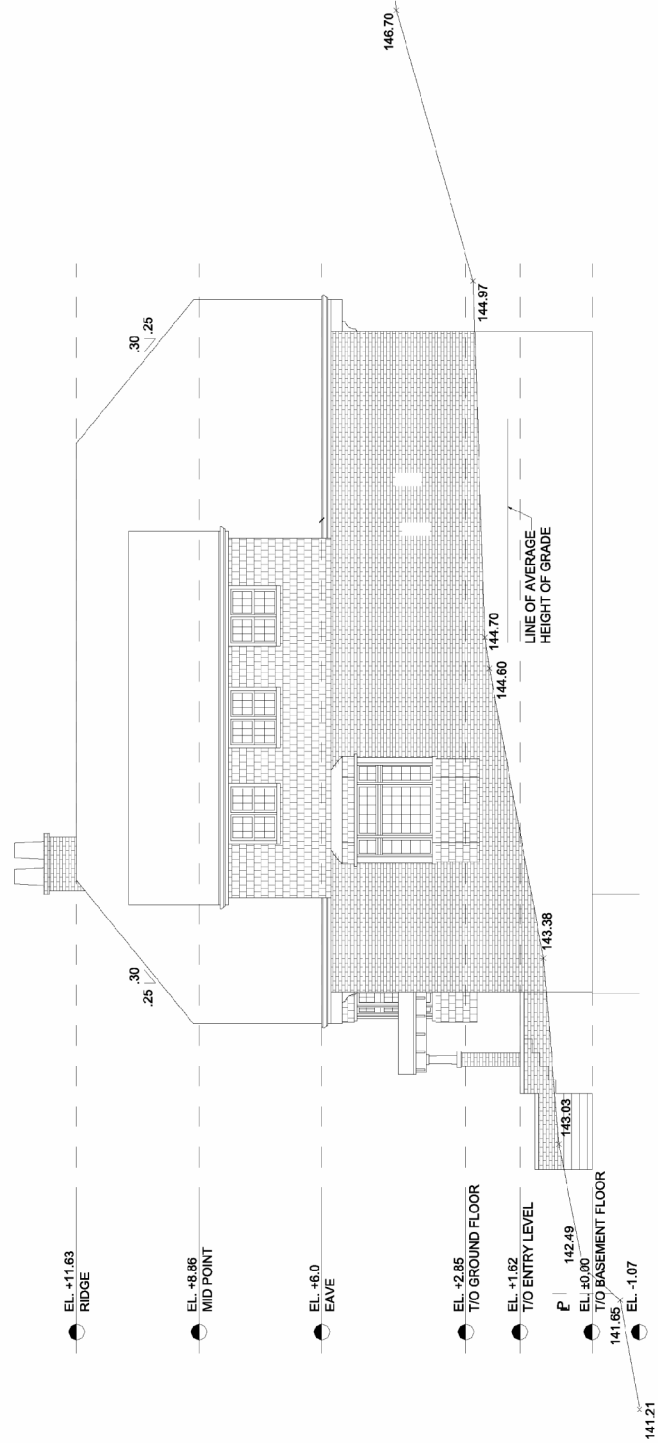
Applicant's Submitted Drawing

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106 Wychwood Park

File # PL_080323

Attachment 4: Side Elevation (North House)



North House Elevation 3

Elevation

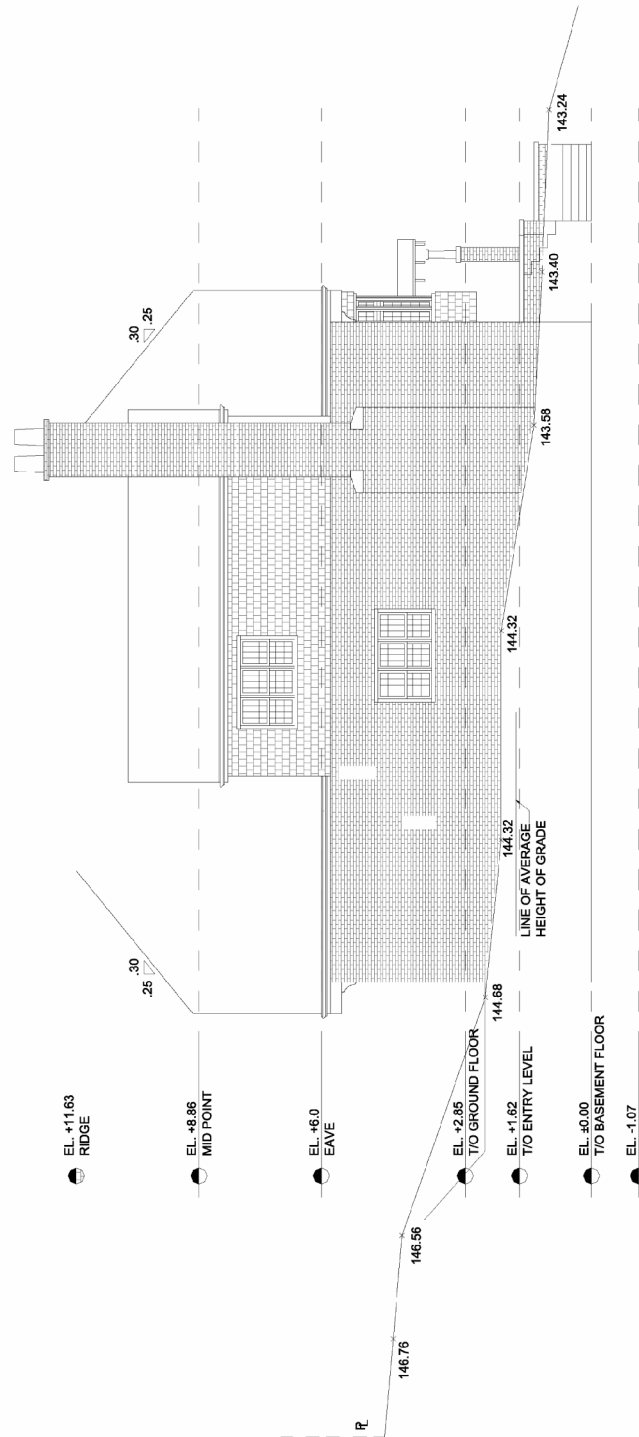
Applicant's Submitted Drawing

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106 Wychwood Park

File # PL_080323

Attachment 5: Side Elevation (North House)



North House Elevation 4

Elevation

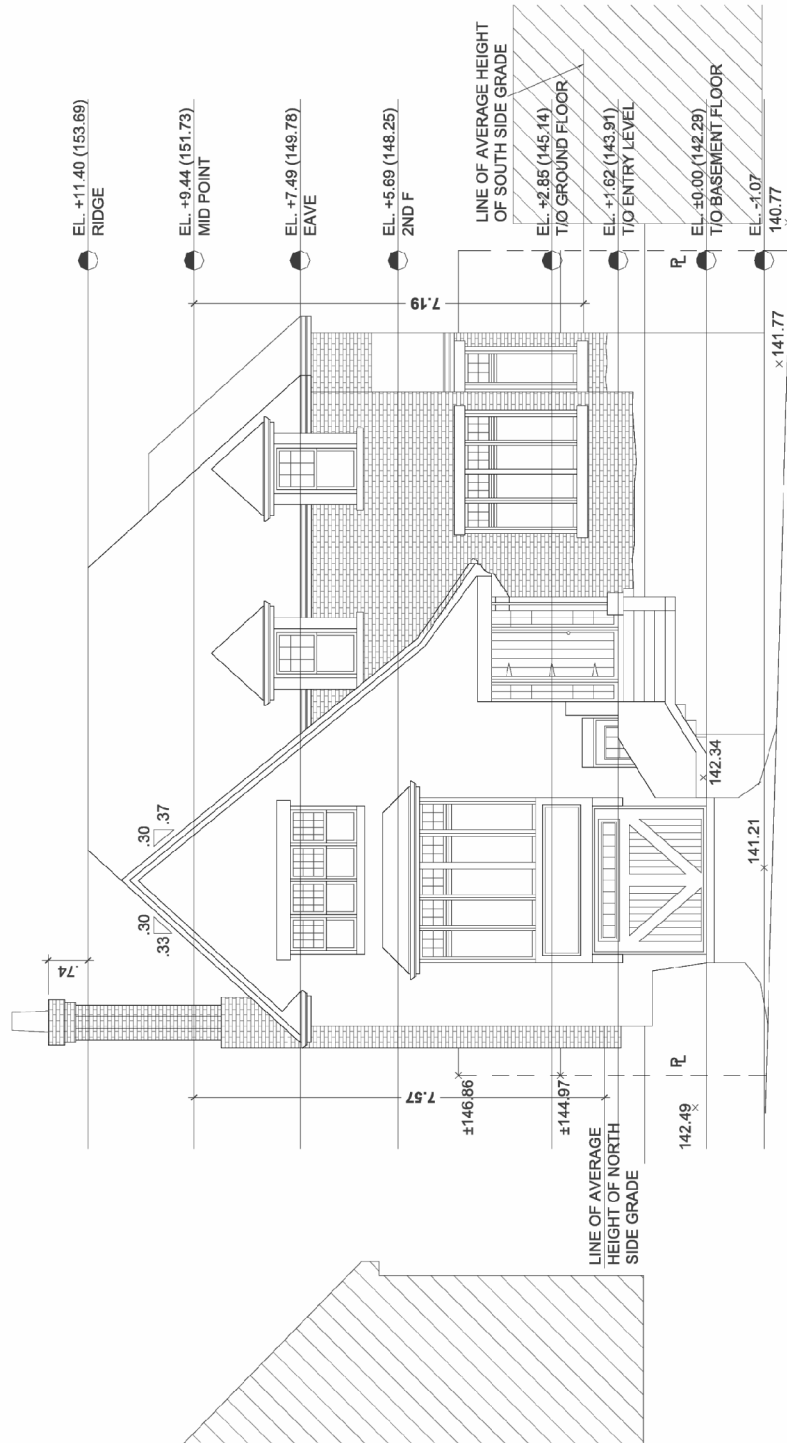
Applicant's Submitted Drawing

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106 Wychwood Park

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Attachment 6: Front Elevation (South House)



South House Elevation 1

Elevation

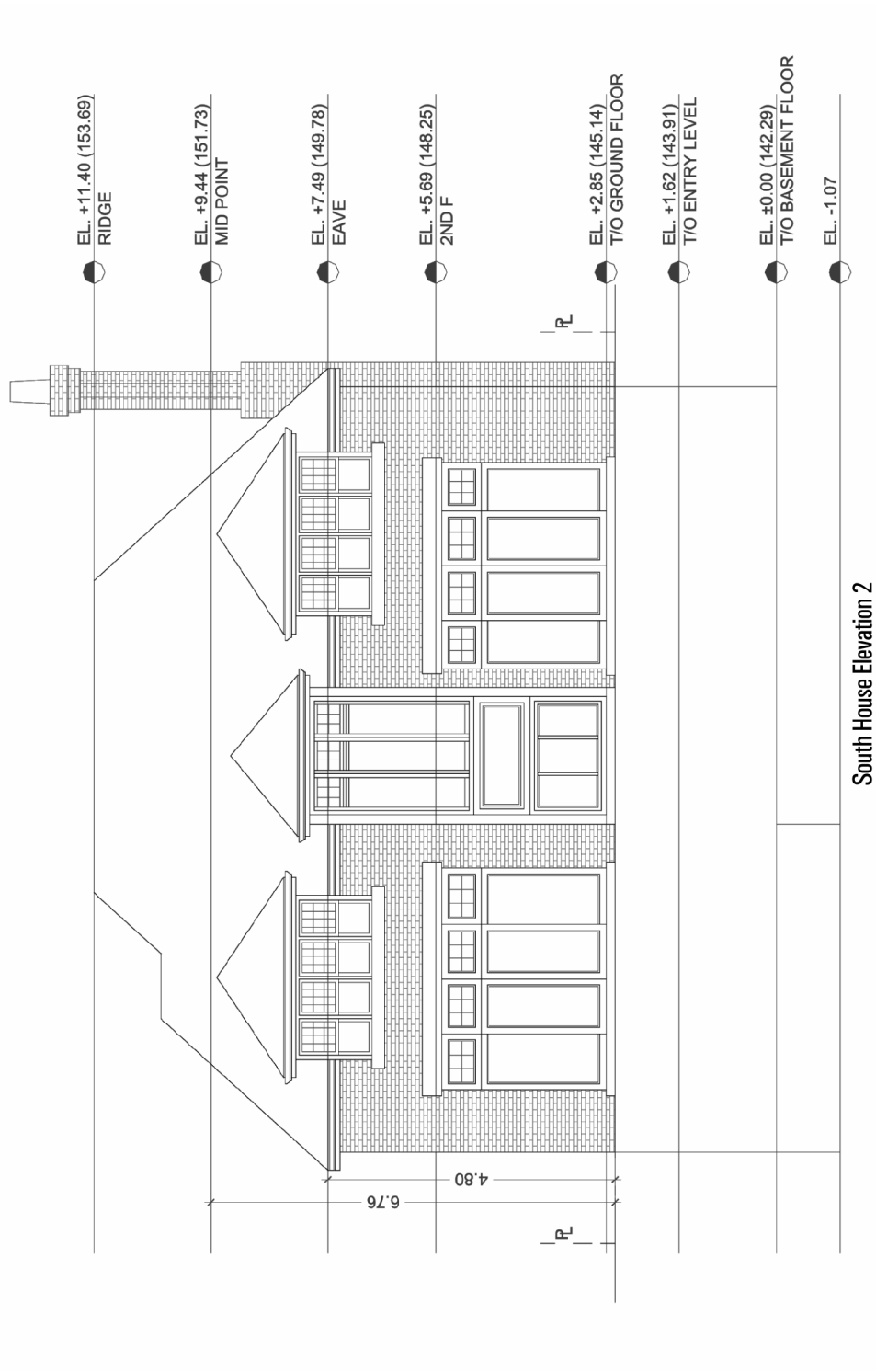
106 Wychwood Park

Applicant's Submitted Drawing

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File # PL_080323

Attachment 7: Rear Elevation (South House)

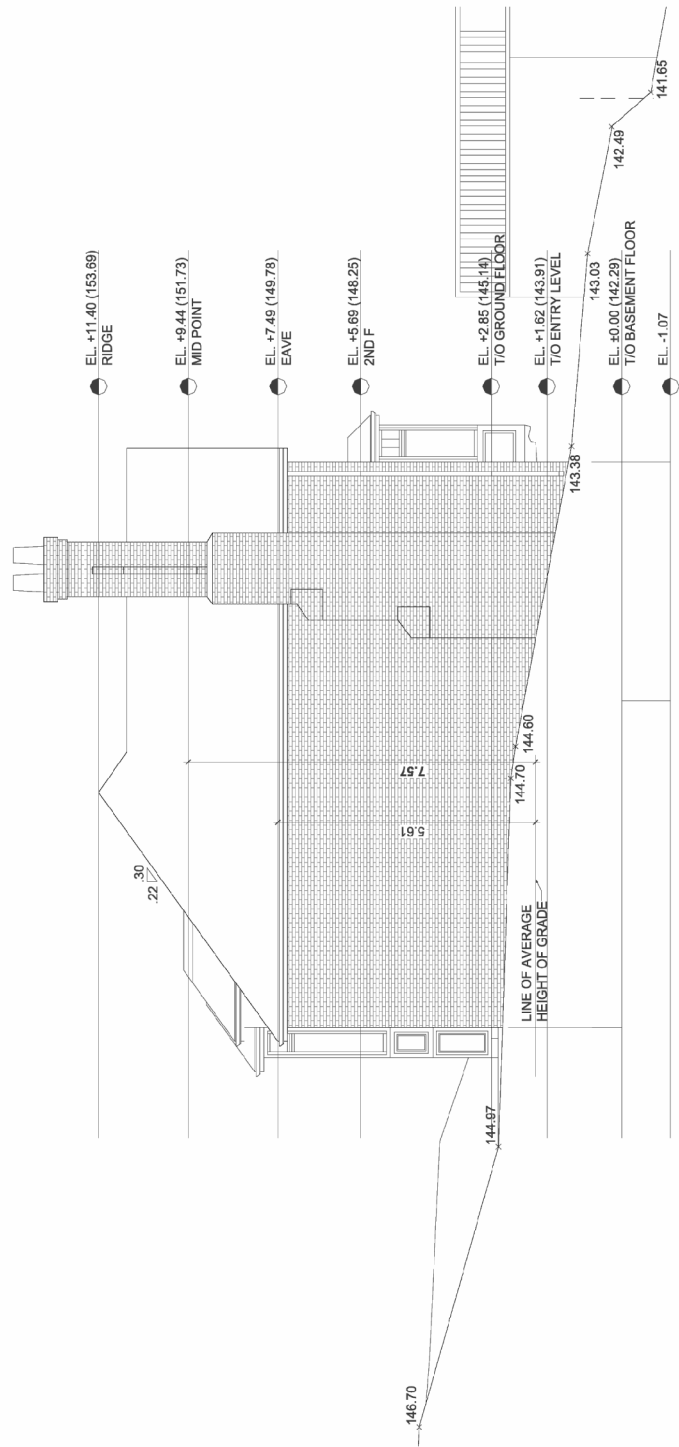


Elevation
Applicant's Submitted Drawing
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106 Wychwood Park

File # PL_080323

Attachment 8: Side Elevation (South House)



South House Elevation 3

Elevation

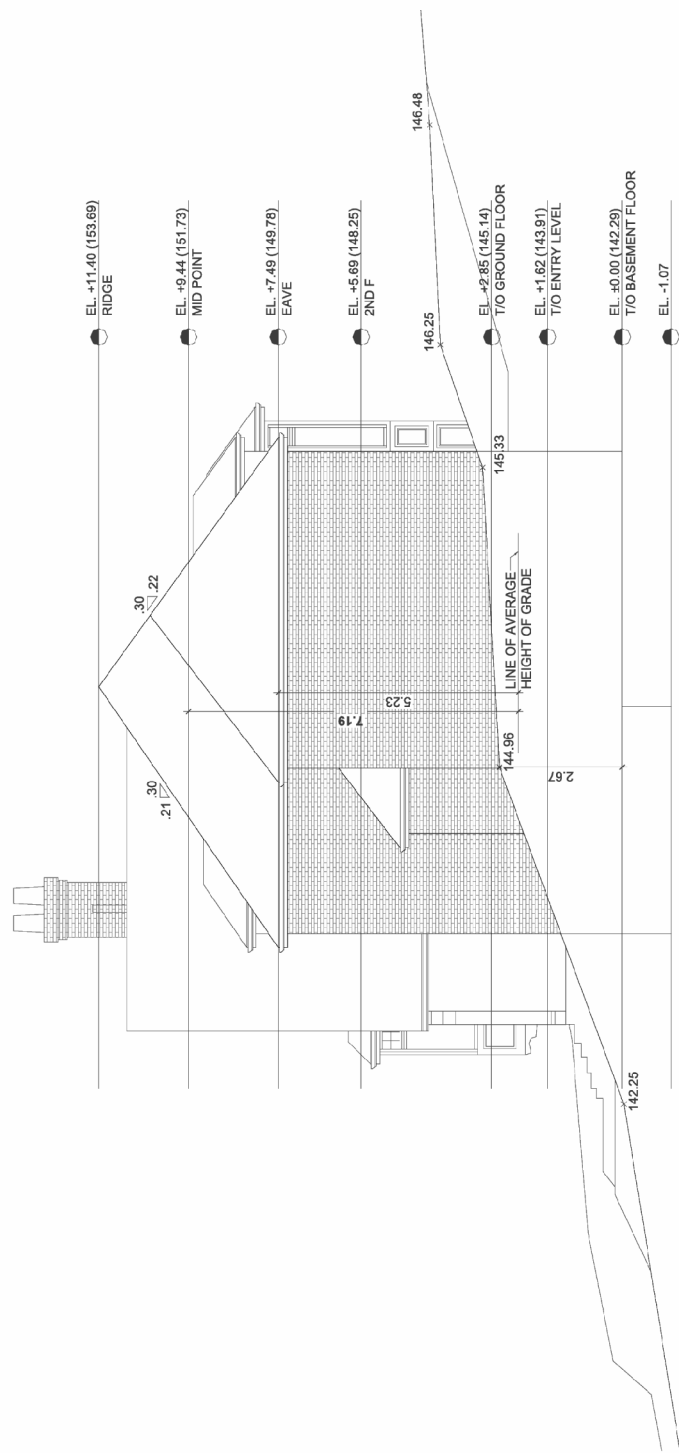
106 Wychwood Park

Applicant's Submitted Drawing

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File # PL_080323

Attachment 9: Side Elevation (South House)



South House Elevation 4

Elevation

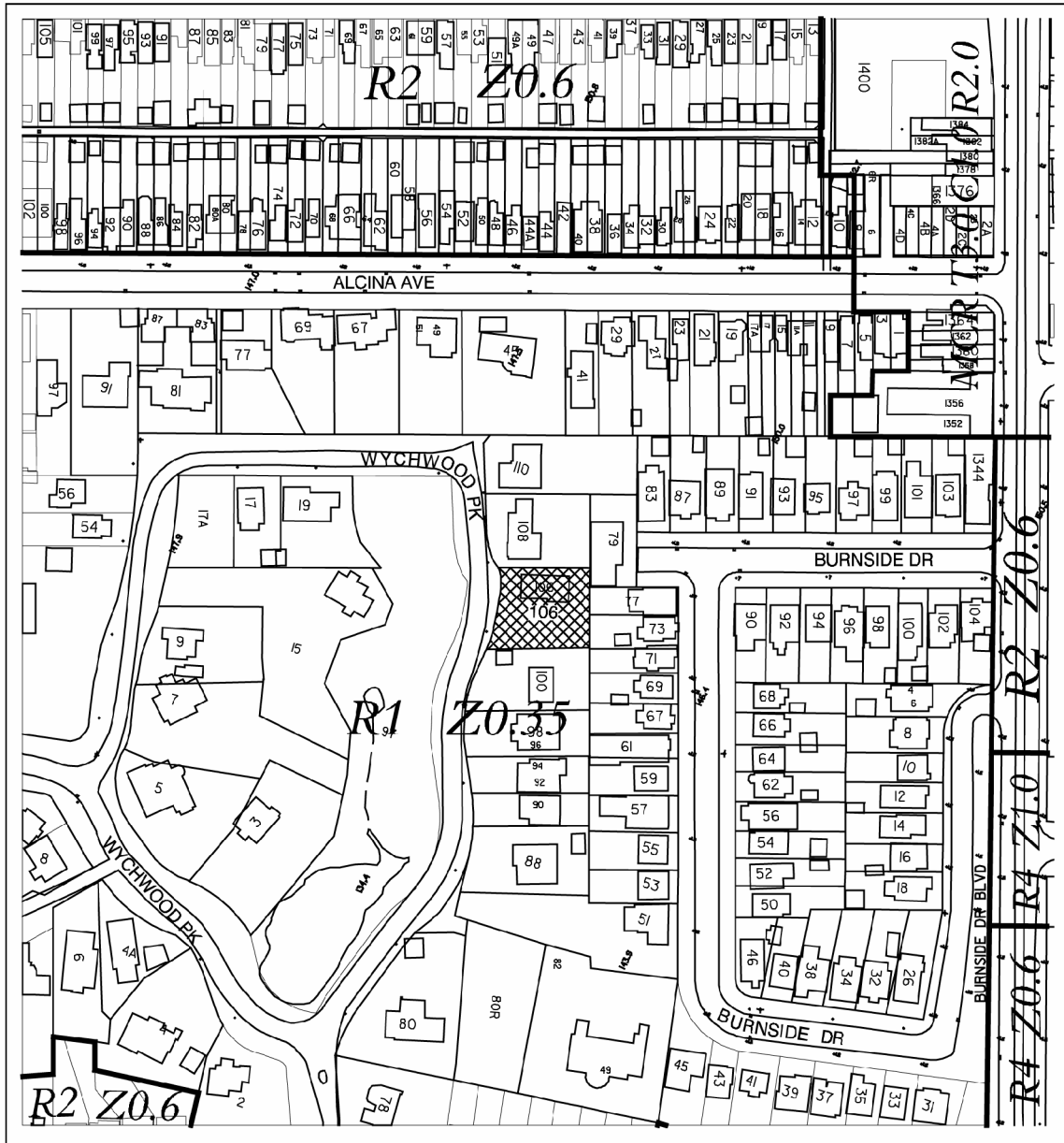
106 Wychwood Park

Applicant's Submitted Drawing

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02/23/09

File # PL_080323

Attachment 10: Zoning



TORONTO City Planning
Zoning

106 Wychwood Park

File # PL080323

R1 Residential District
R2 Residential District
R4 Residential District
MCR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 02/25/09 - DR

Attachment 11: HPS Staff report

106 Wychwood Park – Demolition and Replacement with Two New Structures within the Wychwood Park Heritage Conservation District

Staff Report

(<http://www.toronto.ca/legdocs/mmis/2009/pb/bgrd/backgroundfile-18941.pdf>)

106 Wychwood Park - Attachments 1 to 7

(<http://www.toronto.ca/legdocs/mmis/2009/pb/bgrd/backgroundfile-18942.pdf>)