



STAFF REPORT
Committee of Adjustment
Application

Date:	February 18, 2010
To:	Chair and Committee Members of the Committee of Adjustment Toronto and East York District
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 32, Beaches – East York
Reference:	File No. A0128/10TEY Address: 102 Waverley Road Application to be heard: February 24, 2010, 2:30 p.m.

RECOMMENDATION

Planning staff respectfully recommends that the Committee refuse Application No. A0128/10TEY.

APPLICATION

The applicant seeks to construct a rear two-storey addition to the existing two-storey detached dwelling. The applicant also seeks to legalize and maintain a rear basement addition that was constructed without a building permit.

The following variances have been requested:

1. The maximum permitted building depth is 17.0 m, whereas, the altered dwelling would have a depth of 24.31 m (measured to the rear wall of the basement addition).

COMMENTS

Planning staff have reviewed the plans; have verified other Committee of Adjustment decisions in the surrounding area; and have concerns with the proposed 24.31 m building depth.

The subject property is located on the west side of Waverley Road, north of Queen Street East. The property is designated “Neighbourhoods” in the Official Plan, which requires new development in established residential areas to have regard for existing physical character of the surrounding neighbourhood. The intent of the Zoning By-law is to maintain a stable built form, and to limit negative impacts of new development on adjacent properties.

Zoning By-law 438-86 regulates building depth in order to maintain appropriate patterns of open space in the rear yards; and to protect adjacent properties with regard to light, views, and privacy.

In this case, the permission for additional depth would increase the impact of the new development on adjacent properties.

The existing dwelling has a depth of 16.8 m, which complies with the maximum permitted building depth of 17.0 m. The proposed rear two-storey addition would result in a building depth of 21.8 m. However, the rear wall of the basement addition (constructed without a building permit) extends beyond the proposed rear two-storey addition. As a result, the total building depth (24.31 m) would exceed the zoning regulations by 6.31 m.

The site plan submitted by the applicant (dated September 29, 2009) shows that the depth of the existing dwelling is greater than the building footprints of the adjacent buildings. Further, a search of the Committee of Adjustment decisions for the surrounding area revealed that there have been no other variance requests for additional building depth beyond 17.0 m.

On February 16, 2010, the applicant contacted Planning staff to discuss the proposal and request a meeting. Planning staff advised the applicant of the above-mentioned concerns and explained that the proposal was reviewed based upon whether it met the four tests for a Minor Variance application. Staff explained that the proposal was inconsistent with the provisions of the Official Plan and the Zoning By-law, was considered inappropriate for the site, and was not considered minor.

The applicant did not want to revise the proposal to address the concerns raised, therefore no meeting was held.

Allowing a building depth that is 6.31 m greater than the permitted 17.0 m is inconsistent with the intent of the Official Plan and the Zoning By-law. The proposal is also inconsistent with the prevailing pattern of building footprints of other dwellings in the neighbourhood, which do not exceed the maximum permitted building depth. As such, Planning staff recommend the application be refused.

CONTACT

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SIGNATURE

Raymond David,
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Copy: Councillor Sandra Bussin, Ward 32 Beaches – East York (by inter-office mail)
Peter Manos, Applicant (by email)