



STAFF REPORT

Committee of Adjustment Application

Date:	September 14, 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 21, Toronto – St. Paul's
Reference:	File No. A0242/10TEY Address: 310 Rosemary Road Application to be heard: September 22, 2010, 3:00 p.m.

RECOMMENDATION

Planning staff respectfully recommends that the Committee refuse Application No. A0242/10TEY.

If the Committee decides to approve this application, Planning Staff requests that the following condition be applied:

- 1) In the event that the proposed below-grade garage is approved, the owner will be required to enter into a legal agreement with the City of Toronto in order to indemnify the City against any loss or damage that may result from basement flooding caused by the below-grade garage and furthermore the owner agrees that it will not commence any legal action against the City as a result of any damage caused by basement flooding as a result of the below-grade garage. This condition must be registered on title to the property and will run with the lands in perpetuity. This legal agreement must be executed prior to the issuance of any Building permit (Legal Services contact: Brendan O'Callaghan @ 416-392-7786).

APPLICATION

The applicant is seeking relief from the provision of the Zoning By-law to demolish the existing detached dwelling, and to construct a new two-storey detached dwelling with a below-grade integral garage.

Variances for: maximum permitted floor area; minimum required side lot line setbacks; minimum required front yard landscaped open space; maximum permitted height of an uncover platform which projects into the required setbacks; maximum permitted height of the building; maximum building length; and permission to allow a below-grade garage, are requested as part of this application.

COMMENTS

Planning Staff have reviewed the application and have concerns regarding the proposed of a below-grade garage with a reverse sloped driveway, and the height of the proposed front porch.

In reviewing proposals for integral below-grade garages, Planning Staff considers the By-law's intent of: preserving the traditional at-grade relationship of houses to the street; maintaining the established streetscape; reducing concerns for pedestrian safety and comfort; and maximizing the amount of soft landscape and open space. Also, Planning considers recent Toronto Water staff reports indicating that below-grade garages contribute to basement flooding during extreme storms. Thus, Planning Staff generally uphold the position that integral below-grade garages are contrary to the intent and purposes of the By-law.

The height of the front porch is a direct result of the requirement to raise the first floor of the house due to the below-grade garage. This lot has sufficient space available to accommodate a new house with rear parking accessed from a side driveway or integral at-grade garages, which would be both compatible with the existing housing stock and would not detract from the streetscape.

Planning Staff strongly recommends that the applicant revise the plans to include an at-grade garage similar to the existing dwelling and adjacent neighbours. Planning Staff cannot support this proposal in its current form.

CONTACT

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SIGNATURE

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