STAFF REPORT
Committee of Adjustment
Application

Date: January 12, 2011

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. A0719/10TEY and B0081/10TEY
Address: 4 Bracondale Hill Road
Application to be heard: January 26, 2011

RECOMMENDATION

Planning staff respectfully recommends that the Committee refuse Applications No. A0719/10TEY and B0081/10TEY.

APPLICATION

The applications propose to sever the property at 4 Bracondale Hill Road into two lots. While also seeking relief from the provisions of the Zoning By-law to construct a three-storey semi-detached triplex dwelling with underground parking accessed by the south abutting property, shared access and a common elevator.

Variances for: maximum permitted building depth; permitting the use of a semi-detached in a R1 Z0.35; maximum permitted gross floor area; permission for a below-grade garage; minimum required lot area; minimum required lot frontage; not providing a continuous party wall through the basement; and minimum required side yard setback are requested in this application.

COMMENTS

Planning staff have reviewed the application, and have identified concerns with the proposal.

It is important to note that this property is subject to a split zoning. A portion of the property is zoned R4 Z1.0 under Zoning By-law 438-86, while the remaining portion of the lot is zoned R1 Z0.35.

The Official Plan designates the subject property Neighbourhoods. Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings. Official
Plan policy 4.1.5 states, that development in established Neighbourhoods will respect and reinforce the existing character of the neighbourhood, including in particular:

- Size and configurations of lots;
- Setbacks of building from the street or streets;
- Heights, massing, scale and dwelling type of nearby residential properties;
- Prevailing building types;
- Prevailing patterns of rear and side yard setbacks and landscape open space

The proposed severance of the subject property would create a new form of development that does not respect the size of existing lots. The size of the proposed lots does not meet the minimum required lot area of 360 m². The retained lot proposes a lot frontage of 8.98m onto Bracondale Hill Road, and a lot area of 345.6m². The proposed conveyed lot proposes a lot frontage of 8.59m onto Bracondale Hill Road, and a lot area of 312.5 m². Neither of the proposed lot sizes meet the intent of the Zoning By-law.

In respect to the consent the resulting lots will not comply with Section 51(24)(c) of the Planning Act, because the lots do not conform to the official plan and adjacent plans of subdivision.

Furthermore, Official Plan policy 4.1.5 states "No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood. The prevailing building type will be the predominant form of development in the neighbourhood. Some neighbourhoods will have more than one prevailing building type. In such case, a prevailing building type in one neighbourhood will not be considered when determining the prevailing building type in another neighbourhood."

It is recognized that there are existing apartments, duplexes, and triplexes in the immediate vicinity of the site, and even an apartment building adjacent to the site. These could be considered similar building types, but cannot be included in Planning's analysis of prevailing building types because of Official Plan policy 4.1.6 which states: "Where a more intense form of development than the prevailing building type has been approved on a major street in a Neighbourhood, it will not be considered when reviewing prevailing building type(s) in the assessment of development in the interior of the Neighbourhood."

Davenport Road is identified as a major street in the Official Plan Map #3. Therefore, almost all the sites that have apartment buildings or multi-unit have frontages onto Davenport Road. This means that the prevailing building type in the Neighbourhood, in which 4 Bracondale Hill Road belongs, is a single-family detached dwelling.

It is the opinion of City Planning staff that the proposed consent and variances do not respect and reinforce the existing physical character of the area in terms of lot size and configuration, and prevailing building type. Planning staff is very cautious when considering proposals that propose different use or building type, as they can potentially act as a catalyst in destabilizing established neighbourhoods.

In addition, in reviewing proposals for integral below-grade reverse slope 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. In addition, 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. Planning staff is of the opinion that the established grade should not be altered to accommodate a below-grade garage. To be clear, below-grade garages are not a predominant characteristic of the neighbourhood, and are not permitted on any lots where the garage is in a wall that faces the front lot line, irrespective of the size of the lot.

This application does not meet the four tests of the Planning Act. The development does not maintain the intent of either the Official Plan or Zoning By-law, and is not appropriate.

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SIGNATURE

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