



STAFF REPORT
Committee of Adjustment
Application

Date:	Tuesday February 21, 2011
To:	Chair and Members of the Committee of Adjustment North York District
From:	Allen Appleby, Director, Community Planning, North York District
Wards:	Ward 16 (Eglinton-Lawrence)
Reference:	File No. A767/11NY Address: 70 OTTER CRESCENT Application to be heard: Wednesday, February 29, 2012

RECOMMENDATION

Staff recommend that Committee refuse Variance Nos. 3 and 5.

APPLICATION

The applicant is proposing to construct a new two storey dwelling with an integral, below grade, two-car garage on the above noted property. The existing dwelling and detached garage would be demolished.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

North York Zoning By-law No. 7625

1. Proposed north side yard setback of 0.91m
WHEREAS a minimum north side yard setback of 1.20m is required;
2. Proposed south side yard setback of 0.91m
WHEREAS a minimum south side yard setback of 1.20m is required;
3. Proposed finished first floor height of 2.11m
WHEREAS a maximum finished first floor height of 1.50m is permitted;
4. Proposed building length of 22.86m (including the excavated rear porch)
WHEREAS a maximum building length of 15.30m is permitted; and
5. Proposed below grade garage
WHEREAS a below grade garage is not permitted.

COMMENTS

The subject property is located south of Lawrence Avenue West and west of Bathurst Street. The property is designated *Neighbourhoods* in the City of Toronto Official Plan, and is zoned R6 in the former City of North York Zoning By-law No. 7625. The applicant is proposing a new two storey dwelling with a below grade garage.

On December 4, 2009, City Council enacted a Zoning By-law amendment intended to prohibit below grade garages. Specifically, Zoning By-law No. 1196-2009 restricts the elevation of the lowest point of an opening to an area that may be used for parking or storage of a vehicle located inside or abutting a dwelling, to be higher than the elevation of the street, regardless of any previous permissions for below grade garages. One of the reasons for the enactment of this amendment to Zoning By-law No. 7625 was to address issues regarding grade-related basement flooding.

There are some existing below grade garages in the surrounding neighbourhood, however, these were either permitted as-of-right or approved before the enactment of By-law 1196-2009. Staff are of the opinion that Council's intention to prohibit below grade garages is clear.

The applicant is also proposing an increased finished first floor height of 2.11m. This additional height is needed to accommodate the below grade garage. As a result of this increased height, the proposed dwelling has approximately 10 steps to the front door. This distance creates a separation from the public realm and conflicts with the City's built form guidelines.

The proposed below grade garage does not meet the intent and purpose of the Zoning By-law and the increased finished first floor height facilitates this and also does not meet the intent of the Zoning By-law. It is for these reasons staff recommend Variance Nos. 3 and 5 be refused.

Respectfully submitted,

CONTACT

Emily Rossini, Assistant Planner
Tel: 416 395-7172
Fax: 416-395-7155
E-mail: erossin@toronto.ca

SIGNATURE _____

Allen Appleby
Director, Community Planning, North York District
A767/11NY