



STAFF REPORT
Committee of Adjustment
Application

Date:	May 16, 2012
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. A0273/12TEY Address: 15 Vesta Drive Application to be heard: May 30, 2012

RECOMMENDATION

Planning Staff respectfully recommends that the Committee defer this application.

APPLICATION

The applicant is seeking relief from the provisions of the Zoning By-law to demolish the existing two-storey detached dwelling and to construct a new two-storey detached dwelling with a below-grade garage, front platform, a rear basement walkout, and a rear deck.

Variances for: maximum permitted gross floor area; minimum required side lot line setbacks beyond the building depth of 17.0m; maximum permitted height of an uncovered platform which projects into a required setback; and permission for a below-grade garage are requested in this application.

COMMENTS

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

The subject site is designed "Neighbourhoods" in the Official Plan, which requires new development to have regard for the existing physical characteristics of the surrounding neighbourhood. The purpose of the Zoning By-law is to maintain a stable built form and mitigate any negative impacts on adjacent properties.

The deferral would allow the applicant the opportunity to meet with staff to address the concerns of Community Planning.

CONTACT

Jennifer Renaud, Assistant Planner

Tel: 416-392-7554

Fax: 416-392-1330

E-mail: jrenaud2@toronto.ca

SIGNATURE

Raymond David

Director, Community Planning, Toronto and East York District

Copy: Councillor Mihevc, Ward 21 Toronto –St.Paul's



City Planning Division
Gregg Lintern, Acting Chief Planner and Executive Director

Committee of Adjustment
100 Queen Street West
Toronto ON M5H 2N2
Tel: 416-392-7565
Fax: 416-392-0580

**NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)**

File Number: A0273/12TEY Zoning: R1 Z0.35 (PPR/WAIVER)
Owner: FRANCINE BRENDA LEVINE Ward: St. Paul's (21)
Agent: FRANCINE BRENDA LEVINE
Property Address: 15 VESTA DR Community:
Legal Description: PLAN 1932 LOT 89

Notice was given and a Public Hearing was held on **Wednesday, May 30, 2012**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To demolish the existing two-storey detached dwelling and to construct a new two-storey detached dwelling with a below grade garage, a front platform, a rear basement walkout, and a rear deck.

REQUESTED VARIANCES TO THE ZONING BY-LAW:

- Section 6(3) Part I 1, By-law 438-86**
The maximum permitted residential gross floor area is 0.35 times the area of the lot (180.04 m²).
The new dwelling will have a residential gross floor area equal to 0.80 times the area of the lot (409.34 m²).
- Section 6(3) Part II 3.B(II), By-law 438-86**
The minimum required side lot line setback is 7.5 m from the side lot line for the portion of the building exceeding 17.0 m in depth.
The new dwelling will have a depth of 21.67 m and the 4.67 m portion of the dwelling, including the rear deck, exceeding the 17.0 m depth will have a side lot line setback of 0.9 m on the north and south sides.
- Section 6(3) Part II 8 D(I), By-law 438-86**
The maximum permitted height of an uncovered platform which projects into the required setbacks is 1.2 m above grade.
The front yard platform will have a height of 1.83 m above grade.
- Section 6(3) Part IV 3(II), By-law 438-86**
An integral garage in a building where the floor level of the garage is located below grade and the vehicle access to the garage is located in a wall facing the front lot line is not permitted.
The integral garage is below grade.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance Application is Refused

It is the decision of the Committee of Adjustment to **NOT** approve this variance application for the following reasons:

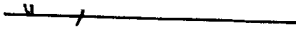
- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

SIGNATURE PAGE

File Number: A0273/12TEY
Owner: FRANCINE BRENDA LEVINE
Agent: FRANCINE BRENDA LEVINE
Property Address: 15 VESTA DR
Legal Description: PLAN 1932 LOT 89

Zoning: R1 Z0.35 (PPR/WAIVER)
Ward: St. Paul's (21)
Community:


Gillian Burton


David Pond


Yim Chan


John Tassopoulos


Heather Gardiner

DATE DECISION MAILED ON: **Tuesday, June 5, 2012**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, June 19, 2012**

CERTIFIED TRUE COPY

Anita M. MacLeod
Manager & Deputy Secretary Treasurer
Toronto and East York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$125.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at www.omb.gov.on.ca.