



STAFF REPORT
Committee of Adjustment
Application

Date:	October 30, 2012
To:	Chair and Committee Members of the Committee of Adjustment North York District
From:	Allen Appleby, Director, Community Planning, North York District
Ward:	Ward 25 (Don Valley West)
Reference:	File No: A683/12NY Address: 70 WEYBOURNE CRESCENT Application to be heard: Wednesday, November 7, 2012

RECOMMENDATION

1. Staff recommend that the Committee refuse Variances No. 2 and No. 3, pertaining to the elevation of the entrance to the proposed garage; and
2. Staff recommend that the Committee modify Variance No. 1, pertaining to the proposed gross floor area to be more in keeping with the intent of the zoning by-law.

APPLICATION

This is an application to permit the construction of a new two storey dwelling on the above noted property. The existing dwelling would be demolished.

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

Toronto Zoning By-law No. 438-86

1. Proposed Gross Floor Area of 429.49m² (0.69 times the area of the lot)
WHEREAS a maximum Gross Floor Area of 217.86m² (0.35 times the area of the lot) is permitted; and
2. Proposed below grade garage
WHEREAS a below grade garage is not permitted.

Toronto Zoning By-law No. 1196-2009

3. The proposed opening to an area that may be used for parking of a vehicle is located lower than the elevation of the street
WHEREAS the by-law requires that the opening to an area that may be used for parking of a vehicle be located above the elevation of the street.

COMMENTS

The subject property is located on the west side of Weybourne Crescent, in the neighbourhood southeast of Lawrence Avenue East and Yonge Street. The property is zoned R1 Z0.35 under Toronto Zoning By-law No. 438-86. The applicant proposes to construct a two-storey dwelling with a below-grade garage. The resultant dwelling would have a gross floor area of 0.69 times the area of the lot.

On December 4, 2009, City Council enacted a Zoning By-law amendment intended to stop the development of 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. One of the reasons for the enactment of this amendment was to address issues regarding grade-related basement flooding. In addition, Toronto Zoning By-law No. 438-86 does not permit below-grade garages, in part, to preserve neighbourhood streetscapes, as outlined in a report to City Council dated May 7, 1996 from the Commissioner of Planning and Development and the Acting Commissioner of Public Works and the Environment. Staff are of the opinion that the construction of a dwelling with a below-grade garage at 70 Weybourne Crescent would be contrary to the intent of Toronto Zoning By-laws No. 438-86 and No. 1196-2009.

Another objective of a zoning by-law is to limit the size of structures; one of the ways Toronto Zoning By-law No. 438-86 seeks to accomplish this is by limiting the gross floor area of dwellings to 0.35 times the area of the lot, in the R1 Z0.35 Zone. Although many additions and new dwellings have been constructed in this neighbourhood with increased gross floor area ratios, there have been very few requests, and no approvals in the area, as high as is proposed by this application. Staff are of the opinion that the proposed dwelling would not be in keeping with the intent of the zoning by-law, which is to limit the size of dwellings.

Staff recommend that the Committee refuse Variances No. 2 and No. 3, with respect to the proposed below-grade garage. Staff also recommend that the Committee modify Variance No. 1 to be more in keeping with the intent of the zoning by-law.

CONTACT

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SIGNATURE



per: Allen Appleby
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A683/12NY