



STAFF REPORT
Committee of Adjustment
Application

Date:	Friday, August 21, 2015
To:	Chair and Committee Members of the Committee of Adjustment Etobicoke York Panel
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 6
Reference:	File No.: A443/15EYK Address: 29 Ash Crescent Application to be heard: Thursday, August 27, 2015 at 3:00 p.m.

RECOMMENDATION

It is recommended the application be refused.

Should the Committee of Adjustment decide to approve the application, Planning staff recommend the following conditions be imposed:

1. The proposal shall be constructed substantially in accordance with the revised roof plan (Drawing # 6, dated July 2015) submitted and held on file by the Committee of Adjustment office and date stamped as received on August 20, 2015 depicting the roof as a green roof.
2. The third floor roof space shall not be used for amenity purposes.

APPLICATION

To maintain the existing as built dwelling and to legalize and to maintain a partial third floor addition. A previous Committee of Adjustment application (A231/13EYK) approved variances relating to floor space index, front yard setback and side yard setbacks. The application seeks the following variances:

1. **Section 10.20.40.40.(1)(A), By-law 569-2013 and Section 330-23.(A)(9)**
The maximum permitted floor space index is 0.35 times the lot area (106.4 m²). A previous Committee of Adjustment application (A231/13EYK) approved a floor space index of 0.54 times the lot area (163.6 m²). The as built dwelling has a floor space index equal to 0.66 times the lot area (200.5 m²).

2. Section 10.20.40.10.(4)(A), By-law 569-2013

The maximum permitted dwelling height is 7.2 m.

Section 330-23.(A)(10)(a)

The maximum permitted dwelling height is 9.5 m.

Section 10.20.40.10.(4)(A), By-law 569-2013 and Section 330-23.(A)(10)(a)

The as built dwelling has a height of 11.33 m.

COMMENTS

The subject site is located in the Village of Long Branch and is designated *Neighbourhoods* in the Toronto Official Plan. *Neighbourhoods* contain a full range of residential uses within lower scale buildings. Policy 4.1.5 c) of the Toronto Official Plan establishes that development will respect and reinforce the existing physical character of the neighbourhood, including in particular, heights, massing, scale and dwelling type of nearby residential properties.

The subject site is within the Residential Single (RS) Zone category of the former Etobicoke Zoning Code and is zoned Residential Detached (RD) under City-Wide Zoning By-law No. 569-2013.

Planning staff have reviewed the application and supporting materials, researched previous Committee of Adjustment decisions, and conducted a site visit. Based on this review staff have concerns with the application.

On November 7, 2013, the Committee of Adjustment (Decision A231/13EYK) approved a new detached dwelling with variances for front yard setback of 6.45 m, floor space index of 0.54 times the lot area, and east and west side yard setbacks of 0.38 m.

The City of Toronto Building Department inspected the site and issued an Order to Comply Notice on May 7, 2015, as construction of the dwelling was not proceeding in accordance with the issued plans under permit #14-149485.

The dwelling is now constructed with a partial third floor addition (which encloses the stair access to the roof) and necessitates a new variance for dwelling height of 11.33 m measured to the top of the constructed roof stair enclosure addition. The proposal also incurs a new floor space index variance of 0.66 times the lot area due to the third floor roof stair enclosure and by enclosing a portion of the previously approved rear ground floor deck into a breakfast nook area.

The previously approved application (Decision A231/13EYK) did not show a third floor addition, a third floor roof deck, or a third floor green roof. However, the plans submitted with this current application originally illustrated the third floor roof space as a roof terrace.

Subsequently, the applicant submitted a revised roof plan date stamped August 20, 2015 and held on file with the Committee of Adjustment office which illustrates the third floor roof space as a green roof and not a roof terrace. Notwithstanding the revised plan, staff

are concerned with the potential for the roof to be used as amenity space and creating possible overlook issues.

City Planning staff have concerns with the application as a whole as the dwelling was not constructed in accordance with the approved plans. The previously approved application did not show a third floor partial addition nor a green roof and did not require a dwelling height variance or a further increase to the proposed floor space.

Based on a review of previously approved Committee decisions in the immediate area, limited minor variance applications for dwelling height were found. Staff are of the opinion that the development does not respect and reinforce the existing physical character of the neighbourhood.

Planning staff are of the opinion that the proposed variances are not in keeping with the general intent and purpose of the policies of the Official Plan or with the existing physical character of the neighbourhood. As such, it is recommended that the application be refused. However, should the Committee of Adjustment decide to approve the application, Planning staff recommend the conditions listed herein.

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