



STAFF REPORT
Committee of Adjustment
Application

Date:	June 7, 2016
To:	Chair and Committee Members of the Committee of Adjustment North York District
From:	Joe Nanos, Director, Community Planning, North York District
Wards:	Ward 24 (Willowdale)
Reference:	File No. A0330/15NY Address: 16 RISEBROUGH AVE Application to be heard: Thursday, June 9, 2016 at 3:30 p.m.

RECOMMENDATION

Should the Committee choose to approve this application, staff recommend that the following variances be reduced:

1. Variances Nos. 6 and 12 with respect to the proposed building height; and
2. Variances Nos. 7 and 13 with respect to the proposed finished first floor height.

APPLICATION

To legalize and maintain the existing three-storey detached dwelling with an integral, at grade, two car garage.

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

1. **Chapter 10.20.40.20.(1), By-law No. 569-2013**
The maximum permitted building length for a detached house, not including permitted one storey rear extension is 17.0m.
The proposed building length, not including the proposed one storey rear extension is 17.66m.
2. **Chapter 10.20.40.30.(1), By-law No. 569-2013**
The maximum permitted building depth is 19.0m.
The proposed building depth is 19.50m.
3. **Chapter 10.20.40.70.(1), By-law No. 569-2013**
The minimum required front yard setback is 9.16m.
The proposed front yard setback is 7.23m.

4. **Chapter 10.5.40.60.(1), By-law No. 569-2013**
A platform without main walls, attached to or less than 0.3m from a building, with a floor no higher than the first floor of the building above established grade may encroach 2.5m into the required front yard setback if it is no closer to a side lot line than the required side yard setback.
The proposed front platform encroaches 3.47m into the required front yard setback.
5. **Chapter 10.20.40.10.(3), By-law No. 569-2013**
The permitted maximum number of storeys is 2.
The proposed number of storeys is 3.
6. **Chapter 10.20.40.10.(4), By-law No. 569-2013**
The maximum permitted building height is 7.2m.
The proposed building height is 9.8m.
7. **Chapter 10.20.40.10.(6), By-law No. 569-2013**
The maximum permitted height of the first floor above established grade is 1.2m.
The proposed height of the first floor above established grade is 1.6m.
8. **Chapter 10.20.40.50.(1), By-law No. 569-2013**
The maximum permitted area of each platform at or above the second storey of a detached house is 4.0m².
The proposed area of the front platform at or above the second storey is 5.80m².
9. **Chapter 10.5.40.60.(3), By-law No. 569-2013**
Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no wider than 2.0m.
The proposed front stairs are 2.30m wide.
10. **Chapter 10.20.40.20.(2), By-law No. 569-2013**
The maximum permitted building length is 19.0m providing the extension to the building is less than 5.0m in height and is one storey.
The proposed building length is 19.5m and the extension to the building is 5.51m in height.
11. **Chapter 10.20.40.50.(1), By-law No. 569-2013**
The maximum permitted area of each platform at or above the second storey of a detached house is 4.0m².
The proposed area of the rear platform at or above the second storey is 10.22m².
12. **Section 12.7, By-law No. 7625**
The maximum permitted building height is 8.8m.
The proposed building height is 9.65m.
13. **Section 6(30)a, By-law No. 7625**
The maximum finished first floor height is 1.5m.
The proposed finished first floor height is 2.13m.
14. **Section 12.5A, By-law No. 7625**
The maximum permitted building length is 18.9m providing the extension to the building is less than 5.0m in height.

The proposed building length is 19.50m and the extension to the building is 6.04m in height.

15. Section 6(9)(f), By-law No. 7625

The maximum permitted projection of a front porch is 2.1m from the wall.

The proposed front porch projects 3.47m from the wall.

COMMENTS

The subject property is located west of Yonge Street and south of Finch Avenue West and is designated *Neighbourhoods* in the City of Toronto Official Plan. The Official Plan acknowledges that *Neighbourhoods*, while stable, will be subject to physical change in the form of enhancements, additions, and infill housing. A key policy of the Plan is to ensure that new development will respect and reinforce the existing physical character of the neighbourhood. Section 4.1 of the Plan outlines the development policies for *Neighbourhoods*. Policy 4.1.5 states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- c) Heights, massing, scale and dwelling type of nearby residential properties

The Plan affirms that 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 subject property is zoned R4 in the former City of North York By-Law No. 7625, as amended, and RD (f15.0; a550)(x5) in the City of Toronto Zoning By-law No. 569-2013, as amended. The objective of the Zoning By-Law(s) is to establish specific standards as to how land is developed.

Variances have been requested to legalize and maintain the existing three-storey detached dwelling. This application was previously before the Committee of Adjustment on May 21, 2015. It was the decision of the Committee to defer the application sine die in order to allow the applicant an opportunity to meet with the neighbours and Ward Councillor to discuss changes to the variances and submit revised plans. No changes have been made to the proposal since the application was deferred on May 21, 2015.

Prior to this hearing, previous applications with respect to the subject property were considered by the Committee of Adjustment on April 25, 2012 (File No. A112/12NY) and December 5, 2012 (File No. A516/12NY). These applications sought variances relating to lot frontage, side yard setback, building height, building length, and rear deck height and projection, in order to permit the construction of a new detached dwelling. The Committee of Adjustment approved both of these applications on condition. In June of 2013, a building permit was issued to construct the approved proposal. However, during construction, the applicant was issued an order of violation by the Buildings Division in May of 2014, as it was found that the proposal was not constructed according to the approvals granted and additional variances were required.

The current proposal requires a variance for a three-storey dwelling (Variance No. 5). In review of this application, Planning staff are of the opinion that this variance is technical and is required as the basement floor slab is closer to the established grade than the finished floor of the first level. As a result, the basement is considered the first level. Had the basement floor slab been

constructed lower in elevation than currently exists, this would not have changed the exterior design of the current dwelling, and the variance would have been unnecessary as the dwelling would be considered a two-storey dwelling.

As noted in the public hearing notice, the applicant also requests variances for building height. Variance No. 6 requests relief from Zoning By-law No. 569-2013 to permit a building height of 9.8 metres, whereas the maximum height of 7.2 metres is permitted for a flat roof dwelling. Under Zoning By-law No. 7625, the proposal is considered a sloped roof dwelling. Variance No. 12 requests a building height of 9.65 metres, whereas Zoning By-law No. 7625 permits a maximum building height of 8.8 metres, which is measured from the crown of the road to the midpoint of the dwelling. Planning staff have concerns with these variances as they are not reflective of the neighbourhood character.

Staff are also concerned with the proposed variances for finished first floor height (Variances Nos. 7 and 13). Staff conducted a site inspection of the subject property on June 1, 2016 and note that there are 9 risers leading to the front door due to the first floor height variances. Planning staff feel that these variances are excessive, and do not reflect and reinforce the existing physical character of the neighbourhood.

As such, should the Committee choose to approve this application, staff recommends that the proposed variances for building height and finished first floor height be **reduced**.

SIGNATURE



for

Joe Nanos
Director, Community Planning, North York District
A0330/15NY – 16 RISEBROUGH AVENUE