



STAFF REPORT
Committee of Adjustment
Application

Date:	November 14, 2016
To:	Chair and Committee Members of the Committee of Adjustment North York District
From:	Joe Nanos, Director, Community Planning, North York District
Ward:	Ward 26 (Don Valley West)
Reference:	File No: A0876/16NY Address: 310 RUMSEY ROAD Application to be heard: Thursday, November 24, 2016

RECOMMENDATION

Should the Committee choose to approve this application, staff recommend that the following variance first be modified to be more in keeping with the intent of the Zoning By-law:

1. Variance No. 7 with respect to the proposed building height.

Further, staff recommend that, as proposed, the following variance be refused:

2. Variance No. 13 with respect to the proposed below-grade garage.

APPLICATION

This application proposes to construct a new two-storey dwelling. The existing dwelling would be demolished.

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

1. **Chapter 10.20.40.10.(1), By-law No. 569-2013**
The maximum permitted building height is 8.50m.
The proposed building height is 8.80m.
2. **Chapter 10.20.40.10.(2), By-law No. 569-2013**
The maximum permitted height of all side exterior main walls facing a side lot line is 7.00m.
The proposed height of the side exterior main walls facing a side lot line is 7.36m.

3. **Chapter 10.20.40.70.(3), By-law No. 569-2013**
The minimum required side yard setback is 1.20m.
The proposed north side yard setback is 0.75m.
4. **Chapter 10.20.40.70.(3), By-law No. 569-2013**
The minimum required side yard setback is 1.20m.
The proposed south side yard setback is 0.75m.
5. **Chapter 10.20.40.40.(1), By-law No. 569-2013**
The maximum permitted floor space index is 0.60 times the lot area.
The proposed floor space index is 0.65 times the lot area.
6. **Section 6.1.1(4), By-law No. 1916**
The minimum required front yard soft landscaping is 75.00%.
The proposed front yard soft landscaping is 63.40%.
7. **Section 6.3.3, By-law No. 1916**
The maximum permitted building height is 8.50m.
The proposed building height is 9.35m.
8. **Section 6.3.3, By-law No. 1916**
The maximum permitted building length is 16.75m.
The proposed building length is 16.96m.
9. **Section 6.3.3, By-law No. 1916**
The maximum permitted floor space index is 0.60 times the lot area.
The proposed floor space index is 0.66 times the lot area.
10. **Section 6.3.3, By-law No. 1916**
The maximum permitted lot coverage is 35.00% of the lot area.
The proposed lot coverage is 36.00% of the lot area.
11. **Section 6.3.3, By-law No. 1916**
The minimum required side yard setback is 0.90m.
The proposed north side yard setback is 0.75m.
12. **Section 6.3.3, By-law No. 1916**
The minimum required side yard setback is 0.90m.
The proposed south side yard setback is 0.75m.
13. **Section 6.1.2, By-law No. 1916**
The by-law does not permit the entrance to a garage to be located below finished grade (as defined).
The garage is located below finished grade.

COMMENTS

The subject property is located on the west side of Rumsey Road, northeast of Eglinton Avenue East and Bayview Avenue. The property is zoned *R1B* under the Leaside Zoning By-law No. 1916 and zoned *RD (f12.0; a370; d0.6)* in the new City of Toronto Zoning By-law No. 569-2013. The proposal is to permit the construction of a new two-storey dwelling.

The applicant has indicated to staff that they wish to revise the proposal by removing variance number 6, with respect to the proposed front yard soft landscaping.

The revised application still requests variances to permit a building height of 9.35 metres as measured under By-law No. 1916 and 8.8 metres as measured under by-law No. 569-2013, whereas both By-laws permit a maximum building height of 8.5 metres. Building height provisions are devised, in part, to regulate the size of structures. Although several properties in the surrounding area have been approved by the Committee of Adjustment for a height greater than is permitted under the zoning by-laws, recent approvals have generally ranged between 8.8 and 9.1 metres as measured under By-law No. 1916. Staff are of the opinion that the proposed building height, as measured under By-law No. 1916, should be modified to be more in keeping with the intent of the Zoning By-law.

The revised application also still requests relief from By-law No. 829-2000, which prohibits garages located below finished grade in detached and semi-detached dwellings in all R1 and R2 Residential Zones in the former Township of Leaside. This provision was devised, in part, to preserve the character of low density neighbourhoods and the quality of streetscapes in East York. City Council enacted By-law No. 829-2000 on October 5, 2000. In the accompanying staff report, dated August 14, 2000, staff examined the negative impacts of below grade garages on the quality of streetscapes and the traditional character of low density East York neighbourhoods. Staff outlined several negative impacts of below grade garages, including:

- a) the most prominent feature of the front wall of the house is no longer the front entrance and living room, but the garage door;*
- b) the traditional front yard East York setback comprised of soft landscaping, trees and greenery is primarily replaced by sloped parking pits, retaining walls, and hard surfacing, which erodes the streetscape;*
- c) there is increased concern for public safety due to the existence of parking pits and steeply sloped driveways which often makes it difficult for drivers entering or leaving the driveway to properly view pedestrians as they walk along the sidewalk; and*
- d) the sloped driveways can become receptacles for the gathering of litter and sometimes may create drainage problems.*

Staff concluded that new and replacement infill housing often including basement garages with sloped driveways, parking pits and retaining walls inherently differs from traditional East York housing, resulting in the deterioration of the quality of streetscapes. The report acknowledges,

however, that at-grade integral garages are still to be permitted in all residential zones. Staff are of the opinion that, as proposed, the below-grade garage would not be in keeping with the intent of Zoning By-law No. 829-2000.

Should the Committee choose to approve this application, staff recommend that the proposed building height, as measured under By-law No. 1916, be reduced to be more in keeping with the intent of the Zoning By-law. Further, staff recommend that the variance to permit a below-grade garage be refused.

CONTACT

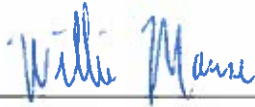
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SIGNATURE



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