

**214 York Mills Rd– Rezoning Application – Refusal Report**

<b>Date:</b>	March 12, 2008
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 25 – Don Valley West
<b>Reference Number:</b>	07 228317 NNY 25 OZ

**SUMMARY**

This application was made on June 5, 2007 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

The application proposes to amend North York Zoning By-law No. 7625 to permit an existing office use to operate within the existing single detached house at 214 York Mills Road.

The proposal does not conform to the *Neighbourhoods* policies of the Official Plan.

This report reviews and recommends refusal of the application to amend the Zoning By-law.

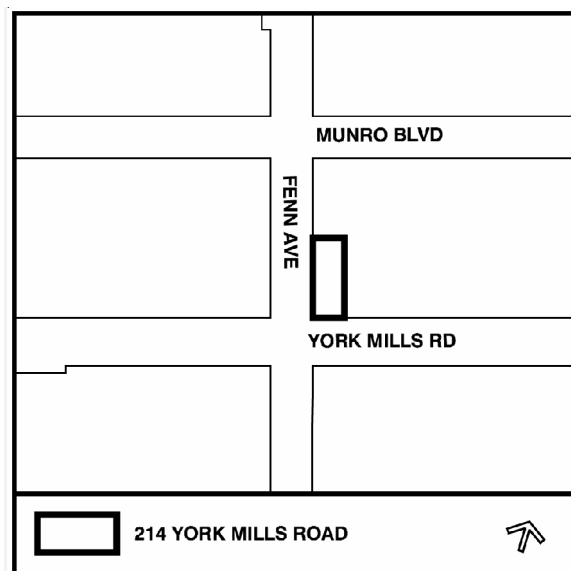
**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council refuse the application as the proposal does not conform to the Official Plan.

**Financial Impact**

The recommendations in this report have no financial impact.



## **DECISION HISTORY**

There are no previous applications or decisions related to the subject property.

## **ISSUE BACKGROUND**

### **Proposal**

This application seeks to amend North York Zoning By-law No. 7625 to permit an existing non-conforming office use to continue to operate within the existing single detached house at 214 York Mills Road. The existing split level, one and a half storey house has been used solely as office space for a professional services company specializing in business valuations since 2004. The business employs 5 people, including the principal, who is also one of the owners of the house. No exterior changes to the building are proposed.

### **Site and Surrounding Area**

Located on the northeast corner of York Mills Road and Fenn Avenue, west of Bayview Avenue, the site has an area of 580.4m<sup>2</sup> with 15.24m frontage on York Mills Road and 38.1m flanking Fenn Avenue.

There is an existing one and a half storey house with an integral two car garage located on the subject lands. Vehicular access is provided off Fenn Avenue. The intersection of Fenn Avenue and York Mills Road is fully signalized. A bus stop is located at the York Mills Road frontage of the property.

Land uses surrounding the site are as follows:

- North: single detached dwellings.
- South: single detached dwellings across York Mills Road
- East: single detached dwellings.
- West: single detached dwellings across Fenn Avenue

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The City of Toronto Official Plan designates the site as *Neighbourhoods*, which provides for a full range of residential uses within lower scale buildings. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small scale retail, service and office uses are also provided for in *Neighbourhoods*.

For residential properties located on major streets identified on Map 3 of the Official Plan, which includes York Mills Road between Yonge Street and Bayview Avenue, new small-scale retail, service and office uses may be permitted when they are incidental to and support *Neighbourhoods* and are compatible with the area and do not adversely impact adjacent residences. To maintain the residential amenity of *Neighbourhoods*, these new small-scale retail, service and office uses will:

- a) serve the needs of area residents and potentially reduce local automobile trips;
- b) have minimal noise, parking or other adverse impacts upon adjacent or nearby residents; and
- c) have a physical form that is compatible with and integrated into the *Neighbourhoods*.

## **Zoning**

The site is zoned One Family Detached Dwelling Third Density (R3). Under North York Zoning By-law No. 7625, the R3 zoning permits residential uses limited to one-family detached dwellings, home occupations for private instruction in music and recreational or institutional uses.

## **Site Plan Control**

An application for Site Plan Control approval has not been submitted. Should the rezoning application be approved, the applicant would be required to apply for Site Plan Control approval.

## **Reasons for Application**

The existing office use is not permitted within the R3 zone.

## **Community Consultation**

A Community Consultation Meeting was held on November 12, 2007 at the Owen Public School. Approximately 90-100 people attended. Following presentations from the local Councillor, City staff and the applicant a number of issues were discussed, including:

- the potential for other applications seeking office uses along York Mills Road to be submitted should this application be approved, which could lead to the redevelopment of York Mills Road as a commercial street similar to Finch Avenue or Sheppard Avenue;

- a possible increase in on-street parking along the interior local streets off York Mills Road; and
- the potential for an increase in traffic due to the business operation, which would represent a safety concern, especially with students walking by given the close proximity of the Owen Public School.

Letters and e-mails were also submitted by area residents which echoed similar concerns.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

## **COMMENTS**

### **Land Use**

The Official Plan identifies that new small-scale retail, service and office uses that are incidental to and support *Neighbourhoods* may be permitted on major streets through a Zoning By-law amendment provided they maintain the residential amenity of the neighbourhood by meeting three criteria, one of which is that the office use serves the needs of area residents and potentially reduces local automobile trips.

A “business valuation” practice does not comply with the aforementioned Official Plan policy, as a business valuation practice is not a use that is intended to serve the needs of area residents and is not incidental to or supportive of the local neighbourhood. The intention of such a policy was to allow for the placement of a small scale local shop that people could walk to for sundries, or a similar operation that would serve the surrounding residents, not a use that served the business community beyond the immediate neighbourhood.

The introduction of a commercial use within this stable residential neighbourhood would not respect and reinforce the existing character of the neighbourhood and could set a precedent identifying York Mills Road as a commercial arterial road, undermining the contextual stability of the residential area.

### **Traffic Impact, Access, Parking**

The R3 zoning designation requires a minimum of 2 parking spaces for any single detached dwelling. The current application seeks to permit a business office to operate through a site specific zoning amendment. In order to meet Zoning By-law No. 7625 standards, the proposed office use would require a minimum of 4 parking spaces. There are currently only 2 legally recognized parking spaces provided for on the site.

The business operating at 214 York Mills Road currently has five people in its employ, three to four of which drive on a regular basis. Combined with occasional client, visitor and delivery service needs, the driveway spaces partially located within the City

Boulevard and the permitted on-street parking on Fenn Avenue or other adjacent neighbourhood streets are used to satisfy the business' parking demands.

The Official Plan requires that any new small-scale service and office use located on a major arterial road in a neighbourhood have minimal noise, parking or other adverse impacts upon adjacent residents, and maintain a physical form that is compatible with and integrated into the *Neighbourhoods*. The need for on street parking to service the business' demands would have an impact upon the adjacent residents.

Also, additional rear or side yard paving to provide extra parking spaces would be required to address the on-site parking deficiency, which would result in the loss of existing landscaped open space. *Neighbourhoods* policy 5.f) requires that development in established *Neighbourhoods* respect and reinforce the existing physical character with respect to prevailing patterns of landscaped open space.

## **CONCLUSION**

Given that the existing "business valuation" practice does not conform to the *Neighbourhoods* policies of the Official Plan and that the introduction of an office use into the existing stable residential neighbourhood would undermine the contextual stability of the area, staff recommend that the application be refused.

## **CONTACT**

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## **SIGNATURE**

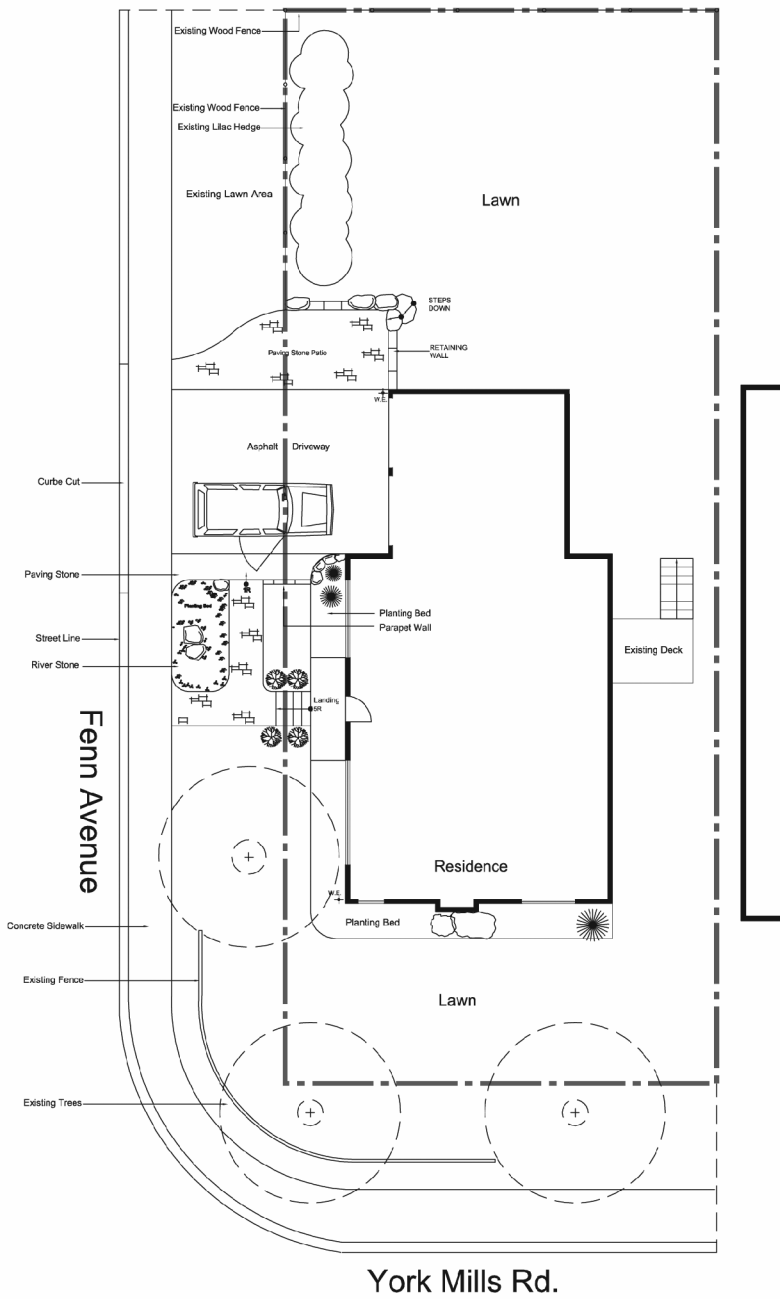
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Thomas C. Keefe, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Elevations  
Attachment 3: Zoning  
Attachment 4: Application Data Sheet

# Attachment 1: Site Plan



## Site Plan

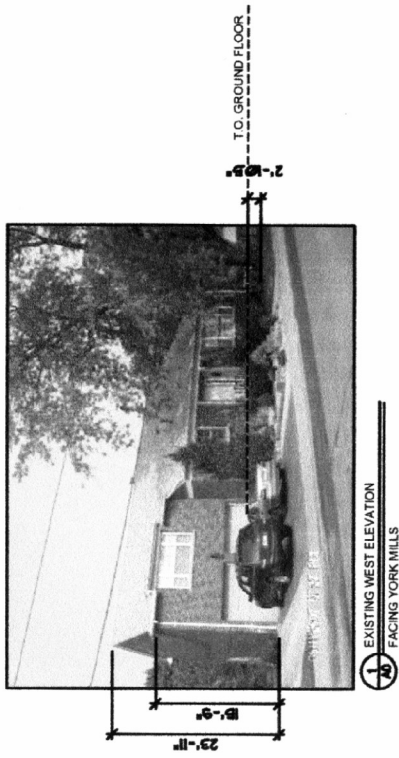
214 York Mills Road

Applicant's Submitted Drawing

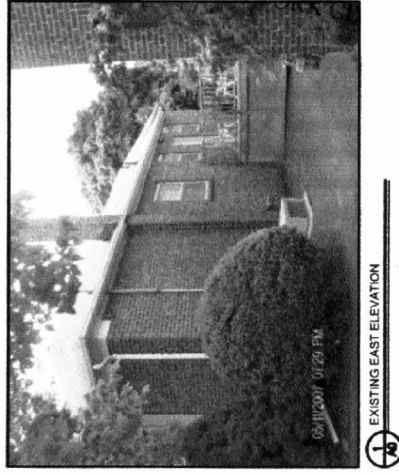
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File # 07\_228317

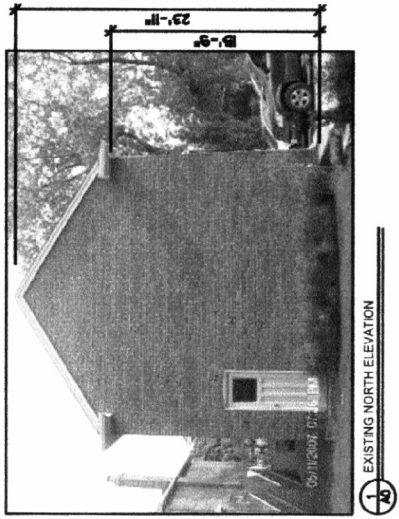
Attachment 2: Elevations



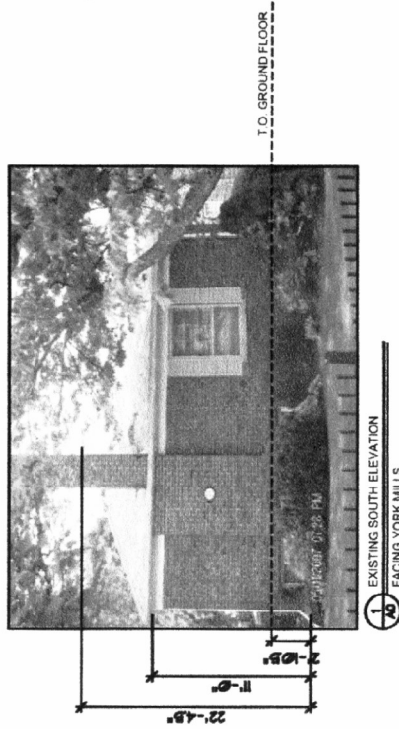
EXISTING WEST ELEVATION  
FACING YORK MILLS



EXISTING EAST ELEVATION



EXISTING NORTH ELEVATION



EXISTING SOUTH ELEVATION  
FACING YORK MILLS

214 York Mills Road

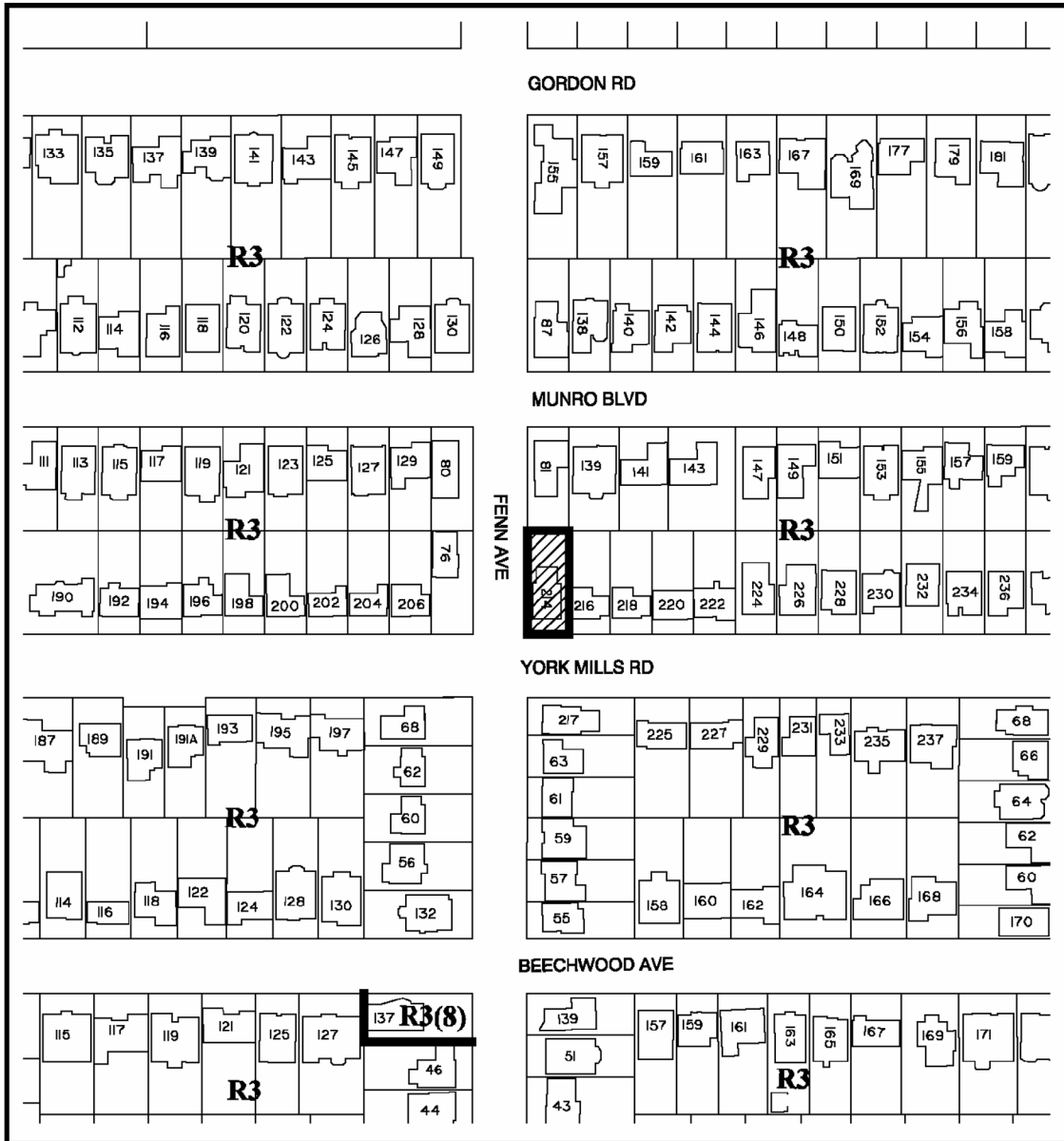
Elevations

Applicant's Submitted Drawing

Not to Scale  
02/20/08

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### Attachment 3: Zoning (Map)



**214 York Mills Road**  
File # 07\_228317 NNY 25 0Z

R3 One-Family Detached Dwelling Third Density Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

↑  
Not to Scale  
Zoning By-law 7625  
Extracted 06/26/07



## Attachment 4: Application Data Sheet

### APPLICATION DATA SHEET

Application Type                      Rezoning                                      Application Number:    07 228317 NNY 25 OZ  
Details                                      Rezoning, Standard                      Application Date:        June 5, 2007

Municipal Address:                      214 YORK MILLS RD, TORONTO ON M2L 1L1  
Location Description:                    PLAN M518 LOT 14 \*\*GRID N2501  
Project Description:                      To permit an existing office use to operate as a permitted use within the existing single family dwelling.

**Applicant:**                                      **Agent:**                                      **Architect:**                                      **Owner:**  
GREGORY RUSSELL                                                                                                                STEVAN R. CORP.

#### PLANNING CONTROLS

Official Plan Designation:    NEIGH                                      Site Specific Provision:  
Zoning:                                      R3                                      Historical Status:  
Height Limit (m):                                                           Site Plan Control Area:    N

#### PROJECT INFORMATION

Site Area (sq. m):	580.4	Height:	Storeys:	0
Frontage (m):	15.24		Metres:	0
Depth (m):	38.08			
Total Ground Floor Area (sq. m):	154.4			<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	2
Total Non-Residential GFA (sq. m):	190		Loading Docks	0
Total GFA (sq. m):	190			
Lot Coverage Ratio (%):	26.4			
Floor Space Index:	0.33			

#### DWELLING UNITS

Tenure Type:  
Rooms:                                      0  
Bachelor:                                      0  
1 Bedroom:                                      0  
2 Bedroom:                                      0  
3 + Bedroom:                                      0  
Total Units:                                      0

#### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	0	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	190	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

**CONTACT:**                      **PLANNER NAME:**                      **Jeff Markowiak, Assistant Planner**  
**TELEPHONE:**                      **(416) 395-7130**