

**NOTICE OF MOTION****APPEAL OF COMMITTEE OF ADJUSTMENT DECISION AND  
STAFF REPRESENTATION AT THE ONTARIO MUNICIPAL  
BOARD – 67 FLORENCE AVENUE**

**Moved by:** Councillor JOHN FILION

**Seconded by:** Councillor \_\_\_\_\_

**SUMMARY:**

An application to the Committee of Adjustment, North York Panel for the severance of the lot into two parcels and the construction of a two-storey detached dwelling with an integral garage on each lot was refused on September 10, 2008 (file numbers B0058/08NY, A0494/08NY and A0495/08NY).

The variances requested frontages of 7.6 m and lot areas of 301 m<sup>2</sup>.

The decision has been appealed by the applicant.

Planning staff recommended refusal of the applications.

The Councillor is requesting that Legal and Planning Staff attend the Ontario Municipal Board hearing to defend the Committee of Adjustment decision.

**RECOMMENDATIONS:**

1. That Council authorize the City Solicitor and appropriate Planning Staff to attend the Ontario Municipal Board hearing to uphold the Zoning By-law and the Official Plan.

October 7, 2008


**Toronto** STAFF REPORT
 

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September 3, 2008

To: Chairman and Members of the Committee of Adjustment  
North York Panel

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

Subject: File Numbers B0058/08NY, A0494/08NY & A0495/08NY  
Amir Ghasabi  
67 Florence Avenue  
Willowdale (23)

Application:

This application is for the consent of the Committee of Adjustment to the division of a parcel of residential lands into two parts for conveyance purposes for the creation of a new residential building lot.

The lands concerned have 15.2 m fronting onto the south side of Florence Avenue, a depth of 39.66 m and an area of 602.9 m<sup>2</sup>. The lands are described as Lots 478 and 479, Registered Plan 1743, Former City of North York and are designated as Parts 1 and 2 on a Draft Reference Plan by Rowan-Stanciu Ltd. and submitted by the applicant.

It is proposed to divide the lands into two parts for the creation of a new residential building lot. The existing dwelling would be demolished and a two-storey detached dwelling would be constructed on each lot.

The lands to be retained, being Part 1 would have 7.6 m fronting onto the south side of Florence Avenue and an area of 301.2 m<sup>2</sup>.

The lands to be conveyed, being Part 2 would have 7.6 m fronting onto the south side of Florence Avenue and an area of 301.5 m<sup>2</sup>.

Comments:

The Toronto Official Plan designates, on Map 16, 67 Florence Ave as being located within a Neighbourhood. Section 4.1.5 of the Plan addresses development in established Neighbourhoods and states that any new development in a Neighbourhood will respect and reinforce the existing physical character of the neighbourhood, including in particular: prevailing building type(s) in the neighbourhood and the size and configuration of the existing lots among other matters.

The applicant is seeking two variances related to the severance of the property. They are for lot frontage and lot area.

The proposed lots would have a frontage of 7.6 m and 7.6 m (25 ft). There are only four lots within the study area which are the same size than the proposed lots. These lots are not representative of the neighbourhood and are anomalies. This is a stable neighbourhood, with no lots being created through severance applications.

A study was done by the Planning Department in 1991 identifying the areas of North York with smaller lots. These were rezoned to R6 and R7. The subject block is made up of larger lots and retained its original zoning classification. Leaving the subject site zoned R4 which requires a larger lot size and area indicates the expectation of larger lots to remain on the block.

The proposed lots clearly do not reflect the existing physical character of the neighbourhood, in particular the size and configuration of lots as required under section 4.1.5 of the Toronto Official Plan. They would have a lot frontage and lot area significantly smaller than what is required by the Zoning By-law and than what is in the immediate area.

Recommendations:

It is recommended that the application for consent and the related minor variance applications be refused.

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