
City Council

NOTICE OF MOTION

MM35.4	ACTION			Ward: 22
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60-62 Oriole Road - Request for City Solicitor to Appear at the Ontario Municipal Board Hearing - Councillor Walker, seconded by Councillor Jenkins

- Notice of this Motion has been given.*
- This Motion is subject to referral to the Toronto and East York Community Council. A two-thirds vote is required to waive referral.*
- This Motion relates to an Ontario Municipal Board Hearing and has been deemed urgent.*

Recommendations

Councillor Walker, seconded by Councillor Jenkins, recommends:

1. That City Council request the City Solicitor to appear at the Ontario Municipal Board with appropriate staff and/or independent consultant(s) if necessary, in support of the Committee of Adjustment's refusal of this application.

Summary

A redevelopment application for 60-62 Oriole Road was heard and refused at the Committee of Adjustment, Toronto and East York Panel A, on March 4, 2009. The Committee of Adjustment's refusal of this application was subsequently appealed to the Ontario Municipal Board by the owner on March 18, 2009. A hearing is to take place in the very near future.

This redevelopment application proposes to demolish two single family homes and construct in their place a four storey rental apartment building.

(Submitted to City Council on April 29, 2009 as MM35.4)

Background Information

- (March 10, 2009) Notice of Decision and (April 2, 2009) Memorandum from the Manager and Deputy Secretary Treasurer, Toronto and East York Panel, Committee of Adjustment and (March 3, 2009) communication from Councillor Walker, Ward 22, St. Paul's
(<http://www.toronto.ca/legdocs/mmis/2009/mm/bgrrd/backgroundfile-20618.pdf>)



City Planning Division
Gary Wright, Acting, Chief Planner and Executive Director



Attachments to
MM35.4

Committee of Adjustment
100 Queen Street West
Toronto ON M5H 2N2
Tel: 416-392-7565
Fax: 416-392-0580

NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)

File Number:	A0169/09TEY	Zoning	R2 Z0.6 (PPR)
Owner(s):	PALAVENUE GP INC	Ward:	St. Paul's (22)
Agent:	RAW DESIGN		
Property Address:	60-62 ORIOLE RD	Community:	Toronto
Legal Description:	PL 890 PT LT58		

Notice was given and a Public Hearing was held on **Wednesday, March 4, 2009**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To demolish the two existing detached dwellings and construct a new four-storey apartment building with 18 dwelling units.

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

- Section 12(2).262(g), By-law 438-86**
The by-law requires that, in an apartment building, the lowest floor of each dwelling unit shall be no higher than three storeys above grade, and the principal means of ingress and egress to each dwelling unit shall be provided by means other than an elevator, or other mechanical device.
The apartment building will provide for three dwelling units at the fourth storey, and the principal access to all dwelling units above the first storey is provided by means of an elevator.
- Section 6(3) Part II 2(II), By-law 438-86**
The by-law requires a minimum front lot line setback of 5.48 m.
The front second-storey balcony will have a front lot line setback of 4.5 m.
- Section 6(3) Part II 5(I), By-law 438-86**
The by-law limits a building to a depth of 14.0 m.
The apartment building will have a depth of 35.43 m.
- Section 6(3) Part VII 1(I), By-law 438-86**
The by-law requires the lot to have a minimum lot frontage of 30.0 m.
The site will have a lot frontage of 27.44 m.

5. **Section 6(3) Part I 1, By-law 438-86**
The by-law limits the residential gross floor area to 0.60 times the area of the lot (864.90 m²).
The apartment building will have a residential gross floor area equal to 1.28 times the area of the lot (1843.50 m²).
6. **Section 4(4)(B), By-law 438-86**
The by-law requires a minimum of 18 parking spaces plus 5 visitor parking spaces to be provided.
The site will provide 14 parking spaces plus 3 visitor parking spaces.
7. **Section 4(4)(c)(ii), By-law 438-86**
The by-law requires a parking facility to be accessible by a driveway having a minimum width of 5.5 m, for two-way operation.
The driveway will have a width of 4.75 m.
8. **Section 4(2)(a), By-law 438-86**
The by-law limits buildings to a maximum height of 11.0 m.
The apartment building will have a height of 13.72 m.
9. **Section 2(1), By-law 438-86**
The by-law defines a parking space as "an unimpeded area, readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle."
The single-vehicle mechanical lift and tandem parking spaces do not constitute parking spaces as defined.
10. **Section 4(17), By-law 438-86**
The by-law requires parking spaces to have minimum dimensions of 5.6 m x 2.6 m, and 5.6 m x 2.9 m where a parking space is adjacent to a wall or obstructed on one side and minimum dimensions of 5.6 m x 3.2 m where a parking space is obstructed on both sides.
The apartment building will have 11 parking spaces which are obstructed on one side having dimensions of 5.6 m x 2.6 m and will have 6 parking spaces which are obstructed on two sides having dimensions of 5.6 m x 2.6 m.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

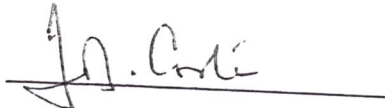
The Minor Variance Application is Refused

It is the decision of the Committee of Adjustment to **NOT** approve this variance application for the following reasons:

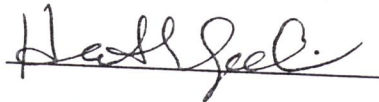
- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

SIGNATURE PAGE

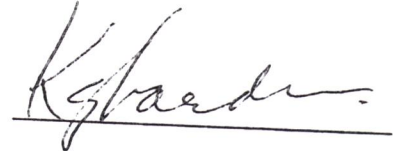
File Number:	A0169/09TEY	Zoning	R2 Z0.6 (PPR)
Owner(s):	PALAVENUE GP INC	Ward:	St. Paul's (22)
Agent:	RAW DESIGN		
Property Address:	60-62 ORIOLE RD	Community:	Toronto
Legal Description:	PL 890 PT LT58		



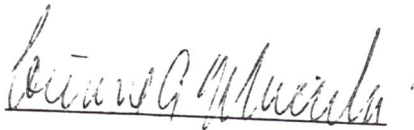
Fernando Costa



Heather Gardiner



Kay Gardner

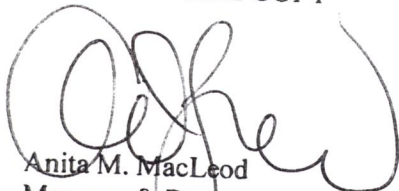


Corinne Muccilli

DATE DECISION MAILED ON: **Tuesday, March 10, 2009**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, March 24, 2009**

CERTIFIED TRUE COPY



Anita M. MacLeod
Manager & Deputy Secretary Treasurer
Toronto and East York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$125.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at www.omb.gov.on.ca.



Memorandum

City Planning

Committee of Adjustment
Toronto and East York District

Tel: 416-392-7565
Fax: 416-392-0580

To: Toronto & East York Community Council & Executive Assistants
Toronto & East York District Internal Commenting Agencies

From: Anita M. MacLeod, Manager & Deputy Secretary-Treasurer, Committee of Adjustment,
Toronto & East York District

Date: April 2, 2009

C OF A DECISIONS APPEALED TO THE ONTARIO MUNICIPAL BOARD TORONTO & EAST YORK DISTRICT

(Commencing with decisions made at the May 28, 2007 public hearing)

Note: Unless listed below, as of the date of this memo, an Ontario Municipal Board hearing date has not yet been scheduled. For further information, **contact Lorraine Unett**, at (416) 338-5918, or visit the Ontario Municipal Board Website at www.omb.gov.on.ca.

*** denotes new or changed information**

***10. 60-62 Oriole Road**

CofA File: A0169/09TEY

OMB Case No.:

Hearing Date: March 4,
2009

OMB Hearing:
*PL090279

Proposal

To demolish the two existing detached dwellings and construct a new four-storey apartment building with 18 dwelling units.

Committee Decision:

Refused

City Comments:

None

Appealed by:

Jane Pepino on behalf owner,
March 18, 2009

OMB DECISION

E-Status Case Details

PROPERTY ADDRESS	CASE DESCRIPTION	STATUS	CASE NUMBER
60-62 Oriole Road, Toronto	Palavenue Gp Inc.	Open	PL090279

No Hearings have been scheduled for this case.

OMB Contact: Martin Stefanczyk, Planning Assistant (416) 326-6782

St. Paul's, Councillor
City Hall, 2nd Floor, Suite B26
100 Queen Street West
Toronto, Ontario M5H 2N2

Tel: 416 392-7906
Fax: 416 392-0124
councillor_walker@toronto.ca
www.michaelwalker.ca

March 3, 2009

TO: Committee of Adjustment – Toronto East York Panel A

FROM: Councillor Michael Walker

RE: 60-62 Oriole Road – Item 10; to be heard Mar. 4th at 9:00 a.m.

I am writing to strongly object and respectfully request your Committee refuse the application for variances for the properties 60-62 Oriole Road. This application requests to demolish the two single family detached dwellings, assemble the two lots, and construct a 4 storey apartment building to contain at least 18 units. To date, the proposed apartment is to consist of rental units available to senior citizens only, although, as your Committee is aware, any zoning approval does not restrict the occupancy of the resulting dwelling so it could be sold as condominium units to anyone. This redevelopment would also install the first commercial kitchen on this narrow residential street providing three meals a day for every tenant, if required.

I have consulted the local residents on this proposal; I held a public meeting in the community on February 12, 2009 that was well attended and residents expressed their strong opposition to this proposal. I know your Committee is aware of this as the members have received many letters of objection.

I am strongly opposed to this application as a whole since it is the combined effect of all ten of the variances that produces unacceptable impacts upon this neighbourhood which predominantly consists of single family detached dwellings or single family townhouses. In my opinion, this application is not properly before your Committee but constitutes a Re-Zoning that should be subject to City Council approval.

Variance #1 requests permission to construct a 4 storey multiplex apartment building serviced by an elevator, whereas the in force R2 zoning only permits 3 storeys without elevators. Allowing this variance would not be in the spirit of the Zoning Bylaw or the Official Plan, in fact this would be allowing the first elevator on this block. None of the other dwellings require an elevator because of their 2-3 storey scale – allowing this variance would be allowing a dwelling not in scale with the existing neighbourhood.

Variance #3 would allow a building depth 253% of the Zoning Bylaw limit. Due to the neighbours' loss of privacy and change in condition of their backyard space, this variance would not be in-keeping with the existing neighbourhood.

Variance #5 would allow a Gross Floor Area 213% of the Zoning Bylaw limit. As 1.28 times coverage is proposed whereas 0.60 times is permitted, this would result in a massive structure that would overpower this local residential road that consists of houses and townhouses. The magnitude of this variance for Gross Floor Area simply exemplifies the overall excess of this proposal.

Variance #8 would allow a height 125% of the Zoning Bylaw limit. This further defines the proposed overdevelopment.

Variances #6, #7, #9, #10 would allow an underground garage valet parking situation. The operation of this garage is questionable in itself but more alarming is the impacts of this impractical parking situation during the day to day operation of this property. This development would cause several of the 18 residents and their visitors to use the street in short- or long-term capacity due to the impractical valet service; people simply would grow tired of waiting for their car to be handled, especially if conducting several car trips in one day. So, problems with this proposed parking situation go further than the requested variance to allow less than one parking spot per unit and a substandard number of visitor parking spots.

The City's Official Plan does not include *Neighbourhoods* in the four land use Designations for Growth and does not envision intensification as proposed by this application which would install over 18 new dwelling units to replace 2 dwelling units.

The City's Official Plan section 4.1. Policy 4 states: "Apartment buildings legally constructed prior to the approval date of this Official Plan are permitted in *Neighbourhoods*" and therefore it would be contrary to the policies of the Official Plan to allow a new 4 storey apartment building with an elevator to be constructed in this established *Neighbourhood*. **A key objective of the Official Plan "is that new development respect and reinforce the general physical patterns in a Neighbourhood"** – this proposal does not and would only destabilize the neighbourhood by setting a precedent to fuel land price speculation based on developable returns on investment.

Since the prevailing building type found in this 2 storey neighbourhood is firstly, single family townhouses and secondly, single family detached dwellings, it is relevant to acknowledge that the Official Plan section 4.1. Policy 5 states: "Development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- (b) size and configuration of lots;
- (c) ...scale...
- (d) **prevailing building type**

Yonge-St. Clair Secondary Plan 6.4.1. states *Neighbourhoods* are intended to be stable areas. When redevelopment in *Neighbourhoods* in Yonge-St. Clair, in addition to the Built Form Policies of the Official Plan, the built form of redevelopment projects will:

- (a) respect and reinforce the essential elements of established neighbourhood structure and character;
- (b) be compatible with adjacent residential developments

This development does not represent a proportionate scale of built form or additional units that would be compatible with the existing neighbourhood.

As proposed, each of the 18+ units will be able to order 3 meals for numerous people every day; this amounts to a commercial kitchen service that requires several deliveries of food and removal of waste well above the frequency and intensity of a single family dwelling. With regard to the service element of this proposal, Official Plan section 4.1 Policy 3 states "to maintain the residential amenity of *Neighbourhoods*, new small-scale service uses will:


- (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 *Neighbourhood*.

This proposal does not satisfy the limits of (b) in any way since there will be much added noise and adverse impacts upon available street parking

Official Plan section 4.1. Policy 8 states: "Zoning bylaws will contain numerical site standards for matters such as building type and height, density, lot sizes, lot depths, lot frontages, parking, building setbacks from lot lines, landscaped open space and any other performance standards to **ensure that new development will be compatible with the physical character of established residential *Neighbourhoods*.**" This Policy 8 is particularly pertinent because it defines this application as excessive and out of step with the Official Plan because it requests variances for Gross Floor Area and building depth at well over 200% of the Zoning Bylaw limits – easily considered not minor variances at all.

For the reasons stated above, **I respectfully request your Committee refuse this application** for variances on grounds that it does not meet the intent or spirit of the Official Plan nor Zoning Bylaw, and does not satisfy the four tests of the Planning Act.

Sincerely,



Michael Walker
Councillor – St. Paul's