

**EXTRACTS FROM THE MINUTES OF THE NORTH YORK PANEL
COMMITTEE OF ADJUSTMENT MEETING
HELD ON JANUARY 21, 2009 – (PANEL A)**

**B0087/08NY,
A0721/08NY &
A0722/08NY** **NATLE MALTESE IN TRUST**
Plan M1057, Lot 449
100 Cresthaven Drive
R4 – Single Family Detached Dwelling Zone
Willowdale (24)

APPLICATION:

This is an application for 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 are irregular in shape having 24.55m fronting onto the west side of Cresthaven Drive, an average depth of 35.73m and an area of 766.9m². The lands are described as Lot 449, Registered Plan M-1057 and are designated as Parts 1 and 2 on the Draft Reference Plan attached to this notice. Part 1 would be irregular in shape, having 12.28m fronting on the west side of Cresthaven Drive, an average depth of 35.73m and an area of 379.7m². Part 2 would have 12.28m fronting onto the west side of Cresthaven Drive, an average depth of 35.73m and an area of 387.2m². The existing dwelling would be demolished and a new two storey dwelling is proposed to be constructed on each of the proposed lots.

A0721/08NY: 100 Cresthaven Drive – (Part 1) – North 12.28m

This is an application to permit the construction of a new two storey dwelling on the north 12.28m, Part 1, of the above noted property. The existing dwelling would be demolished.

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

1. Lot frontage and width of 11.64m
 WHEREAS a minimum lot frontage and width of 15m is required;
2. Lot area of 379.7m²
 WHEREAS a minimum lot area of 550m² is required;
3. North side yard setback of 1.8m to the proposed dwelling
 WHEREAS a minimum setback of 3m is required;
4. South side yard setback of 1.27m to the proposed dwelling
 WHEREAS a minimum setback of 1.8m is required;
5. Proposed lot coverage of 30.8% (117m²)
 WHEREAS a maximum lot coverage of 30% (113.91m²) is permitted;
6. Proposed building length of 17.74m
 WHEREAS a maximum building length of 16.8m is permitted; and
7. Proposed number of parking spaces is 1
 WHEREAS the minimum number of parking spaces required is 2.

B0087/08NY, A0721/08NY & A0722/08NY cont'd:

A0722/08NY: 100 Cresthaven Drive – (Part 2) – South 12.28m

This is an application to permit the construction of a new two storey dwelling on the south 12.28m, Part 2, of the above noted property. The existing dwelling would be demolished.

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

1. Lot frontage and width of 11.64m
 WHEREAS a minimum lot frontage and width of 15m is required;
2. Lot area of 387.2m²
 WHEREAS a minimum lot area of 550m² is required;
3. South side yard setback of 1.27m to the proposed dwelling
 WHEREAS a minimum setback of 1.8m is required;
4. Proposed lot coverage of 31% (120m²); and
 WHEREAS a maximum lot coverage of 30% (116.16m²) is permitted;
5. Proposed building length of 18.34
 WHEREAS a maximum building length of 16.8m is permitted.

The Committee had before it the following communications:

- A copy of the notice of hearing dated January 13, 2009.
- A memorandum dated January 21, 2009, from Harold Moffatt, Parks, Forestry & Recreation, Urban Forestry, North York District, outlining their requirements.
- A memorandum dated January 19, 2009, from Councillor David Shiner, in opposition to these applications.
- A communication dated January 18, 2009, from Robert Wimmi and Helen Wimmi, 95 Cresthaven Drive, Toronto, Ontario, M2H 1M5, and Stephen and Lori Spendiff, 103 Cresthaven Drive, Toronto, Ontario, M2H 1M5, in opposition to these applications.
- A communication dated January 13, 2009, from Donald Chong, 5 Myers Lane, North York, Ontario, M2H 1P7, in opposition to these applications.
- A request for a copy of the Committee's Decision from Tom Cheng, 31 Threadneedle Crescent, Toronto, Ontario, M2M 1Z5.
- A request for a copy of the Committee's Decision from Patricia Chong, 98 Cresthaven Drive, Toronto, Ontario, M2H 1M6.
- A request for a copy of the Committee's Decision from Donald Chiang, 37 Threadneedle Crescent, Toronto, Ontario, M2H 1Z5.

B0087/08NY, A0721/08NY & A0722/08NY cont'd:

The following person(s) appeared before the Committee of Adjustment in connection with the foregoing matter:

- Mr. Peter Barton, Avtech Designs, 1885 Clements Road, Suite 201, Pickering, Ontario, L1W 3V4, who spoke on behalf of the applicant and commented on the merits of these applications.
- Ms. Patricia Chong, 98 Cresthaven Drive, Toronto, Ontario, M2H 1M6, who spoke in opposition to these applications.
- Ms. Peter Bartes, 35 Threadneedle Crescent, Toronto, Ontario, M2H 1Z5, who spoke in opposition to these applications.
- Councillor David Shiner who spoke in opposition to these applications and indicated that this development is not in keeping with the character of the neighbourhood and requested that the applications be refused.

B0087/08NY

DECISION: It was moved by Mr. Forbes, seconded by Mr. Pletsch and carried unanimously that the application be REFUSED.

Grounds for refusal are that the proposed lots are not in keeping with the general pattern of development in the area, and having had regard for Section 51(24) of the Planning Act, the Committee was of the opinion that the application does not maintain the general intent of the Official Plan and the size of the proposed lots are not consistent with the lots in the area.

Absent: Ms. Mirkarimi

A0721/08NY & A0722/08NY

DECISION: It was moved by Mr. Forbes, seconded by Mr. Pletsch and carried unanimously that the applications be REFUSED.

Grounds for refusal are that the variance is not minor, is not within the intent of the Zoning By-law and Official Plan and is not an appropriate development of the property.

Absent: Ms. Mirkarimi