



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

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:	A1004/08TEY	Zoning:	CR T2.0 C2.0 R1.0 (waiver)
Owner(s):	DEWARKIM INC.	Ward:	Trinity-Spadina (20)
Agent:	MEGHAN MCPHEE	Community:	
Property Address:	9 PRINCE ARTHUR AVE		
Legal Description:	PL 301 PT LTS 8 AND 9		

Notice was given and a Public Hearing was held on **Wednesday, October 7, 2009**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To legalize and to maintain the front yard parking pad, constructed without proper authorization.

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

Section 8(3) Part IV(1), By-law 438-86

No person shall in a CR or MCR district, use any portion of a *lot* located beyond the main front wall of a building, at or above the natural level of the ground, for the purpose of parking or storing a motor vehicle. In this case, the front yard parking pad is located beyond the main front wall of the dwelling.

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: A1004/08TEY
Owner(s): DEWARKIM INC.
Agent: MEGHAN MCPHEE
Property Address: **9 PRINCE ARTHUR AVE**
Legal Description: PL 301 PT LTS 8 AND 9

Zoning: CR T2.0 C2.0 R1.0 (waiver)
Ward: Trinity-Spadina (20)
Community:



Fernando Costa



Gandeep Agrawal



Kay Gardner

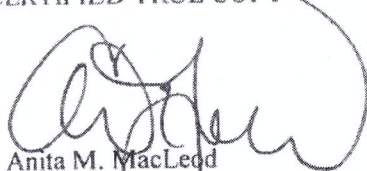


Corinne Muccilli

DATE DECISION MAILED ON: **Tuesday, October 13, 2009.**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, October 27, 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.

Mailed on/before: Thursday, September 17, 2009

PUBLIC HEARING NOTICE
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)

MEETING DATE AND TIME: Wednesday, October 7, 2009 at 9:00 a.m.

LOCATION: Committee Room 2, Second Floor, Toronto City Hall, 100 Queen St W, M5H 2N2

File Number:	A1004/08TEY	Zoning	CR T2.0 C2.0 R1.0 (waiver)
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THE COMMITTEE OF ADJUSTMENT & MINOR VARIANCES

The role of the Committee of Adjustment is to provide flexibility in dealing with minor adjustments to zoning by-law requirements. To approve such variances, the Committee must be satisfied that:

- the variance requested is minor;
- the proposal is appropriate for the development of the land and/or building;
- the general intent and purpose of the City's Zoning Code and/or By-law are maintained; and
- the general intent and purpose of the Official Plan are maintained.

The Committee of Adjustment forms its opinion through its detailed review of all material filed with an application, letters received, deputations made at the public hearing and results of site inspections.

MAKING YOUR VIEWS KNOWN

The notice has been mailed to you, as required by the *Planning Act*, to ensure that, as an interested person, you may make your views known by:

- **Attending the Public Hearing.** Attendant Care Services can be made available with some advance notice.

- **Sending a letter by Mail or Fax.** Information you choose to disclose in your correspondence will be used to receive your views on the relevant issue(s) to enable the Committee to make its decision on this matter. This information will become part of the public record.

If you do not attend the public hearing, or express your views in writing, the Committee may make a decision in your absence, and may recommend changes to the proposal

TO VIEW THE MATERIALS IN THE APPLICATION FILE

Attend the Committee of Adjustment office at the above address Monday to Friday, 8:30 a.m. to 4:30 p.m. Plans filed with the application **will not be photocopied.**

RECEIVING A COPY OF THE COMMITTEE'S DECISION

- The Committee will announce its decision on the application at the Public Hearing.
- To receive a copy of the Decision, fill out the Decision Request Form at our office or at the Public Hearing or write a letter requesting a copy of the Decision and send it to our office.
- If you wish to appeal a Decision of the Committee to the Ontario Municipal Board, you must file your written request for a decision with the Deputy Secretary-Treasurer.

For more information please telephone our office. Call **David Driedger, (416) 392-7334**, Office of the Committee of Adjustment, Toronto City Hall, Toronto, ON, M5H 2N2.

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



9 PRINCE ARTHUR AVE

A1004/08TEY



Date: Oct,09 2008

Councillor Adam Vaughan 魏德方

Toronto City Council
Trinity-Spadina, Ward 20

Chair and Members of the Committee of Adjustment
Toronto and East York Panel
100 Queen Street West
Toronto, ON M5H 2N2

October 7, 2009

Dear Chair and Committee Members,

Re: 9 Prince Arthur Avenue, File Number A1004/08TEY

I am writing to strongly urge the Committee to refuse the variance requested for 9 Prince Arthur Avenue, which has been requested to legalize a parking pad constructed without proper authorization. My recommendation to refuse this application is consistent with comments from Community Planning and Heritage Preservation Services as well as the Annex Residents' Association.

The property at 9 Prince Arthur falls within the East Annex Heritage District, designated under part V of the Ontario Heritage Act. The guidelines outlined in the East Annex Heritage District Study, which aims to protect the valued characteristics of this neighbourhood, state that front yard parking should be avoided unless there are no other options for parking. In fact, other means of parking do exist, both on the street and a nearby Green P parking lot. In addition, 9 Prince Arthur is within walking distance to the St. George Subway station.

For the last decade there has been a ban on front yard parking in the downtown. This moratorium was put in place for good reason. Front yard parking often kills mature trees, if not directly through removal, then through soil compaction and loss of water as rain runs away from roots across pavement. New parking pads also remove public parking as curb cuts impact the number of parking spaces available on a street. Front yard parking also degrades the safety and quality of the pedestrian realm, adds to the heat island effect in dense urban areas, and transforms the beauty and environmental benefits of a totally green lawn and replaces it with steel, plastic and asphalt.


Cracking open the front yard parking moratorium in the downtown will devastate the Annex. Even allowing for it to happen on a case by case basis would quickly see property owners replicate their neighbour's condition on their property.

After having sat down with the applicant along with members of the residents' association and expressing our concerns, the applicant has offered no solution but to push forward.

As a result, I strongly believe that the variance requested should be refused.

Thank you for your consideration.

Yours truly,


Adam Vaughan, City Councillor
Ward 20, Trinity-Spadina



Councillor's Aide
Binh Chow 周宇平
416-392-4043
中文熱線

Executive Assistant
Ange Kinnear
Administrative Assistant
Rebecca Hewitt

Constituency - North
Dale Duncan
Constituency - South
Jennifer Chan

Special Projects
Eti Greenberg

100 Queen Street West
Toronto, ON, M5H 2N2
Phone: 416-392-4044
councillor_vaughan@toronto.ca
www.ward20.ca



Councillor Adam Vaughan 魏德方

Toronto City Council
Trinity-Spadina, Ward 20

February 27, 2009

Chair and Members of the Toronto and East York
Committee of Adjustment
100 Queen Street West
Toronto, Ontario M5H 2N2

Dear Chair and Members:

Re: A1004/08TEY, 9 Prince Arthur Avenue


As ward councillor, I strongly urge the Committee of Adjustment to refuse the application to legalize the existing parking pad at 9 Prince Arthur Ave. As I have expressed in a previous letter dated December 2, 2008, this parking pad is of great concern to neighbourhood residents and violates By-law 438-86, Section 8(3) Part IV(1). My recommendation to refuse this application is also consistent with the comments previously submitted by Planning and Heritage Preservation Services.

Parking for this location is available on the street and at a nearby Green P municipal parking lot, making the front yard parking pad unnecessary. It is also important to note that 9 Prince Arthur is within walking distance from St. George Subway station. In addition, the property falls within the East Annex Heritage District, which aims to protect the valued characteristics of the neighbourhood and discourages front yard parking unless there are no alternatives.

The proliferation of hard ground surfaces required for parking contributes unnecessarily to the urban heat island effect and surface water runoff, which stresses our sewers and pollutes the lake. Parking pads also remove available space for growing trees. The effect that parking pads throughout the city have on our environment needs to be taken extremely seriously.

For these reasons, I believe that this application should be refused.

Sincerely,


Adam Vaughan, Councillor
Ward 20, Trinity-Spadina



Executive Assistant
ANGE KINNEAR
Constituency Assistant
JENNIFER CHAN

Special Assistant
STEPHANIE FORD
Councillor's Aide
ETI GREENBERG

Councillor's Aide
BINH CHOW
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100 Queen Street West
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Phone: 416-392-4044
councillor_vaughan@toronto.ca



Councillor Adam Vaughan 魏德方

Toronto City Council
Trinity-Spadina, Ward 20

December 2, 2008

Chair and Members
Committee of Adjustment
100 Queen Street West
Toronto, Ontario M5H 2N2

Dear Chair and Members,

Re: 9 Prince Arthur Avenue, A1004/08TEY

As ward councillor, I urge you to refuse the application to legalize and maintain the front yard parking pad, constructed without proper authorization at 9 Prince Arthur Avenue. My recommendation to refuse this application is consistent with comments from Community Planning and Heritage Preservation Services. It also reflects concerns expressed to my office from the local community.


The property at 9 Prince Arthur falls within the East Annex Heritage District, designated under Part V of the Ontario Heritage Act. The guidelines outlined in the East Annex Heritage District Study, which aims to protect the valued characteristics of this neighbourhood, state that front yard parking should be avoided unless there are no other means of parking. It is important to note that other means of parking do exist, both on the street and at a nearby Green P municipal parking lot.

The proliferation of front yard parking in the downtown core is also a concern to the local community for environmental reasons. Unnecessary front yard parking, which necessitates hard ground surfaces, unnecessarily contributes to the urban heat island effect and increases water runoff that stresses our sewers and pollutes our lake.

For these reasons, I recommend that this application be refused.

Thank you for your consideration.

Sincerely,


Adam Vaughan, City Councillor
Ward 20, Trinity-Spadina



Executive Assistant
ANGE KINNEAR
Constituency Assistant
JENNIFER CHAN

Special Assistant
STEPHANIE FORD
Councillor's Aide
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Councillor's Aide
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100 Queen Street West
Toronto, ON, M5H 2N2
Phone: 416-392-4044
councillor_vaughan@toronto.ca

Date:	November 27, 2008
To:	Chairman and Members of the Committee of Adjustment Toronto and East York Panel
From:	Acting Director, Community Planning, Toronto and East York District Acting Manager, Heritage Preservation Services
Wards:	Ward 20, Trinity-Spadina
Reference:	A1004/08TEY 9 Prince Arthur Avenue To be heard on December 3, 2008

APPLICATION

The applicant is seeking relief from the provisions of the Zoning By-law to legalize and maintain the front yard parking pad, constructed without proper authorization.

A variance for using a portion of a lot located beyond the main front wall of a building, at or above the natural level of the ground, for the purpose of parking or storing a motor vehicle, in a CR or MCR District, is requested as part of this application.

PLANNING COMMENTS

Planning Staff have reviewed the application, conducted a site visit and have concerns regarding the requested variance to park in front of the main wall.

The property is located within the East Annex Heritage District designated under Part V of the Ontario Heritage Act. Section 3.1.4 of the East Annex Heritage District Study informs that, "the dominant character attributes continue to be generous lots, setbacks, and side allowances, open lawns, grassy boulevards, and the perceptions of a tree canopy." Also, the General Guidelines, Part B, no.6 (page 11) state that front yard parking should be avoided, "unless there is no other means of parking including street parking." Planning staff defers to Heritage Preservation staff's comments below regarding the specific guidelines within the Heritage District Study.

Section 3.1.5.1 b in the Official Plan states, that "significant heritage resources, will be conserved by designating areas with a concentration of heritage resources as Heritage Conservation Districts and adopting conservation and design guidelines to maintain and improve their character."

Planning staff believe that the character of this designated property, as stated in the East Annex Heritage Study, will not be maintained if a 3 space parking pad is permitted in the front yard. The proposal is contrary to the intent and purpose of the Official Plan, which calls for preservation of the character of Heritage Districts. There is on-street parking and a Green P municipal parking lot which is very close to

the property (Bloor-Bedford). An improved proposal would include eliminating the parking pad in the front yard and replacing it with landscaping.

HERITAGE COMMENTS

Heritage Preservation Services (HPS) is responsible for reviewing proposed alterations to listed and designated properties to assess the impact on the heritage character of the property and the District.

The property at 9 Prince Arthur Avenue is within the East Annex Heritage Conservation District (HCD) designated under the Ontario Heritage Act by By-law 520-94 and enacted by City Council on July 26, 1994.

9 Prince Arthur Avenue is the eastern most building on the south side of Prince Arthur. The five lots on this eastern half of the block have generous setbacks in contrast to the tighter setbacks and street section that defines the western half of the block. The proposed front yard parking erodes the termination of this landscape character by literally extending the hard surface of the adjacent lane along the front yard of the property.

The proposed (and existing) front yard parking compromises the defined generous landscape within the Heritage Conservation District and has a negative impact on the character of the street and the appreciation of the heritage buildings. The significance of the front yard landscaping has been identified as a significant feature and addressed in staff review of adjacent development applications. The re-instatement of the soft landscape in front of the building would have a significant positive impact on the street

RECOMMENDATION

Planning staff and Heritage Preservation staff respectfully recommend to the Committee that the application be refused.


CONTACT

Community Planning
Sipo Maphangoh, MES(PI), MCIP, RPP
Assistant Planner
Tel: (416) 338-5747
Fax: (416) 392-1330
E-mail: smaphan@toronto.ca

Heritage Preservation Services
Guy Zimmerman
Preservation Officer
Tel: (416) 338-1094
E-mail: gzimmer@toronto.ca

SIGNATURE


Raymond David
Acting Director,
Community Planning, Toronto and East York District


Mary MacDonald
Acting Manager
Heritage Preservation Services

Copy: Gregory Graham, Agent
Councillor Vaughan (Ward 20)

Staff Report for Action on a Committee of Adjustment Application.

Kim·Orr

BARRISTERS P.C.

Gregory Graham
416-349-6573
gg@kimorr.ca

October 7, 2008

DELIVERED

City of Toronto
Committee of Adjustment
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2



Dear Sirs:

**RE: Our Client: Dewarkim Inc.
9 Prince Arthur Ave., Toronto (the "Property")**

We are solicitors for Dewarkim Inc., the owner of the Property. Our client wishes to make an application to the Committee of Adjustment for a minor variance in respect of the application of Zoning By-law No. 438-86. The subject of the application is the parking pad on the front yard of the Property. It is alleged that the parking pad violates Section 8(3) Part IV(1) of the said by-law.

In connection with our application, we enclose herewith the following:

1. completed Committee of Adjustment Application form;
2. money order payable to the Treasurer, City of Toronto in the amount of \$1,910.13;
3. Ontario Land Survey (2 at 11" x 17" and 1 at 8.5" x 11"); and
4. Site Plan showing the location of the parking pad (2 at 11" x 17" and 1 at 8.5" x 11").

As the Property has been designated historical, we have contacted Heritage Preservation Services and advised them of this application. We are not including an arborist report because the parking pad is in existence and thus no trees are impacted. In addition, we are not including with this application the Floor Plans or Elevation Plans for the house built on the Property as the application relates exclusively to the front yard parking pad. However, if you require Floor Plans and / or Elevation Plans, we can provide those to you.

We will be providing under separate cover letters of support from the owners of adjacent properties.

We would be obliged if you could advise us of the hearing date before the Committee at your earliest convenience.

Lastly, we ask that you sign the enclosed duplicate copy of this letter to confirm receipt of this application today.

Yours very truly,

Gregory Graham P.C. (

Enc.

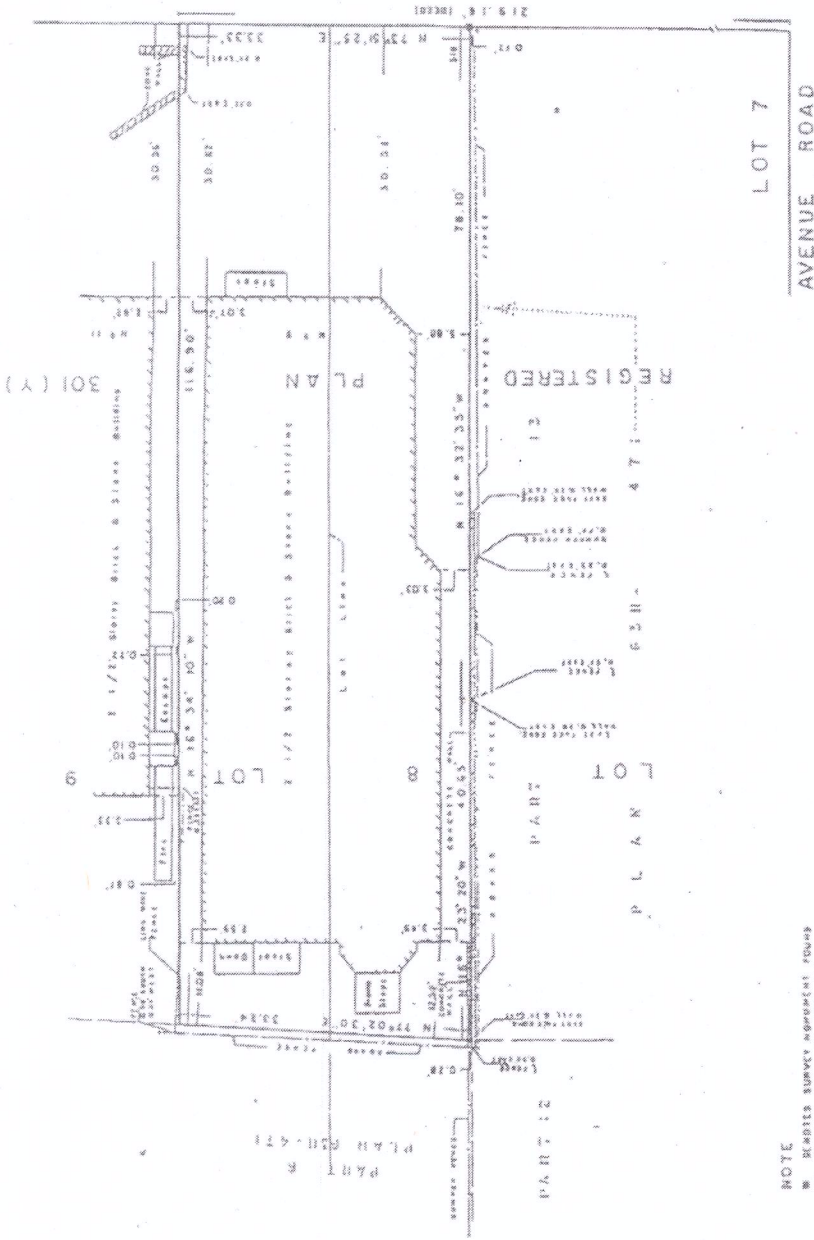


We acknowledge receipt of this letter this
7th day of October, 2008

Per: _____
City of Toronto
Committee of Adjustment

Fax: (416) 598-0601

PLAN SHOWING BUILDING LOCATION SURVEY
OF PART OF
LOTS 8 AND 9 REGISTERED PLAN 301 (YORK)
CITY OF TORONTO
MUNICIPALITY OF METROPOLITAN TORONTO
SCALE 1" = 10'



NOTE
BY REVD'S SURVEY AGREEMENT FORMS
S18 8/07/08 1508 844

SURVEYOR'S CERTIFICATE
I CERTIFY THAT
THE FIELD SURVEY REPRESENTED ON
THIS PLAN WAS COMPLETED ON 07
15th DAY OF JULY 2008.

DATE: 07/15/08
BY: [Signature]
S. J. YATES, O.C.S.

YATES & YATES LIMITED
ONTARIO L.M.D. SURVEYORS
SUITE 103, 750 COMMUNER ROAD
MILLIKEN, ONTARIO M7L 1A4
PHONE: 491-9740

W. O. [Signature]
301111 / PR

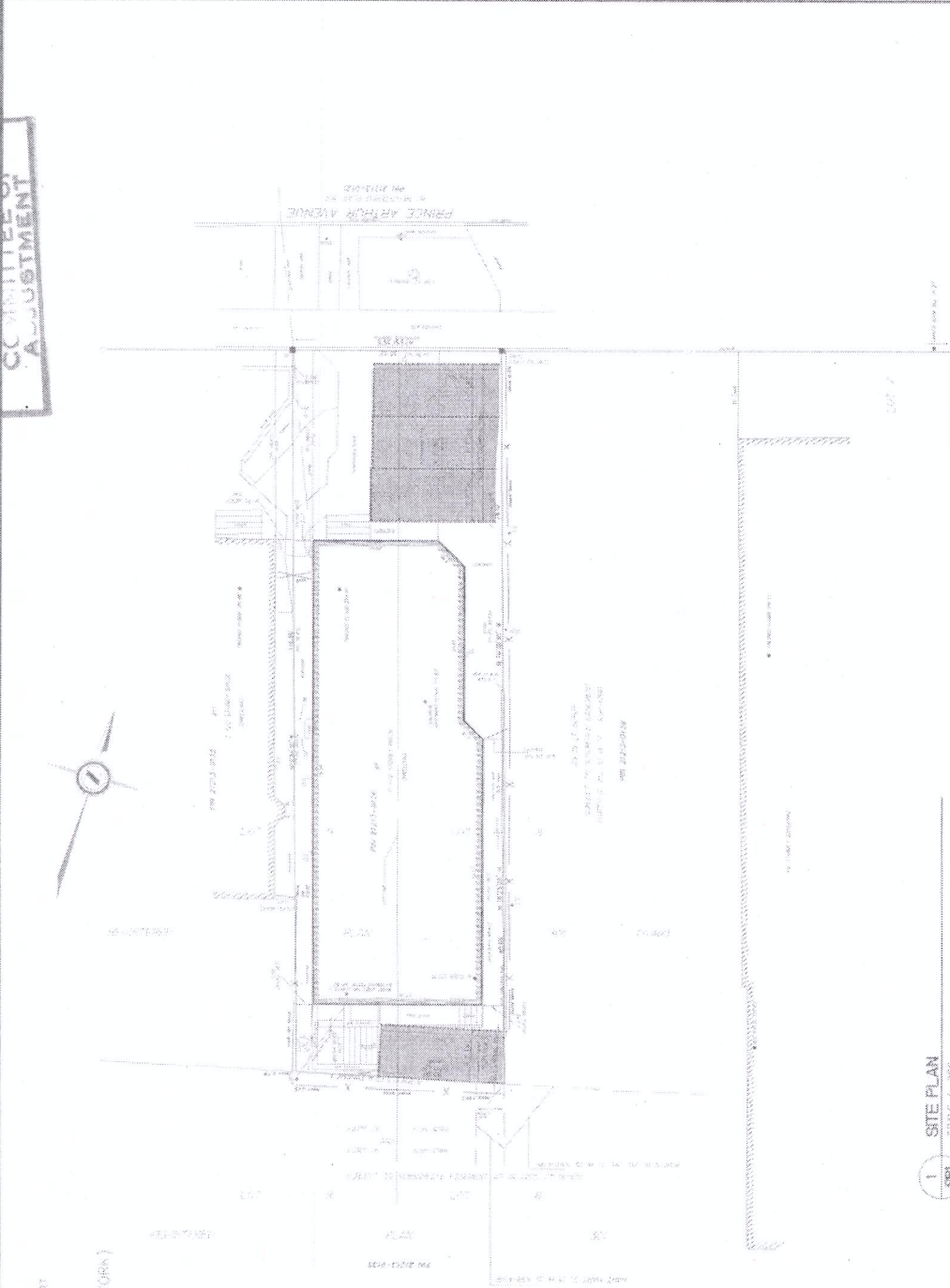
RECEIVED
OCT 07 2008
COMMITTEE OF
ADJUSTMENT

SCHEDULE 'B'

RECEIVED
OCT 07 2008
COMMITTEE OF
ADJUSTMENT

SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN OF PART OF
LOTS 8 AND 9
REGISTERED PLAN 301 (TORO)
CITY OF TORONTO

SCALE: 1" = 8'
YATES & PURCELL LIMITED O.L.L.



1 SITE PLAN
SCALE 1" = 200'

SURVEYOR'S CERTIFICATE
I, the undersigned, being a duly qualified and licensed Surveyor under the Survey Act, R.S.O. 1990, c. S. 5, do hereby certify that the foregoing is a true and correct copy of the Survey Report as filed in my office, and that the same has been examined and found to conform with the provisions of the said Act.

DATE: 2008-09-11
YATES & PURCELL LIMITED O.L.L.

REFERENCE
I have examined the Survey Report and the accompanying plans and certify that the same are in accordance with the provisions of the Survey Act, R.S.O. 1990, c. S. 5, and that the same have been filed in my office.

DATE: 2008-09-11
YATES & PURCELL LIMITED O.L.L.

NOTES
1. THE SURVEY REPORT AND ACCOMPANYING PLANS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE CITY OF TORONTO.
2. THE SURVEY REPORT AND ACCOMPANYING PLANS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE CITY OF TORONTO.
3. THE SURVEY REPORT AND ACCOMPANYING PLANS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE CITY OF TORONTO.

YATES & PURCELL LIMITED
SURVEYORS
100 KING STREET WEST, SUITE 1000
TORONTO, ONTARIO M5X 1C4
TEL: 416-593-9200
WWW.YATESANDPURCELL.COM

STEPHEN PILE ARCHITECT INC.
651 King Street West, 2nd Floor
Toronto, Ontario, Canada, M5V 1M7
T: (416) 593-7373 F: (416) 593-3148

DEWARCOM
1001 BAYVIEW AVE. SUITE 100
SCARBOROUGH, ONTARIO M1S 5B7
TEL: (416) 291-1111

9 PRINCE ARTHUR

CURRENT EXISTING SITE FEATURES

DATE: 2008-09-11
AS NOTED: 20-10-06
PROJECT: AO2016
SP1 3