

FILE COPY

Wednesday, November 25, 2009

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

File Number:	A0473/09NY	Zoning	R4 - Single Family Detached Dwelling Zone (PPR)
Owner(s):	ROBERT FORREST	Ward:	Willowdale (24)
Agent:	PETER RICH		
Property Address:	45- 47 ASPENWOOD DR	Community:	North York
Legal Description:			

Notice was given and a Public Hearing was held on Wednesday, November 25, 2009, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

This is an application to permit the office uses within the existing building (coach house) to be maintained.

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

1. Proposed Office uses  
WHEREAS Office uses are not permitted;
2. Rear yard setback of 7.66m to the existing dwelling  
WHEREAS 9.5m is required; and,
3. Existing length of dwelling of 31.47m  
WHEREAS a maximum length of dwelling of 16.8m is permitted.

**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.

**EXTRACT FROM THE MINUTES OF THE NORTH YORK DISTRICT  
COMMITTEE OF ADJUSTMENT  
MEETING HELD ON NOVEMBER 25, 2009  
(PANEL A)**

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**A0473/09NY**                      **ROBERT FORREST**  
Lot 8, Plan M1522  
45 – 47 Aspenwood Drive  
R4 – Single Family Detached Dwelling Zone  
Willowdale (24)

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**APPLICATION:**

This is an application to permit the office uses within the existing building (coach house) to be maintained.

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

1.      Proposed Office uses  
         WHEREAS Office uses are not permitted;
2.      Rear yard setback of 7.66m to the existing dwelling  
         WHEREAS 9.5m is required; and,
3.      Existing length of dwelling of 31.47m  
         WHEREAS a maximum length of dwelling of 16.8m is permitted.

The Committee had before it the following communications:

- A copy of the notice of hearing dated November 17, 2009.
- A staff report dated November 18, 2009, from Thomas C. Keefe, Director, Community Planning, North York District, commenting on this application.
- A communication dated November 24, 2009, from Councillor David Shiner, in opposition to this application.
- A communication from Peter Rich, c/o Forrest Group, 45 Aspenwood Drive, Toronto, Ontario, M2H 2E8, outlining the application.
- A communication dated November 24, 2009, from Yaroslav Medwidsky, Urban Forestry Ravine & Natural Feature Protection, 355 Lesmill Road, Toronto, Ontario, M3B 2W8, indicating no objection to this application.

The following persons appeared before the Committee of Adjustment in connection with the foregoing matter:

- Mr. Robert Forest, owner.
- Mr. Thomas Kolin, 49 Aspenwood Drive, Toronto, Ontario, M2H 2E8, who spoke in opposition to this application.

**A0473/09NY cont'd:**

**DECISION:** It was moved by Mr. Di Prospero, seconded by Ms. Mirkarimi, and carried unanimously that the application be REFUSED.

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

Absent: Mr. Gurin



**STAFF REPORT**  
**Committee of Adjustment**  
**Application**

<b>Date:</b>	November 18, 2009
<b>To:</b>	<b>Chair and Members of the Committee of Adjustment North York District</b>
<b>From:</b>	Thomas C. Keefe, Director, Community Planning, North York District
<b>Wards:</b>	Ward 24 (Willowdale)
<b>Reference:</b>	File No. A0473/09NY Owner: Robert A. Forrest Address: <b>45-47 Aspenwood Drive</b> Application to be heard: November 25, 2009.

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**RECOMMENDATION**

Staff would recommend that the application be **refused**.

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**APPLICATION**

**PURPOSE OF THE APPLICATION:**

This is an application to permit the office uses within the existing building (coach house) to be maintained.

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

1. Proposed Office uses  
WHEREAS Office uses are not permitted;
2. Rear yard setback of 7.66m (25.13') to the existing dwelling  
WHEREAS 9.5m (31.2') is required; and,
3. Existing length of dwelling of 31.47m (103.24')  
WHEREAS a maximum length of dwelling of 16.8m (55') is permitted.

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**COMMENTS**

The subject property was the subject of a previous Committee of Adjustment application, A0114/05NY, which was considered by the Committee on May 18, 2009 for the office uses within the existing building (coach house) to be maintained. Variances were requested as noted above. The application was approved subject to the decision becoming null and void within 12 months of the date of the decision. The previous decision expired on May 18, 2007. Attached is a copy of the Committee's decision.

Variances numbered 2 and 3, with respect to the rear yard setback and length of dwelling are existing site conditions and could be considered technical in nature. These variances relate to the existing building and are not specific to the application with respect to the office uses as no construction or alterations to the dwelling as it exists are proposed.

The applicant is again before the Committee to permit the office uses to be maintained within the existing building (coach house). Office uses are not permitted in the Zone. This application does not relate to a home occupation.

The applicant submits that the office use is contained to the coach house section of the dwelling and is staffed by the owner, his spouse and four (4) employees. Staff recognize that the office uses have existed on the property for a length of time, however, this use does not enjoy any legal non-conforming status.

The original application was reviewed under the former City of North York Official Plan, which did not envision or permit office uses within stable low density neighbourhoods.


The subject property is designated as *Neighbourhoods* in the Toronto Official Plan. Any new small scale retail, service and office uses that are compatible with the area and do not adversely impact adjacent residences may be permitted through an amendment to the Zoning By-law, where required, on major streets shown on Map 3 in the Official Plan or have reversed lot frontages. The subject property is not located on a major street found on Map 3.

Staff are of the opinion that the proposal before the Committee is not within the intent of the Zoning By-law and not within the intent of the Official Plan. Staff would recommend that the application be **refused**.

Respectfully submitted,

Jenny Stark, Planner  
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## SIGNATURE

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