

From: <huesun.chan@utoronto.ca>
To: <mayor_miller@toronto.ca>
CC: <chan@arrhenius.med.utoronto.ca>, <councillor_filion@toronto.ca>
Date: 5-Dec-08 11:05
Subject: Unfair Committee of Adjustment decision regarding 182 & 184 Norton Ave., North York
Attachments: objection-letter-180-Norton.PDF; objection-letter-neighbours-all.PDF

Date: December 5, 2008

To: Mayor David Miller

From: Hue Sun Chan, Owner & Resident of 180 Norton Avenue, North York

Re: Unfair Committee of Adjustment decision regarding 182 & 184 Norton
creating clearly unacceptable impact to my property, incompatible
with intent and purpose of Zoning By-Law
(File # B0066/08NY, B0067/08NY, A0558/08NY, A0559/08NY & A0560/08NY)

Dear Mayor Miller,

I wish to bring to your attention a Committee of Adjustment (COA, North York) decision approving perpendicular severance of two lots next to my property into three and the building of three new, tall houses that do not conform to Zoning By-law and would seriously intrude our privacy (please see attached letter that my wife and I submitted to COA). The proposed project would also have a drastically detrimental impact on the neighbourhood as a whole (please see attached petition signed by 40 neighbours), thus it is clearly incompatible with the general intent and purpose of the City's Zoning By-law, which (to quote an Ontario Municipal Board decision) "is to ensure that dwellings fit into the streetscape and do not create any unacceptable impacts on adjoining properties." I am writing to ask for your help to redress the situation.

7 neighbours (including myself) spoke against the proposal at the COA Public Hearing held on December 3, 2008 at 10:00am at the North York Civic Centre. To our dismay, the COA simply ignored what I believe to be sound legal arguments in my submission (attached) and my presentation. COA members articulated no reasons against my arguments, provided no explanation to address the neighbours' concerns, and simply granted consent for severance and essentially all the variances requested. The COA decision was so shocking to me and my neighbours because it was patently inconsistent with the supposedly legal, democratic, and community-involvement principles in the City's governance. (Why bother inviting us there if they did not intend to listen?) It also set a dangerous precedence to create a general potential problem for the owners of every house that's third from a street corner in many residential neighbourhoods.

Since the COA decision was made, I have contacted Councillor John Filion of our Ward and he has kindly offered help and advice to assist our appeal of the COA decision. I am in touch with Councillor Filion and thankful for his ongoing support.

Procedurally, I should also bring to your attention that in the notice of Public Hearing sent to our home (10 days is a short notice - it would be unfair if one is on vacation, for example), there was no information about

we could contact our City Councillor for assistance in advance of the COA decision, and that the opinion of the Councillor's representative might have a significant impact on the COA. (We didn't even know the Councillor's representative would attend the Hearing.) This put the neighbours in a clearly disadvantaged position because the developers can retain agents who went through the government-business "revolving door" and thus know the process well. In this case, the developers were represented by Mr. Tony Evangelista -- who was until very recently the COA Deputy Secretary-Treasurer and Manager at North York. He was able to help the developers contact the Councillor's office well before the Public Hearing to plead the developers' case.

Failing to receive a fair hearing from the Committee of Adjustment, we will appeal the decision to the Ontario Municipal Board. I hope that you see merit in our case. If you do, I would be most grateful if your office would offer us assistance in that regard. I also respectfully urge you to look into the matter pertinent to our case as a general potential problem for many residents of our great City. In my conversation with Councillor Filion, he indicated that he might wish to look into perpendicular severances at residential street corners as a general concern for neighbourhoods. In the event that he pursues this issue at the City Hall, I'm writing in support of his endeavour as well.

We all wish to devote our time and energy to contribute in each of our own area of expertise. To make that possible, we expect the City Government to protect us against unjustified, unacceptable changes right next to our homes. As I hope you would understand, this has been a very frustrating experience for me. This COA decision, and the flawed process leading up to it, made me really feel that the City had betrayed my trust.

Thank you in advance for your time and effort, and I look forward to hearing from you.

Yours truly,

Hue Sun Chan

cc: Councillor John Filion

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November 30, 2008

From: Hue Sun Chan & Lai Wan Wu, owners and residents of 180 Norton Ave. North York
(contact work tel.: 416-978-2697)
To: The Committee of Adjustment, North York Civic Centre (via email to Mr. Christopher
May, Assistant Planner, at cmay@toronto.ca)
Re: 182 & 184 Norton Avenue
(File # B0066/08NY, B0067/08NY, A0558/08NY, A0559/08NY & A0560/08NY)
Public Hearing Notice for Meeting on Wednesday, December 3, 2008 at 10:00am

Dear Members of the North York Committee of Adjustment,

As the owners and residents of the property next to 182 Norton, we would be most affected by the above-cited proposed project. In response to the Public Hearing Notice you sent us, we are writing to register our opposition to the proposed severance of 182 & 184 Norton Avenue into three lots and the proposed building of three houses facing Longmore Street.

The proposal is inconsistent with the design of our residential neighbourhood and would adversely affect our neighbourhood in a serious manner. Therefore, the proposal is widely opposed by our neighbours. We have discussed this matter with them and an objection letter jointly signed by many of our neighbours will be submitted to your office separately.

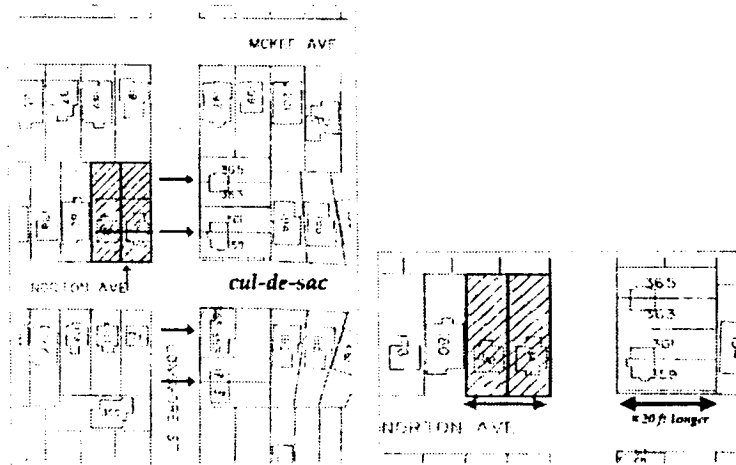


Figure 1

Figure 2

The proposed severance (Figure 1, red partition lines on 182 and 184 Norton) would change lot configuration. The proposed new lots are in fact *smaller than that allowed by, i.e. do not comply with Zoning By-law*. The proposed lots are also much smaller than those in our neighbourhood. There is no precedence for such a drastic change in our neighbourhood: and it

would be a change for the worse. In this connection, we would like to draw attention to the fact that the eight recently built houses on the east side of Longmore at the intersection with Norton are on lots that had houses facing Longmore before rebuilding (see Figure 1, blue arrows). Those lots, which are placed at the entrance of a *cul-de-sac*, were designed for houses facing Longmore, whereas 182 and 184 Norton were designed for houses facing Norton (Figure 1, red arrow). By comparison, the current lots facing Longmore (349-365 Longmore Street) at the intersection are approximately 20 feet deeper than the proposed lots (see Figure 2). Figure 3 provides further illustration of the fundamentally different situations of an existing lot with a house facing Longmore and the proposed lots and houses.

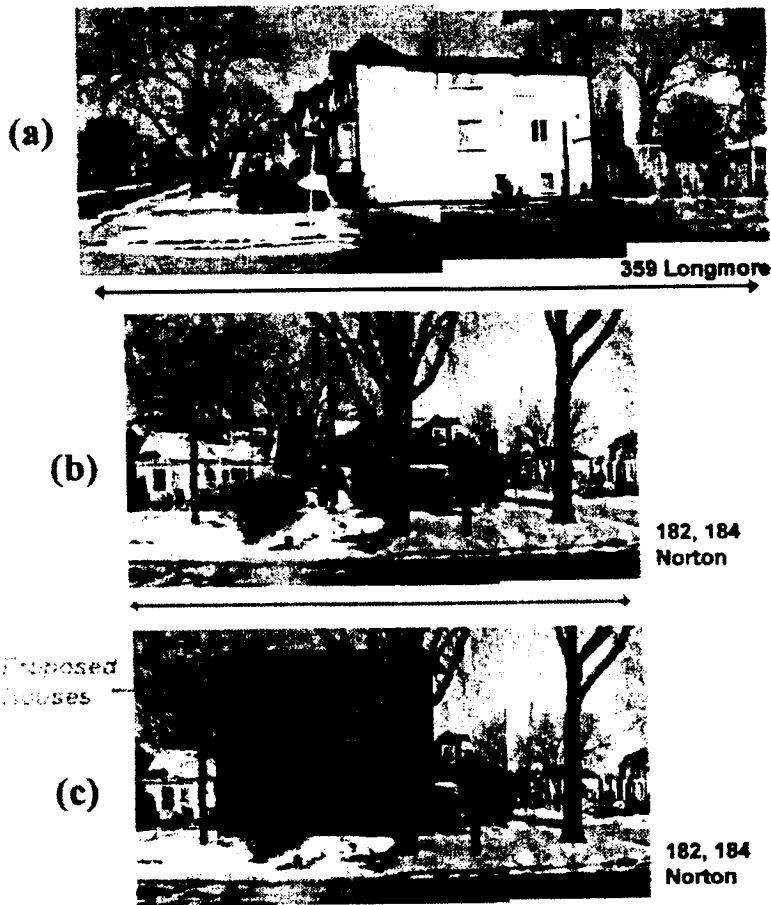


Figure 3

(... to be cont'd)

The proposed new houses would block sunlight coming from the south-east direction onto the front of our house. They would also block view of the Norton/Longmore intersection from our house, including from our driveway (see Figure 4). This loss of line of sight is unacceptable not only because we would feel "boxed in," which would be extremely unfair already. Moreover, the loss of line of sight would also create traffic hazard. The proposed houses would be very close to the road on both Norton and Longmore (the proposed house at the corner would be at least 4 feet closer to Norton than the house at 359 Longmore). As a result, they would increase risk of traffic accidents for pedestrians (there are young children in our neighbourhood playing on driveways) and also for neighbours (for us in particular) when we back up from our driveways onto Norton Avenue.



Figure 4. (a) Current view of the Norton/Longmore intersection from our driveway.



(b) Proposed house would block sunlight and lead to loss of line of sight.

The proposed new houses would lead to loss of greenspace and serious loss of privacy. Our backyard as well as the backyards of our neighbours have always had an open feel (because of the trees) and at the same time allowed us to enjoy our privacy. The privacy of our backyard would be destroyed by the proposed new houses. The tall new houses would be close to our fence overlooking our backyards (see Figure 5). This is unacceptable.



Figure 5. (a) Current view: looking east from our backyard.



(b) Hypothetical view with the proposed houses blocking sunlight and intruding our privacy. (... to be cont'd)

Clearly, the proposed severance is part and parcel of the building proposal. We believe that the proposed severance is inappropriate because it would seriously, and unfairly, affect the adjoining properties as well as the appearance of the entire neighbourhood. The variances to Zoning By-law requested for the building proposal, including (i) smaller lots, (ii) higher coverage of lot by building, and (iii) shorter setback and taller buildings, are inescapable [in the case of (i)] or direct consequences of the severance proposal. For the reasons detailed above, we strongly believe that the list of variances requested, and hence the proposed project as a whole, fails to meet at least three of the four requirements mandated by the *Planning Act*:


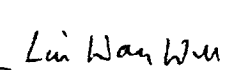
In view of the proposal's hugely detrimental effects on my property at 180 Norton and the neighbourhood, the variances requested are *not* minor;

For the same reasons, the proposal is *inappropriate* for the development of the land; and

Since the proposed dwellings would not fit into the streetscape and would create unacceptable impacts on adjoining properties, the general intent and purpose of the City's Zoning By-law is *not* maintained.

On this ground, we respectfully urge the Committee of Adjustment to reject the severance proposal and the requests of variances it entails.

Yours truly,

 
Hue Sun Chan Lai Wan (Amy) Wu

November 26, 2008

From: Neighbours of Norton Avenue, North York
To: The Committee of Adjustment & Consents, North York Civic Centre, Toronto
RE: 182 & 184 Norton Avenue
(File # B0066/08NY, B0067/08NY, A0558/08NY, A0559/08NY & A0560/08NY)

Dear Members of the Committee,

Thank you for your public hearing notice regarding the above-cited proposal. In response to your request, we, the undersigned neighbours, wish to voice our opposition to the proposed severance of 182 and 184 Norton Avenue into three lots and the proposed building of three houses facing Longmore Street.

We view the proposed change as inconsistent with the design of residential neighbourhood in our part of the city. The proposed severance of lots and changing the street to which the houses would be facing (from facing Norton to facing Longmore) is, to our knowledge, without precedence in our neighbourhood. In this regard, it is important to note that the eight new houses on the east side of Longmore (now nos. 349-365) at the intersection with Norton Avenue were built on lots that were originally designed to have, and had houses facing Longmore before rebuilding. Those lots are much deeper in the east-west direction than the proposed lots.

The proposed project would drastically change the character of our neighbourhood for the worse. It would impose an awkward look to the entire neighbourhood. The current row of front lawns along the north side of Norton Avenue would be blocked at the intersection by tall houses. (Almost the entire width of one of the proposed houses would be sitting right on the current front lawns of 182 and 184 Norton Avenue.) The backyards of several houses to the west of the proposed new houses would be affected adversely, and very unfairly: much sunlight would be blocked and the current neighbours would be left with much less privacy. The proposed project would turn the current open feel of these backyards into a courtyard overlooked by the proposed three-storey houses.

The proposed project is also unsound from a safety perspective. It would inconvenience drivers and increase the probability of traffic accidents at or near the Norton-Longmore intersection. Because one of the proposed houses would be so close to the road at the north-west corner of Norton and Longmore, it would severely reduce what drivers could see around the corner when they turn. For the immediate neighbours of the proposed project, this means that when they back up to Norton Avenue from their driveways, there would be increased risk of being hit by a vehicle. The proposed project would also add risk to pedestrians, especially young children in our neighbourhood, because there is no sidewalk along Norton west of Longmore and east of Willowdale.

...to be cont'd

RE: 182 & 184 Norton Ave. File # B0066/08NY, ...

(cont'd)

For the above reasons, we urge the Committee of Adjustment & Consents to reject the proposal. We thank you in advance for your consideration.

Yours sincerely,

Neighbours of Norton Avenue East of Willowdale, North York, Ontario

Name	Signature	Date	Address
ROSS W. DEVLIN		Nov 26/08	175 NORTON AVE
ANNE DEVLIN		Nov 26, 08	175 NORTON AVE
JOHN MULTARI		Nov. 26, 08	177 NORTON AVE.
MARIA SIMONE		Nov 26/08	177 NORTON AVE
PETER CHUNG		Nov. 26, 2008	173 NORTON AVE
LILIAN CHAN		Nov. 26, 2008	173 NORTON AVE.
DENISE YOUNG		Nov 26, 2008	178 NORTON AVE.
Ryan Yee		Nov 26, 08	178 NORTON AVE
CHI LAN		Nov 26, 08	159 NORTON AVE.
Juman He		Nov. 26. 08	369 Willowdale
Yanjun Xu		Nov. 26, 08	369 Willowdale
Nancy Nam		Nov 27/08	176 Norton Ave
Saman Amh		Nov 27/08	168 Norton Ave.
H Wong		Nov 27/08	170 Norton Ave
David Lee		Nov. 29/08	178 Norton Ave

(cont'd)

RE: 182 & 184 Norton Ave. File # B0066/08NY, ...

For the above reasons, we urge the Committee of Adjustment & Consents to reject the proposal.
We thank you in advance for your consideration.

Yours sincerely,

Neighbours of Norton Avenue East of Willowdale, North York, Ontario

Name	Signature	Date	Address
Bill Shaver	Bill Shaver	29/11/08	204 Norton Ave
M R Shaver	M R Shaver	29/11/08	204 Norton Ave
L. Cooper	L. Cooper	1/12/08	194 Norton Ave
W. E. Bakewell	W. E. BAKEWELL	1/12/08	193 Norton Ave
Beverley McQueen	BETERLEY MCGUEN	1/12/08	195 Norton Ave
William McQueen	WILLIAM MCGUEN	1/12/08	195 Norton Ave
Kevin McQueen	KEVIN MCGUEN	1/12/08	195 Norton Ave
L. S. Lightfoot	L. Lightfoot	1/12/08	196 Norton Ave
F. S. Lightfoot	F. Lightfoot	1/12/08	196 Norton Ave
Patrick Lawrence	PK	1/12/08	203 Norton Ave
Harold Lawrence	HT Lawrence	1/12/08	203 Norton Ave
Randy Pano	Randy Pano	2/12/08	207 Norton Ave

