



TORONTO STAFF REPORT

April 21, 2008

To: Chairman and Members of the Committee of Adjustment
North York Panel

From: Director, Community Planning, North York District

Subject: File Number A0187/08NY
Bugle Construction
148 McKee Avenue
Ward 23 – Willowdale

Application:

The subject property is located south of Finch Avenue East and just west of Willowdale Avenue, on the north side of McKee Avenue (Attachment 1). The property has a frontage of 7.62 metres (25 feet), a depth of 38.7 metres (127 feet), an area of 295.5 square metres (3,180.7 square feet), is rectangular in shape and is currently vacant.

Comments:

Land Development

The subject property was created as the result of a plan of subdivision (M2633), registered in 1930. The plan was centred on Willowdale Avenue, comprising the area between Dudley Avenue to the west, Longmore Street to the east, the north side of Church Avenue to the north, and the south side of Norton Avenue to the south. The majority of lots fronting Willowdale Avenue were created with widths of 12.2 metres - 15.8 metres (40 feet – 52 feet), while the vast majority of lots on Church Avenue, McKee Avenue and Norton Avenue were created with widths of 15.2 metres (50 feet).

The exceptions to this were 12 lots within this registered plan fronting the above-mentioned east-west streets that also abutted the rear yards of the properties fronting onto Willowdale Avenue. These 7.62-metre (25-foot) lots were sold to individual owners and over time, it appears that all but two were appended to neighbouring properties, either as simple lot additions, or to facilitate the subdivision of the newly-created lots into lots of approximately 11.4 metres (37.5 feet) in width. The subject property is one of the two lots that have not undergone this redevelopment; the other is located to the east of 132 Church Avenue.

Official Plan

The subject property is designated '*Neighbourhoods*' in the Toronto Official Plan. *Neighbourhoods* Policy No. 4.1.5 of the Official Plan stipulates that "no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood. Development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- a) Patterns of streets, blocks and lanes, parks and public spaces;
- b) Size and configuration of lots;
- c) Heights, massing, scale and dwelling type of nearby residential properties;
- d) Prevailing building type(s);
- e) Setbacks of buildings from the street or streets; and
- f) Prevailing patterns of rear and side yard setbacks and landscaped open space."

While infill development is encouraged in parts of the City where appropriate, *Neighbourhoods* Policy No. 4.1.9 stipulates that "infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation in established *Neighbourhoods* will:

- a) have heights, massing and scale appropriate for the site and compatible with that permitted by the zoning for adjacent and nearby residential properties; and
- b) provide adequate privacy, sunlight and sky views for residents of new and existing buildings by ensuring adequate distance and separation between building walls..."

The surrounding neighbourhood in which the subject site is located is characterized primarily by 1-storey bungalows on 15.2-metre (50-foot) lots. Staff is of the opinion that the proposed two-storey dwelling on a 7.62-metre (25-foot) lot would result in a built form that would be incompatible with nearby properties, by occupying a greater percentage of the lot than neighbouring dwellings and would be out of keeping with the existing physical character of the neighbourhood.

Zoning By-law

The property is zoned One Family Detached Dwelling Fourth Density Zone (R4). The intent of the Zoning By-law is to establish precise standards as to how land is developed. Restrictions on setbacks, building length and lot area, width, frontage and coverage are used, in part, to control the size and pattern of lots, the massing of the buildings on a site, and the relationship between buildings and open spaces on a lot. These regulations are implemented to achieve a more uniform and consistent built form along the street line, thereby contributing to a more predictable pattern of development.

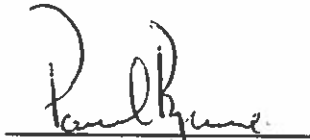
Attached for the Committee's information are past decisions for lands in the immediate area of the subject property (Attachment 2). Of particular note is a minor variance application for a proposed two-storey dwelling on the subject property that was refused at the November 15th, 1984 hearing of the former City of North York Committee of Adjustment (CA-84-804). Committee's decision was appealed to the OMB and was subsequently upheld on the basis that the proposal did not fit with the prevailing pattern of development in the area (Attachment 3).

Recommendation:

The principles upheld by the Committee of Adjustment and the OMB regarding the 1984 minor variance application for the subject property still apply today. Staff is concerned that the approval of this application could set a precedent, as it might encourage similar patterns of development in the neighbourhood. The proliferation of undersized lots in this neighbourhood could create a destabilizing effect, therefore staff recommend that the application for minor variance **be refused** to maintain the character of the neighbourhood.

Contact:

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for Thomas Keefe, Director
Community Planning, North York District

- Attachment 1: Location Map
Attachment 2: Previous Committee of Adjustment Decisions
- a) CA-60-277 - McKee Avenue Lots 117 & 118
 - b) CA-61-130 - McKee Avenue Lots 167 & 168
 - c) CA-61-219 - McKee Avenue Lot 31
 - d) CA-61-310 - McKee Avenue Lots 51 & 52
 - e) CA-61-312 - Norton Avenue Lots 60 & 61
 - f) CA-61-356 - McKee Avenue Lots 51 & 52
 - g) CA-84-804 - McKee Avenue Lot 31
 - h) CA-86-89 - Norton Avenue Lots 108 & 109
- Attachment 3: Ontario Municipal Board Decision
- a) February 14, 1962 - McKee Avenue Lot 31
 - b) June 14, 1985 - McKee Avenue Lot 31

Wednesday, April 23, 2008

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

File Number:	A0187/08NY	Zoning	R4
Owner(s):	BUGLE CONSTRUCTION	Ward:	Willowdale (23)
Agent:	MARVIN WHITE		
Property Address:	148 MCKEE AVENUE	Community:	North York
Legal Description:			

Notice was given and a Public Hearing was held on Wednesday, April 23, 2008, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

The applicant proposes to construct a new two-storey dwelling. The lot is currently vacant.

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

1. Existing lot frontage and width of 7.62m
WHEREAS a minimum of 15m is required;
2. Existing lot area of 295.5m²
WHEREAS a minimum of 550m² is required;
3. Proposed east side yard setback of 0.5m
WHEREAS a minimum of 1.5m is required;
5. Proposed west side yard setback of 1.2m
WHEREAS a minimum of 1.5m is required;
6. Proposed lot coverage of 33.5% (99.04m²)
WHEREAS a maximum of 30% (88.7m²) 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.

SIGNATURE PAGE

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Donald Di Prospero
(signed)

Robert Pletsch (signed)

Ronald Forbes (signed)

Shima Mirkarimi (signed)

DATE DECISION MAILED ON: Thursday, May 1, 2008

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, May 13, 2008

CERTIFIED TRUE COPY

Denise Rundle (signed)
Manager & Deputy Secretary Treasurer
North 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.