

183 Finch Avenue West – Rezoning Application – Final Report

Date:	August 23, 2012
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	07 223013 NNY 23 OZ

SUMMARY

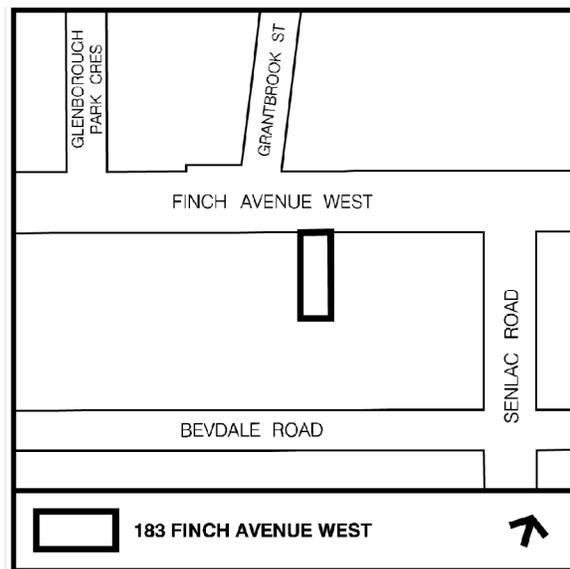
This application proposes to convert a portion of the ground floor area in the existing residential dwelling at 183 Finch Avenue West to permit a home occupation use providing herbal, massage and acupuncture treatments.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend former City of North York Zoning By-law 7625, for the lands at 183 Finch Avenue West, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.



3. Before introducing the necessary Bills to City Council for enactment, require the owner to provide certification that the stormwater management works required for the development have been constructed as approved, to the satisfaction of the Director, Technical Services Division, North York District.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

This application to permit a re-zoning of the subject lands is a result of a complaint to the City's Municipal Licensing and Standards Division. The proposed use, which has been in operation at this location, is not one of the Home Occupations otherwise permitted in the Residential Fourth Density Zone (R4).

ISSUE BACKGROUND

Proposal

The applicant proposes to convert the ground floor of the existing 2-storey dwelling, measuring approximately 137 m² or 50% of the total gross floor area of the dwelling, in order to provide herbal, massage and acupuncture treatment and consultation. The area of the proposed conversion represents approximately 21% of the total residential lot area. The proposed use would be a drugless practice that includes acupuncture, massage and herbal treatments.

The existing dwelling has a Floor Space Index (FSI) of 0.4. Other than minor interior renovation, the application does not propose any new additions or construction to the existing dwelling. The applicant is proposing three additional parking spaces at the rear of the lands which would be located beside an existing two-car garage, and which would be accessed via an existing paved driveway from Finch Avenue.

The resident, who is the operator of the practice, intends to continue to reside on the second floor of the dwelling with his family.

Site and Surrounding Area

The site is located on the south side of Finch Avenue West across from the intersection with Grantbrook Street to the north and just west of the intersection with Senlac Road.

The subject lands have a frontage of 15.23 metres along the south side of Finch Avenue west and a lot area of 661.28 m². A two storey single detached residential dwelling exists on the site.

The surrounding land uses are as follows:

North: across Finch Avenue West is located a three storey commercial building and the site of a now demolished commercial strip plaza to the west and east side respectively of Grantbrook Street;

South: single detached residential dwellings;

East: immediately adjacent is located a converted building rezoned in 2000 to permit general commercial uses, further east are found single detached dwellings, and

West: single detached residential dwellings, with some buildings legally converted for commercial and medical office uses.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the subject lands as *Mixed Use Areas*. *Mixed Use Areas* consist of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces. Development in *Mixed Use Areas* is intended to create a balance of commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community.

Buildings in *Mixed Use Areas* are to be located and massed to provide a transition between different development intensity and scales, particularly towards lower scale *Neighbourhoods*. Development in *Mixed Use Areas* is intended to frame streets and provide an attractive, comfortable and safe pedestrian environment to take advantage of nearby transit services.

The subject lands are also designated *Mixed Use Area "B"* within the Central Finch Area Secondary Plan. This designation provides for detached and multiple-unit residential, retail and service commercial uses, offices, places of worship, public parks and recreational facilities, and institutional uses.

For sites with a frontage along Finch Avenue West of less than 30 metres, such as the subject lands, the maximum density permitted is 1.0 times the lot area provided that the maximum height of a mixed use project is 3 storeys or 11 metres, whichever is less, and provided that the amount of gross floor area devoted to commercial uses does not exceed 0.75 times the lot area and that retail uses are located only on the ground floor of mixed use projects.

The Secondary Plan also requires privacy fencing and a minimum 1.5 metre landscape strip along the property lines abutting adjacent residential neighbourhoods.

Zoning

The subject lands are zoned “Residential Fourth Density Zone (R4)” in Zoning By-law No. 7625 for the former City of North York. A Home Occupation is a permitted use in an R4 zone provided that it is for private instruction in music or music related subjects only by a teacher that is a resident of the dwelling.

Reason for Application

The proposed home office use to provide herbal, massage and acupuncture treatments is not one of the Home Occupations otherwise permitted in the Residential Fourth Density Zone (R4). Having been made aware of the restriction the applicant has applied for the re-zoning which is the subject of this application.

Community Consultation

A Community Consultation meeting was held on November 6, 2007, at the Edithvale Community Centre. The meeting was attended by City planning staff, the property owner and the applicant. There were no members of the public in attendance.

City Planning staff have not received any inquiries or correspondence from the public or interested parties regarding the proposed home occupation use.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2005) (PPS) includes policies to manage and direct land use to achieve efficient development and land use patterns. Municipal planning decisions

are required to be “consistent with” the PPS. The PPS requires that a range of land uses be provided and that intensification and redevelopment opportunities are identified and promoted.

The PPS promotes intensification and redevelopment opportunities through a more compact building form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. The proposed home occupation use is consistent with the PPS.

The proposal also conforms with and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The City of Toronto Official Plan designates the subject lands as *Mixed Use Areas* which encourage a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. The Plan also requires development that provides for a proper transition to adjacent lower scale residential neighbourhoods.

The Central Finch Avenue Area Secondary Plan designates the lands at 183 Finch Avenue West as *Mixed Use Area “B”*. This designation also permits a broad range of uses including detached and multiple-unit residential, retail and service commercial uses, offices, places of worship, public parks and recreational facilities, and institutional uses.

The proposed home occupation use would be limited in size and oriented towards serving the needs of the local residential community. The proposed home occupation use is also similar to other small commercial and professional offices uses within existing buildings that have been previously approved in the Finch Avenue corridor.

The application to permit the proposed home occupation use does not propose any addition or expansion of the existing dwelling. This maintains the opportunity for future consolidation of this lot and adjacent properties, and allows for the Secondary Plan objective of comprehensive development and land utilization along the Finch Avenue corridor.

The applicant has proposed a larger than required 2.4 metre wide landscape strip, with 3 new tree plantings as well as an opaque 1.8 metre high privacy fence along the south property line of the subject lot, which abuts the adjacent residential designation. This will address the requirements of the Central Finch Area Secondary Plan.h

Height, Massing

The proposed home occupation use does not contemplate any exterior changes to the existing two storey residential dwelling. As such there would be no impacts on adjacent buildings, or to the privacy and view of residential dwellings in the residential designation to the south.

Streetscape

The applicant has proposed landscaping and an additional private tree at the front of the subject lands which would result in an attractive street-edge along Finch Avenue, and assist to create a comfortable and safe pedestrian environment, enlivening the street and taking advantage of nearby transit services.

Traffic Impact, Access, Parking

The proposed development would have vehicular access via a driveway from Finch Avenue, providing access to 2 existing residential parking spaces, and 3 proposed visitor parking spaces at the rear of the dwelling.

City Transportation Services staff are satisfied with the proposed parking supply, access and layout.

Servicing

Given the grade of the subject lands and the additional hard surfacing at the back of the property to provide the proposed three additional parking spaces, the applicant has had to revise the stormwater management, site servicing and grading plans in order to receive approval from the City's Technical Services Division.

Technical Services staff have confirmed that the proposed development now complies with the Best Management Practices for Stormwater Management and the City of Toronto's Wet Weather Flow Management Guidelines, which requires grades that allow overland water flow and away from adjacent properties.

The owner will be required to provide certification that the stormwater management works required for the proposed development have been constructed as approved. This certification will be required prior to enactment of the zoning by-law necessary to permit the proposed development.

Open Space/Parkland

City Parks, Forestry and Recreation staff have indicated that the proposal does not trigger a Parkland Dedication requirement.

Toronto Green Standard

As these applications were made prior to January, 2010, the Toronto Green Standard does not apply. However, the applicant is proposing additional landscaping and additional private trees for the lands.

Development Charges

It is estimated that the development charges for this project will be \$17,000.00. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan

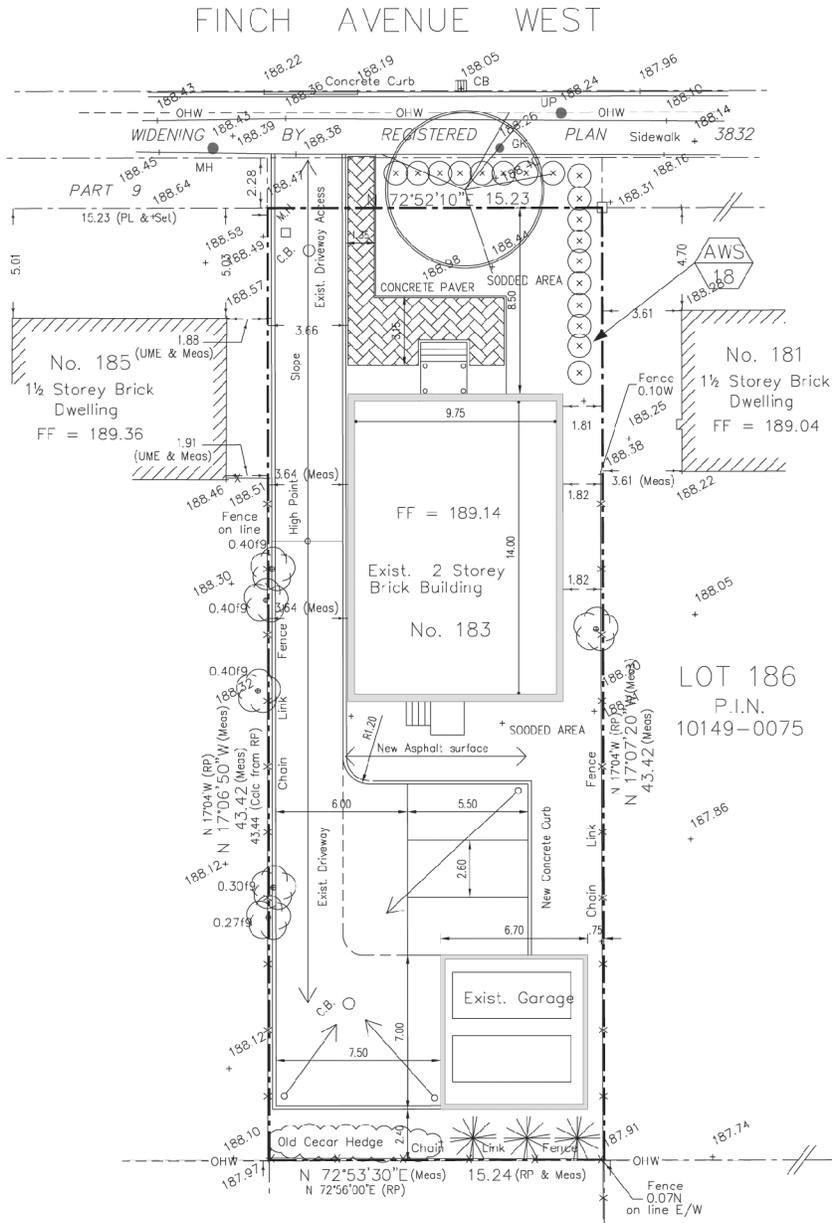
Attachment 2: Elevations

Attachment 3: Zoning

Attachment 4: Application Data Sheet

Attachment 5: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

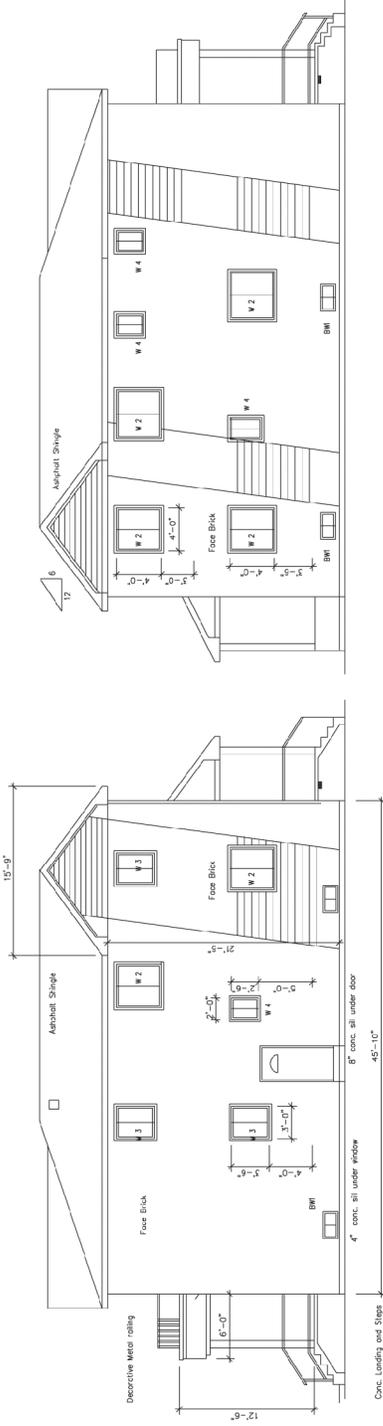
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07/18/07



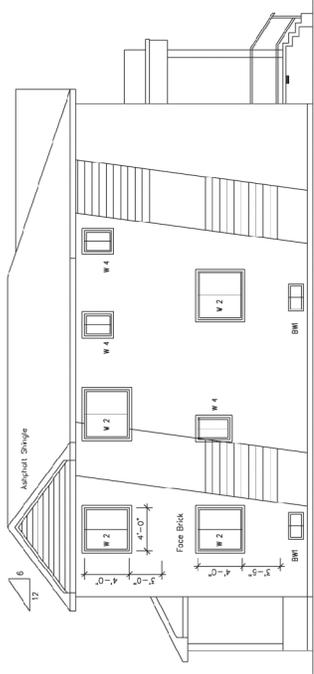
183 Finch Avenue West

File # 07_223013

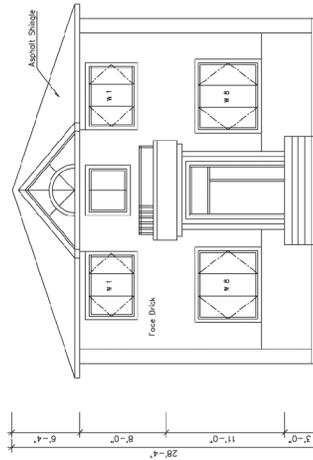
Attachment 2: Elevations



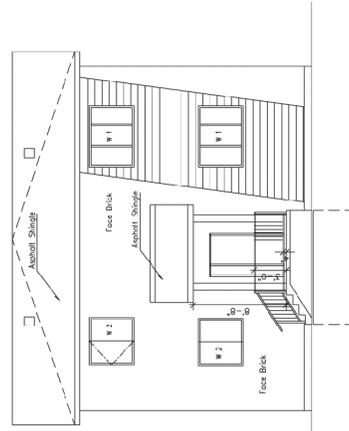
West Elevation



East Elevation



North Elevation



South Elevation

Elevations

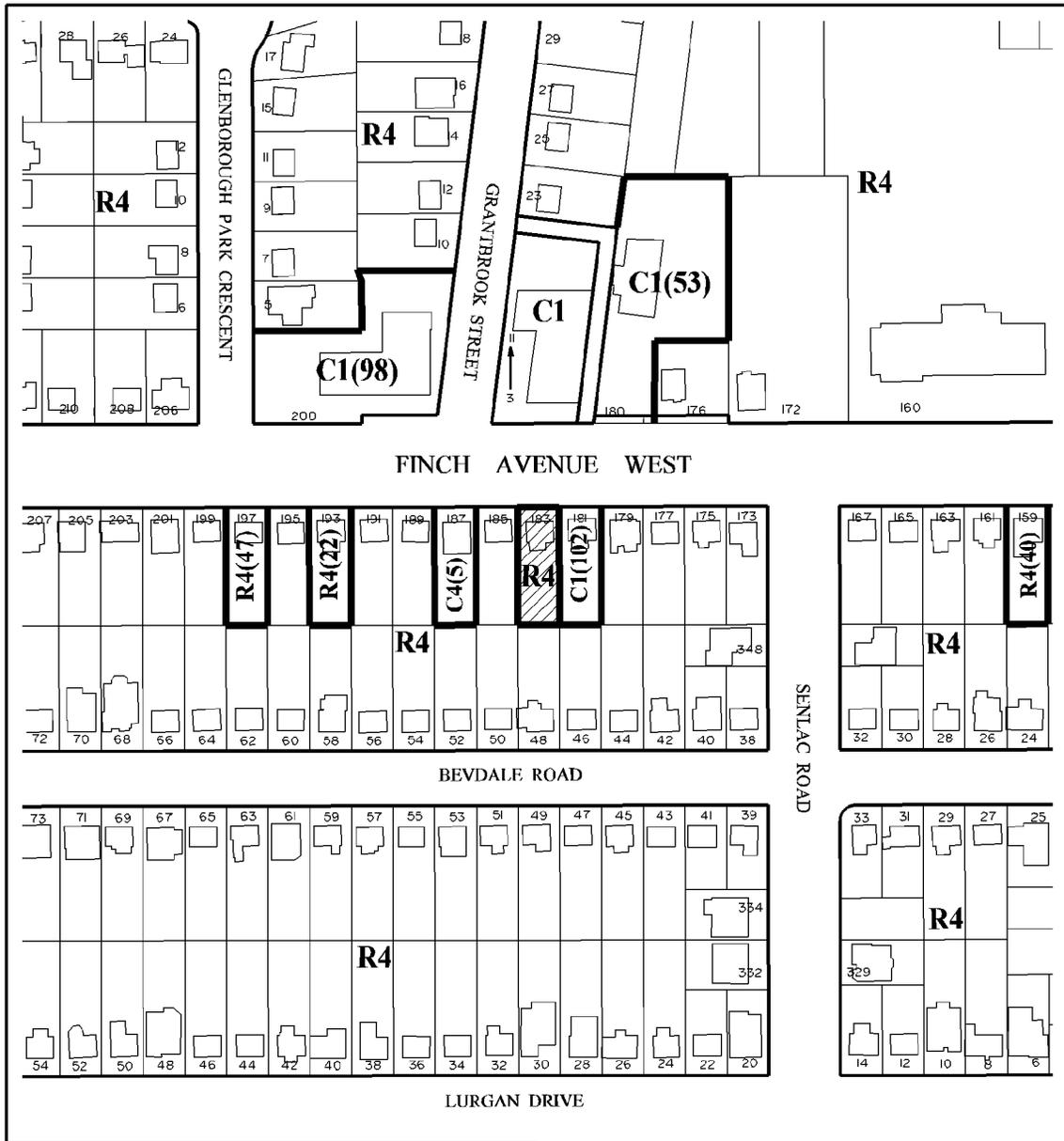
Applicant's Submitted Drawing

Not to Scale
07/18/07

183 Finch Avenue West

File # 07_223013

Attachment 3: Zoning



183 Finch Avenue West

File # 07_223013

- R4 One-Family Detached Dwelling Fourth Density Zone
- C1 General Commercial Zone
- C4 Mixed Use Commercial Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale
Zoning By-law 7625
Extracted 07/18/07

Attachment 5: Draft Zoning By-law Amendment

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2012

**To amend North York Zoning By-law No. 7625, as amended,
with respect to the lands municipally known as
183 Finch Avenue West**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedules “B” and “C” of By-law No. 7625 of the former City of North York are amended in accordance with Schedule “1” of this By-law.
2. Section 64.13 of By-law No. 7625 is amended by adding the following subsection:

“64.13 (91) R4 (91)
3. Within the lands shown on Schedule "R4 (91)" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

PERMITTED USES

In addition to the uses permitted by the R4 zone, a drugless practice/holistic centre providing acupuncture, massage and/or herbal treatments and office uses shall also be permitted as a home occupation use within the existing dwelling.

EXCEPTION REGULATIONS

- (a) The maximum gross floor area devoted to the home occupation/office use shall be the lessor of 137m² or 50% of the gross floor area of the dwelling.
- (b) The home occupation/office use may only be located on the main floor of the dwelling.
- (c) A 2.4 metre landscape strip and 1.8 metre high opaque fence shall be provided along the south property line of the lot.
- (d) A maximum of 5 parking spaces shall be provided, wholly located at the rear of the lot.

ENACTED AND PASSED this ~ day of ~, A.D. 2012.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

