



South Armour Heights Residents' Association

Website - [sahratoronto.com](http://sahratoronto.com)  
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February 19, 2016

City Planner  
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Councillor Christin Carmichael Greb  
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**Reference Number: 15 267377 NNY 16 OZ**  
**Re-zoning Request and Proposed Development at 2100 Avenue Road**

Ms. Ovens

The South Armour Heights Ratepayers Association ("SAHRA") is an incorporated non-profit association founded in 1988 that represents residents bounded by the 401 south to Brooke/Yonge Blvd and west over to Avenue Road. SAHRA was an active participant in the development at 1717 Avenue Road as well as at 1684-1704 Avenue Road. We were also a member of the Local Advisory Committee (LAC) involved with the creation of the Avenue Road Avenue Study.

The re-zoning request and proposed development at 2100 Avenue Road is of great concern to SAHRA. In our opinion, either or both would be contrary to the intentions of the Avenue Road Avenue Study (ARAS) for the properties north of Joicey Blvd and the associated bylaw amendments. Approval would likely be precedent-setting, allowing for further development beyond that envisaged by the ARAS.

SAHRA is writing to advise that we have reviewed the preliminary documents submitted for this re-zoning request and development proposal. We have a number of serious concerns as this property is within a R7 area north of Joicey Blvd.

The Avenue Road Avenue Study recommended that Zoning By-law 7625 for the former City of North York be amended for the portion of Avenue Road north of Joicey Boulevard and the other low-rise residential neighbourhoods in the North York portion of the study area. The same home occupations should be permitted under the same conditions as are permitted in the portion of the study area in the former City of Toronto. At the time of the study, there was discussion of whether the detached homes on Avenue Road north of Joicey Blvd should be used for wholly commercial purposes. However, given the difficulty of access and egress on this congested portion of Avenue Road south of the 401 ramps, it was recommended that these dwellings be limited to live/work or wholly residential uses. Bylaw 1-83 was amended to allow home occupation in the broader study area. It is important to our *Neighbourhood* that we maintain this residential gateway into Avenue Road.

Councillor Carmichael Greb has committed to act as the champion for the guidelines/intentions/recommendations of the Avenue Road Avenue Study. The developments at the gateways to Upper Avenue also have to be compatible with the Avenue Road Avenue Study.

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The new Toronto Official Plan **Policy 5** in section 4.1 (Neighbourhoods) on page 4-4 states:  
"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 building sites;
- 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;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space;
- g) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- h) conservation of heritage buildings, structures and landscapes.

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."

This application seeks

- to re-designate the site under the Official Plan from One-Family Detached Dwelling 7 Zone (R7) to permit a professional office, business office and a residential dwelling
- to amend By-law 569-2013 and By-law 7625 to allow variances to the allowed requirements/maximums for lot frontage, lot coverage, building height, 3 storeys, landscaping percentages, parking area and number of spaces and extensions into minimum yard setbacks.

In 1992, Peter Seligman requested a variance to permit the existing dwelling to remain as constructed and to be used as an office of **a home occupation** (office of an insurance and financial professions occupying approximately 51m<sup>2</sup> of the ground floor located within the dwelling).

- To our knowledge, this dwelling has **not been a home occupation by the owner**.
- There was no mention in 1992 of a small residential unit in the basement but now it is stated that there is a small **rental** residential unit in the basement (we are not aware of there being a tenant in the basement of this dwelling). It is not occupied by the owner and therefore does not qualify as a home occupation.
- There are in fact **three businesses listed at 2100 Avenue Road** – Seligman & Associates, Counselling for Creative Solutions and Auto-Vault Canada – Car Storage. Where are these businesses located if the main floor is occupied by Seligman and the basement is in fact a residential unit?

The Committee of Adjustment decision to Approve was subject to four conditions:

1. The building and property being improved and utilized, essentially in compliance with the submitted site, development and elevation plans;
2. That there be no signage other than a permitted legal sign displaying the municipal address on the subject property;
  - Illegal signage exists advertising both Seligman & Auto-Vault Canada
3. That the permission to conduct a business and professional office be limited to that of an insurance and financial planning activity; and
  - Three businesses are listed at 2100 Avenue - Seligman & Associates, Counselling for Creative Solutions and Auto-Vault Canada – Car Storage.

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4. That the permission be for such time duration that the insurance and financial planning activity operates. However, such permission shall cease when new detailed policies and provisions dealing with home occupation uses, which are under study, come into full force and effect.
  - Counselling for Creative Solutions and Auto-Vault Canada – Car Storage would appear to be separate businesses who are **renting** from Seligman & Associates. We believe this is another non-compliance issue as the Approval was intended only for the insurance and financial planning activity.
  - The permission has now been revoked as the legislation is now in place dealing with home occupation uses and due to the fact that the current situation does not qualify as a **home occupation** (the owner does not live in the premises).

Since that time, the Avenue Road Avenue Study was done (published in 2009) and it very specifically defined that the area north of Joicey should remain as Residential zoning but with by-laws amended to allow home occupation. The By-law defines Home Occupation as “as business use within a dwelling unit, where the dwelling unit is the principal residence of the business operator.” Permitted Uses states that (e) there shall be no employee working in the dwelling unit other than the business operator that resides in the dwelling unit and (i) the maximum floor area occupied or used by a home occupation is the lower of 25 per cent of total interior floor area for the principal building, or 100 square Metres.”. Once these by-law changes were put in place in 2010, the Committee of Adjustment’s 1992 approval was revoked. Seligman & Associates have continued to operate from 2100 Avenue Road since 2010.

Unfortunately, the Goldberg Group at 2098 Avenue Road obtained permission in 2011 to build a two-storey commercial building. This should not have been allowed but the local residents’ association (Old Orchard Grove Residents’ Association) was dormant at the time. The fact that this one was allowed should not set a precedent for allowing other non-home occupations.

The Planner (Goldberg Group) has also cited the fact that 2105 Avenue Road is occupied by a house-form commercial office use. Councillor Carmichael Greb has reported this situation to Municipal Licensing and Standard’s for investigation as this would be in violation of the by-laws.

Seligman & Associates have now received Notices of Violation from Municipal Licensing and Standards (MLS) for non-compliance of permitted uses, parking violation, fencing and signage. Rather than finding a solution which eliminates the non-compliance issues, they are asking for re-zoning and in addition to that they want to add commercial square footage in the basement as well as topping the current building with a two-storey rental residential unit, making a 3-storey building.

- 3-storey residences are not permitted in our *Neighbourhood* residential zones. The Planner has referred to this as a “2.5 storey house-form” but with dormers it is of 3-storey height (under By-law 669-2013 they are asking for a height variance to go up to 10.7m)
- This appears to be a rental residential unit (not occupied by the owner) so they are basically creating a mixed-use building with 2 floors commercial and 1 residential unit of 2 additional floors.
- The layout of the residential unit (second and third floors) could allow easy conversion to additional commercial space for rental.

**SAHRA’s request is that the re-zoning request not be allowed, in keeping with the intentions of the Avenue Road Avenue Study and the associated by-law amendments. Accordingly the development requests/variances would also be denied.**

**If Seligman & Associates were to be granted some exceptional grandfather right to continue to operate the insurance and financial planning business from this premise, it should be under conditions that it is only for the length of time that Seligman & Associates is an active businessat**



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**this address; this right cannot be transferred to any other party; they should not be allowed to rent/lease space to other businesses and they must comply with signage, parking and fence requirements.**

If re-zoning is denied, then the other issues requiring variance approvals for lot frontage, lot coverage, building height, 3 storeys, landscaping percentages, parking area and number of spaces and extensions into minimum yard setbacks would not be of concern but we will address these matters to support our view that this re-zoning and any Phase 2 development should not be allowed.

As stated, 3-storey residences are not allowed in our *Neighbourhood* in residential zones. Dormers on the west, south and north sides of the third floor will be very intrusive to adjacent properties.

The height is excessive at 10.7m, even compared to 2098 Avenue Road which is a flat-roof 2-storey commercial building. The buildings south of 2098 Avenue Road are all 1-storey bungalows.

The large deck on the 2<sup>nd</sup> floor on the roof of the existing first floor will inhibit the privacy of the residences behind 2100 Avenue Road between Joicey and Carmichael. There is also a large balcony-sized glass window at the rear of the third floor which is going to be overlooking the yards of the residences behind 2100 Avenue Road.

The Planner states "The basement dwelling unit will then be converted to additional office space." Yet the Parking Justification Study states "The Office use that is currently operating at the premises will not be increasing the number of staff currently working from the premises." If Seligman is not increasing staff, why would they need to modify the Main Floor to have 4 offices (now 3) and then add 3 more offices in the Basement? Is the intention to rent/lease this space to separate businesses?

The Planner and the Parking Justification Study both state that the maximum parking on the property would be 3 cars (two for staff and one for the residential unit) and that any additional client parking could be accommodated by on-street parking. But currently with the 1-floor dwelling, we see more than 3 cars parking in the rear lot (taken on Dec 16, 2015, Jan 4, 2016 and Jan 7, 2016 respectively).



The Parking Justification Study states "The Office use that is currently operating at the premises will not be increasing the number of staff currently working from the premises." But on the Main Floor they are modifying the area to add an additional office (4 offices now rather than the 3 that currently exist). Plus the Basement Floor would be modified to add 3 office areas. Surely some increase in the number of staff working from the premises and visitors would result from these modifications.

There is also an issue with pedestrian traffic problems involving seniors and school children at the corner of Avenue and Carmichael. Requests have been submitted to the Councillor for these intersection to be

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studied to see what can be done to eliminate the accidents. We do not want to start adding more commercial traffic in the section of Avenue Road above Joicey.

We fully support redevelopment efforts that will ensure the ongoing vibrancy of our community. However, we believe that this can be accomplished in a way that is respectful to the intentions of the City Plan as well as the Avenue Road Avenue Study in terms of respecting the nature of the community. It is important to our *Neighbourhood* that we maintain this residential gateway into Avenue Road.

**SAHRA's request is that the re-zoning request not be allowed, in keeping with the intentions of the Avenue Road Avenue Study and the associated by-law amendments. Accordingly, the development requests/variances would also be denied.**

We would appreciate receiving a copy of the Decision.

Yours truly

Sheila Dunlop, Secretary

Email: Ron Johnson, H. Crawford, Bob Williams, Jim Sadler (SAHRA)  
Joe Nanos, Ben DiRaimo (Planning)  
France Rochette, Mary Carrier, Nick Angelucci (OOGRA)  
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William Roberts, Eileen Denny (CORRA)  
Judy Ballard, Gerry Ronen, Sandy Gladstone, Debra Satok, William Dolan, Meg Davis,  
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