



STAFF REPORT ACTION REQUIRED

Weston Heritage Conservation District – Settlement of OMB Appeal

Date:	March 7, 2007
To:	Etobicoke York Community Council
From:	Director, Policy and Research, Community Planning Division
Wards:	Ward 11 – York South-Weston
Reference Number:	

SUMMARY

The owner of property at 2000-2016 Weston Road has appealed Bylaw 798-2006 to the Ontario Municipal Board. This Bylaw designated a portion of the former Town of Weston as a Heritage Conservation District (HCD) and adopted a HCD Plan which contains Guidelines intended to maintain and enhance the heritage character of the District.

The basis of the appeal is that the Guidelines contained in the HCD Plan are relevant for low-rise residential properties but do not address commercial properties in a Main Street context, such as that owned by the appellant. Staff agree that the District Plan is deficient in this respect. The most efficient way to correct this situation is to modify the Guidelines to take into account the properties in the District fronting on Weston Road. The OMB then can be asked to incorporate these Guidelines into the HCD Plan and put the Weston HCD into effect.

The appellant, staff and the local residents group which is leading the HCD project in Weston have agreed upon a set of Guidelines that will maintain and enhance the heritage character of the Weston Road properties. Staff recommend a settlement based on these Guidelines

RECOMMENDATIONS

The Director, Policy and Research, City Planning Division recommends:

1. that City Council approve the modifications to the Weston Heritage Conservation District Plan contained in Attachment 1 to this report; and
2. that the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, be authorized to settle the appeal of Bylaw 798-2006 designating the Weston Heritage Conservation District under the Ontario Heritage Act, generally on the basis of Attachment 1; and
3. that the appropriate City officials be authorized to take such further and other steps as are required to implement the intent of the settlement.

Financial Impact

This report has no financial impact.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting of September 25, 26 and 27, 2006, City Council approved Report 7, Clause 25 of the Etobicoke York Community Council. It also enacted Bylaw 798-2006 and thereby designated a part of the former Town of Weston as a Heritage Conservation District (HCD) and adopted a District Plan containing Guidelines intended to maintain and enhance the heritage character of the District.

ISSUE BACKGROUND

The study of a part of Weston west of the railway line for possible designation as a HCD was initiated and carried out under the direction of a volunteer, locally-based group known as the Weston Heritage Conservation District Board. The process started in 2003 and involved significant public consultation. There were also two public meetings in the summer of 2006 before Council designated the area, the first before the Toronto Preservation Board and the second at Etobicoke York Community Council.

The study initially focussed on the residential areas of Weston. However, toward the end of the preparation of the Heritage Conservation District (HCD) Plan it was recommended that the boundaries of the proposed District be expanded to include some non-residential properties fronting on Weston Road. City staff agreed with this inclusion as this part of Weston Road has a significant heritage character. For example, it contains the final remaining civic building from the former Town of Weston, the Fire Hall.

Every property owner in the HCD was notified by the City Clerk that Council had enacted the bylaw designating the HCD, as required by the Ontario Heritage Act. When notified, the owners of 2000-2016 Weston Road (Ward Funeral Home) contacted staff in

Heritage Preservation Services to express their concerns regarding inclusion in the HCD. The property owner indicated that he did not object to the HCD in principle or to the inclusion of his property in it. The main objection to the HCD was the lack of Guidelines applicable to commercial, mixed-use or multi-unit residential properties in a Main Street context, such as 2000 Weston Road. Staff agreed that the Guidelines in the HCD Plan approved by Council were more directed toward residential properties and did not provide appropriate direction for Main Street properties.

It was agreed that the appropriate way to rectify this situation would be for the property owner to file a “friendly” appeal of the bylaw, which the owner subsequently did. This was the only appeal received against the bylaw.

COMMENTS

Staff, the owner and representatives of the Weston Heritage Conservation District Board have worked toward an agreement on appropriate Guidelines for the HCD properties fronting on Weston Road. Attachment 1 reflects Guidelines which the City, the appellant and the Weston HCD Board agree should be included in the District Plan.

They are designed to maintain and enhance the heritage character of that portion of Weston Road by requiring alterations to the street facing facades of existing properties and the facades of new construction to conform to the Guidelines.

Since the HCD Plan only applies to the facades of buildings that can be seen from public streets the Guidelines do not affect the ability of an owner to demolish portions of existing building behind the facades, provided all other development controls are complied with.

If approved by Council, the City Solicitor would ask the Ontario Municipal Board to amend the District Plan to include the Guidelines in Attachment 1. Once the OMB has dealt with the matter the Weston HCD will come into effect.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment 1 – Proposed Terms of Settlement for Appeal of Bylaw 798-2006
Designating the Weston Heritage Conservation District

Attachment 2 – Weston Heritage Conservation District Boundary