

**EXTRACT FROM THE MINUTES OF THE NORTH YORK DISTRICT  
COMMITTEE OF ADJUSTMENT  
MEETING HELD ON FEBRUARY 17, 2010  
(PANEL A)**

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**A0507/09NY**

**MJB CORPORATION**

PLAN M374 PT LOTS 99-104 LOT 105 PT LOTS 106-111  
1860 Bayview Avenue  
C1(5) - Exception to General Commercial Zone  
Don Valley West (25)

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**APPLICATION:**

This is an application to permit the construction of a new two storey retail building on the above noted property. The existing building would be demolished.

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

1. Proposed Gross Floor Area of 149% (7,654.13m<sup>2</sup>) of the lot area (excluding the enclosed loading/circulation area) and 192% (9,863.04m<sup>2</sup>) of the lot area (including the enclosed loading/circulation area)  
WHEREAS a maximum Gross Floor Area of 100% (5,137m<sup>2</sup>) of the lot area is permitted;
2. Proposed lot coverage of 95.7% (4,916.11m<sup>2</sup>)  
WHEREAS a maximum lot coverage of 33.3% (1,710.62m<sup>2</sup>) is permitted;
3. Rear yard setback of 1.14m to the proposed building  
WHEREAS a minimum setback of 7.5m is required;
4. Proposed to have 223 parking spaces (at a ration of one space per 35m<sup>2</sup> of gross floor area) located on site  
WHEREAS a minimum of 275 parking spaces (at a ratio of one space per 28m<sup>2</sup> of gross floor area) are required to be located on site.

The Committee had before it the following communications:

- A staff report dated February 8, 2010, from Thomas C. Keefe, Director, Community Planning, North York District, recommending that consideration of this application be deferred sine die pending submission and review of a Site Plan application.
- A memorandum dated February 17, 2010, from Harold Moffatt, Supervisor, Tree Protection and Plan Review, Parks, Forestry & Recreation, Urban Forestry, North York District, outlining their requirements.
- A memorandum dated February 17, 2010, from Councillor Jenkins, Ward 25, in opposition to this application and recommending that the Committee defer this application sine die and request that the applicant submit a Site Plan application.

**A0507/09NY cont'd:**

- A memorandum dated February 16, 2010, from Councillor John Parker, Ward 26, in opposition to this application and recommending that this application be deferred in order to allow the applicant an opportunity to submit a Site Plan application, and in doing so it may shed some light on the full implications of the proposed variances.
- A memorandum dated February 12, 2010, from Pascoal D'Souza, Manager, Traffic Planning and Right-of-Way Management, North York District, indicating that Transportation Services cannot support the proposed parking variances as there are issues regarding the site which cannot be addressed through the Committee of Adjustment. Therefore, Transportation Services recommended that this application be submitted through the Site Plan process for further review.
- A communication dated February 12, 2010, from Chantal Thibault, 12 Rappert Avenue, Toronto, Ontario, M4P 2V2, providing the Committee with a fully executed copy of a Development Agreement between the residents of Rappert Avenue and MBJ Corp. The residents of Rappert Avenue are requesting that the agreement be imposed as a condition of any approval of this application. The following is a list of the residents being part of the aforementioned agreement:
  - Jennifer Sawchuk, 8 Rappert Avenue, Toronto, Ontario, M4P 2V2.
  - Kyle Robeson, 8 Rappert Avenue, Toronto, Ontario, M4P 2V2
  - Kark Dreher, 10 Rappert Avenue, Toronto, Ontario, M4P 2V2
  - Veronica Dreher, 10 Rappert Avenue, Toronto, Ontario, M4P 2V2
  - Peter Nkansah, 12 Rappert Avenue, Toronto, Ontario, M4P 2V2
  - Leslie Plauntz, 14 Rappert Avenue, Toronto, Ontario, M4P 2V2
  - Jim Plauntz, 14 Rappert Avenue, Toronto, Ontario, M4P 2V2
  - Eugene Yakovitch, 16 Rappert Avenue, Toronto, Ontario, M4P 2V2
  - Bernice Coltman, 392 Broadway Avenue, Toronto, Ontario, M4P 1X6
  - Chantal Thibault, 12 Rappert Avenue, Toronto, Ontario, M4P 2V2
- A communication dated February 17, 2010, from Andre Le Roux, Vice-President, Sherwood Park Residents' Association, P.O Box 45080, RPO Mid Yonge, Toronto, Ontario, M4P 3E3, in opposition to this application.
- A communication dated February 11, 2010, from Michael Bliss, 314 Bessborough Drive, Toronto Ontario, M4G 3L1, in opposition to this application.
- A communication dated February 16, 2010, from Jocelyn, Cecilia, and Michael Charles, 34 Annesley Avenue, Toronto, Ontario, M4G 2T7, and Linda and Pierce Reid, 32 Annesley Avenue, Toronto, Ontario, M4G 2T7, in opposition to this application.
- A communication dated February 15, 2010, from Peter G. Burnside, 12 Fairland Road, Toronto Ontario, M4G 2T8, in opposition to this application.
- A communication dated February 16, 2010, from Carolyn & Andrew Alberti, 193 Glenvale Boulevard, East York, Ontario, M4G 2W5, in opposition to this application.
- Sandy Browne & Adrian Browne, 1477 Bayview Avenue, Toronto Ontario, M4G 3B2, in opposition to this application.

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- A communication from Jill Nelson, 84 Brentcliffe Road, Toronto, Ontario, M4G 3Y6, in opposition to this application.
- A communication dated February 16, 2010, from Terri McDougall & Stewart Hunt, 62 McRae Drive, Toronto Ontario, M4G 1S4, in opposition to this application.
- A communication from Célyne Darling, 343 Bessborough Drive, Toronto Ontario, M4G 3L3, in opposition to this application.
- A communication from Andrew Lin, 2 Fairland Road, Toronto, Ontario, M4G 2T8, in opposition to this application.
- A communication dated February 17, 2010, from Kathryn Whaley, 2 Fairland Road, Toronto Ontario, M4G 2T8, in opposition to this application.
- A communication from Len Watson, 11 Rykert Crescent, Toronto, Ontario, M4G 2T1, in opposition to this application.
- A communication from Dawn Fisher, 48 Glenvale, Boulevard, Toronto Ontario, M4G 2V1, in opposition to this application.
- A communication dated February 13, 2010, from Nancy J. Hall, 26 Rykert Crescent, Toronto Ontario, M4G 2S9, in opposition to this application.
- A communication from Kim Sutch & Tim Meyers, 153 Banff Road, Toronto Ontario, M4G 2T1, in opposition to this application.
- A communication from Alan Heavenrich, 172 Divadale Drive, Toronto Ontario, M4G 2P6, in opposition to this application.
- A communication from Rick Price, 27 Rykert Crescent, Toronto Ontario, M4G 2T1, in opposition to this application.
- A communication from Mike & Wendy Rapson, 150 Divadale Drive, Toronto, Ontario, M4G 2P6, in opposition to this application.
- A communication from Jim & Nancy Parker, 312 Bessborough Drive, Toronto Ontario, M4G 3L1, in opposition to this application.
- A communication dated February 15, 2010, from Bruce & Nancy Shepherd, 9 Roxville Avenue, Toronto Ontario, M4G 3P7, in opposition to this application.
- A communication from William deBacker, President, Edithvale-Yonge Community Association, 45 Lorraine Drive, Toronto, Ontario, M2N 2E3, in opposition to this application.
- A communication from Jennifer & Denzil Wadds, 29 Glenvale Boulevard, Toronto, Ontario, M4G 2V3, in opposition to this application.

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- A communication dated February 14, 2010, from Michele Salerno, 62 Walder Avenue, Toronto Ontario, M4G 2T8, in opposition to this application.
- A communication from Jacqueline Frazer, 85 Brentcliffe Road, Toronto, Ontario, M4G 3Y7, in opposition to this application.
- A communication dated February 12, 2010, from Karl Dreher, 10 Rappert Avenue, North York Ontario, M4P 2V2, in opposition to this application.
- A communication dated Susan McCallum & John Mason, 6 Kildeer Crescent, Toronto, Ontario, M4G 2W8, in opposition to this application.
- A communication dated February 11, 2010, from Michael Bliss, 314 Bessborough Drive, Toronto, Ontario, M4G 3L1, in opposition to this application.
- A communication dated February 12, 2010, from Jo Young, 26 Glenbrae Avenue, Toronto Ontario, M4G 3R5, in opposition to this application.
- A communication dated February 12, 2010, from Joanne Richardson, 345 Broadway Avenue, Toronto Ontario, M4P 1W8, in opposition to this application.
- A communication from Lucy Drimmel, 249 Hanna Road, Toronto, Ontario, M4G 3P3, in opposition to this application.
- A communication dated February 16, 2010, from Brain Athey, President, Leaside Property Owners Association Incorporated, P.O. Box 42, Station R, Toronto, Ontario, M4G 3Z3, in opposition to this application.
- A communication dated February 12, 20010, from Farzaneh Pourmoetamed & Jesper Thoft-Christensen, 390 Broadway Avenue, Toronto, Ontario, M4P 1X6, in opposition to this application.
- A communication dated February 16, 2010, from Terri McDougall, 62 McRae Drive, Toronto, Ontario, M4G 1S4, in opposition to this application.
- A communication dated February 8, 2010, from Jamie Adair, c/o Broadway Residents Association (Residents Working Group), 53 Rowley Avenue, Toronto, Ontario, M4P 2T3, in opposition to this application.
- A communication from Michele McMaster and Stephen Popiel, 110 Donlea Drive, Toronto, Ontario, M4G 2M5, in opposition to this application.
- A communication dated February 22, 2010, from Stephanie Karis Myers, and John Myers, 463 Boradway Avenue, Toronto, Ontario, M4G 2R4, in opposition to this application.
- A communication dated February 15, 2010, from June Cavers, 30 Divadale Drive, Toronto, Ontario, M4G 2N9, in opposition to this application.

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- A communication dated February 18, 2010, from Michael and Roxanne Wickware, 692 Eglinton Avenue East, Toronto, Ontario, M4G 2K5, in opposition to this application.

The following persons requested a copy of the Committee's Decision:

- Shabnam Ghafarpour, 378 Broadway, North York Ontario, M4P 1X4
- Barnet Kussner, Weirfoulds LLP, Suite 1600, Exchange Towers, P.O. Box 480, 130 King Street West, Toronto Ontario, M5X 1J5.
- Ron Hendrix, Catholic Cemeteries, Archdiocese of Toronto, 4950 Yonge Street, Suite 206, Toronto Ontario, M2N 6K1
- Alexis DeCastro, 55 Glenavy Avenue, Toronto, Ontario, M4P 2T9.
- Gerry Anthony, 12 Glazebrook Avenue, Toronto, Ontario, M4P 3H9
- Julie Wassif Suleiman, 376 Broadway Avenue, Toronto, Ontario, M4P 1X4
- Mike Crowley & Judy Phillips, 348 Broadway Avenue, Toronto, Ontario, M4P 1W9
- Wayne Silberman, 374 Broadway Avenue, North York, Ontario, M4P 1X4
- Maureen Bratkiw, 338 Broadway Avenue, North York, Ontario, M4P 1W7.
- Lois Adams, 56 McBain Avenue, Toronto, Ontario, M4P 2S7.
- Jamie Adair, 53 Rowley Avenue, Toronto, Ontario, M4P 2T3.
- Jim Weir, 56 Glenavy Avenue, Toronto Ontario, M4P 2V1.
- Gordon Deeks, 323 Broadway Avenue, Toronto, Ontario, M4P 1W4.
- Irma Coucill, 393 Broadway Avenue, Toronto, Ontario, M4P 1X5.
- Linda Lolk, 54 Rowley Avenue, North York, Ontario, M4P 2T3.
- Keith D'Souza, 49 Rowley Avenue, North York, Ontario, M4P 2T3.
- E. Yakovitch, 16 Rappert Avenue, Toronto, Ontario, M4P 2V2.
- Tom Sanders, Metro Store, 656 Eglinton Avenue East, Toronto, Ontario, M4P 1P1.
- Barbaea Goodbody, 1833 Bayview Avenue, Apt 305, Toronto, Ontario, M4G 3E2
- W. Kortleeve, 29 Annesley Avenue, Toronto, Ontario, M4G 2T5.
- John Catto, 294 Bessborough Drive, Toronto, Ontario, M4E 3L1
- Steynovitz Tzvi, 189 Spring Gate Boulevard, Thornhill, Ontario, L4J 3B2
- Artemio Pascila, 22 Mann Avenue, Toronto, Ontario, M4S 2Y3.
- Mana Saranj, 134 Glendora Avenue, North York, Ontario, M2N 2W2.
- Ted Shepherd, 41A Sherwood Avenue, Toronto, Ontario, M4P 2A6.
- Mike Crowley & Judy Phillips, 348 Broadway Avenue, Toronto, Ontario, M4P 1W9.
- Andre Le Roux, 401 Keewatin Avenue, Toronto, Ontario, M4P 2A4.
- Karl Dreher, 10 Rappert Avenue, Toronto, Ontario, M4P 2V2.
- Jesper Thoft, 390 Broadway Avenue, Toronto, Ontario, M4P 1X6.
- Andrew Lin, 2 Fairland Road, Toronto, Ontario, M4G 2T8.

The following persons appeared before the Committee of Adjustment in connection with the foregoing matter:

- Mr. Barnet Kussner, c/o Weir & Foulds, 130 King Street West, Suite 1600, The Exchange Tower, P.O. Box 480, Toronto, Ontario, M5X 1J5, who spoke on behalf of the owners and commented on the staff report dated February 8, 2010, whereby staff recommended that the application be deferred sine die for the submission and review of a Site Plan application. He outlined the reasons why this application should not be deferred and indicated that the information provided to the Committee is sufficient for a full technical review.

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- Councillor Jenkins addressed the Committee on behalf of Ward 25 residents and concurred with the recommendations in the staff report in that a deferral would be appropriate in this instance to allow for the submission and review of a Site Plan application.
- Ms. Vanessa Rose-Egar, Executive Assistant to Councillor John Parker, who requested that the application be deferred to permit a site plan to be submitted and reviewed, and in doing so, it will shed some light on the full implications of the proposed variance, and thus assist the Committee in coming to a full understanding of any potential impact of the development proposal.

**MOTION:** It was moved by Mr. Gurin, seconded by Mr. Di Prospero and carried unanimously that the application be DEFERRED SINE DIE, in order to allow the applicant an opportunity to submit a Site Plan application and for the appropriate City Divisions to complete a technical review.

Ms. Denise Rundle, Deputy Secretary-Treasurer, commented that there has been an enormous amount of public interest with respect to this application. She further commented that upon a direction from the Committee, all interested parties who are within a 200 ft radius from the subject property, as well as any individuals who fill out a Decision Request Form will receive notification of the next hearing of this application. Further notification could be obtained from the respective Ward Councillors' offices and ratepayer associations.

**DIRECTION:** The Committee directed staff that all property owners within a 200 ft radius and all individuals who have filled out and submitted a Decision Request Form be notified of the meeting date for the hearing of this application.

Absent: Mr. Forbes and Ms. Mirkarimi