

Clause embodied in Report No. 2 of the West Community Council, as adopted by the Council of the City of Toronto at its meeting held on March 6, 7 and 8, 2001.

20

**Claireville Area - Applications for  
Temporary Use By-law (Ward 1 - Etobicoke North)**

*(City Council at its meeting held on March 6, 7 and 8, 2001, adopted this Clause, without amendment.)*

**The West Community Council recommends that:**

- (1) **Recommendation No. (3) embodied in the report dated January 20, 2000, from the Director, Community Planning, West District, contained in Clause No. 9 of Report No. 2 of The Etobicoke Community Council be amended to read as follows:**

**“(3) instruct staff to only process applications within the time period from January 21, 2000, to April 8, 2001, for temporary use zoning by-law amendments to allow outdoor storage;” and**

- (2) **the following conditions be placed on such extension of the date:**

- (i) **applications must be complete and include Council’s requirements for landscaping and fencing;**
- (ii) **Undertakings to ensure that properties are maintained in good condition, as previously required by Council, must be promptly executed;**
- (iii) **properties must be cleaned up to meet the property standards by-law;**
- (iv) **illegal dwellings in trailers and ancillary structures must be immediately vacated;**
- (v) **the storage and maintenance of trucks and trailers for truck driving schools and truck terminals must also cease;**
- (vi) **any failure to quickly meet the foregoing requirements, will result in the zoning file being closed; and**
- (vii) **an Undertaking, satisfactory to the City Solicitor, be given by the Solicitor for the property owners agreeing to an adjournment date satisfactory to Municipal Standards with respect to zoning related charges scheduled to be heard on February 22, 2001.**

The West Community Council reports, for the information of Council, having deferred consideration of the request for an exemption of planning application fees, contained in the communication (February 6, 2001) from Mr. Nicholas T. Macos, Heenan Blaikie, to the meeting of the West Community Council scheduled to be held on April 4, 2001.

**The West Community Council submits the following communication (February 6, 2001) from Mr. Nicholas T. Macos, Heenan Blaikie:**

As discussed, we have been retained by several property owners in the Claireville Planning Area. Together with these owners, I met with Councillor Hall in an effort to clarify the prior directions given by City Council. As determined at this meeting, our clients require certain relief from City Council. A copy of my letter to Councillor Hall referring to the meeting and the relief is enclosed.

On behalf of our clients, we request that City Council adopt the following resolutions:

- (1) That staff be directed to accept, for a period of 30 days following adoption of this resolution, applications for temporary use by-laws from the following property owners respecting their intention to continue outdoor storage uses existing as at December 2, 1999:

Felix Decesare	-	Lots 6 and 7, Plan 28;
Jessi Wraich	-	2152 and 2158 Codlin Crescent;
Guido Mazzola	-	2150 and 2140 Codlin Crescent; and
Sase Basdero	-	2136 Codlin Crescent;

- (2) that the application fee for the applications for the above owners be reduced to nil;  
or
- (3) that the application fee for the collective applications for the above owners be reduced \$1,290.00 or \$322.50 per application.

Please advise when this matter may be placed on the agenda, as I would like to attend in order to depute as necessary to address any questions which Councillors may have. I understand that City staff would like to see these applications submitted as soon as possible.

**The West Community Council also submits the following report (February 9, 2001) from the Director, Community Planning, West District:**

Purpose:

To provide staff comments on a request by certain land owners in the Claireville area for an extension on the Council imposed one year deadline for the submission of planning applications and for an exemption from the payment of planning fees.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendation:

It is recommended that this report be received for information.

Background:

On December 14, 15 and 16, 1999, Council directed staff to prepare a report on means to ensure that the appearance of existing illegal outdoor storage uses in the Claireville area, be improved within one year. Council also directed staff to report on options to ensure the eventual cessation of existing outdoor storage uses.

On February 29, 2000, and March 1 and March 2, 2000, Council adopted the staff report as amended (Attachment No. 1). The report, as amended, permitted owners of existing illegal outdoor storage uses to apply for temporary use zoning once they had entered into agreements to provide adequate fencing and landscaping. Council instructed staff not to process any applications that were made after January 21, 2001.

Mr. Nicholas Macos, on behalf of his clients, Felix Decesare, Jessi Wraich, Guido Mazzola and Sase Basdero, has written to the West Community Council requesting that Council grant an extension to the deadline of January 21, 2001, for the submission of planning applications to permit the temporary use of properties for outdoor storage.

In addition, Mr. Macos has requested that the planning application fee be waived or alternatively, that one application fee be charged for all four properties.

Comments:

A notice of Council's decision and the deadline for applications was sent by the City Clerk's Office to Mr. Jessi Wraich, Mr. Guido Mazzola and Mr. Sase Basdero in a letter dated March 21, 2000.

In addition, City Planning staff sent an additional letter to Mr. Jessi Wraich, Mr. Guido Mazzola and Mr. Sase Basdero on September 18, 2000, confirming Council's instructions, supplying an application form and indicating that by-law enforcement would begin if an application was not made.

The January 21, 2001 deadline period has expired and Mr. Macos' clients have not submitted an application.

Municipal Standards staff have begun property standards and zoning by-law enforcement actions against property owners in the Claireville area who have not applied for a rezoning.

Conclusions:

Should Council wish to grant an extension to the application deadline, the applicants should be made aware that applications must be complete and include Council's requirements for landscaping and fencing. Undertakings to ensure that properties are maintained in good condition, as previously required by Council, must be promptly executed. Properties must be cleaned up to meet the Property Standards By-law. Illegal dwellings in trailers and ancillary structures must be immediately vacated. The storage and maintenance of trucks and trailers for truck driving schools and truck terminals must also cease. Any failure to quickly meet these requirements, will result in the zoning file being closed.

Planning staff do not support the waiving of planning application fees.

Contact:

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(Clause No. 9 of Report No. 2 of The Etobicoke Community Council,  
entitled "Claireville Land Use Study Area  
Existing Outdoor Storage Uses (Rexdale-Thistletown))

(City Council on February 29, March 1 and 2, 2000, adopted this Clause, without amendment.)

The Etobicoke Community Council recommends the adoption of the following report (January 20, 2000) from the Director, Community Planning, West District, subject to:

(1) amending Recommendation No. (5) by adding thereto the following:

"and further, that staff obtain from the owner an undertaking to ensure that the property will be maintained in an acceptable condition;" and

(2) adding the following new Recommendation No. (6):

"(6) instruct staff to obtain an undertaking from the owner of the truck driving school not to store, park or maintain trucks, trailers and/or training vehicles on site.":

Purpose:

To report on appropriate measures for ensuring that the appearance of existing outside storage uses within the Claireville Study Area is improved, and for procuring their eventual cessation.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that Council:

- (1) enact a zoning by-law in accordance with their direction of December 14, 15 and 16, 1999, which among other matters, prohibits outside storage in the Claireville area;
- (2) instruct staff to bring forward bills to adopt site specific, temporary use, zoning by-law exemptions to permit outdoor storage on properties in the Claireville area with existing outdoor storage uses established prior to December 2, 1999, once the property owners have entered into agreements to provide fencing and landscaping that meets the City's specifications;
- (3) instruct staff to only process applications within the year from January 21, 2000 to January 21, 2001 for temporary use zoning by-law amendments to allow outdoor storage;
- (4) instruct staff to schedule public meetings at the end of the three-year temporary use periods only where the outdoor storage uses have continued to exist; and
- (5) instruct staff not to bring forward a bill for temporary use zoning to permit outdoor storage at 2128 Codlin Crescent until wrecked vehicles, unplatd vehicles and other debris are removed from the property.

Background:

At its meeting of December 14, 15 and 16, 1999, Council approved amendments to the Etobicoke Official Plan and Zoning Code to redesignate lands within the Claireville Study Area from Parkway Belt West to Industrial (Site Specific), and Class 1 Industrial (I.C1), respectively. The study area lands were also included as an area of Site Plan Control.

The proposed modified Class 1 Industrial (I.C1) zoning would permit a limited range of industrial business uses; prohibit industrial uses that are not compatible with existing residential uses, including outdoor storage; restrict the expansion of existing residential dwellings; and permit home occupation uses in conjunction with existing residential uses.

Notwithstanding the general restrictions on new outside storage uses, Council approved outside storage uses in existence as of December 2, 1999, and directed staff, in consultation with the City Solicitor, to submit a report to the Etobicoke Community Council with respect to means of ensuring that the appearance of the existing outside storage uses is improved by the existing businesses within one year. These existing outside storage uses do not have legal non-conforming status.

Council also directed staff to report on options for procuring the eventual cessation of existing outdoor storage uses after such uses cease or property ownership changes.

## Comments:

### Site Plan Control:

Site Plan Control is typically used by the City to control the landscaping, fencing and appearance of properties under development. The City Solicitor has advised that the City has no authority under the Planning Act to compel property owners with existing outdoor storage businesses within the study area to enter into the Site Plan Control process unless some form of “development” is proposed. Under Section 41 of the Act, “development” is defined as “making of an addition or alteration to a building or structure that has the effect of substantially increasing the size and usability thereof.”

It is unlikely that any additions or alterations to buildings would be involved in the immediate future in connection with the existing outside storage uses. As such, the Site Plan Control process cannot be utilized for the purpose of reviewing screen fencing and landscaping requirements for properties containing existing outside storage businesses.

### Zoning By-law:

Notwithstanding the foregoing, the City Solicitor has advised that property owners wishing to legalize existing outside storage uses in existence as of December 2, 1999, will be required to comply with the zoning provisions set out in the proposed amending zoning by-law, including screen fencing and the provision of a landscaped area.

Although the proposed zoning by-law could require screen fencing and a landscaped area, it cannot specify or control the type of plant material to be installed within the landscaped area. As such, property owners could provide as little as a grassed area to comply with the by-law requirements.

To ensure that proper landscaping and fencing is provided, Council could enact a zoning by-law for the entire Claireville area that prohibits outside storage, and then approve individual zoning by-law exemptions for specific properties once the property owners have entered into agreements to provide landscaping that meets the City’s specifications. Council instructed staff to ensure that the appearance of the outdoor storage areas is improved within a one year period. This could be accomplished by directing staff to only process applications and bring forward bills for zoning by-law amendments within a one year time frame.

Council also directed staff to prepare a by-law which terminates the permission for outdoor storage when any current use involving outdoor storage ceases. The City Solicitor has advised that the Planning act does not authorize any provision in a zoning by-law that a use permission will terminate upon a future event, such as cessation of use or conveyance of the property. Thus the City will not be able to place a clause in the proposed zoning by-law which rescinds permission for outside storage uses when current property owners convey the properties or temporarily terminate the outdoor storage uses.

However, Section 39 of the Planning Act does provide for the passing of Temporary Use Zoning By-laws that can provide for specific land use exemptions for a period of up to three years. At

the end of the three-year period, permission for the use will cease unless Council enacts another Temporary Use Zoning By-law. No right of legal non-conforming status applies to Temporary Use Zoning By-laws.

In the event that Council wishes to use a Temporary Use Zoning By-law as a mechanism to ensure that permission for outdoor storage ends when the use ceases, staff can monitor the use of land in the Claireville area and advise Council when the Temporary Use Zoning By-law comes before Council for a public meeting and subsequent re-enactment.

**Other Considerations:**

Staff note that majority of the outside storage uses to be “grandfathered” within the study area are generally considered to be “contractor storage yards”, with the exception of the property known municipally as 2128 Codlin Crescent. This property, which is occupied by a two-storey dwelling and ancillary storage buildings, is in a very disorderly state. The property is strewn with many wrecked and unplated motor vehicles, in addition to old tires, bricks, doors, scaffolding, car parts, fencing, pallets, oil cans, construction equipment and soil.

Staff are concerned that the approval of the existing outdoor storage use associated with the property known municipally as 2128 Codlin Crescent could ultimately facilitate the establishment of an auto wreckers yard. To ensure that this undesirable use is not established, Council should withhold the passing of a by-law permitting outdoor storage until the property owner removes all dilapidated and unplated vehicles and debris from the property.

**Conclusion:**

The use of site specific temporary use by-laws will meet Council’s objectives to permit existing outdoor storage uses in the Claireville area to continue on a temporary basis. A site specific temporary use by-law should not be passed for the lands at 2128 Codlin Crescent until, wrecked vehicles, unplated vehicles and other debris is removed from the property.

**Contact:**

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(A copy of Attachment No. 1, referred to in the foregoing report, was forwarded to all Members of Council with the agenda for the Etobicoke Community Council meeting of February 16, 2000, and a copy thereof is on file in the office of the City Clerk.)