

June 20, 2011

Etobicoke York Community Council
399 The West Mall
Toronto, Ontario M9C 2Y2

Attention: Chairman Mark Grimes and Members of the Etobicoke York Community Council

Re: EYCC Meeting June 22, 2011 Agenda Item EY 8.1
2388-2398 Lake Shore Boulevard West and 13 Superior Avenue - Zoning By-law
Amendment Application
Our File No. 93434

Please be advised that we are the solicitors for Robert Kaross the owner of 17 Superior Avenue, a home located immediately to the north of the above referenced properties.

Our client has owned and resided at 17 Superior Avenue as his principal residence for about 25 years.

This development site, which includes the former Mimico Fire Hall and our client's home is located in the historic former Village of Mimico. The Village of Mimico is an area that developed in the early 20th century.

To the north of our client's home is located the historic Masonic Hall which is over 100 years old and which building previously was used as the Mimico Courthouse.

Although Mr. Kaross' home has a commercial zoning under the City's zoning bylaw it is our client's belief that his home has never had a commercial use since its construction in 1917 and that since that time it has been occupied exclusively as a single family home/residential duplex.

Our client is writing to express his objections to this rezoning application.

The reasons for his objections include the following:

1. Under the City's proposed new comprehensive zoning bylaw and under the Avenue and Mid-Rise Buildings Study a new commercial / mixed used building next to a single family residential home with an R2 zoning, would be required to maintain a 7.5 metre setback from the lot line of our clients property. The original development proposal for this site in fact did provide such a setback so the developer has shown that a feasible development that respects this setback can be designed for this property. Although our client's home has a commercial zoning the use of the home has never reflected that zoning and the owner of the 2388-2398 Lake

Shore Boulevard West and 13 Superior Avenue should be required to maintain a 7.5 metre setback on its property from our clients southerly lot line.

2. The proposed development doesn't respect the long existing land use planning relationships in this historic pocket of development and is overly intrusive and overpowering to the smaller scale uses to the north on Superior Avenue which include our client's home and the Masonic Hall.
3. The Mimico Fire Hall located at 13 Superior Avenue should be preserved and reused in the context of any redevelopment of this site.
4. The development proposal does not conform to or respect the Performance Standards for Mid Rise Buildings as contained in the Avenues and Mid-Rise Building Study.
5. Our client has concerns with the shadow studies provided by the proponent that have yet to be satisfactorily addressed.
6. The proposal does not have sufficient regard to matters of Provincial interest including the conservation of features of significant architectural and historical interest.
7. The architectural response to the demolition of the Mimico Fire Hall, which is listed on the Toronto inventory of heritage properties adopted in 2006, to propose the retention of inter alia a "dog bone shaped feature and a cornice..." is inadequate and City Planning Staff acknowledges it as such.
8. Consideration of the proposed zoning bylaw is premature in advance of the completion of the Mimico 20/20 Revitalization Study and in advance of the public consultation on the Avenues Segment Study as required under the Toronto Official Plan.
9. No zoning bylaw should be adopted for this site that doesn't include a finalised site plan as a schedule to, and forming part of, the zoning bylaw.
10. Our client is concerned about the proposed electrical transformer to be located immediately adjacent to his rear garden.

Kindly acknowledge receipt of this communication in writing.

Kindly provide the author with written notice of passing of any zoning bylaw passed pursuant to this application pursuant to the provisions of the Planning Act.

I am unable to attend at the meeting of Community Council on June 22 but a representative of Mr. Kaross will appear on his behalf.

Yours very truly,

A handwritten signature in black ink, appearing to read 'A. Milliken Heisey'. The signature is fluid and cursive, with a large loop at the end.

A. Milliken Heisey
AMH/mes
Encl.

cc. Robert Kaross
cc. councillor_grimes@toronto.ca