
City Council

Motion without Notice

MM14.25	ACTION			Ward:24
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Appeal of Committee of Adjustment Decisions Respecting the Severance and Minor Variance for 500 Cummer Avenue (File Nos. A627/11NY and B048/11NY) and Attendance at an Ontario Municipal Board Hearing - by Councillor David Shiner, second by Councillor Karen Stintz

- * This Motion has been deemed urgent by the Chair.*
- * This Motion is not subject to a vote to waive referral.*
- * This Motion has been added to the agenda and is before Council for debate*

Recommendations

Councillor David Shiner, seconded by Councillor Karen Stintz, recommends that:

1. City Council authorize the City Solicitor to appeal the decisions of the Committee of Adjustment respecting the severance and minor variance for 500 Cummer Avenue (File Nos. A627/11NY and B048/11N), and direct the City Solicitor to attend the Ontario Municipal Board hearing in support of City Council's appeals, including retaining an outside independent land use planner to provide evidence at the hearing.
2. City Council authorize the City Solicitor and other City staff to take any further steps necessary to implement this Motion.

Summary

The property municipally known as 500 Cummer Avenue (the "Land") is owned by the Toronto District School Board (the "TDSB") and comprises an existing one-storey school building, associated outdoor parking, accessory and play structures and associated playing fields, together having an area of approximately 4.97 acres.

The Toronto Official Plan designates the Land as Neighbourhoods and the Land is zoned R4 in the North York Zoning By-law 7625 for residential purposes. The Zoning By-law permits an educational institution under the jurisdiction of the TDSB offering elementary or secondary education, however the TDSB is not using the Land for these purposes. Currently the TDSB is operating a LINC (Language Instruction for Newcomers to Canada) program from the school. The LINC program is funded by the federal government and provides educational classes to help newcomers to Canada learn English and assist them in the settlement process.

The Cummer Avenue Public School located on the Land ceased operating as a public school some years ago and since then there have been a number of different TDSB programs and tenants, the latest being the LINC program.

The TDSB application for Consent to sever and for minor variance indicates portions of the Land were declared surplus to the TDSB's needs in February, 2011, that the surplus portion of the Land was offered to various public agencies, including other school boards and all three levels of government and that no expressions of interest were received.

The TDSB application to the Committee of Adjustment is for consent to sever the Land into two parts. The northerly larger parcel of approximately 2.6 acres (the "Severed Parcel") to be used for residential uses and the smaller approximately 2.37 acres parcel to be used for existing educational institution under the jurisdiction of the TDSB offering language instruction for newcomers to Canada. The latter use requires a minor variance which the TDSB also applied for.

The current zoning designation requires a minimum lot width and frontage of 15 metres and a lot area of 550 square metres. Comments from City Planning staff to the Committee of Adjustment respecting these applications stated that the "intent of the Zoning By-law is to establish precise standards as to how land is developed. Restrictions on lot width, frontage and area are used, in part, to ensure adequate densities within Neighbourhoods and to achieve more uniform and consistent built form streetscapes, thereby contributing to a more predictable pattern of development."

In its application for consent the TDSB acknowledges it anticipates that development of the Severed Parcel will proceed in the future by necessary applications under the Planning Act by the purchaser of the lands.

In my letter to the Committee of Adjustment I stated that it was premature to approve a severance of the Land until an application has been made for development of the portion of the Land proposed to be severed which would identify any proposed amendments to the zoning of the property and which would identify access and egress. In addition, the impacts of operating an adult education centre, including parking and amenity space, have not been identified.

At its meeting of November 17, 2011, the Committee of Adjustment heard and granted the applications for consent and variance for the Land.

The approval of these applications at this time is not desirable, is not good planning and will create uncertainty and may be destabilizing in this residential neighbourhood where amongst other matters, more uniform and consistent built form streetscapes and a more predictable pattern of development are intended.

(Submitted to City Council on November 29 and 30, 2011 as MM14.25)