



# Janet DAVIS

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Beaches-East York*

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May 2, 2017

To: Members of the Toronto and East York Community Council

Re: 1186, 1188 & 1190 Woodbine Avenue – Authority to Attend an Ontario  
Municipal Board Hearing

*SUMMARY:*

The applicant has applied to the Committee of Adjustment, Toronto and East York Panel (the "Committee") for consent to sever the property for the ultimate purpose of a lot addition fronting on Frater Avenue, a consent to create three parcels to establish an easement, and associated minor variances from the City-wide Zoning By-law 569-2013 and the former East York Zoning By-law 6752 to maintain the existing mixed-use buildings at 1186, 1188 & 1190 Woodbine Ave and to construct a new detached two-storey dwelling on the newly created lot (the "Applications"). The Applications are known as municipal file numbers B0046/16TEY, B0047/16TEY, A0756/16TEY, A0757/16TEY, A0758/16TEY, and A0759/16TEY.

On February 15, 2017, the Committee refused the Applications and related variances (the "Decisions").

The City is concerned with the Applications as they, individually and cumulatively, fail to meet the requisite tests for a consent to sever set out in section 51(24) of the *Planning Act* including the provisions relating to the dimension and shapes of the proposed lots, transition of uses, and the conformity to the official plan, or tests for minor variances under section 45(1) of the *Planning Act*. The Applications propose to introduce a three storey residential dwelling in a commercial zone that does not permit a residential uses. There are a number of concerns relating to traffic and parking, development engineering and urban forestry.

The Applications and the proposed variances do not maintain the intent and purpose of the relevant zoning by-laws, as the Applications proposes a residential use not permitted in the commercial zone and setbacks that would result in negative impacts on the immediate neighbourhood and that does not fit the character of the area or meet the intent of the zoning by-laws. The lot addition does not match the lot pattern on either Frater Avenue or Woodbine Avenue and the setbacks proposed of the existing mixed-use buildings on Woodbine Avenue are not sufficient, creating issues of transition.

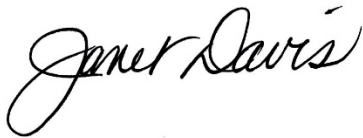
The applicant has appealed the Decisions to the Ontario Municipal Board. This motion will give the City Solicitor, along with appropriate City Staff authority to attend the Ontario Municipal Board to oppose the consents and associated variances requested in the Application. This motion will also give the City Solicitor authority to attempt to negotiate, with the applicant, a resolution of the City's concerns in consultation with the Ward Councillor. In the event that a resolution is not reached, the motion authorizes the City Solicitor, and appropriate City Staff, to attend the Ontario Municipal Board in order to oppose the consents and variances refused by the Committee in its Decisions.

This matter is urgent as the applicant has appealed the Decisions to the Ontario Municipal Board and the Ontario Municipal Board is scheduling hearing dates for the appeals of the Decisions, bearing OMB Case Numbers PL170254 and PL170258.

**RECOMMENDATIONS:**

1. That City Council authorizes the City Solicitor, along with appropriate City Staff, to attend the Ontario Municipal Board to oppose the consents and associated variances requested in Application Nos. B0046/16TEY, B0047/16TEY, A0756/16TEY, A0757/16TEY, A0758/16TEY, and A0759/16TEY respecting 1186, 1188 & 1190 Woodbine Avenue.
2. That City Council authorizes the City Solicitor to attempt to negotiate with the applicant, a resolution of the appeals, in consultation with the Ward Councillor.
3. That City Council, in the event that a resolution is not reached, authorize the City Solicitor, along with appropriate City Staff, to attend the Ontario Municipal Board in order to oppose the consents and variances requested in Application Nos. B0046/16TEY, B0047/16TEY, A0756/16TEY, A0757/16TEY, A0758/16TEY, and A0759/16TEY respecting 1186, 1188 & 1190 Woodbine Avenue.

Sincerely,

A handwritten signature in black ink that reads "Janet Davis". The signature is written in a cursive, flowing style.

Janet Davis  
City Councillor  
Ward 31 Beaches-East York

**ATTACHMENTS:**

- Attachment 1: Notices of Decision of the Committee of Adjustment
- Attachment 2: Planning Staff Report to the Committee of Adjustment
- Attachment 3: Development Engineering Staff Report to the Committee of Adjustment
- Attachment 4: Traffic Planning Staff Report to the Committee of Adjustment
- Attachment 5: Urban Forestry Staff Report to the Committee of Adjustment