

December 28, 2023

Kyle Knoeck, Director
Zoning and Secretary-Treasurer
Committee of Adjustment

Dear Mr. Knoeck,

As a community organization, the Annex Residents' Association (ARA) is deeply committed to making a positive contribution to the planning process for the physical evolution and continued population growth of the Annex neighbourhood. One planning review tool that the City offers as part of that planning process is the Committee of Adjustment (C of A). We, as a residents' organization, are puzzled by some recent decisions by the C of A with respect to what is an adjustment and what constitutes a minor variance.

It is perhaps useful to look at two definitions as set out in the Oxford dictionary.

Adjustment - a small alteration or movement made to achieve a desired fit, appearance or result.

Minor - lesser in importance, seriousness or significance.

On the City's website the C of A is described as "an independent, quasi-judicial body administrative tribunal that makes decisions under the Planning Act on applications for minor variances, consent to extend or enlarge legal non-conforming uses."

In a recent decision, the C of A approved the application for minor variances to 316 Bloor Street West. These variances were for an already rezoned project that had previously been negotiated with and supported by the ARA. The following were considered minor variances by the Committee:

- Number of storeys 29 to 37 (27.6% increase).
- Building height 98 m to 121.4 m (23.6% increase).
- Building area 22,450 sm to 28,336 sm (26% increase).
- Indoor amenity area per dwelling unit 4.0 sm to 3.2 sm (20% decrease).
- Outdoor amenity area per dwelling unit .5 sm to .35 sm (30% decrease)

These figures hardly seem like 'adjustments' or 'minor variances.' Rather, they seem in essence to be a further rezoning, a rezoning done without the benefit of any community consultation whatsoever. In fact, during the discussions the Chair, the most experienced member of the Committee, stated "this kind of increase should have community support" and "eight storeys is another building - it is not minor." Yet to our consternation the Chair then abstained from voting, and the submission was approved!

Consider by contrast the ruling in a previous C of A hearing for 300 Bloor Street West. The request was for a 5-storey addition, constituting a 17% increase in height. This lesser request was unanimously refused by the Committee. The members ruled that the C of A was not the place for such a significant request. Furthermore, they declared that such a request did a disservice to the original extensive community consultations in the face of a complete lack of community consultation on this submission.

The contrast between the results in these two hearings indicates a major inconsistency in decision making at the Committee of Adjustment.

The ARA is committed to supporting measured and responsible growth in the Annex. However, the decision on 316 Bloor Street West from the C of A has given us pause.

Our questions to the Planning Department and the C of A are:

1. What is an adjustment?
2. What constitutes a minor variance?

Yours Sincerely,



Rita Bilerman
Chair, Annex Residents' Association

Copy to:

Mayor Chow
Councillor Saxe
Gregg Lintern
David Driedger
Corinna Prior
Aviva Pelt
Sarah Rogers
Oren Tamir
FoNTRA