

TORONTO OMB NEWS

Tower allowed near Dundas West Station

In a decision issued March 19, board member **Sylvia Sutherland** allowed an appeal by **Dun West Properties Ltd.** of the City of Toronto's failure to enact a proposed zoning by-law amendment. Dun West sought permission to rezone lands to increase the allowed height and density to develop an eight-storey mid-rise, mixed-use residential building with a connected 23-storey tower at the rear. The property is located at 2376-2388 Dundas Street West near Bloor Street West.

Planner **Pino Di Mascio (Urban Strategies)** and architect **Mark Sterling (Sweeny Sterling Finlayson & Co)** provided evidence on behalf of Dun West. Di Mascio told the board the proposal had intensification and redevelopment opportunities that met the intent and purpose of the official plan and provincial plans. He also said the current mid-rise building on the site is missing out on development potential as it is next to a major transit station and that, as part of an avenue study by the city, the site should have considered a mobility hub. Sterling told the board that the proposed building's density, scale, mass and built form represented good planning and respected planning policies.

Planner **Anne McIlroy (Brook McIlroy)**, city urban designer **Janet Lee** and city planner **Dan Nicholson** provided evidence on behalf of the city. They told the board that the proposed development would create an "inappropriate precedent for other potential developments."

The city identified benefits, such as intersection and streetscape improvements, parkland and public art, that could be included under section 37 agreements of the *Planning Act*. However, the board found that the proposed benefits did not relate to the proposed development and that the city did not discuss them with Dun West prior to the hearing. The board allowed the appeal and ordered approval of the draft zoning by-law amendment and site plan.

Solicitors involved in the case were **Jane Pepino** and **Andrea Skinner (Aird and Berlis LLP)** representing Dun West Properties Ltd. and city solicitor **Stephen Bradley** representing the City of Toronto. (See *OMB Case No. P1121287*.)

Midtown consent and variances allowed

In a decision issued March 19, board member **John Atcheson** allowed appeals by **Greg Brown** of the City of Toronto

committee of adjustment's failure to approve a consent application and two minor variance applications. Brown sought permission to sever a property, demolish an existing house and construct two new dwellings. The variances included an increase in gross floor area and dwelling length and a decrease in side yard setbacks. The property is located at 92 Briar Hill Avenue near Yonge Street and Eglinton Avenue West.

The board was informed that a settlement had been reached between the city and neighbours Paul Manchester, Kathryn Poldre and Laurence Olivo. The revised variances reduced the size of the dwellings and relocated the decks and stairs to the interior side yards.

Planner **Franco Romano (Action Planning Consultants)** provided evidence on behalf of Brown. He told the board the variances are minor, reflect the settlement agreement, respect the existing neighbourhood and conform to the city's official plan and zoning by-law.

The board agreed with Romano and allowed the consent and minor variances with conditions including construction in accordance with plans prepared by **Rubinoff Design Group** dated March 5, following tree protection policies, payment of taxes, filing a plan of survey and municipal addressing.

Solicitors involved in the case were **Amber Stewart (Amber Stewart Law)** representing Greg Brown, city solicitor **Christina Achkarian** representing the City of Toronto and **Barnet Kussner (WeirFoulds LLP)**

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