

TORONTO OMB NEWS

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The board found the proposed gross floor area to be too large and proposed a decrease in the requested variance. It allowed the appeal and authorized the revised variance on the condition that the revised plans showing a decreased gross floor area be submitted to the city.

Solicitors involved in the case were **Michael Vaughan (Michael B. Vaughan, Q.C.)** representing Hamidreza Shafiei and city solicitor **Ray Kallio** representing the City of Toronto. (See OMB Case No. PL130073.)

Rezoning for St. Clair tower

In a decision issued April 3, board member **Reid Rossi** allowed appeals by **213 and 219 St. Clair Holdings Ltd.** of the City of Toronto's failure to enact official plan and zoning by-law amendments. 213 and 219 St. Clair sought permission to redesignate and rezone lands with a site specific designation to permit development of an 11-storey residential building with 164 units. The property is located at 213, 215, 217, 219 and 233 St. Clair Avenue West, just east of Yonge Street in the Deer Park neighbourhood.

The board was informed that 213 and 219 St. Clair had reached settlements with the surrounding neighbours who would be most impacted by the development. Matters addressed include landscaping, balcony building materials and height transitions to abutting buildings.

Urban designer **Mark Sterling (Acronym Urban Design and Planning)** and planner **Robert Dragicevic (Walker, Nott, Dragicevic Associates Limited)** provided evidence in support of the development proposal. They told the board there would be little shadow impacts on surrounding buildings and the proposal conforms to the built form policies of the official plan.

City planner **David Driedger** provided evidence on behalf of the city. He told the board that there would be some shadow impacts to the sidewalk on the north side of St. Clair Avenue West and some nearby side yards. He added that the proposal was inappropriate citing the city's mid-rise guidelines and arguing that the proposal should include *section 37* agreements.

The board was not persuaded by the city and agreed with Sterling and Dragicevic. It allowed the appeals and amended

the official plan and zoning by-law. The board withheld its order on the site plan until the agreement has been satisfied.

Solicitors involved in the case were **Adam Brown (Sherman, Brown)** representing 213 and 219 St. Clair Holdings Ltd. and city solicitor **Gordon Whicher** representing the City of Toronto. (See OMB Case No. PL130627.)

Leaside condos allowed

In a decision issued April 1, board vice-chair **Jan de Pencier Seaborn** allowed an appeal by **Scenic (ARH) Developments Ltd.** of the City of Toronto committee of adjustment's failure to approve minor variances. Scenic sought permission to develop a residential condominium building and townhouses comprising 1,063 units. The variances include an increase to the total number of units and a decrease to the number of parking spaces. The property is located at 160 Vanderhoof Avenue, southeast of Eglinton Avenue East and Laird Avenue in Leaside.

Transportation planner **Alun Lloyd (BA Group)** and land use planner **Scott Walker (N. Barry Lyon Consultants)** provided evidence on behalf of Scenic. Lloyd told the board that the additional units would not lead to significant traffic impacts due to the future completion of the Eglinton LRT and noted that the parking by-law does not distinguish between residential and visitor parking. Walker added that the variances meet the four tests as set out in the *Planning Act*.

The board agreed with Lloyd and Walker. It allowed the appeal and authorized the variances.

Solicitors involved in the case were **John Alati (Davies Howe)** representing Scenic (ARH) Developments Ltd. and city solicitor **Sarah Rogers** representing the City of Toronto. (See OMB Case No. PL131193.)

Deer Park houses not allowed

In a decision issued April 7, board vice-chair **Susan de Avellar Schiller** dismissed appeals by **Maurice Fuoco** and **Patricia Wenta** of the City of Toronto committee of adjustment's failure to approve minor variances and a consent application. Fuoco and Wenta sought permission to sever a lot to construct a pair of semi-detached, three-storey dwellings. CONTINUED PAGE 12 