

Finding Out About OMB The Hard Way

~ CORONATION DRIVE AREA ~

by Larry Johnston

It is bad enough to be starting your first full term

as a councillor by losing a hearing at the Ontario Municipal Board, but it is worse when it is in your home neighborhood. Councillor Paul Ainslie was so upset about the decision that he wrote a letter in protest to the Attorney General, the Chairman of the OMB with copies to Mary Anne Chambers.

He will also be circulating a petition through Chambers' office asking for changes in municipal legislation.

Last December 19, board member Reid Rossi overturned the Scarborough committee of adjustment decision and allowed four 25 foot lots on a former public road allowance at the west end of French Avenue where the city had intended only two, and the zoning bylaw only allows a minimum 40-foot lot.

Two of the new lots are on Kitchener Road and the second pair are back-to-back to them on Poplar Road in the Coronation Drive neighborhood. Until

recently, they were on the city-owned unopened road allowance.

Scarborough planners sliced ten feet off the south side for a walkway and three feet more from the north side which was sold to the next door neighbors. The centre section, now little more than 50 feet, was then sold. The neighborhood then waited for two large houses to be built similar to several others already gracing the two streets.

But the builder instead submitted a plan for townhouses. When that was rejected, he submitted the four-lot plan that was turned down by the committee of adjustment.

Both the city and the developer had lawyers and expert planners at the OMB hearing. There were also five residents objecting to the plan as witnesses and a petition signed by several more.

The experts, Paul Glavin for the city and Paul Lowes for the developer, both had albums of photos, but the chair, Rossi, was most impressed with an artistic impression showing that

two new small houses would make little difference to the streetscape vs. one large one. The space added to the neighbour's sideyard to the north and the walkway to the south would provide important spacing between the new and the old houses next door.

Rossi preferred the developer planner's description of the larger neighborhood that includes semi-detached houses on Gardentree Street to Glavin.

In Rossi's opinion severances need to be approved in the context of the whole neighborhood, not just the next-door neighbors.

Councillor Ron Moeser, who used to represent the area, sent a letter to the board stating that ten years ago he was assured that zoning bylaws would not be changed, but Rossi said that bylaws are not static and neighbourhoods are constantly changing. The new houses will contribute to the diversity that will be needed in the city.

Councillor Ainslie is not just upset with the OMB but with the city legal department who did not seek a review or seek an appeal in the courts. That must be done within 30 days according to the OMB website and happens only in very rare circumstances.

A review may be granted if there is "new evidence" not available to the board the first time or if evidence was misinterpreted. Leave to appeal may happen only

if the board law that outcome.

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