

OMB rules in favour of Neville Park neighbourhood

by Carole Stimmell

FOR MORE than two and a half years, members of the Beach Lakefront Neighbourhood Association (BLNA) have done everything they can to defeat what they consider a totally inappropriate development being built at the foot of Neville Park Boulevard. Neighbourhood residents attended numerous meetings, made deputations, handed out flyers, updated their website, wrote press releases, organized a concert and, of course, did endless fundraising to prevent the four-storey, 10-unit condominium from being built, but ultimately the fate of the development, and according to the BLNA, the future of the entire Beach waterfront, rested in the hands of the Ontario Municipal Board (OMB).

On Jan. 6, the OMB announced its decision, and to the surprise of many, ruled that, in fact the city and the BLNA were correct that the “proposal is not appropriate for

the site and is not compatible with the physical character of the surrounding neighbourhood.”

Members of the OMB, R. Rossi and J.G. Wong, based their decision on the delineation of what was the ‘immediate’ study area.

The developer’s planner identified the study area as stretching south from Queen to the lake, from Nursewood Road west to Silver Birch. This area contains detached houses, semi-detached houses as well as three small apartment buildings.

The city planner, Leontine Major, however, limited the study to three streets south of Queen, Munro Park, Neville Park and Nursewood. This area is zoned R1, the most restrictive type of residential zoning which allows only detached and converted houses. Planner Pino DiMascio, who testified on behalf of the BLNA, used the same study area as the city.

The smaller area does have one small apartment building at 2 Nursewood Rd., but it was constructed before the R1 zoning was enacted.

The OMB, after considering the evidence on both sides, opted to use the study area proposed by the city and the BLNA, because the members thought that the three streets were different enough in physical character from the area to the west to constitute a distinct neighbourhood.

On the question of the provincial policy of intensification, the

board found that “not all locations can accommodate intensification.” The board found that the proposed development “would create instability in the subject neighbourhood and in doing so, would encourage further similar growth and development where it has explicitly been determined to be inappropriate.”

The board also indicated that the size of the proposed building was out of character with other dwellings in the neighbourhood. “In fact,” stated the decision, “it would have the largest above-[ground]floor area of all residential buildings south of Queen Street East between Nursewood Road and Lee Avenue.”

Further, the board cited the testimony of Architect Sharon

McKenzie that the proposed condo “represents an incompatible form of development in terms of type of use, size and scale, height, massing and setback.”

The decision of the board was that “It is not an appropriate development of the site and this proposal with its proposed amendments does not constitute good planning and is most assuredly not in the public interest.”

Needless to say, members of the BLNA

were thrilled with the board decision.

“The OMB clearly listened and supported the City’s planning policies intended to protect low density neighbourhoods like ours...The strong support of the City position by the neighbourhood with its own team of lawyers and experts (entirely funded by neighbour contributions) was a major contributing factor to the victory...We would like to thank all the volunteers who committed hours of work over the past three years and everyone in the neighbourhood who provided financial support,” Steve Ottaway wrote to BLNA members.

Ottaway said that it was hard to believe that residents had been working for three years on the fight.

Councillor Sandra Bussin said that she was “very happy” with this “important win” for the community.

“I pushed the city to support the residents right from the beginning because of the dramatic implications for the entire lakefront.”

Unfortunately, because the OMB decision was based on the fact that the site in question was in a R1 zoning area, it will not help other parts of the community which are also under threat of ‘inappropriate’ development. Bussin said that the city may have to look at changing the zoning for certain neighbourhoods.

