

Ontario Municipal Board Appeal - Committee of Adjustment Refusal - 99 Elm Avenue (Midtown)

(City Council on November 23, 24 and 25, 1999, adopted this Clause, without amendment.)

The Toronto Community Council recommends that the City Solicitor be directed to appear before the Ontario Municipal Board to defend the City of Toronto Committee of Adjustment Decision of October 12, 1999, regarding 99 Elm Avenue, and be authorized to retain independent planning advice and evidence for the hearing if necessary, with funding from the Corporate Contingency Account, as authorized by City Council.

The Toronto Community Council submits the following communication (October 20, 1999) from Councillor Adams:

Recommendation:

That the City Solicitor be directed to appear before the Ontario Municipal Board to defend the City of Toronto Committee of Adjustment Decision of October 12, 1999, regarding 99 Elm Avenue, and be authorized to retain independent planning advice and evidence for the hearing if necessary, with funding from the Corporate Contingency Account, as authorized by City Council.

Background:

At its meeting of October 12, 1999, the City of Toronto committee of Adjustment refuse an application to make interior alterations to the existing garage for use as a pool cabana at 99 Elm Avenue. This refusal has been appealed to the Ontario Municipal Board with a hearing date pending.

The Committee of Adjustment in its refusal Decision noted concerns from a number of neighbouring property owners including the local ratepayers association. The Committee in its decision also noted that it “shares the concerns of the neighbours, particularly with respect to the parking variance”, as parking will not be provided in the private garage on the same lot as required. It was further noted by the Committee that “the application is not appropriate, desirable or within the general intent and purpose of the Zoning By-law”.

The Toronto Community Council reports, for the information of Council, having also had before it during consideration of the foregoing matter, the following communications, a copy thereof is on file in the office of the City Clerk:

- (November 1, 1999) from Frances Dafoe;
- (November 5, 1999) from Mr. Alex Murray, Enverg Associates;
- (November 6, 1999) from Mr. John G.H. Harrison and Ms. Karin Harrison;
- (November 6, 1999) from Mr. Carl T. Grant;
- (November 6, 1999) from S.J. AvRuskin;

- (November 8, 1999) from Mr. Robert Richards; and
- (November 2, 1999) from Lesley Rogan.