

NOTICE OF MOTION**Appeal of Committee of Adjustment Decision and Request for Legal Staff and Outside Planning Consultant's attendance at the OMB
B0021/08NY – 51 MONTRESSOR DRIVE****Moved by: Councillor JENKINS** _____**SUMMARY:**

An application to the Committee of Adjustment (COA), North York Panel for the division of a parcel of residential lands into two parts for conveyance purposed for the creation of a new building lot fronting onto Toba Drive was refused by the committee on June 4th, 2008. 51 Montessor Drive is a corner lot that fronts onto Montessor Drive and sides onto Toba Drive. Planning staff did not report on this application.

The applicant appealed the COA decision to the Ontario Municipal Board (OMB). To date, an OMB hearing date has not been set.

In August 2007, the City successfully defended a similar COA decision at the OMB for a division of property at 159 and 161 Owen Blvd. in the St. Andrew's community. Another similar appeal at 12 Aldershot was also turned down at the OMB. All of these locations including 51 Montessor Drive are corner lots. The OMB decisions stated that the proposed lots were not compatible with the predominant lot size and character of the area and would negatively impact adjacent homeowners. Approval of this consent request would set a precedent for corner lots in the entire area.

51 Montessor Drive is a transitional lot between the smaller lots in the R4 zoning in the St. Andrew's neighbourhood and the larger lots in R2 zoning in the Fifeshire Road community. By splitting it into two smaller lots, the proposed development does not maintain the Official Plan with respect to zoning transition between homes.

There are currently no lots fronting on Toba Drive which serves as a connecting road from the Fifeshire community to the St. Andrews community through a greenbelt. The property at 1 Toba Drive was subject of a residential house number change.

This application, like the others that were turned down by the OMB, does not meet the development criteria for established neighbourhoods as described in the Official Plan. If approved, this development would have significant negative impacts on the streetscape and adjacent properties, and would set a precedent for future development in the area where there are numerous similar corner lots.

RECOMMENDATION:

That Council authorize the City Solicitor to retain outside Planning Consultants and to attend the Ontario Municipal Board Hearing to uphold the decision of the Committee of Adjustment.