

**NOTICE OF MOTION****Authorization to send the City Solicitor to the Ontario Municipal Board****Moved by: Councillor****Mihevc****Seconded by: Councillor****SUMMARY:**

At its Public Hearing held on Wednesday, September 17, 2008, as required by the Planning Act, the Committee of Adjustment refused the application to To demolish the existing dwelling and to construct a three-storey detached dwelling with an integral, two-car garage, below grade at 410 Rosemary Road

Variances generated from the proposal include: maximum gross floor area, the introduction of an integral below-grade garage with access in the wall facing the front lot line, maximum permitted above grade height of the proposed front porch, and building depth.

Before the Committee of Adjustment, Community Planning staff along with area residents submitted letters in objection to the file. Neighbouring residents from 408, 412, 413, 414, 415, 416, 418 Rosemary Road and from 411 Richview all registered letters in opposition to the requested variances. Given the community and City staff opposition, I believe it would be prudent to send the City Solicitor and necessary staff to the Ontario Municipal Board to uphold the Committee of Adjustment's decision to refuse the application.

As I stated in my letter to the Committee of Adjustment, Rosemary Road is a stable neighbourhood in my ward and the proposed demolition of the existing house with a larger replacement house does not fit the neighbourhood character.

**RECOMMENDATION:**

1. City Council authorize the City Solicitor and necessary City staff to attend the Ontario Municipal Board hearing uphold the Committee of Adjustment decision to refuse the application at 410 Rosemary Road.

October 6, 2008