



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**Proposed Official Plan Modification to Settle an Appeal of the
Toronto Official Plan: 56-58 Sandringham Drive**

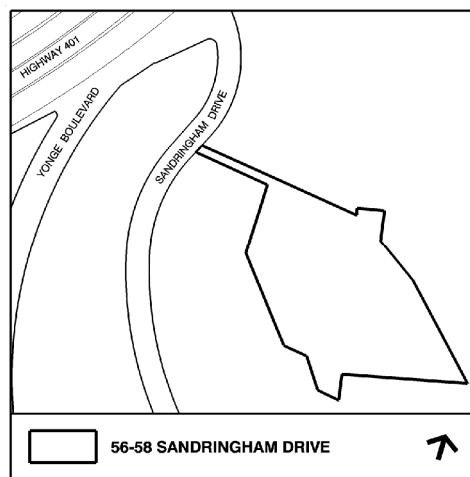
Date:	January 10, 2011
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division and City Solicitor
Wards:	Ward 16 – Eglinton-Lawrence
Reason for Confidential Information:	This report is about litigation or potential litigation that affects the City and contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	OMB Case No. PL030412 OMB File No. 0040052 Pg11003

SUMMARY

This report proposes a modification to the Official Plan to settle the site specific appeal of the Toronto Official Plan by 56 Sandringham Drive Inc. (the "Appellant") respecting 56-58 Sandringham Drive (the "Site").

On September 14, 2004 the Ontario Municipal Board (the "OMB") granted Party status to the former owner of the Site for a site specific appeal of the Toronto Official Plan. The current owner of the Site, 56 Sandringham Drive Inc. has maintained the appeal before the Board.

On March 26, 2010, the Appellant submitted an application for a minor variance to the zoning by-law to permit a proposed two storey addition to the existing dwelling on the Site. The Committee of Adjustment approved the requested minor variances on June 23, 2010; this decision is final and binding. The Appellant has



submitted a related application for site plan control that is currently under review by Community Planning staff.

Given the approved minor variances to Zoning By-Law No. 7625 respecting the Site, staff are proposing a modification to the Official Plan to settle the appeal of the Toronto Official Plan.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning Division and the City Solicitor recommend that:

1. City Council approve the Confidential Recommendations contained in Attachment 1 to this report; and
2. City Council authorize the public release, at the end of the Council meeting, of the Confidential Recommendations and Schedule "D" in Attachment 1, if adopted by City Council.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

In September 2004, the OMB granted Party status to the former owner of the Site for a site specific appeal of the Toronto Official Plan. Upon the OMB's approval and bringing the Toronto Official Plan into force in 2006, the Order excluded the Site from some, but not all, of the Plan's policies due to the outstanding site specific appeal. The result is that some policies of the North York Official Plan remain in force for the Site, and most policies in the Toronto Official Plan are also in force as they pertain to the Site.

In March 2010 the current owner of the lands (56 Sandringham Drive Inc.) submitted an application for a minor variance to the zoning by-law in order to permit a two storey addition to the existing dwelling on the Site. The Committee of Adjustment approved the requested minor variances to the zoning by-law on June 23, 2010, and its decision became final and binding on July 14, 2010. A related application for site plan control was also submitted for the proposal and it is currently being reviewed by Community Planning staff.

COMMENTS

Since the OMB granted Party status to the Appellant, City Planning staff have discussed with the Appellant means to settle the appeal of the Toronto Official Plan. Staff are proposing a modification to the Official Plan in order to settle the site specific appeal of the Toronto Official Plan respecting the Site. The OMB hearing respecting Toronto Official Plan appeals is scheduled to continue on March 7, 2011 and staff propose to present the Board panel with the proposed settlement subject to Council's approval of the proposed modifications to the Official Plan.

CONTACT

Kerri A. Voumvakis, Acting Director
Policy and Research
Planning Division
Tel: 416-392-8148
Fax: 416-392-3821
kvoumva@toronto.ca

Rob Balfour, Solicitor
Planning and Administrative Tribunal Law City
Legal Services Division
Tel: 416-392-7225
Fax: 416-397-4420
rbalfour@toronto.ca

SIGNATURE

Gary Wright
Chief Planner and Executive Director
City Planning Division

Anna Kinastowski
City Solicitor

ATTACHMENTS

Attachment 1 – Proposed Official Plan Modification to Settle an Appeal of the Toronto Official Plan: 56-58 Sandringham Drive

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