

January 18, 2010

Toronto and East York Community Council  
100 Queen St W  
Toronto, ON M5H 2N2

Dear Chair and Members,

**Re: 76 Lowther Ave – Ontario Municipal Board Hearing**

On November 17, 2010, the Toronto East York Committee of Adjustment approved variances required to permit the alteration of a three-story detached dwelling at 76 Lowther Avenue. The proposed alteration would entail the demolition of an existing two-storey coach house and the construction of a rear two-storey addition and ground floor deck to the existing house. A detached garage would also be constructed in the rear yard.

The property at 76 Lowther is listed on the City of Toronto's Inventory of Heritage Properties. Accordingly, and at the request of the City's Heritage Preservation Services, the decision of the Committee to permit the variances was subject to one condition, which requires that: "Prior to the issuance of a building permit, final plans and drawings be submitted to the satisfaction of the Manager of Heritage Preservation Services."

A neighbour has appealed the decision of the Committee of Adjustment to the Ontario Municipal Board (OMB). No hearing date has been scheduled yet.

There is some concern in the community that the proposed detached garage could be converted in the future to habitable living space. To address that concern, Planning Staff supports attaching the following additional conditions to the variances sought:

- 1) That the development proceed substantially in accordance with the plans submitted to the Committee of Adjustment, date stamped October 26, 2010.
- 2) That the proposed new detached garage be used only for the parking of vehicles and for storage and not be used for human habitation.

The applicant has consented to these conditions being attached to the variances. Accordingly, this motion seeks instructions for the City Solicitor and Planning Staff to attend at the hearing in order to ensure that the above-stated conditions are attached to any variances granted by the OMB.



**RECOMMENDATIONS:**

It is recommended that:

- 1) City Council direct the City Solicitor and the appropriate staff to appear at the Ontario Municipal Board to ensure that any variances granted in connection with the development at 76 Lowther be subject to the following additional conditions:
  - a. That the development proceed substantially in accordance with the plans submitted to the Committee of Adjustment, date stamped October 26, 2010.
  - b. That the proposed new detached garage be used only for the parking of vehicles and for storage and not be used for human habitation.
- 2) City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

Thank you for your consideration.

Sincerely,

Adam Vaughan  
City Councillor  
Ward 20, Trinity-Spadina

