

## City Council

### Motion without Notice

MM7.28	ACTION			Ward:29
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**Request for Attendance at Ontario Municipal Board - 33 Davies Crescent - by Councillor Mary Fragedakis, seconded by Councillor Josh Colle**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

### Recommendations

Councillor Mary Fragedakis, seconded by Councillor Josh Colle, recommends that:

1. City Council direct the City Solicitor to attempt to negotiate a settlement of the appeal with the applicant regarding 33 Davies Crescent, and authorize the City Solicitor to settle the appeal on behalf of the City at the City Solicitor's discretion after consultation with the Ward Councillor.
2. In the event a settlement cannot be reached, City Council authorize the City Solicitor to attend at Ontario Municipal Board in opposition to the Committee of Adjustment's approval of the minor variances, and to retain outside consultants, as necessary, to support the City's position.

### Summary

An application for Minor Variances was submitted by the owner of 33 Davies Crescent in order to permit the construction of a new two-storey dwelling. Variances were requested to Harmonized Zoning By-law 569-2013 and East York Zoning By-law 6752 for relief in respect of the proposed lot coverage; height; height of the front main wall, gross floor area and side yard and front yard setbacks.

At its meeting of Wednesday, May 13, 2015, the Toronto and East York Panel of the Committee of Adjustment refused the minor variance application. It has since been appealed by the applicant to the Ontario Municipal Board. A hearing date has not yet been set.

There is a healthy and mature honey locust tree on the subject property that is proposed to be removed as a result of the proposed new dwelling and many area residents have expressed their concerns about the removal of the tree. The proposal represents over-development of the lot, and its approval would be detrimental to the character of the neighbourhood and would not be desirable for the appropriate development of the land.

This matter is urgent as it is likely that the Ontario Municipal Board hearing could be scheduled without another opportunity for instruction from City Council in light of the summer Council recess.

### **Background Information (City Council)**

Member Motion MM7.28

Committee of Adjustment, Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 33 Davies Crescent

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-81354.pdf>