

## City Council

### Motion without Notice

MM8.32	ACTION			Ward:17
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#### **57 Roseneath Gardens - Request for Attendance at the Ontario Municipal Board Hearing - by Councillor Cesar Palacio, seconded by Councillor Frances Nunziata**

*\* 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 Cesar Palacio, seconded by Councillor Frances Nunziata, recommends that:

1. In the event that the applicant appeals the Committee of Adjustment decision at the Ontario Municipal Board Hearing, City Council authorize the City Solicitor and outside planner to attend the Ontario Municipal Board hearing to defend the decision of the Committee of Adjustment to refuse the minor variances and severance for 57 Roseneath Gardens.

#### **Summary**

At its hearing on Thursday, June 18, 2015, the Committee of Adjustment refused the minor variances and severance for the property municipally known as 57 Roseneath Gardens. In the event that this decision is appealed before the OMB (minor variance appeal deadline for July 8, 2015 and severance consent for July 16, 2015 respectively), as the local Ward Councillor, I would appreciate if the City Solicitor and outside planner could attend the OMB hearing to defend the decision of the Committee of Adjustment.

The proponent of this application is requesting numerous variances that deeply concern the community. Firstly, by severing the plot of land to develop two properties, the proponent will over intensify the site; this will have negative repercussions on the future occupants and surrounding community.

The purpose and intent of the Official Plan and Zoning By-laws is to protect neighbourhoods from inappropriate developments that affect the spirit and character of the local neighbourhood. The granting of these variances will set a dangerous precedent on Roseneath Gardens that will lead to similar requests, thereby causing further incompatibility issues within this homogeneous neighbourhood.

According to the community, the variances requested are not in keeping with the spirit and

character of the local neighbourhood for the following reasons:

1. The proposal is not appropriate for the development of the land at 57 Roseneath Gardens: the façades of both proposed houses not only do not fit in with the façades of any other house(s) on Roseneath, they are both incompatible and different from the many semis, bungalows, and few detached homes in this homogeneous neighbourhood.
2. The general intent and purpose of the City's By-law are not maintained: the sizes of the proposed houses are nearly 1 floor higher than other houses on the street and just under 11 metres in height which will have adverse community impacts towards privacy issues along with the blockage of natural sunlight for neighbouring homes.
3. The other resident concerns result from the fact that the proposed severance and minor variances are not minor, but major and do not take into consideration the Toronto Official Plan with regard to their size, mass, and impact on the neighbourhood, including the adjacent properties.
4. Residents of Roseneath Gardens have endured continued problems with basement flooding and this property rests above a very high water table and that the two, proposed houses will result in a decrease of the absorption of water and lead to increased runoff, if built.

Furthermore, at the public meeting to consider the proposal, there was unanimous concern to protect the mature tree at 57 Roseneath Gardens. For your information, other healthy trees were cut down in the backyard area, without any authorization by the previous property owners, who flipped the property for profit.

Through my office, I have requested that Urban Forestry does whatever is within the legal confines of their office to ensure the protection and integrity of the existing healthy tree. Special attention should be given to protect the root system that can easily be damaged during mechanical construction due to excavation, if the variances and consent applications are granted. Given the loss of existing trees on this site, residents are requesting full tree protection.

In my opinion, the requested variances are major in nature, and would have severe impacts on the quality of life for neighbouring properties as a whole. Ultimately, this proposal does not conform to the character of the neighbourhood, and if approved, will be a poor precedent for future developments and result in adverse impacts or incompatibility issues within the local community. It is for these reasons that I urge that the City Solicitor as well as an outside planner attend the OMB hearing should the applicant make an appeal. This matter is deemed urgent due to Council recessing for the summer months.

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

Member Motion MM8.32

Committee of Adjustment, Etobicoke York Panel Notice of Decision on application for Consent and Minor Variance/Permission for 57 Roseneath Gardens Parts 1 and 2  
(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-82084.pdf>)