



MARY FRAGEDAKIS
City Councillor, Ward 29



February 17, 2015

Chair & Members
Toronto and East York Community Council
100 Queen Street West
Toronto, ON M5H 2N2

Dear Chair and Committee Members:

RE: 254 Monarch Park Avenue – Request for City Solicitor to attend at the Ontario Municipal Board

The owner of 254 Monarch Park Avenue applied to the Committee of Adjustment (Applications No. A1096/14TEY and A1097/14TEY) for minor variances from Zoning By-laws 6752 and 569-2013 to construct a new three-storey single detached dwelling with integral garage on each of Lots 194 and 195, Registered Plan M434. The requested variances deal with lot coverage, height, location of first floor area, floor space index, side yard setback, front yard setback, and stair landing encroachment into the front yard.

The variances were refused by the Committee of Adjustment on Wednesday January 28, 2015 (the "Decisions") as the general intent and purpose of the Official Plan and the Zoning By-law are not maintained, the variances are not considered desirable for the appropriate development of the land and the variances are not minor in the opinion of the Committee. Copies of the Decisions are attached.

The owner has appealed the Decisions to the Ontario Municipal Board. A hearing date has not yet been scheduled.

Planning staff by its report dated January 22, 2015, a copy of which is attached, recommended to the Committee of Adjustment that should the Committee approve the height and exterior main wall facing a side lot line variances, then the Committee should impose the condition that the proposed single family dwellings be built substantially in accordance with the elevation drawings date stamped received by the Committee on January 5, 2015 showing the elevation at the front of the houses being not higher than 9.00 metres and the rear of the houses not higher than 9.19 metres.

This motion would give the City Solicitor authority to attend the OMB hearing in support of the Committee of Adjustment's refusal of the applications. It would also give the City Solicitor authority to negotiate a settlement that resolves the City's concerns.

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RECOMMENDATIONS:

That City Council:

1. direct the City Solicitor to attempt to negotiate a settlement in the appeal of the Committee of Adjustment Applications No. A1096/14TEY and A1097/14TEY and authorize the City Solicitor to settle the appeals on behalf of the City in her discretion after consultation with the Chief Planner and Ward Councillor; and
2. in the event settlement cannot be reached authorize the City Solicitor to appear at the Ontario Municipal Board and to retain outside consultants as necessary to support the decision of the Committee of Adjustment in refusing Applications No. A1096/14TEY and A1097/14TEY respecting 254 Monarch Park Avenue.

Thank you for your consideration.

Sincerely,

Mary Fragedakis
City Councillor
Ward 29 Toronto-Danforth