



April 4, 2017

Toronto and East York Community Council
100 Queen Street West
Toronto ON M5H 2N2

Dear Chair and Members,

RE: Request for Attendance at an Ontario Municipal Board Hearing – Appeal of Committee of Adjustment Decision respecting 76 Don Valley Drive (A0026/17TEY)

SUMMARY:

On March 28, 2017, the Toronto and East York District panel of the Committee of Adjustment (the "Committee") approved an application to obtain consent to sever the property at 76 Don Valley Drive into two lots (B0007/17TEY), and approved a related minor variance application (A0026/17TEY) required to construct a new two-storey detached dwelling on one of the severed lots.

The minor variances requested are with respect to lot area, building height, floor space index, front, side and rear yard setbacks, and the area of a terrace located at or above the second storey.

In a March 17, 2017 staff report from the Director, Community Planning, Toronto and East York District, Community Planning staff expressed concerns with the requested front yard setback, which is not consistent with the front yard setbacks of the properties to the north of the subject site. Community Planning staff recommended that the proposed dwelling be pushed back to match the location of the bay window of the adjacent property at 70 Hillside Drive.

Community Planning staff also identified concerns with the height of the proposed dwelling. The proposed dwelling includes a green roof that is accessible from a stair enclosure and elevator lift. The overall height of the proposed dwelling is 9.64 m, while the height excluding the stair enclosure and elevator lift is 6.77 m. The maximum permitted height in Zoning By-law 6752 is 8.5 m, and 7.2 m in Zoning By-law 569-2013.

Community Planning staff recommended two conditions of approval to address its concerns with the application: first, that the variances respecting front yard setback under both by-laws be refused, and second, that no habitable space be permitted above 6.77 m, as shown in the plans and elevation drawings submitted to the Committee of Adjustment on January 12, 2017.

.../2

The Committee's March 28, 2017 Notice of Decision did not include the foregoing conditions of approval that Community Planning staff recommended.

RECOMMENDATION:

That Toronto and East York Community Council recommends that:

1. City Council authorize the City Solicitor to appeal the Committee of Adjustment's decision respecting the minor variance application for 76 Don Valley Drive (A0026/17TEY).
2. City Council authorize the City Solicitor and appropriate City staff to attend the Ontario Municipal Board on the appeal of the Committee of Adjustment's decision respecting 76 Don Valley Drive (A0026/17TEY) and to oppose the application unless the Ontario Municipal Board imposes the conditions recommended by Community Planning in its staff report dated March 17, 2017.

Thank you for your consideration.

Sincerely,

Mary Fragedakis
City Councillor
Ward 29, Toronto – Danforth