



June 5, 2018

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

Dear Chair and Members:

RE: 48 Playter Crescent - Request for City Solicitor to Attend at the Toronto Local Appeal Body

Muhaned Killu and Vito Anthony Partipilo (the "Applicants") have applied to the Committee of Adjustment (Application No. A1056/17TEY) for variances to the applicable zoning by-laws to legalize and maintain a three-storey detached dwelling that was not constructed in accordance with the previously issued building permit (the "Application").

The Applicants previously applied to the Committee of Adjustment in 2016 (Application No. 0929/16TEY) and were granted a number of variances for this property, including for additional building height. Despite having received the earlier approvals, the Applicants went on to construct the new house even taller than allowed by the variances granted in 2016. As a result, in order to legalize the dwelling, the Applicants are now required to seek additional variances. The Applicants are now applying for a further increase in height to 10.96 metres. The Applicants are also applying for a new variance to allow an increase in first floor height to 1.4 metres (whereas a first floor height of only 1.2 metres is permitted). The Application is of concern because the variances requested will legalize an overly large dwelling that is too tall and that is out of character with the surrounding neighbourhood. In particular, the variances being sought in the Application are out of character with the variances recently approved by the Committee of Adjustment on neighbouring properties on Playter Crescent.

At its hearing on May 9, 2018, the Committee of Adjustment refused the Application (the "Decision"). A copy of the Notice of Decision of the Committee of Adjustment is attached. The Applicant has now appealed the Decision to the Toronto Local Appeal Body.

These recommendations will give the City Solicitor, along with other appropriate City Staff, authority to attend the Toronto Local Appeal Body in order to oppose the

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variances requested in the Application and to retain outside consultants as necessary. These recommendations will also give the City Solicitor authority to negotiate a settlement of the appeal.

RECOMMENDATIONS:

1. That City Council authorize the City Solicitor to negotiate a settlement of the appeal of Application No. A1056/17TEY respecting 48 Playter Crescent and authorize the City Solicitor to settle the matter on behalf of the City in her discretion after consultation with the Ward Councillor.
2. That City Council, in the event that a settlement is not reached, authorize the City Solicitor, along with appropriate City Staff, to attend the Toronto Local Appeal Body in order to oppose the variances requested in Application No. A1056/17TEY respecting 48 Playter Crescent and to retain outside consultants as necessary.

Thank you for your consideration.

Sincerely,

Mary Fragedakis
City Councillor
Ward 29, Toronto-Danforth

Attachment 1: Notice of Decision of the Committee of Adjustment dated May 9, 2018



City Planning Division
Michael Mizzi, MCIP, RPP
Director, Zoning and Secretary-Treasurer,
Committee of Adjustment

Committee of Adjustment
Toronto and East York District

100 Queen Street West, 1st Floor
Toronto, Ontario M5H 2N2
Tel: 416-392-7565
Fax: 416-392-0580

NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)

File Number:	A1056/17TEY	Zoning:	RD (d0.35) & R1 Z0.35 (BLD)
Owner(s):	MUHANED KILLU VITO ANTHONY PARTIPILO	Ward:	Toronto-Danforth (29)
Agent:	MARCO VIEIRA	Heritage:	Not Applicable
Property Address:	48 PLAYTER CRES	Community:	Toronto
Legal Description:	PLAN 1463 LOT 95		

Notice was given and a Public Hearing was held on **Wednesday, May 9, 2018**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To legalize and to maintain the height of the three-storey detached dwelling constructed beyond the building permit and Minor Variance Decision A0929/16TEY.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

- Chapter 10.20.40.10.(4)(A), By-law 569-2013**
The maximum permitted building height is 7.20 m for a detached dwelling with a flat or shallow roof. Minor Variance Decision A0929/16TEY permits a building height of 10.62 m.
In this case, the three-storey detached dwelling has a height of 10.96 m.
- Chapter 10.20.40.10.(6), By-law 569-2013**
The maximum permitted height of the first floor of a dwelling above established grade is 1.20 m. Minor Variance Decision A0929/16TEY permits the height of the first floor of a dwelling above grade to 1.20 m.
In this case, the first floor of the three-storey detached dwelling has a height of 1.40 m above the established grade.
- Section 4(2)(a), By-law 438-86**
The maximum permitted building height of a detached dwelling is 10.0 m. Minor Variance Decision A0929/16TEY permits a building height of 10.62 m.
In this case, the three-storey detached dwelling has a height of 10.96 m.

The Committee of Adjustment considered any written and oral submissions in making its decision. For a list of submissions, please refer to the minutes.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

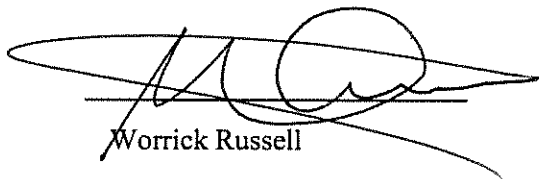
The Minor Variance Application is Refused

It is the decision of the Committee of Adjustment to **NOT** approve this variance application for the following reasons:

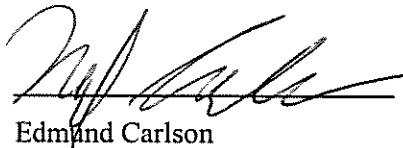
- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

SIGNATURE PAGE

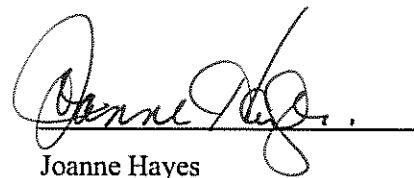
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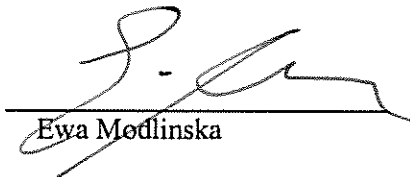
Worrick Russell



Edmand Carlson



Joanne Hayes

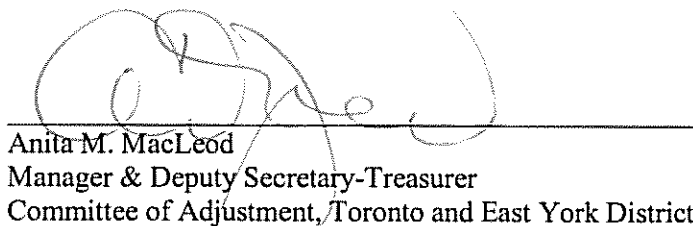


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DATE DECISION MAILED ON: TUESDAY, MAY 15, 2018

LAST DATE OF APPEAL: TUESDAY, MAY 29, 2018

CERTIFIED TRUE COPY



Anita M. MacLeod
Manager & Deputy Secretary-Treasurer
Committee of Adjustment, Toronto and East York District

Appeal Information

All appeals must be filed with the Deputy Secretary Treasurer, Committee of Adjustment by the last date of appeal as shown on the signature page.

Your appeal to the **Toronto Local Appeal Body (TLAB)** should be submitted in accordance with the instructions below unless there is a related appeal* to the Ontario Municipal Board (OMB) for the same matter.

TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

To appeal this decision to the TLAB you need the following:

a completed TLAB Notice of Appeal (Form 1) in **digital format** on a CD/DVD

\$300 for each appeal filed regardless if related and submitted by the same appellant

Fees are payable to the **City of Toronto** by cash, certified cheque or money order (Canadian funds)

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB web site at www.toronto.ca/tlab.

ONTARIO MUNICIPAL BOARD (OMB) APPEAL INSTRUCTIONS

To appeal this decision to the OMB you need the following:

a completed OMB Appellant Form (A1) in **paper format**

\$300.00 with an additional reduced fee of \$25.00 for each connected appeal filed by the same appellant

Fees are payable to the **Minister of Finance** by certified cheque or money order (Canadian funds).

To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at www.omb.gov.on.ca.

*A **related appeal** is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the Application Information Centre and contact the assigned planner if necessary. If there is a related appeal, your appeal to the **Ontario Municipal Board** should be submitted in accordance with the instructions above.