

July 30, 2018

Sent By Email

Ms Cigdem Iltan
City Solicitor
City of Toronto

Without prejudice

The Conservation Review Board encourages the parties to explore and consider options for a mutually acceptable settlement.

This proposal, if accepted, would satisfy the City of Toronto's desire to protect the original brick farmhouse at 33 Murray Avenue. It would also respect the building rights accorded to a residential property of this size (119' x 165') under the city's zoning bylaw. Note that the property covers two residential addresses, 31 and 33 Murray. This proposal would not prevent the future division of the property should a person wish to seek to sever the land.

The proposal asks the City for four items,

1) Delete the cedar hedge as a heritage feature.

The hedge isn't old enough to be considered heritage and it has no link to the original house. It is located on city property. It is not part of the subject lands. Please refer to the staff report dated June 5, 2017, Page 46, Fig. 32, to see the front view of the house when the hedge was planted in 1954. The report does not provide a rationale for the hedge designation and fails to recognize that this severely impacts zoning rights on the property. Re, attached photos, note how completely the hedge obscures the house from view, also the boundary line and the city drain underneath the hedge. The hedge may impede city servicing or maintenance work sometime in the future. Hedges are regulated by the fence bylaw, are not to exceed a certain height. The city does not maintain the hedge. The hedge has caused occasional litter and safety issues in the past.

2) Delete the U-shaped driveway as a heritage feature.

To be historically accurate, as the city staff report indicates, the original driveway to the house is the street now known as Harrisfarm Gate. This is the "driveway" of import if a driveway's heritage must be recognized, and perhaps this could be done with a street sign or plaque at Harrisfarm Gate, although the street is located outside the district Council approved for a heritage study of Agincourt in 2005.

(<https://www.toronto.ca/legdocs/2005/agendas/council/cc050928/sc7rpt/cl003.pdf>)

The U-shaped, asphalt driveway from Murray Avenue is made of materials that are insignificant and unoriginal. The driveway is not germane to the preservation of the brick house. Listing it as a heritage attribute could interfere with the "as-of-right" principle, which Council has taken measures to protect in other instances (the amended tree protection bylaw, for example).

3) Allow for the removal of Norway spruce, under specific, defined conditions.

For example, if a tree is dying or needs to be removed for the health of the remaining trees due to overcrowding, one assumes the heritage designation would not preclude applying to remove a tree through the regular city process nor would it block the permitting if arborist conditions are satisfied.

4) Repair mistake in staff's heritage report (online version).

Photo caption of Bill White's band should indicate he is playing the piano, not drums. Please refer to Page 36 of the staff report, Fig. 8.

I believe this is a fair and reasonable proposal that serves everyone's interests. Is it acceptable to the City?

Sincerely,

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Encl.

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