
City Council

Motion without Notice

MM45.18	ACTION			Ward: 25
---------	--------	--	--	----------

Authority for City position at the Ontario Municipal Board - A0333/09NY - 35 Rochester Avenue - by Councillor Jenkins, seconded by Councillor Filion

** This Motion has been deemed urgent by the Chair. Council has added this Motion to the agenda for debate.*

Recommendations

Councillor Jenkins, seconded by Councillor Filion, recommends that:

1. City Council authorize the City Solicitor to attend the Ontario Municipal Board Hearing of the appeal from Committee of Adjustment File A0333/09NY; and to not oppose the approval of the proposed minor variances in respect of the property located at 35 Rochester Avenue, provided that they are substantially in accordance with the revised plans and drawings submitted by the applicant dated January 18, 2010 and referenced in the settlement letter dated January 26, 2010, and provided that the total gross floor area permitted is no more than 0.549 times the lot area.

Summary

At its meeting of November 30, December 1, 2, 4 and 7, 2009, City Council adopted NY29.45 and instructed the City Solicitor to attend the Ontario Municipal Board hearing and retain outside planning consultants, if necessary, to uphold the decision of the Committee of Adjustment in the matter of A0333/09NY – 35 Rochester Avenue.

The Committee of Adjustment application sought variances to permit the construction of a new two-storey dwelling with a GFA of 0.58 times the lot area. The applicant, as a result of discussions with neighbouring residents and the Lawrence Park Ratepayers Association, has made revisions to the plans which result in a reduction of the proposed GFA to 0.549 times the lot area, as set out in a letter from the applicant's solicitor dated January 26, 2010. The neighbouring residents and Ratepayers Association are satisfied with the proposed changes, and are prepared to settle on the basis of the revised plans and letter.

Accordingly, the following recommendation seeks to instruct staff not to oppose the approval of the minor variances requested at the OMB hearing, provided that they are substantially in accordance with the revised plans and drawings dated January 18, 2010 and showing a total GFA of 0.549 times the lot area.

The hearing was originally scheduled for February 4 and 5, 2010. A short adjournment has been sought, but the new hearing will likely be set for a date before the next Council meeting, therefore it is urgent to provide instructions now.

(Submitted to City Council on January 26 and 27, 2010 as MM45.18)