

## NOTICE OF MOTION

### ONTARIO MUNICIPAL BOARD HEARING – COMMITTEE OF ADJUSTMENT APPLICATION – 89 & 91 BOGERT AVENUE

Moved by: Councillor

JOHN FILION

Seconded by: Councillor

#### SUMMARY:

Michael and Elizabeth McNally, the owners of 89 and 91 Bogert Avenue, submitted two consent applications to the North York District Committee of Adjustment for the division of each parcel of land into two (2) parts for a lot addition for the creation of three (3) new residential building lots each having a frontage of 10.16m (33.33').

Michael and Elizabeth McNally, the owners 89 and 91 Bogert Avenue, also submitted three (3) minor variance applications to permit the construction of a new two storey dwelling on each of the newly created lots.

Variances were requested with respect to lot frontage and width, lot area and east and west side yard setbacks.

The Committee of Adjustment for the City of Toronto (North District) refused the Consent applications and the associated Minor Variance applications at the November 12<sup>th</sup>, 2009 meeting.

Planning staff commented that the development proposal would result in development which does not meet the intent and purpose of the Official Plan and does not represent good planning. Staff recommended that the applications be refused.

The applicant has appealed the decisions of the Committee of Adjustment to the Ontario Municipal Board.

The Ontario Municipal Board has not set a hearing date for these applications.

The Councillor is requesting representation at the Ontario Municipal Board hearing.

#### RECOMMENDATIONS:

1. That Council authorize the City Solicitor and City Planning Staff to attend the Ontario Municipal Board Hearing to uphold the City's By-law and the Committee of Adjustment's decisions.

December 10<sup>th</sup>, 2009