

NOTICE OF MOTION

ONTARIO MUNICIPAL BOARD HEARING – COMMITTEE OF ADJUSTMENT APPLICATION – 35 DON RIVER BOULEVARD

Moved by: Councillor

JOHN FILION

Seconded by: Councillor

SUMMARY:

Ayjan Kavehei, the owner of 35 Don River Boulevard, submitted a consent application to the North York District Committee of Adjustment for the division of a parcel of residential lands into two (2) parts for the creation of a new residential building lot.

Ayjan Kavehei, the owner of 35 Don River Boulevard, also submitted two (2) minor variance applications to permit the construction of a two storey and a three storey dwelling on each of the proposed lots.

Variances were requested with respect to a south side yard setback, dwelling height, finished first floor elevation and three storey dwelling for Part A and a north side yard setback for the dwelling on Part B.

The Committee of Adjustment for the City of Toronto (North District) **refused** the Consent applications and the associated Minor Variance applications at the March 31st, 2010 meeting.

Planning staff commented that should the Committee choose to consider the application as submitted, that any approvals be subject to conditions listed in the staff report, including the submission of a Natural Heritage Impact Assessment, the conditions of the Toronto and Region Conservation Authority and the Urban Forestry Ravine Protection Division.

Urban Forestry requested that the applications be deferred until a natural heritage and potential tree removal issues can be resolved. The Toronto and Region Conservation Authority does not support the application.

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 to retain outside Planning representation and any other City or agency representation as required and attend the Ontario Municipal Board Hearing to uphold the City's By-law and the Committee of Adjustment's decisions.

April 27th, 2010