

**City Council**

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**Motion without Notice**

MM8.8	ACTION			Ward: 21
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**Authority for City position at the Ontario Municipal Board – 4 Bracondale Hill Road - by Councillor Joe Mihevc, seconded by Councillor Peter Milczyn**

- \* This Motion has been deemed urgent by the Chair.*
- \* This Motion is not subject to a vote to waive referral.*
- \* This Motion has been added to the agenda and is before Council for debate.*

**Recommendations**

Councillor Joe Mihevc, seconded by Councillor Peter Milczyn, recommends that:

1. City Council authorize the City Solicitor and Community Planning staff to attend the Ontario Municipal Board Hearing of the appeal from Committee of Adjustment Applications No. A0719/10TEY and B0081/10TEY; and to not oppose the approval of the proposed consent to sever and associated minor variances in respect of the property located at 4 Bracondale Hill Road, provided that they are substantially in accordance with the revised plans and drawings numbered A5, A6, A7, A9, A10, A11, A12, and A13, prepared by Maurizio Trotta Architect Inc. and dated May 16, 2011, and subject to any conditions as deemed appropriate by the City Solicitor including but not limited to for the protection or replacement of the existing cedar hedge at 6 Bracondale Hill Road, satisfactory to the City Solicitor.
2. City Council authorize the City Solicitor to take any further steps necessary to implement this Motion.

**Summary**

At its meeting of March 8 and 9, 2011, City Council authorized the City Solicitor and Community Planning staff to hire independent planning consultants, if necessary, to uphold the Committee of Adjustment's refusal of applications A0719/10TEY and B0081/10TEY in respect of 4 Bracondale Hill Road at the upcoming Ontario Municipal Board hearing, which is scheduled for May 24, 2011.

The Committee of Adjustment applications proposed to sever the subject property into two lots and sought relief from the provisions of the Zoning By-law in order to construct a "three-storey semi-detached triplex" containing a total of 6 units, with shared access, underground parking, and a common elevator. Variances were requested for: maximum permitted building depth; permitting the use of a semi-detached in a R1 Z0.35 zone; maximum permitted gross floor area;

permission for a below-grade garage; minimum required lot area; minimum required lot frontage; not providing a continuous party wall through the basement; and minimum required side yard setbacks.

The applicant, as a result of recent settlement discussions with neighbouring residents and Community Planning staff, has made substantial revisions to the proposal which would result in two semi-detached houses, each with a proposed basement apartment, as opposed to the 6 individual units originally proposed. The total GFA of the project has been reduced, along with a number of changes to the built-form, including: a sloped roof, no roof top patio, and no exterior staircases. The overall result is a proposal that is more in keeping with the character of the area. The neighbouring residents are satisfied with the proposed changes, and are prepared to settle on the basis of the revised plans.

Accordingly, this Motion seeks to authorize staff to attend at the OMB hearing and not to oppose the approval of the consent and revised minor variances, provided that they are substantially in accordance with the revised plans and drawings numbered A5, A6, A7, A9, A10, A11, A12, and A13, prepared by Maurizio Trotta Architect Inc. and dated May 16, 2011, subject to appropriate conditions, including for the protection or replacement of the existing cedar hedge at 6 Bracondale Hill Road, satisfactory to the City Solicitor.

The hearing is scheduled for May 24, 2011, therefore it is urgent to provide instructions now.

(Submitted to City Council on May 17 and 18, 2011 as MM8.8)