

City Council**Motion without Notice**

MM19.11	ACTION			Ward:23
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Authority for City position at the Ontario Municipal Board - A576/11NY – 229 Holmes Avenue - by Councillor John Filion, seconded by Councillor Joe Mihevc

- * *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 John Filion, seconded by Councillor Joe Mihevc, recommends that:

1. City Council authorize the City Solicitor to attend the Ontario Municipal Board hearing of the appeal from Committee of Adjustment File A576/11NY; and to not oppose the approval of the proposed minor variances in respect of the property located at 229 Holmes Avenue, provided that they are substantially in accordance with the revised plans and drawings submitted by the applicant dated February 13, 2012, and provided that the building height permitted is no more than 9.1m.

Summary

At its meeting of February 6 and 7, 2012, City Council instructed the City Solicitor to attend the Ontario Municipal Board hearing in opposition to the decision of the Committee of Adjustment in the matter of A576/11NY – 229 Holmes Avenue.

The Committee of Adjustment granted variances of a side yard setback of 1.2m (whereas a minimum of 1.8m is required), and increased building height of 9.45m (whereas a maximum of 8.8m is permitted). The applicant, as a result of discussions with City Planning and Legal Services staff, has made revisions to the plans which result in a reduction of the proposed building height to 9.1m. City Planning staff are satisfied with the proposed changes and do not oppose a height variance of this magnitude.

Accordingly, this Motion 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 February 13, 2012 and reflect a maximum building height of 9.1m.

City Legal has recently received notification that an Ontario Municipal Board hearing has been scheduled for April 12, 2012. Given the late notice of this hearing date, it was not possible to submit this motion before the Council deadline. Preparation for the hearing must be undertaken prior to the next Council meeting, therefore it is urgent to provide instructions now.

(Submitted to City Council on March 5 and 6, 2012 as MM19.11)