
City Council

Motion without Notice

MM14.21	ACTION			Ward:5
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Request for Monitoring and Potential Attendance at an Ontario Municipal Board Hearing – for Appeal of B37/09EYK 1057/1059 Kipling Avenue - by Councillor Peter Milczyn, seconded by Councillor Mark Grimes

- * *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 Peter Milczyn, seconded by Councillor Mark Grimes, recommends that:

1. City Council authorize the City Solicitor to monitor the Ontario Municipal Board Appeal for 1057/1059 Kipling Avenue to ensure that the Applicant does not seek additional approvals and/or revert their application back to the one proposed in the Fall of 2010 to further divide the existing lots and create three new lots. If such approvals are filed for, the City Solicitor is to advise the local Councillor and Planning Staff.
2. City Council authorize the City Solicitor to attend the Ontario Municipal Board hearing to defend the position of City Planning with respect to their opposition of three new lots being created if the Applicant does revert back to their original application from 2010, and seek additional approvals from the Ontario Municipal Board.

Summary

In the Fall of 2010 the Applicant proposed to the Committee of Adjustment to sever and create three new lots from the two existing on Kipling Avenue, but to re-orientate them onto Holloway Road (local road) and alter the lot pattern in this area. I opposed that application to the Committee of Adjustment, as did City Planning and the surrounding community. At that time the Applicant chose to withdraw that submission and revise their proposal.

On October 20, 2011 the Committee of Adjustment had tabled a revised Application; this time to sever the existing two lots on Kipling Avenue but to instead create two new lots fronting Holloway Road. The Committee of Adjustment approved this application with conditions.

On November 15, 2011 the Applicant appealed the conditions imposed by the Committee of Adjustment to the Ontario Municipal Board.

Myself, and the neighbouring residents, have concerns that since an Appeal has been filed with

the Ontario Municipal Board, that the Applicant may chose, in this Appeal, to revert back to their original application and seek approval from the Ontario Municipal Board to sever the lots in question and create three residential building lots on Holloway Road vs. the two which have been approved at the Committee of Adjustment.

(Submitted to City Council on November 29 and 30, 2011 as MM14.21)