
City Council

Motion without Notice

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| MM14.23 | ACTION | | | Ward:32 |
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Ontario Municipal Board Hearing on 1901 Danforth Avenue - by Councillor Mary-Margaret McMahon, seconded by Councillor Ana Bailão

- * *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 Mary-Margaret McMahon, seconded by Councillor Ana Bailão, recommends that:

1. City Council authorize the City Solicitor, and the Chief Planner and Executive Director, City Planning to attend the Ontario Municipal Board (OMB) hearing on January 26, 2012 in support of the Committee of Adjustment decision to deny the Minor Variance application regarding 1901 Danforth Avenue (A0917/11TEY).
2. City Council direct the City Solicitor to reach a mutually agreeable settlement, if possible, if a revised proposal is submitted to the satisfaction of Legal and Planning staff; specifically, the proposal could address Planning staff concerns, if revised to decrease the number of dwelling units, increase the setback between the interior dwelling unit windows and the wall of the adjacent building, comply with the rear angular plane, and comply with the setback from the adjacent Residential district.

Summary

The purpose of the Committee of Adjustment application heard on September 14, 2011, was to construct a second and third storey addition over the existing one-storey commercial building, which would accommodate 10 dwelling units. The existing commercial building is used as a car wash. No on-site parking would be provided for residents or visitors.

The City Planning Division wrote to the Committee of Adjustment recommending refusal of the application, as it would be inconsistent with the intent of the Zoning By-law, and could create potential issues of privacy and overlook on adjacent residential properties. Staff are of the opinion that the proposal could be revised to comply with many of the zoning requirements for Mixed Commercial-Residential (MCR) properties. However, the Applicant opted to proceed with the application as proposed.

The Committee of Adjustment denied the Minor Variance application (See attached decision).

An Ontario Municipal Board hearing date has been scheduled for January 26, 2012.

Therefore, it is recommended that the City Solicitor and the Chief Planner attend the Ontario Municipal Board hearing to support the Committee of Adjustment decision to deny the Minor Variance application. It is also recommended that the City Solicitor be directed to reach a mutually agreeable settlement if the applicant revises the proposal to address the concerns identified by Planning staff.

(Submitted to City Council on November 29 and 30, 2011 as MM14.23)