



Councillor Michelle Berardinetti



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To: Scarborough Community Council
From: Councillor Berardinetti
Re: MOTION - 140 Westbourne Avenue- Ontario Municipal Board Appeal

SUMMARY:

The Committee of Adjustment on June 7, 2011 refused an application for consent (File No. B018/11SC) to sever the property at 140 Westbourne Avenue into two parcels, each having a frontage of 7.6 m (25 ft.) and a lot area of 244 m² (2,626.5 sq.ft.), for redevelopment with two detached single family dwellings. On the same date, the Committee also refused associated minor variance applications (File Nos. A084/11SC and A085/11SC) to permit approximately one-third reductions in required minimum lot frontage and lot area to those noted above, together with variances to reduce minimum side yard building setbacks and to increase permitted lot coverage for the two new dwellings. The Ontario Municipal Board (OMB) hearing to consider the owners' appeals of these decisions is scheduled to commence on Wednesday, Sept. 21, 2011, concurrent with the next scheduled meeting of City Council.

On May 12, 2010, the Committee also refused an identical consent application as well as minor variance applications for the parcels to be created having the same lot frontage and area reductions, (together with other variances related to landscaping and parking requirements no longer reflected in the current applications). Those decisions were also appealed by the current owner. City Council on August 25, 26 and 27, 2010, adopted the recommendation of Scarborough Community Council that the City Solicitor attend the OMB hearing in support of the Committee of Adjustment's decisions. The appeals, however, were withdrawn by the owner prior to commencement of that hearing.

The current consent application and minor variances relating to lot frontages and lot areas are essentially identical to the 2010 applications, for which the City Solicitor has received sufficient instruction. Given the passage of time, however, and with added new zoning relief sought in the latest minor variance applications, it would be prudent in regard to the current appeals to reconfirm City Council's earlier directions from August 2010.

RECOMMENDATION:

1. City Council authorize the City Solicitor and relevant staff to attend the Ontario Municipal Board (OMB) hearing in support of the Committee of Adjustment's decisions regarding the consent and minor variance applications at 140 Westbourne Avenue (File B018/11SC, A084/11SC & A085/11SC).