TORONTO Member Motion

City Council

Motion without Notice

MM22.14	ACTION			Ward:32

17-19 Kippendavie Avenue Appeal - Authority to Attend Ontario Municipal Board Hearing - by Councillor Mary-Margaret McMahon, seconded by Deputy Mayor Doug Holyday

**** Notice of this Motion has not been given. A two-thirds vote is required to waive notice.***
**** This Motion is subject to referral to the Toronto and East York Community Council. A two-thirds vote is required to waive referral.***
**** This Motion relates to an Ontario Municipal Board Hearing and has been deemed urgent.***

Recommendations

Councillor Mary-Margaret McMahon, seconded by Deputy Mayor Doug Holyday, recommends that:

1. City Council authorize the City Solicitor and appropriate staff to attend the Ontario Municipal Board Hearing of the appeals from Committee of Adjustment Files A0162/11TEY, A0163/11TEY, B0013/11TEY, and B0014/11TEY, and to not oppose the approval of the revised minor variances in respect of the property located at 17-19 Kippendavie Avenue, provided that they are substantially in accordance with the revised plans and drawings submitted by the applicant dated February 16, 2012 and March 21, 2012 and a landscape plan to the satisfaction of the City Solicitor, and provided that the appeals of the consent decisions are withdrawn.

Summary

On December 14, 2011, the Toronto and East York Panel of the Committee of Adjustment refused applications for a consent to sever the rear portion of the lots at 17 and 19 Kippendavie Avenue, and for associated minor variances in order to permit the demolition of two existing dwellings and construction of two new three-storey homes on two newly created and reconfigured lots, one fronting onto Kew Beach Avenue. The applicant has appealed the Committee of Adjustment decisions to the Ontario Municipal Board and a hearing date has been set for May 3, 2010.

Community Planning wrote a report to the Committee of Adjustment in opposition to the applications because the proposed development would be inconsistent with the prevailing lot pattern and building footprints in the surrounding neighbourhood. The proposed lots would have been inappropriately shallow and out of keeping with the prevailing character of the neighbourhood.

Subsequent to the Committee of Adjustment's refusal of the applications, the applicant met with City Planning staff to discuss possible settlement options and submitted revised plans for a new proposal for a pair of semi-detached duplexes on one lot. While a number of variances to the Zoning By-law remain, the revised proposal provides for a building that is within an appropriate building footprint, relative to the requirements of the Zoning By-law for a semi-detached house. The applicant has also amended the design of the private garages so that they get access off of the private lane to the rear of the property, rather than a public street. A landscape plan showing planting in the City Boulevard and new trees on-site will be presented at the Ontario Municipal Board hearing for inclusion in the approved plans.

Accordingly, this Motion seeks to instruct the City Solicitor and appropriate staff to attend at the Ontario Municipla Board hearing, and not to oppose the approval of the revised minor variances requested and provided that they are substantially in accordance with the revised plans and drawings dated February 16, 2012 and March 21, 2012, and provided that the appeals of the consent decisions are withdrawn.

(Submitted to City Council on April 10 and 11, 2012, as MM22.14)