
City Council**Motion without Notice**

MM25.42	ACTION			Ward:24
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28 Millgate Crescent OMB Appeal – Authority to Attend - by Councillor David Shiner, seconded by Councillor John Parker

- * 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 North 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 David Shiner, seconded by Councillor John Parker, recommends that:

1. City Council confirm instruction to the City Solicitor to appeal the decision of the Committee of Adjustment.
2. City Council authorize the City Solicitor and appropriate staff to negotiate with the applicant in order to seek an additional condition limiting the application of the variance for coverage to the existing dwelling and unenclosed porches.
3. In the event that an agreement is reached with the applicant regarding the condition noted in Recommendation 2 above, City Council authorize the City Solicitor to attend at the Ontario Municipal Board and not oppose the requested variances, provided that the additional condition is imposed.

Summary

The owner applied to the Committee of Adjustment for a number of minor variances (including for lot coverage, side yard setbacks and building length) in order to permit existing covered porches at the front and the rear of the dwelling to be maintained as constructed. On Wednesday, June 20, 2012, the Committee approved the minor variances subject to a condition that the porches remain open and unenclosed. The City is appealing this decision to the Ontario Municipal Board. Due to the summer Council break, it is likely that the Ontario Municipal Board hearing will be scheduled before the next Council meeting.

The variance for increased lot coverage should only have been granted subject to a condition that the variance only applies to permit the existing dwelling and unenclosed porches to remain

as constructed, but that in the event a new house or a reconstruction of the existing house be proposed, the variance would not apply and the underlying by-law requirement of a maximum coverage of 30% would apply.

(Submitted to City Council on July 11 and 12, 2012 as Member Motion 25.42)