TORONTO Member Motion

City Council

Notice of Motion

MM26.11	ACTION			Ward:35

Direction to the City Solicitor to attend the Ontario Municipal Board in opposition to Consent and Minor Variance appeals by the owner with respect to 152 Maybourne Avenue - by Councillor Michelle Berardinetti, seconded by Councillor Peter Milczyn

**** Notice of this Motion has been given.***
**** This Motion is subject to referral to the Scarborough 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 Michelle Berardinetti, seconded by Councillor Peter Milczyn, recommends that:

1. City Council authorize the City Solicitor and appropriate City Staff to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment's decisions regarding the consent and minor variance applications at 152 Maybourne Avenue (Files B044/12SC, A167/12SC and A168/12SC), in the event appeals of the Committee of Adjustment decisions are filed.

Summary

The Committee of Adjustment on September 13, 2012 refused a consent (B044/12SC) and minor variance (A167/12SC and A168/12SC) applications for the property at 152 Maybourne Avenue in the same neighbourhood as 121 Bexhill Avenue. Subject to the same zoning requirements as 121 Bexhill Avenue, the proposed lots to be created here would have lot frontages of 7.6 m and lot areas of 246 m2, with proposed lot coverages for the new dwellings of 39.41%. Additionally, the proposed new homes would have a reduced common side yard setback of 0.6 m whereas a minimum of 0.9 m is required.

The subject applications are very similar to numerous other consent and minor variance applications being filed in increasing numbers in this particular neighbourhood in recent years. The Committee of Adjustment has consistently been refusing such applications and, where appealed, the City has also consistently been opposing such proposals at the Ontario Municipal Board. The last day for appeals on the 152 Maybourne applications is Oct. 3, 2012, which City Planning staff believe are likely to be filed. Accordingly, it would be prudent at this time to provide the City Solicitor with instructions to oppose such appeals in the event they are filed.

(Submitted to City Council on October 2 and 3, 2012, as MM26.11)

Background Information (City Council)

Member Motion MM26.11
Committee of Adjustment Scarborough Panel, Notice of Decision on application for Minor Variance/Permission for 152 Maybourne Avenue (Part 1)
Committee of Adjustment Scarborough Panel, Notice of Decision on application for Minor Variance/Permission for 152 Maybourne Avenue (Part 2)
Committee of Adjustment Scarborough Panel, Notice of Decision on consent application for Minor Variance/Permission for 152 Maybourne Avenue (Variance)