TORONTO Member Motion

City Council

Notice of Motion

MM26.12	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 121 Bexhill 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 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 121 Bexhill Avenue (File B029/12SC, A108/12SC and A109/12SC).

Summary

The Committee of Adjustment on July 5, 2012 refused an application for consent (File No. B029/12SC) to sever the property at 121 Bexhill Avenue into two parcels, each having a frontage of 8.38 m and a lot area of 256.7 m2, for redevelopment with two detached single family dwellings. On the same date, the Committee also refused associated minor variance applications (File Nos. A108/12SC and A109/12SC) to permit the proposed reduced lot frontages and areas from the minimum 12 m and 371 m2 required, and proposed lot coverages for the new dwellings of 42.05% whereas the Zoning By-law permits a maximum lot coverage of 33%. The Ontario Municipal Board hearing to consider the owners' appeals of these decisions is now scheduled to commence on Friday, October 5, 2012 for a one-day hearing although the City Solicitor has requested that the hearing be rescheduled because more days are 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. As this scheduled hearing commences just days after City Council's meeting of October 2 and 3, 2012, it is essential that the City Solicitor be provided with appropriate instructions to

oppose the current application appeals as well.

(Submitted to City Council on October 2 and 3, 2012, as MM26.12)

Background Information (City Council)

Member Motion MM26.12
Committee of Adjustment, Scarborough Panel, Notice of Decision on application for Minor Variance/Permission for 121 Bexhill Avenue (A108/12SC)
(http://www.toronto.ca/legdocs/mmis/2012/mm/bgrd/backgroundfile-50475.pdf)
Committee of Adjustment, Scarborough Panel, Notice of Decision on application for Minor Variance/Permission for 121 Bexhill Avenue (A109/12SC)
(http://www.toronto.ca/legdocs/mmis/2012/mm/bgrd/backgroundfile-50476.pdf)
(July 5, 2012) Committee of Adjustment, Scarborough Panel, Notice of Decision on consent application for 121 Bexhill Avenue (B029/12SC)
(http://www.toronto.ca/legdocs/mmis/2012/mm/bgrd/backgroundfile-50477.pdf)