TORONTO **Member Motion**

City Council

Motion without Notice

MM27.11	ACTION			Ward:40

141 Earlton Road - Request for Attendance at an Ontario Municipal Board Hearing - Appeal of Committee of Adjustment A219/12SC - by Councillor Norm Kelly, seconded by Councillor Mike Del Grande

**** 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 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 Norm Kelly, seconded by Councillor Mike Del Grande, recommends that:

1. City Council direct the City Solicitor to attend at the Ontario Municipal Board in support of the Committee of Adjustment's decision to refuse the variances related to garage size and driveway width (variances 2, 3 and 4) for 141 Earlton Road.

Summary

The Scarborough Panel of the Committee of Adjustment at its meeting of September 13, 2012 refused several variances requested by the applicant for the property at 141 Earlton Road (file number A219/12SC).

The applicant seeks to demolish the existing dwelling on the property in order to construct a new two-storey dwelling with a three car garage. The variances requested at Committee were as follows:

1 The maximum permitted floor area is 0.5 times the lot area to a maximum of 279 square metres.
The proposed floor area is 0.47 times the lot area or 327.02 square metres.

2. A garage or carport can accommodate not more than two motor vehicles.
The proposal involves a three-car garage.

3. The maximum permitted dimensions of a garage, carport or accessory building/structure is 7.6 metres by 7.6 metres.
The proposed garage will have a width of 9.6 metres.

4. The maximum permitted driveway width is 6 metres.
The proposed driveway width is 9 metres.

5. The maximum permitted building height is 9 metres.
The proposed building height is 10 metres.

The variances sought would lead to a dwelling that is not in keeping with the character of this neighbourhood. In particular, the variances related to garage size and driveway width do not fit in with the open space and front yard patterns in the area and would create a negative precedent.

The applicant has appealed the Committee of Adjustment's decision to the Ontario Municipal Board. No hearing date has been scheduled yet.

This Motion is made to City Council to direct the City Solicitor to attend the Ontario Municipal Board Hearing in support of the Committee of Adjustment's decision to refuse the the variances related to garage size, and driveway width (variances 2, 3, and 4) for 141 Earlton Road.

This Motion is urgent as the Ontario Municipal Board Hearing could be held before the next Council Meeting in November.

(Submitted to City Council on October 30 and 31, 2012 as MM27.11)