



Member Motion

City Council

Motion without Notice

MM28.30	ACTION			Ward:23
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Staff representation at an Ontario Municipal Board hearing for 145 Kingsdale Avenue - by Councillor John Filion, seconded by Councillor Joe Mihevc

** This Motion has been deemed urgent by the Chair.
 * This Motion is not subject to a vote to waive referral.
 * This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor John Filion, seconded by Councillor Joe Mihevc, recommends that:

1. City Council authorize the City Solicitor and the Chief Planner and Executive Director, City Planning, to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment's refusal of the lot severance and associated variances for 145 Kingsdale Avenue.

Summary

Applications for Consent and Minor Variance were submitted by the applicant to permit the severance of the subject property into two residential building lots and the construction of a new two-storey dwelling on each of the proposed lots.

In their Staff Report, City Planning staff recommended that the applications be refused on the grounds that the subject lot maintains the stability and character of the neighbourhood and approval of a severance on a lot this size could risk weakening the character of the neighbourhood.

On November 7, 2012, the Committee of Adjustment refused the consent application on the grounds that the proposed land division was premature, did not conform to the policies of the Official Plan, that the suitability of the land for the purposes for which it was to be subdivided was not demonstrated, that the suitability of the dimensions and shapes of the proposed lots was not demonstrated, and that the adequacy of the roads, vehicular access, parking, utilities and municipal services had not been demonstrated. The associated variances were refused on the grounds that the general intent and purpose of the Official Plan and the Zoning By-law was not being maintained, the variances were not considered desirable for the appropriate development of the land, and, in the opinion of the Committee, the variances were not minor.

Notification that the property owner has appealed this decision to the Ontario Municipal Board

was received on November 28, 2012. This matter is urgent due to the December break from City Council and Community Council and the need to allow time for City Legal and Planning Staff to prepare to defend the Committee's decision.

(Submitted to City Council on November 27 and 28, 2012 as MM28.30)