

**City Council****Notice of Motion**

MM32.12	ACTION			Ward:5
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**Request for Attendance at an Ontario Municipal Board Hearing - Appeal of the Committee of Adjustment Decision for 32 Government Road - by Councillor Peter Milczyn, seconded by Councillor Denzil Minnan-Wong**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Etobicoke 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 Peter Milczyn, seconded by Denzil Minnan-Wong, recommends that:

1. City Council direct the City Solicitor to retain an outside planning consultant and to attend the Ontario Municipal Board Hearing in support of the Committee of Adjustment Decision to refuse the consent application and variance applications at 32 Government Road (PL130115, PL130116 & PL130117).

**Summary**

On November 22, 2012, B71/12EYK, A544/12EYK, and A545/12EYK were heard by the Committee of Adjustment. The applicant applied for consent to sever this property into two undersized lots, of which each new home required 6 additional variances. Following deferral of that decision in November, the Applicant submitted a revised application in January 2013. The revised consent application was consistent with the first (to create two lots with 7.62m frontages, whereas the minimum required lot frontage is 13.5m, each requiring approval of 6 variances). The Committee of Adjustment refused the consent application. The Applicant has appealed that decision to the Ontario Municipal Board (OMB).

The lot sizes and frontages proposed drastically change the lot patterns and overall landscape of this neighbourhood.

It is my opinion that this application should more appropriately be a rezoning application. It is not in keeping with the general intent and purpose of the zoning by-law or the site specific Bylaw1993-108. Since this application was denied by the Committee of Adjustment, there have been two additional consent applications filed with Planning (on the same or adjacent street).

The precedent that would be created by allowing a reversal of the decision of the Committee of Adjustment for 32 Government Road would negatively impact the stability and character of this neighbourhood.

The OMB Hearing is scheduled for May 6, 2013.

(Submitted to City Council on April 3 and 4, 2013 as MM32.12)

**Background Information (City Council)**

Member Motion MM32.12

(November 20, 2012) Letter from Councillor Peter Milczyn regarding the Committee of Adjustment Public Hearing Notices for 32 Government Road

(<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-57141.pdf>)