TORONTO **Member Motion**

City Council

Motion Without Notice

MM33.23	ACTION			Ward:11

Request for attendance at Ontario Municipal Board Hearing for 66 Humber Boulevard - by Councillor Frances Nunziata, seconded by Councillor Cesar Palacio

**** 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 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 Frances Nunziata, seconded by Councillor Cesar Palacio, recommends that:

1. Council authorize the City Solicitor and appropriate City staff to attend at the Ontario Municipal Board in support of the Committee of Adjustment Decision to refuse the application to maintain the existing two-storey garage for the property at 66 Humber Boulevard (A624/12EYK).

Summary

A two-storey detached garage was constructed without a building permit in the rear yard of the property at 66 Humber Boulevard. On July 6, 2012, a notice to comply was issued. The property owner was required to either obtain a building permit or remove the unauthorized construction. To obtain a building permit, the property owner requires variances for a gross floor area of 90m^2 where 45m^2 is permitted for accessory structures, a driveway width of 2.23m where a minimum of 2.6m is required for rear detached garages, and a height of 5m where 3.7m is permitted.

An application was submitted to the Committee of Adjustment (A624/12EYK) to legalize and maintain the existing two-storey detached garage. On April 11, 2013, the Etobicoke-York Panel of the Committee of Adjustment refused the application. The applicant has appealed this decision to the Ontario Municipal Board.

City Planning Staff have concerns that the size and height of the garage are not in keeping with the intent of the zoning by-law and that the second storey of the garage could be converted into

habitable space. There are also concerns that this could set a precedent for other two-storey garages in the neighbourhood.

(Submitted to City Council on May 7 and 8, 2013 as MM33.23)

Background Information (City Council)

Member Motion MM33.23
Committee of Adjustment, Etobicoke York Panel Panel - Notice of Decision on a minor variance for 66 Humber Boulevard
(http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-58202.pdf)