



## Member Motion

### City Council

#### Motion without Notice

MM37.49	ACTION			Ward:23
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#### **Staff Representation at an Ontario Municipal Board hearing for 51 Stuart Crescent - 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 City 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 51 Stuart Crescent.

#### **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 proposed severance of this lot did not respect the physical character of the neighbourhood, would not meet the Zoning By-law regulations for an R6 zone and would create a precedent for similar severances in the neighbourhood. The report also added that proposed dwellings do not respect or reinforce the character of the neighbourhood in terms of side yard setbacks, overall building length and building height.

On June 19, 2013, the Committee of Adjustment refused the consent applications on the grounds that the proposed land division does not conform to the policies of the official plan, the suitability of the land for the purposes for which it was to be subdivided was not demonstrated, and the suitability of the dimensions and shapes of the proposed lots was not 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.

The property owner has appealed this decision to the Ontario Municipal Board.

This issue is time sensitive as the City was only recently notified of this appeal, and the City Solicitor and City Planner and Executive Director, City Planning will require time to prepare for the hearing, which may be scheduled before the next meeting of Council.

(Submitted to City Council on July 16 and 17, 2013 as MM37.49)

**Background Information (City Council)**

Member Motion MM37.49

(June 14, 2013) Report from the Director, Community Planning, North York District on 51 Stuart Crescent, File No. B010/13NY, A168/13NY and A169/13NY