



Member Motion

City Council

Motion without Notice

MM37.46	ACTION			Ward:16
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Request for Representation at Ontario Municipal Board - File A183/13NY - 350 Joicey Boulevard - by Councillor Karen Stintz, seconded by Councillor John Parker

- * *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 Karen Stintz, seconded by Councillor John Parker, recommends that:

1. City Council authorize the City Solicitor and appropriate City Staff to appear at the Ontario Municipal Board hearing for 350 Joicey Boulevard, and authorize the City Solicitor to settle the matter on behalf of the City at her discretion after consultation with the Chief Planner and Executive Director, City Planning and the Ward Councillor.

Summary

The owner of the property known municipally as 350 Joicey Boulevard applied to the Committee of Adjustment (the "Committee") for a number of variances, including a variance to allow three storeys where only two storeys are permitted, in order to permit the construction of a new detached dwelling with an integral two-car garage.

City Planning staff recommended that the variance permitting three storeys be refused. On April 24, 2013, the Committee approved the application in part, refusing only the variance for three storeys. The applicant has appealed this refusal to the Ontario Municipal Board, and the matter has been scheduled for July 29, 2013.

The three storeys being sought by the applicant are not the traditional three storeys atop each other. This variance is technical in nature, and only applies to a small portion of the west side of the house comprising a foyer and mud room off of the garage. Normally, these rooms would fall within an exception providing for access to garages which would not count these rooms as a storey. Because the foyer contains a door to the outside, this area does not fall within the exception, and falls within the definition of first storey of the house. The main floor becomes the second storey, and the top floor becomes the third storey.

While the City recognizes the technical nature of this variance, there are concerns that a decision permitting a third storey could set a precedent for traditional three-storey

developments in the future. For that reason, this Motion seeks authority for the City Solicitor to negotiate a settlement that would prevent a traditional three storey dwelling from being constructed on the subject property and minimize the precedent that this decision could set.

(Submitted to City Council on July 16 and 17, 2013 as MM37.46)

Background Information (City Council)

Member Motion MM37.46

(April 16, 2013) Report from the Director, Community Planning, North York District on 350 Joicey Boulevard File No. 183/13NY

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-60306.pdf>