



Member Motion

City Council

Motion without Notice

MM37.47	ACTION			Ward:16
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Request for Representation at the Ontario Municipal Board Hearing - Files: B004/13NY, A032/13NY and A033/13NY - 1254 Avenue Road - 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 to uphold the Committee of Adjustment's decision for 1254 Avenue Road.

Summary

On April 10, 2013, the Committee of Adjustment refused an application for consent to the division of a parcel of residential lands into three parts for conveyance purposes for the creation of three new residential building lots, and to allow each of the proposed townhouse units to be held in separate ownership. The Consent application was followed by three (3) Minor Variance/Permission applications for the proposed three unit, three-storey townhouses – Units “A”, “B”, and “C” to be constructed on the subject property.

Staff recommended that all four applications be Refused.

The Committee of Adjustment unanimously refused all four applications -- the Consent and three (3) Minor Variance Applications.

In the opinion of the Committee, the Consent application did not satisfy the requirements of Section 51(24) of the Planning Act and was not approved for the following reason(s):

1. The proposed land division does not conform to the policies of the official plan.
2. The suitability of the land for the purposes for which it is to be subdivided has not been demonstrated.
3. The suitability of the dimensions and shapes of the proposed lots has not been

demonstrated.

The Committee did not approve the 3 Minor Variance/Permission applications for Units “A”, “B”, and “C” for the following reasons:

1. The general intent and purpose of the Official Plan is not maintained.
2. The general intent and purpose of the Zoning By-law is not maintained.
3. The variance(s) is not considered desirable for the appropriate development of the land.
4. In the opinion of the Committee, the variance(s) is not minor.

On April 30, 2013, the Applicant appealed the Committee decision to the Ontario Municipal Board. A hearing has not been scheduled as yet.

(Submitted to City Council on July 16 and 17, 2013 as MM37.47)

Background Information (City Council)

Member Motion MM37.47

(February 19, 2013) Memorandum from Manager, Development Engineering, Engineering and Construction Services, Development Engineering - North York

(<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-60307.pdf>)