

City Council**Notice of Motion**

MM41.10	ACTION			Ward:35
---------	--------	--	--	---------

Request for Attendance at the Ontario Municipal Board - Committee of Adjustment decision for 120 Donside Drive - by Councillor Michelle Berardinetti, seconded by Councillor Jaye Robinson

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Scarborough 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 Michelle Berardinetti, seconded by Councillor Jaye Robinson, recommends that:

1. City Council authorize the City Solicitor to attend the Ontario Municipal Board hearing for 120 Donside Drive to support the appeal and seek refusal of the variances, and to retain outside consultants as required.

Summary

On August 8, 2013 the Committee of Adjustment approved a variance application brought by the owner of 120 Donside Drive in order to permit the construction of a second storey addition over the existing one-storey dwelling, with a two-storey rear addition with a deck and a new detached garage in the rear of the yard. Variances from the Zoning By-law were sought as follows:

1. To permit the existing/proposed west side yard setback of 0.87 metres, whereas the Zoning By-law requires a minimum setback of 0.9 metres.
2. To permit the existing/proposed side yard setback of 1.27 metres abutting Presley Avenue, whereas the Zoning By-law requires a minimum setback of 4.5 metres abutting side street.
3. To permit the proposed coverage of 41.44 percent, whereas the Zoning By-law permits maximum coverage of 33 percent.

The Committee of Adjustment's decision was appealed on August 18, 2013.

This Motion is brought forward to authorize the City Solicitor to attend at the Ontario Municipal Board hearing, to support the appeal and ask that the variances be refused, and to

retain outside consultants as required.

This Motion is brought forward on an urgent basis because a hearing of this matter may be scheduled soon and it is necessary to give instructions to City staff to proceed and to prepare for this Ontario Municipal Board hearing.

(Submitted to City Council on November 13 and 14, 2013 as MM41.10)

Background Information (City Council)

Member Motion MM41.10

Committee of Adjustment - North York Panel Minutes - August 8, 1013 for 120 Donside Drive
(<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-63487.pdf>)