

City Council

Notice of Motion

MM45.14	ACTION			Ward:35
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Request for Attendance at an Ontario Municipal Board Hearing - Committee of Adjustment Decision respecting 106 Newlands Avenue - by Councillor Michelle Berardinetti, seconded by Councillor Frank Di Giorgio

** 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 Frank Di Giorgio, recommends that:

1. City Council authorize the City Solicitor to attend at the Ontario Municipal Board hearing for 106 Newlands Avenue to support the Committee of Adjustment decision to refuse the consent and variances, and to retain outside consultants as required.

Summary

On August 8, 2013 the Committee of Adjustment refused consent and minor variance applications brought by the owner of 106 Newlands Avenue in order to sever the property into two new parcels and develop a new two-storey single family residential dwelling on each. Variances from the Zoning By-law were sought as follows:

1. To permit the proposed lot frontages of 10.38 metres and lot areas of 348.03 square metres for each of the new parcels, where the Zoning By-law requires a minimum frontage of 12 metres and a minimum lot area of 464 square metres.
2. To permit the proposed coverage of 33.4 percent for each parcel, where the Zoning By-law permits a maximum coverage of 33 percent.

The Committee of Adjustment's decision was appealed by the owner on August 27, 2013.

This Motion is brought forward to authorize the City Solicitor to attend at the Ontario Municipal Board hearing in support of the Committee of Adjustment decision and ask that the consent and variances be refused, and to retain outside consultants as required. The reason for seeking refusal is based upon assertions from residents across the community that the proposal is significantly incompatible with the existing neighbourhood and the variances being sought

will alter the nature of the current community.

This Motion is brought forward on an urgent basis because the Ontario Municipal Board hearing in this regard is now scheduled to commence on Wednesday, January 16, 2014, 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 December 16 and 17, 2013 as MM45.14)

Background Information (City Council)

Member Motion MM45.14

Committee of Adjustment - Notice of Decision Minor Variance/Permission on 106 Newlands Avenue (Part 1)

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-64789.pdf>

Committee of Adjustment, Notice of Decision Minor Variance/Permission for 106 Newlands Avenue (Part 2)

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-64787.pdf>

Committee of Adjustment - Notice of Decision on Consent on 106 Newlands Avenue

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-64788.pdf>