

City Council

Motion without Notice

MM45.19	ACTION			Ward:23
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Staff Representation at an Ontario Municipal Board Hearing for 148 McKee Avenue - by Councillor John Filion, seconded by Councillor Joe Mihevc

- * Notice of this Motion has not been given. A two-thirds vote is required to waive notice.*
- * This Motion is subject to referral to the North York 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 John Filion, seconded by Councillor Joe Mihevc, recommends that:

1. City Council authorize the City Solicitor to support the Committee of Adjustment's decision in regards to the variances at 148 McKee Avenue for east side yard setback, west side yard setback, lot coverage, building height, main wall height, number of storeys and front yard setback, and that Council authorize the City Solicitor to appeal the Committee's approval of the minor variances for 148 McKee Avenue in regards to lot frontage and lot area.

Summary

On November 20, 2013, the Committee of Adjustment North York Panel considered an application for Minor Variances submitted by Integral Design Associates, on behalf of Eco Friendly Construction Inc, to permit the construction of a new three-storey dwelling at 148 McKee Avenue. The application requested nine variances, including one for existing/proposed lot frontage of 7.62 metres where 15 metres is required, and one for existing/proposed lot area of 295.62 square metres where 550 square metres is required.

The Committee refused applications to allow development of this lot in 1961, 1984 and 2008. The Ontario Municipal Board upheld the Committee's decisions in 1961 and 1984. The 2008 refusal was not appealed. City Planning Staff submitted a Staff Report on the 2008 application, commenting that constructing a two-storey dwelling on a lot of this size "would result in a built

form that would be incompatible with the nearby properties" and "would be out of keeping with the existing physical character of the neighbourhood". In response to the 2013 application, Planning Staff submitted a report commenting that the proposed dwelling was similar to what was proposed in 2008; therefore, they remained opposed for the same reasons.

At the hearing on November 20, 2013, the Committee approved the variances in relation to lot frontage and lot area. They refused the remaining seven variances. On December 10, 2013, the applicant appealed the decision of the Committee.

To be consistent with reports from Planning Staff, previous Committee decisions and the results of two Ontario Municipal Board appeals, it is appropriate that Council send planning staff to support the Committee decision to refuse the variances in regards to east side yard setback, west side yard setback, lot coverage, building height, main wall height, number of storeys and front yard setback, and also that the City Solicitor be authorized to appeal the approval of the variances regarding lot frontage and lot area.

In order to meet the appeal deadline, City legal Staff have appealed the decision pending confirmation of this action by City Council. It is therefore urgent that this matter be dealt with at this Council meeting.

(Submitted to City Council on December 16 and 17, 2013 as Member Motion 45.19)

Background Information (City Council)

Member Motion MM45.19

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-64944.pdf>

Committee of Adjustment, North York Panel - Public Hearing Notice Minor Variance/Permission for 148 McKee Avenue

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-64953.pdf>

(November 19, 2013) Report from the Director, Community Planning, North York District, on 148 McKee Avenue

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-64933.pdf>

Memorandum to Committee of Adjustment, North York Panel, from Councillor John Filion, Ward 23 - Willowdale, on 148 McKee Avenue

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-64934.pdf>

Committee of Adjustment, North York Panel - Notice of Decision on Minor Variance/Permission for 148 McKee Avenue

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-64954.pdf>

(April 21, 2008) Report from the Director, Community Planning, North York District, on 148 McKee Avenue

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-64955.pdf>

North York Committee of Adjustment Notice of Decision (November 15, 1984) and Ontario Municipal Board Decision (November 15, 2004) on 148 McKee Avenue

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-64935.pdf>