

## City Council

### Motion without Notice

MM45.20	ACTION			Ward:24
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**Staff Representation at an Ontario Municipal Board Hearing for 93 Cummer Avenue - by Councillor David Shiner, seconded by Councillor John Parker**

- \* 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 David Shiner, seconded by Councillor John Parker, recommends that:

1. City Council confirm instruction to the City Solicitor to appeal the decision of the Committee of Adjustment respecting 93 Cummer Avenue.
2. City Council authorize the City Solicitor to negotiate in conjunction with the local Councillor and the applicant in order to seek a reduction in the variances sought, and/or additional conditions such as but not limited to limiting the impact of the dwelling on adjacent properties and the neighbourhood. These conditions are to include assurances that a second front entrance will not be constructed at a later date and that the new addition shall not be outfitted in a manner which would create an additional suite, in contravention to Zoning By-law 7625.
3. In the event that a negotiated settlement is reached with the applicant pursuant to Recommendation 2 above and supported by the local Councillor, City Council authorize the City Solicitor to attend at the Ontario Municipal Board in support of the proposed settlement.
4. In the event that a negotiated settlement is not reached pursuant to Recommendation 2 and 3 above, City Council authorize the City Solicitor to retain an outside planning consultant and to attend the Ontario Municipal Board hearing in opposition to the

Committee of Adjustment's approval of the minor variances.

### **Summary**

The owner applied to the Committee of Adjustment for a number of minor variances (including for east and west side yard setbacks; building length; building height; and, proposed rear balcony area) in order to permit the construction of a new second storey addition as well as a two-storey addition to the front of the existing one storey dwelling at 93 Cummer Avenue.

On Wednesday November 20, 2013, the Committee of Adjustment, North York Panel approved the minor variances (with the height variance requested having been reduced by the applicant as a result of input from City Planning staff) subject to the standard conditions of the City's Urban Forestry Division.

Some of the variances granted are not consistent with what has been previously approved by the Committee of Adjustment in this area, and do not meet the intent and purpose of the zoning by-law. The proposed additions would result in a dwelling that would be out of keeping with the existing physical character of the area, and would have undue impacts on the surrounding properties and the neighbourhood.

(Submitted to City Council on December 16 and 17, 2013 as MM45.20)

### **Background Information (City Council)**

Member Motion MM45.20

Committee of Adjustment North York Panel - Notice of Decision on application for Minor Variance/Permission on 93 Cummer Avenue

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-64952.pdf>