

Member Motion

City Council

Motion Without Notice

MM52.31	ACTION			Ward:32
---------	--------	--	--	---------

Staff Representation at an Ontario Municipal Board Appeals Hearing for 190, 192 and 194 Neville Park Boulevard - by Councillor Mary-Margaret McMahon, seconded by Councillor Frank Di Giorgio

** 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 Mary-Margaret McMahon, seconded by Councillor Frank Di Giorgio, recommends that:

1. City Council authorize the City Solicitor and City Planning staff to attend the Ontario Municipal Board Hearing of the appeals from Committee of Adjustment Files A0222/14TEY, A0223/14TEY, A0224/14TEY, A0225/14TEY, B0014/14TEY, and B0024/14TEY for 190, 192 and 194 Neville Park Boulevard, in order to uphold the Committee of Adjustment's refusal of the applications.

Summary

This matter applies to the three properties: a lot at 190 Neville Park Boulevard and a lot at 192 Neville Park Boulevard, each under the same ownership and containing one detached dwelling over both lots; and, a lot at 194 Neville Park Boulevard owned by another party and containing one detached dwelling. Both owners have applied for severances and variances, which if approved, would permit four detached dwellings, two of which would be new and two of which would be the existing homes with significant alterations.

To permit these four detached dwellings, the two owners have each applied for lot severances and relief from the provisions of the former and new City of Toronto Zoning By-laws to permit:

- the proposed alterations to the existing dwelling at 192 Neville Park Boulevard, (with a portion of the lot to be severed from 190 Neville Park Boulevard to increase the side yard),
- the construction of a new residential dwelling on the remainder of 190 Neville Park Boulevard, and
- the severance of 194 Neville Park Boulevard into two lots, one of which will contain a new residential dwelling and the other will contain the existing home with significant

alterations.

Variances were requested for 190 and 192 Neville Park with respect to height, floor space index, size of porch, encroaching stairs, front yard setback, side yard setback, parking space, and integral garage.

Variances were requested for 194 Neville Park with respect to height, first floor above established grade, floor space index, size of porch, roof eaves projection, front yard landscaping, front yard setback, side yard setback, parking space, and height of front porch. The applications were refused by the Committee of Adjustment on Wednesday May 14, 2014, and have subsequently been appealed to the Ontario Municipal Board by the applicants. The subject properties are located on south side of Queen Street East, west of Victoria Park Avenue in a cul-de-sac at the end of Neville Park Boulevard. They are designated "*Neighbourhoods*" and "*Natural Areas*" in the City of Toronto Official Plan, and are zoned R1Z0.6 (ZZC) Residential in the former City of Toronto Zoning By-law 438-86 and RD(f6.0; d0.6)(x1322) in the new City of Toronto Zoning By-law 569-2013.

In staff reports dated May 7, 2014 from the Director, Community Planning, Toronto and East York District to the Committee of Adjustment staff, recommended refusal of the severance applications and refusal of certain variances as set out in the reports, including floor space index for the existing and the new structures, side yard setbacks, and front porch encroachment for the existing and the new structures. Staff also noted that an assessment of the impacts of the Natural Heritage System has not been submitted as required by the Official Plan. Staff advises that the requested variances do not meet the four tests prescribed in the *Planning Act* and represent over development that is not in keeping with the physical character of the existing neighbourhood.

This Motion is urgent as the Ontario Municipal Board hearing on this matter may be scheduled before the next City Council meeting.

(Submitted to City Council on June 10 and 11, 2014 as MM52.31)

Background Information (City Council)

Member Motion MM52.31

Committee of Adjustment Toronto and East York Panel - Notice of Decision on Minor Variance/Permission Application for 190 Neville Park Boulevard (Part 1)

(<http://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-70420.pdf>)

Committee of Adjustment Toronto and East York Panel - Notice of Decision on Minor Variance/Permission Application for 192 Neville Park Boulevard (Parts 2, 3 and 4)

(<http://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-70451.pdf>)

Committee of Adjustment Toronto and East York Panel - Notice of Decision on Minor Variance/Permission Application for 194 Neville Park Boulevard (Part 1)

(<http://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-70421.pdf>)

Committee of Adjustment Toronto and East York Panel - Notice of Decision on Minor Variance/Permission Application for 194 Neville Park Boulevard (Part 2)

(<http://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-70422.pdf>)

Committee of Adjustment Toronto and East York Panel - Notice of Decision on Consent for 194 Neville Park Boulevard

(<http://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-70452.pdf>)

Committee of Adjustment Toronto and East York Panel - Notice of Decision on Consent for 190 Neville Park Boulevard

(<http://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-70423.pdf>)