
City Council

Notice of Motion

MM5.18	ACTION			Ward:13
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Request for Attendance at an Ontario Municipal Board Hearing for 130 Windermere Avenue by Councillor Sarah Doucette, seconded by Councillor Mike Layton

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Etobicoke 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 Sarah Doucette, seconded by Councillor Mike Layton, recommends that:

1. Council authorize the City Solicitor, and other City staff as necessary, to attempt to negotiate a settlement in the appeal of the Committee of Adjustment decision A753/14EYK for 130 Windermere Avenue and authorize the City Solicitor to settle the appeal on behalf of the City at the City Solicitor's discretion after consultation with the Chief Planner and Executive Director, City Planning and the Ward Councillor.
2. In the event that settlement cannot be reached, City Council authorize the City Solicitor, and appropriate City Staff, as necessary, to appear at the Ontario Municipal Board in support of decision A753/14EYK of the Committee of Adjustment for 130 Windermere Avenue.

Summary

Applications were submitted to the Committee of Adjustment for minor variances for a development on lands known municipally as 130 Windermere Avenue (Application No. A753/14EYK). At a hearing on January 29, 2015 the Committee refused the minor variances, finding the requested variances did not meet the intent and purpose of either the Official Plan or Zoning By-Law, were not minor, and were not desirable for the appropriate development of the land. The owner has appealed those decisions to the Ontario Municipal Board (OMB File No PL150184).

Application A753/14EYK requests variances to construct a new detached dwelling with an attached garage. Variances are required under zoning by-laws 438-86 and 569-2013 and include a variance for GFA of 0.91 times the lot area whereas 0.6 times coverage is permitted, a

variance for a height of 9.75m whereas 7.2m is permitted, a number of variances relating to setbacks, a variance for length, and a variance to permit a third storey.

City Planning staff identified concerns with the gross floor area, height, and number of storeys in a written report dated January 21, 2015. Staff recommended refusal of the application. In addition, the Swansea Area Ratepayers' Association shared their objections with the Committee of Adjustment. Accordingly, this Motion seeks to instruct staff to appear in support of the Committee of Adjustment decision.

Background Information (City Council)

(January 26, 2015) Letter from Councillor Sarah Doucette, Ward 13 - Parkdale - High Park
(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-78489.pdf>)

(January 21, 2015) Report from the Director, Community Planning, Etobicoke York District on 130 Windermere Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-78490.pdf>)

Committee of Adjustment, Etobicoke York Panel Notice of Decision on application for Minor Variance/Permission for 130 Windermere Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-78491.pdf>)