
City Council

Motion without Notice

MM5.29	ACTION			Ward:19
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296 Crawford Street - Request for City Solicitor to attend at the Ontario Municipal Board - by Councillor Mike Layton, seconded by Councillor Joe Cressy

** 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 Mike Layton, seconded by Councillor Joe Cressy, recommends that:

1. City Council direct the City Solicitor and appropriate City Planning Staff to attend the Ontario Municipal Board on the appeal of Committee of Adjustment Application No. A0922/13TEY respecting 296 Crawford Street and to request the Ontario Municipal Board, in the event that the Board is inclined to grant the variances, to impose the conditions set out in the Planning Report dated November 7, 2014.

Summary

The applicant applied to the Committee of Adjustment (Application No. A0922/13TEY) for minor variances from Zoning By-law 439-86 to legalize and maintain an existing basement dwelling unit in a converted row house. The applicant also proposes to construct a rear second storey addition and a rear third storey addition with a rear third floor deck (the "Application").

At its hearing on November 19, 2014, the Committee of Adjustment refused the Application. In the opinion of the Committee of Adjustment the Application did not maintain the general intent and purpose of the Official Plan or the Zoning By-law, the variances were not considered desirable for the appropriate development of the land, and the variances were not considered minor. A copy of the Notice of Decision of the Committee of Adjustment is attached.

The applicant has appealed the Committee of Adjustment's refusal of the Application to the Ontario Municipal Board. The hearing date has been scheduled for April 30, 2015.

City Planning Staff, in their report dated November 7, 2014, (the "Planning Report") expressed concern with the size and scale of the proposed third floor addition and rear third floor deck. In the opinion of City Planning Staff, the proposed third floor addition will disrupt the prevailing pattern on the street and will lead to overdevelopment. The Planning Report recommended that, if the Application is approved, conditions should be imposed requiring the applicant to remove the proposed third floor addition from the plans and provide permanent opaque screening or fencing along the north and south edges of the proposed rear third floor deck to a minimum height of 1.5 metres from the floor of the proposed rear third floor deck.

This Motion would give the City Solicitor and appropriate City Planning Staff the authority to attend the Ontario Municipal Board hearing for this matter to request that, if the Ontario Municipal Board is inclined to grant the variances, the conditions set out in the Planning Report be imposed.

This matter is time sensitive and urgent as the Application has already been appealed to the Ontario Municipal Board and a hearing date is set. This session of City Council is the last opportunity for the City Solicitor to obtain instructions regarding this matter prior to the scheduled hearing date.

Background Information (City Council)

Member Motion MM5.29

Minutes of the Committee of Adjustment, Toronto and East York Panel on application for Minor Variance/Permission for 296 Crawford Street

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-78742.pdf>)