

**City Council****Notice of Motion**

MM11.14	ACTION			Ward:29
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**Request for Attendance at Ontario Municipal Board Hearing - 351 Sammon Avenue - by Councillor Mary Fragedakis, seconded by Councillor John Filion**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Toronto and East 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 Mary Fragedakis, seconded by Councillor John Filion, recommends that:

1. City Council authorize the City Solicitor and appropriate City Planning staff to attend at the Ontario Municipal Board in support of the Committee of Adjustment Decision to refuse the minor variances for the property at 351 Sammon Avenue (A0756/15TEY), or reduce the impact of the requested variances, and to retain an outside planning consultant, if necessary.

**Summary**

An application was submitted to the Committee of Adjustment for minor variances to alter the existing one-storey detached dwelling by constructing a second and partial third-storey addition above the existing one-storey dwelling, a new front porch and rear deck for the property at 351 Sammon Avenue (Committee File No. A0756/15TEY).

On November 4, 2015, the application was refused. The applicant has appealed this refusal to the Ontario Municipal Board.

The variances sought included those for density, building height and platform area. There are concerns that the variances, both individually and collectively, are not minor, and would create a dwelling with undesirable massing that would have impacts on adjacent properties.

The application also follows a substantially similar application at the same municipal address and by the same applicants which was approved on condition by the Committee of Adjustment on December 10, 2014 (Committee File No. A0950/14TEY). Although building permits were issued pursuant to that approval and the plans tied thereto, Toronto Building has issued a "Stop Work Order" and "Order to Comply" for the property which identify deviations from the approved plans. The present application seeks variances which differ from those conditionally approved by the Committee of Adjustment in December 2014 so as to address the deviations

identified by Toronto Building.

This Motion would direct the City Solicitor and City Planning staff to attend the Ontario Municipal Board hearing in opposition to the appeal.

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

Member Motion MM11.14

(October 30, 2015) Report from the Director, Community Planning, Toronto and East York District on 351 Sammon Avenue

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-86359.pdf>

Committee of Adjustment, Toronto and East York District Notice of Decision and Revised

Public Hearing Notice on application for Minor Variance/Permission for 351 Sammon Avenue

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-86380.pdf>