

City Council**Motion without Notice**

MM11.34	ACTION			Ward:37
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Representation at the Ontario Municipal Board Hearing for 23 Ivanhoe Court - by Councillor Michael Thompson, seconded by Councillor John Campbell

** 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 Michael Thompson, seconded by Councillor John Campbell, recommends that:

1. City Council authorize the City Solicitor attend at the Ontario Municipal Board on January 7, 2016 to oppose the appeal for 23 Ivanhoe Court and to retain any outside consultants as necessary.

Summary

An application was submitted to the Committee of Adjustment for a minor variance to permit a canopy over an existing front porch. The applicant required a lot coverage variance for 40.82 percent whereas a maximum of 33 percent is permitted by the by-law. On May 14, 2015, the application was refused by the Scarborough Panel of the Committee of Adjustment (Application No. A111/15SC) (the "Decision"). The applicant has appealed the Decision to the Ontario Municipal Board (the "OMB") and a hearing has been scheduled for January 7, 2016.

This Motion would give the City Solicitor authority to attend at the OMB on January 7, 2016 in opposition to the appeal, and hire any outside consultants, if needed.

The subject property is located east of Pharmacy Avenue just north of Lawrence Avenue East. The property is designated "Neighbourhoods" in the Official Plan, and is zoned Single Family Residential under former Wexford Community By-law 9511. There is concern about the overall size and massing of the dwelling as well as the precedent that this variance could set in the neighbourhood.

The applicant has made several previous applications to the Committee of Adjustment (the "Committee") to permit canopies and walls around existing patios, after they have been built. In 2011, a variance to allow a lot coverage of 38 percent was granted by the Committee to permit a rear patio to be covered. In 2014, the applicant applied to the Committee again, seeking a reduction of the required south side yard setback in order to enclose the rear deck. The

application to the Committee and subsequent appeal to the OMB were denied. Toronto Building has issued an "Order to Comply" and a "Notice of Court Action" letter, but the enclosure remains to date (and is not the subject of this application).

Background Information (City Council)

Member Motion MM11.34

Committee of Adjustment, Scarborough District Notice of Decision on application for Consent and Minor Variance/Permission for 23 Ivanhoe Court

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-86612.pdf>