

City Council

Motion without Notice

MM11.37	ACTION			Ward:19
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Request for Attendance at an Ontario Municipal Board Hearing - Appeal of Committee of Adjustment Decision respecting 259 Ossington Avenue (A0574/15TEY) - by Councillor Mike Layton, seconded by Councillor Kristyn Wong-Tam

** 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 Kristyn Wong-Tam, recommends that:

1. City Council direct the City Solicitor and appropriate City staff, or outside consultants if required, to attend the Ontario Municipal Board on the appeal of Committee of Adjustment application A0574/15TEY respecting 259 Ossington Avenue to support City Planning's position in opposition of requested Variances #4 and #5 and request the conditions of approval required by the Committee of Adjustment.

Summary

The Toronto and East York Committee of Adjustment approved with conditions a minor variance application related to the property municipally known as 259 Ossington Avenue on August 5, 2015 (A0574/TEY15). The purpose of the application was to alter a three-storey townhouse by undertaking interior alterations on all floors; constructing a third floor addition and a third floor deck; and establishing a second suite in the basement. The two conditions imposed were as follows:

1. Prior to the issuance of a demolition and/or building permit, the applicant shall satisfy all matters relating to City and privately owned trees, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review.
2. The rear third floor deck shall be constructed with opaque privacy screening or fencing that is permanent, located on the north and south edges of the deck, and a minimum height of 1.5 metres, measured from the floor of the deck.

In the report (July 30, 2015) from the Director, Community Planning, Toronto and East York District, Planning staff expressed concerns with the overlook and privacy of the third floor deck, and requested Condition No. 2 as a condition of approval as a matter of good planning.

Further, Planning staff expressed concern with Variances No. 4 (front yard landscaping) and No. 5 (exterior stair encroachment) and recommended refusal of these two variances. These two variances do not respect nor reinforce the existing character of the neighbourhood and are not desirable for the appropriate development of the land.

This Motion would direct the City Solicitor to attend the Ontario Municipal Board hearing to support City Planning's recommendation refusal of Variances Nos. 4 and 5, and to request that the condition respecting privacy and overlook forms part of the Ontario Municipal Board's decision, as well as the condition related to Urban Forestry concerns.

The Committee of Adjustment's decision has been appealed to the Ontario Municipal Board (Case No. PL150818). This matter is urgent because a hearing has been scheduled for January 13, 2016.

Background Information (City Council)

Member Motion MM11.37

Committee of Adjustment, Toronto and East York District Notice of Decision on application for Consent and Minor Variance/Permission for 259 Ossington Avenue (<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-86627.pdf>)