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Date: November 10, 2015

To: Members of North York Community Council

From: Councillor Josh Colle

Subject: Representation at the Ontario Municipal Board Hearing for 943 Castlefield Ave. (File #: B0021/15NY, A0526/15NY & A0527/15NY)

RECOMMENDATIONS:

1. That Council authorize the City Solicitor, appropriate city planning staff, and an outside planner to attend the Ontario Municipal Board hearing for File # B0021/15NY, A0526/15NY & A0527/15NY, to defend the Committee of Adjustment's refusals of the lot severance and associated variances.

SUMMARY

On August 20th, the Committee of Adjustment (North Panel) considered an application for Consent and Minor Variance to permit the severance of the subject property into two undersized residential lots, and the construction of a new two-story dwelling on each of the proposed lots.

The Committee of Adjustment refused the consent application because, in the opinion of the Committee, the application does not satisfy Section 51(24) of the Planning Act. Specifically, the Committee cited that the proposed land division does not conform to the policies of the Official Plan; the suitability of the land for the purposes for which it is to be subdivided has not been demonstrated; and the suitability of the dimensions and shapes of the proposed lots has not been demonstrated. The associated variances were refused by the Committee on the grounds that the general intent and purpose of the Official Plan is not maintained; the general intent and purpose of the Zoning by-law is not maintained; the variance(s) is not considered desirable for the appropriate development of the land; and in the opinion of the Committee, the variance(s) is not minor.

On September 3, 2015, Glenn Rubinoff c/o Rubinoff Design Group on behalf of Berman Welat, appealed this decision to the Ontario Municipal Board. A date for the hearing has not been set.

BACKGROUND INFORMATION

(August 12, 2015) Staff Report, Committee of Adjustment Application, 943 Castlefield
(August 20, 2015) Decision(s) of the Committee of Adjustment for B0021/15NY, A0526/15NY & A0527/15NY