
City Council

Notice of Motion

MM17.25	ACTION			Ward:24
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Request for City Solicitor to Attend at the Ontario Municipal Board - 30 Fleming Drive - by Councillor David Shiner, seconded by Councillor John Fillion

** Notice of this Motion has been given.*

** This Motion is subject to referral to the North 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 David Shiner, seconded by Councillor John Fillion, recommends that:

1. City Council direct the City Solicitor to attempt to negotiate a settlement in the appeal of Application No. A0789/15NY respecting 30 Fleming Drive, in order to obtain a reduction of the building height to be more in keeping with the intent of the Zoning By-law and revisions to the design of the proposed dwelling to be more in keeping with the two-storey character of the street, and authorize the City Solicitor to settle the matter on behalf of the City in her discretion after consultation with the Ward Councillor and the Director of Community Planning, North York District.
2. In the event that a settlement cannot be reached, City Council authorize the City Solicitor, together with appropriate Community Planning staff, to attend the Ontario Municipal Board to oppose the proposed variances for building height and number of storeys requested in Committee of Adjustment Application No. A0789/15NY respecting 30 Fleming Drive, and to retain outside consultants as necessary.

Summary

At its hearing on October 15, 2015, the Committee of Adjustment partially approved variance Application No. A0789/15NY respecting 30 Fleming Drive. The application sought variances to permit the construction of a new three-storey dwelling with an integral garage.

In its decision, the Committee of Adjustment granted the variances requested with respect to driveway width, exterior stair width, maximum building length, and front porch projection. The Committee modified the variance for building height from 10.26 metres to 9.50 metres and approved the height variance as modified. The Committee refused the variance to permit three

storeys, whereas a maximum of two storeys is allowed under the Zoning By-law. A copy of the Notice of Decision of the Committee of Adjustment is attached.

In its report dated October 7, 2015 to the Committee of Adjustment, Community Planning recommended that the requested building height variance be modified to be more in keeping with the intent of the Zoning By-law and recommended that the requested variance to permit three storeys be refused. A copy of the report of Community Planning is attached.

The applicant has appealed the decision of the Committee of Adjustment to the Ontario Municipal Board. The OMB Hearing is scheduled for May 30, 2016.