

City Council**Notice of Motion**

MM18.18	ACTION			Ward:1
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39 Barker Avenue - Request for Representation at the Ontario Municipal Board - by Councillor Vincent Crisanti, seconded by Councillor Justin J. Di Ciano

- * Notice of this Motion has been given.*
- * This Motion is subject to referral to the Etobicoke 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 Vincent Crisanti, seconded by Councillor Justin J. Di Ciano, recommends that:

1. City Council authorize the City Solicitor to appeal the Committee of Adjustment's decisions regarding Application Nos. B56/15EYK, A493/15EYK, A94/15EYK respecting 39 Barker Avenue.
2. City Council authorize the City Solicitor and appropriate staff to attend the Ontario Municipal Board and oppose the proposed consent and variances requested in Application Nos. B56/15EYK, A493/15EYK, A94/15EYK respecting 39 Barker Avenue.
3. City Council authorize the City Solicitor to retain outside consultants as necessary to oppose the proposed consent and variances requested in Application Nos. B56/15EYK, A493/15EYK, A94/15EYK respecting 39 Barker Avenue.

Summary

The applicant has applied to the Committee of Adjustment, Etobicoke District (Application Nos. B56/15EYK, A493/15EYK, A94/15EYK) to obtain consent to sever the property at 39 Barker Avenue into two undersized residential lots and for minor variances from Zoning By-laws 1980-249 and 569-2013 to permit the construction of a new detached dwelling with an integral garage on each of the proposed severed lots (the "Applications").

At its hearing on April 14, 2016, the Committee of Adjustment approved the Applications with conditions (the "Decisions"). Copies of the Notices of Decision are attached.

On the request of the local Councillor, the City Solicitor has appealed the Committee of Adjustment's Decisions to the Ontario Municipal Board in order to preserve the City's appeal rights as the appeal deadline may have passed before City Council considered this Motion.

The severance would result in lot sizes and lot frontages that are of concern. As currently requested, the variances are not in keeping with the prevailing character of the neighbourhood and they do not meet the intent of the zoning by-laws. Approval of these variances could risk setting a negative precedent for future applications.

This Motion would give the City Solicitor authority to appeal the Committee of Adjustment's Decisions. This Motion would also give the City Solicitor and appropriate staff authority to attend the Ontario Municipal Board and the City Solicitor authority to retain outside consultants as necessary in order to oppose the Applications, unless the applicant agrees to an acceptable increase in the variances for lot frontage and lot area, and an acceptable decrease in the variance for floor space index.

This matter is time sensitive and urgent as the City Solicitor has already appealed the Committee of Adjustment's Decision to the Ontario Municipal Board and requires instructions and direction to proceed with this appeal.

Background Information (City Council)

Member Motion MM18.18

Committee of Adjustment, Etobicoke York Panel Notice of Decision on application for consent for 39 Barker Avenue

<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-92586.pdf>

Committee of Adjustment, Etobicoke York Panel Notice of Decision on application for minor variance/permission for 39 Barker Avenue

<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-92587.pdf>