

City Council

Notice of Motion

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| MM19.4 | ACTION | | | Ward:29 |
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Request for Attendance at an Ontario Municipal Board Hearing - Appeal of Committee of Adjustment Decisions respecting 44 and 48 Lesmount Avenue - by Councillor Mary Fragedakis, seconded by Councillor Ana Bailão

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Toronto and East 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 Mary Fragedakis, seconded by Councillor Ana Bailão, recommends that:

1. City Council direct the City Solicitor to attempt to negotiate a settlement in the appeal of Committee of Adjustment Applications B0011/16TEY, B0012/16TEY, A0201/16TEY, A0202/16TEY and A0203/16TEY for 44 and 48 Lesmount Avenue, and authorize the City Solicitor to settle the matter on behalf of the City in her discretion after consultation with the Chief Planner and Executive Director, City Planning and the Ward Councillor.
2. In the event a settlement cannot be reached, City Council direct the City Solicitor and appropriate City staff to attend the Ontario Municipal Board to oppose the appeal of the consent and minor variance applications regarding 44 and 48 Lesmount Avenue (B0011/16TEY, B0012/16TEY, A0201/16TEY, A0202/16TEY and A0203/16TEY) and retain outside consultants, if necessary.

Summary

The Toronto and East York District Panel of the Committee of Adjustment refused two consent and three minor variance applications related to the property municipally known as 44 and 48 Lesmount Avenue on Wednesday, May 4, 2016.

The applicant is seeking consent to sever 44 and 48 Lesmount Avenue each into two residential lots. Two of the four resulting lots would then be merged to create a new residential lot, resulting in a total of three lots. The applicant is also seeking relief from the provisions of East York Zoning By-law 6752 and City-wide Zoning By-law 569-2013 to construct two new two-storey detached dwellings with integral garages and one new three-storey detached dwelling with an integral garage on the proposed new residential lots.

The applicant has appealed the Committee of Adjustment decision to the Ontario Municipal Board.

This application does not maintain the general intent and purpose of the Official Plan or Zoning By-law, is not desirable for the appropriate development of the land and is not minor.

This Motion would direct the City Solicitor to attend the Ontario Municipal Board hearing in opposition to the appeal.

Background Information (City Council)

Member Motion MM19.4

Committee of Adjustment, Toronto and York District Notices of Decision on applications for Consent and Minor Variance/Permission for 44 and 48 Lesmount Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-93761.pdf>)