

City Council**Notice of Motion**

MM19.3	ACTION			Ward:29
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Request for Attendance at an Ontario Municipal Board Hearing - Appeal of Committee of Adjustment Decision respecting 41 Jackman Avenue (A0128/16TEY) - by Councillor Mary Fragedakis, seconded by Councillor Frances Nunziata

** 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 Frances Nunziata, recommends that:

1. City Council direct the City Solicitor to continue discussions to negotiate a settlement on behalf of the City in her discretion after consultation with the Chief Planner and Executive Director, City Planning in the appeal of Committee of Adjustment Application A0128/16TEY for 41 Jackman Avenue, and authorize the City Solicitor to attend the Ontario Municipal Board and not oppose the appeal, subject to the conditions as recommended in the May 4, 2016 Staff Report from the Director, Community Planning, Toronto and East York District.
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 Committee of Adjustment Application A0128/16TEY respecting 41 Jackman Avenue.

Summary

The Toronto and East York District Panel of the Committee of Adjustment (the "Committee") refused a minor variance application related to the property municipally known as 41 Jackman Avenue on Wednesday, May 4, 2016 (the "Application").

The applicant is seeking relief from the provisions of Former Toronto Zoning By-law 438-86 and City-wide Zoning By-law 569-2013 to construct a new three-storey detached dwelling.

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

A May 4, 2016 Staff Report from the Director, Community Planning, Toronto and East York District recommended that should the Committee approve the requested variances, any such

approval be subject to two conditions (the "Conditions"). The first condition required that prior to the issuance of a demolition and/or building permit, the applicant satisfy all matters relating to City and privately owned trees to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review. The second condition required that the proposed dwelling be built substantially in accordance with the elevation drawings received by the Committee on April 6, 2016 showing the massing and location of the third floor, and that any other variances that may appear on these plans that are not listed in the written decision are not authorized.

This Motion would direct the City Solicitor to attempt to negotiate a settlement with the applicant. In the event a settlement cannot be reached, this Motion would direct the City Solicitor and appropriate City staff to attend the Board to support the Committee's decision to refuse the Application.

Background Information (City Council)

Member Motion MM19.3

Committee of Adjustment, Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 41 Jackman Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-93776.pdf>)

(May 4, 2016) Report from the Director, Community Planning, Toronto and East York District on 41 Jackman Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-93777.pdf>)

Committee of Adjustment, Toronto and East York Public Hearing Notice on application for Minor Variance/Permission for 41 Jackman Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-93782.pdf>)

41 Jackman Avenue Plans

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-93783.pdf>)