

**City Council****Notice of Motion**

MM20.49	ACTION			Ward:17
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**Request for Attendance at Ontario Municipal Board Hearing - Appeal of Committee of Adjustment Decision respecting 43 Norton Avenue (A137/16EYK) - by Councillor Cesar Palacio, seconded by Councillor Frances Nunziata**

*\* 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 Cesar Palacio, seconded by Councillor Frances Nunziata, recommends that:

1. City Council direct the City Solicitor and appropriate City Planning staff to attend the Ontario Municipal Board hearing on Thursday, August 4, 2016, for Committee of Adjustment File (A137/16EYK), regarding 43 Norton Avenue, in order to defend the March 31, 2016, decision of the Committee of Adjustment to refuse the proposed minor variance application.

**Summary**

At its hearing on Thursday, March 31, 2016, the Committee of Adjustment denied the minor variances for the property municipally known as 43 Norton Avenue. The application has been appealed and will now be subject to a hearing at the Ontario Municipal Board on August 4, 2016. The Etobicoke York Planning Department reviewed the application and opposed it for a variety of concerns – floor space index, building depth, rear yard setback, landscaped open space and most importantly, the proposal is considered to be a significant overdevelopment for the very site. It is clear that the variances are indeed not minor. In addition, there was strong opposition from the local community, with a lengthy petition in objection to the proposed variances, concerns which I concur with.

As the local Ward Councillor, I would appreciate if the City Solicitor and appropriate Planning staff could attend the Ontario Municipal Board Hearing to defend the decision of the Committee of Adjustment, thereby refusing the applicants request to construct a second floor front addition, a third floor addition, a detached garage in the rear yard, and to convert the existing house into a triplex.

Furthermore, the area already has a major shortage of available on-street parking facilities and the additional tenants by converting this subject address into a triplex, will only further

exacerbate the existing parking shortage.

In addition, issues pertaining to overcrowding and noise, the significant increase within the total Gross Floor Area well beyond the permissible limit, along with community sentiment that the home will operate as an alleged illegal rooming house, are further compounded by the nature of the requested variances. I agree with my constituents that the variances requested are of a major nature and will detract from the predominately single-family homes.

The purpose and the intent of the Official Plan and Zoning By-laws are to protect neighbourhoods from inappropriate developments that affect the spirit and character of the local neighbourhood. The granting of these variances will set a dangerous precedent on Norton Avenue that will lead to similar requests that will cause further incompatibility issues within this homogeneous neighbourhood.

It is for these reasons that I urge that the City Solicitor as well City Planning to attend the Ontario Municipal Board. This matter is deemed urgent due to Council recessing for the summer months.

### **Background Information (City Council)**

Member Motion MM20.49

Committee of Adjustment, Etobicoke York Panel Notice of Decision on applications for Consent and Minor Variance/Permission for 43 Norton Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-94797.pdf>)