

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

<b>MM20.45</b>	<b>ACTION</b>			Ward:23
----------------	---------------	--	--	---------

**171 Burndale Avenue - Request for Representation at the Ontario Municipal Board - by Councillor John Filion, seconded by Councillor Joe Mihevc**

*\* 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 John Filion, seconded by Councillor Joe Mihevc, recommends that:

1. City Council authorize the City Solicitor and appropriate staff to attend the Ontario Municipal Board and to retain outside consultants as necessary to oppose the proposed consent and minor variances requested in Application Nos. Application Nos. B0064/15NY, A1060/15NY, A1061/15NY respecting 171 Burndale Avenue.

**Summary**

The applicant has applied to the Committee of Adjustment (Application Nos. B0064/15NY, A1060/15NY, A1061/15NY) to obtain consent to sever the property at 171 Burndale Avenue into two undersized residential lots and for minor variances from Zoning By-laws 7625 and 569-2013 to permit the construction of a new two-storey dwelling on each of the proposed severed lots (the "Applications").

At its hearing on May 12, 2016, the Committee of Adjustment refused the applications for both the consent and minor variances. In their report, Planning Staff were of the opinion that the applications should be refused as the subject lot in its current form maintains and reinforces the general physical character of the neighbourhood and the suitability of the land for the purposes for which it is to be subdivided has not been demonstrated by the proposal. Their lot study also identified that of 390 lots in the area, only 2 percent have frontages between 25 feet and 29.9 feet, whereas the applicant is proposing two lots both with 25 foot frontages. Copies of the Notices of Decision and Staff Report are attached.

On May 27, 2016, Daniel Artenosi c/o Overland LLP appealed the Committee of Adjustment's decision to the Ontario Municipal Board on behalf of the owner.

No hearing date has been scheduled for this appeal.

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

Member Motion MM20.45

Committee of Adjustment, North York Panel Notice of Decision on application for Consent for 171 Burndale Avenue

<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-94850.pdf>

(May 2, 2016) Report from the Director, Community Planning, North York District on variances for 171 Burndale Avenue

<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-94851.pdf>

(June 8, 2016) Report from the Director, Community Planning, North York District on variances for 171 Burndale Avenue

<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-94852.pdf>