

City Council**Notice of Motion**

MM20.44	ACTION			Ward:23
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375 Eilerslie 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 to appeal the Committee of Adjustment's decision regarding Application No. A0427/16NY respecting 375 Eilerslie Avenue.
2. City Council direct the City Solicitor to attempt to negotiate a settlement in the appeal of Committee of Adjustment Application No. A0427/16NY respecting 375 Eilerslie Avenue and authorize the City Solicitor to settle the matter on behalf of the City in their discretion after consultation with the Chief Planner and Executive Director, City Planning and the Ward Councillor.
3. In the event that a settlement cannot be reached, City Council authorize the City Solicitor and appropriate staff to attend the Ontario Municipal Board and to retain outside consultants as necessary in order to oppose the proposed variances requested in Application No. A0427/16NY respecting 375 Eilerslie Avenue.

Summary

The applicant has applied to the Committee of Adjustment (Application No. A0427/16NY) for minor variances from Zoning By-laws 7625 and 569-2013 to legalize and maintain the construction of a dwelling recently constructed (the "Application").

At its hearing on June 22, 2016, the Committee of Adjustment approved the application for minor variances. The application is seeking finished first floor height at 2.32 metres under By-law 7625 and 1.65m under By-law 569-2013. In their report, Planning Staff were of the opinion that Variances 1 and 3 for First Floor Height should be reduced. The Notice of Decision and Staff Report are attached.

The property was previously before the Committee of Adjustment on February 5, 2014 (File No. A872/13NY) which sought variances related to side exterior main wall height, building length, side yard setbacks, lot frontage and width, building height and finished first floor height. The application was approved along with finished first floor height under By-law No. 7625 at 1.85 metres.

The variances for the proposed finished first floor height and number of storeys (3) are of concern, as they do not fit the character of the neighbourhood or meet the intent of the zoning by-laws.

Background Information (City Council)

Member Motion MM20.44

Committee of Adjustment, North York Panel Notices of Decision on applications for Minor Variance/Permission and Consent for 375 Ellerslie Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-94904.pdf>)

(June 13, 2016) Report from the Director, Community Planning, North York District on 375 Ellerslie Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-94905.pdf>)