



Member Motion

City Council

Notice of Motion

MM21.24	ACTION			Ward:11
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Request for Attendance at Ontario Municipal Board Hearing - 96 John Street - by Councillor Frances Nunziata, seconded by Councillor Joe Cressy

** 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 Frances Nunziata, seconded by Councillor Joe Cressy recommends that:

1. City Council authorize the City Solicitor to appear at the Ontario Municipal Board hearing in the matter of 96 John Street and to oppose the appeal of the August 18, 2016 decision of the Committee of Adjustment Etobicoke York Panel, and to retain an outside planning consultant if necessary.

Summary

By decision dated August 18, 2016, the Committee of Adjustment-Etobicoke York Panel refused the application (B47/15EYK) for consent to sever the property at 96 John Street ("Subject Property"), as well as the applications (A411/14EYK; A412/14EYK) for minor variances for the Subject Property. The owner of the Subject Property has appealed the refusal to the Ontario Municipal Board. A hearing has not yet been scheduled.

The application submitted to the Committee of Adjustment was for consent to sever the property into two undersized residential lots, with the existing detached dwelling to remain, and a new detached dwelling to be constructed on the second lot.

I have held two community meetings regarding this application; the first in 2014 when it was first before the Committee of Adjustment and deferred, and more recently in August 11, 2016 before the application went back to the Committee of Adjustment. At both meetings, the message from the community was clear: the proposed development does not respect the existing physical character of the area. The Subject Property is located within Phase 2 of the Weston Heritage Conservation District for which the study is currently under way. The average frontage of lots in the area of the Subject Property is 46.8 feet; the owner is proposing frontages of 25 feet, nearly half the average frontage for homes in this area.

In addition to the above, Urban Forestry objected to several of the requested variances as they would result in significant injury to a healthy 50 cm diameter Norway maple tree on the Subject Property.

The Committee of Adjustment appropriately refused the applications to sever and build on the Subject Property and it is important that the decision is upheld.

Background Information (City Council)

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Committee of Adjustment, Etobicoke York Panel Public Hearing Notice on application for Minor Variance/Permission for 96 John Street

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-96944.pdf>)

Committee of Adjustment, Etobicoke York Panel Site Maps of 96 John Street

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-96945.pdf>)

Committee of Adjustment, Etobicoke York Panel Public Hearing Notice on application for Consent for 96 John Street

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-96946.pdf>)

Committee of Adjustment, Etobicoke York Panel Revised Public Hearing Notice on application for Minor Variance/Permission for 96 John Street

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-96947.pdf>)

Committee of Adjustment, Etobicoke York Panel Notice of Decision on applications for Consent and Minor Variance/Permission for 96 John Street

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-96948.pdf>)