

City Council**Motion Without Notice**

MM21.37	ACTION			Ward:29
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14 Pepler Avenue - Request for City Solicitor to Attend at Ontario Municipal Board Hearing - by Councillor Mary Fragedakis, seconded by Councillor Vincent Crisanti

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor Mary Fragedakis, seconded by Councillor Vincent Crisanti, recommends that:

1. City Council direct the Interim City Solicitor to attempt to negotiate a settlement in the appeal of Committee of Adjustment Application A0375/16TEY for 14 Pepler Avenue and authorize the Interim City Solicitor to settle the matter on behalf of the City in his discretion after consultation with the Chief Planner and Executive Director, City Planning and the Ward Councillor.
2. In the event that a settlement cannot be reached, City Council authorize the Interim City Solicitor, together with appropriate Community Planning staff, to attend the Ontario Municipal Board in support of the Committee of Adjustment decision to refuse the minor variance application respecting 14 Pepler Avenue, and to retain additional outside professional consultants if necessary.

Summary

At its hearing of August 10, 2016, the Toronto East York Panel of the Committee of Adjustment refused Application A0375/16TEY respecting 14 Pepler Avenue for variances to legalize and maintain an existing rear detached garage/shed which was constructed without a building permit. A copy of the Committee of Adjustment decision is attached. The applicant has appealed the decision to the Ontario Municipal Board. No hearing date has been set.

The application requires significant variances to lot coverage under both By-laws 6752 and 569-2013. Variances related to the rear yard setback, side yard setback and roof eaves projection are also required.

City Planning, by its report of August 5, 2016, recommended to the Committee of Adjustment that if the Committee was inclined to grant the variances, a condition ought to be imposed to limit the lot coverage of the existing house exclusive of any detached accessory structure, to

ensure that a variance granted regarding lot coverage could not be used to increase the overall size of the house beyond the permitted coverage. A copy of the report is attached.

This Motion would direct the Interim City Solicitor and appropriate City staff or outside consultants to attempt to settle this matter and attend the OMB Hearing to support Committee's refusal of this application if necessary.

Background Information (City Council)

Member Motion MM21.37

Committee of Adjustment, Toronto and East York Panel Public Hearing Notice on application for Minor Variance/Permission for 14 Pepler Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-97092.pdf>)

14 Pepler Avenue - Plans

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-97093.pdf>)

(August 5, 2016) Report from the Director, Community Planning, Toronto and East York District on 14 Pepler Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-97096.pdf>)

Committee of Adjustment, Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 14 Pepler Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-97094.pdf>)