

**City Council****Motion without Notice**

MM21.39	ACTION			Ward:32
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**195 Silver Birch Avenue - Request for Representation at the Ontario Municipal Board - by Councillor Mary-Margaret McMahon, seconded by Councillor Frank Di Giorgio**

*\* 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-Margaret McMahon, seconded by Councillor Frank Di Giorgio, recommends that:

1. City Council direct the Interim City Solicitor to attend at the Ontario Municipal Board hearing regarding the Committee of Adjustment decision for 195 Silver Birch Avenue with City staff and outside consultants as appropriate, in support of the Committee's refusal of the applications.

**Summary**

The applicant has applied to the Committee of Adjustment (Applications B0016/16TEY, A0315/16TEY and A0316/16TEY) for consent to sever the property into two residential lots and for associated minor variances from Zoning By-laws 7625 and 569-2013 in order to permit the construction of two new three-storey detached dwellings on the new lots (the "Applications").

The variances sought include: for permitted floor space index; permitted height of exterior main walls; minimum required setbacks; encroachments (of a canopy and of front stairs); front yard landscaping; walkway width; and for a vehicle parking space to be located between the front wall of the building and the front lot line on one of the lots.

The approval of the applications would require the removal of 2 trees, one on private property and one on the City boulevard. Urban Forestry staff are opposed to the application, in particular to the removal of the private tree, a mature healthy red oak tree located at the rear of the property.

At its hearing on June 15, 2016, the Committee of Adjustment refused the applications. The applicant has appealed the Committee's refusal to the Ontario Municipal Board and a hearing has been scheduled for October 26, 2016.

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

Member Motion MM21.39

Committee of Adjustment, Toronto and East York Panel Notices of Decision on application for Consent and Minor Variance/Permission for 195 Silver Birch Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-97135.pdf>)