

City Council**Motion without Notice**

MM21.38	ACTION			Ward:23
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271 Poyntz Avenue - Request for Representation at the Ontario Municipal Board - by Councillor John Filion, seconded by Councillor Joe Mihevc

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

1. City Council direct the Interim City Solicitor and appropriate staff to attend at the Ontario Municipal Board hearing regarding the Committee of Adjustment decision for 271 Poyntz Avenue to represent the City's interests and to retain outside consultants as necessary.
2. City Council authorize the Interim City Solicitor to discuss a settlement with the applicant on terms which would minimize any adverse precedent as a result of variances being granted to allow the house to remain as built.

Summary

The applicant has applied to the Committee of Adjustment (Application A1140/15NY) for minor variances from Zoning By-laws 7625 and 569-2013 to legalize and maintain the construction of a dwelling recently constructed at 271 Poyntz Avenue (the "Application").

At its hearing on May 12, 2016, the Committee of Adjustment refused the application which sought variances to permit a finished first floor height of 1.71 metres under By-law 7625 and 1.56 metres under By-law 569-2013; a variance for a third storey; for a rear deck platform at 7.8 square metres; and to permit a minimum of 0 metres of the first floor be within 4 metres of the front main wall.

In their report dated February 16, 2016, Planning Staff recommended that any approval be conditional on the proposal being developed in accordance with the front elevation drawing, date stamped December 30, 2015. The Notice of Decision and Staff Report are attached.

It is urgent that the matter be dealt with at this Council meeting as the applicant has appealed the Committee's refusal of the application to the Ontario Municipal Board and a hearing has been scheduled for November 17, 2016.

Background Information (City Council)

Member Motion MM21.38

Committee of Adjustment, North York Panel Revised Public Hearing Notice on application for Minor Variance/Permission for 271 Poyntz Avenue

<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-97140.pdf>

(February 16, 2016) Report from the Director, Community Planning, North York District on 271 Poyntz Avenue

<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-97124.pdf>

Committee of Adjustment, North York Panel Notice of Decision on application for Minor Variance/Permission for 271 Poyntz Avenue

<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-97125.pdf>