

City Council**Motion without Notice**

MM22.27	ACTION			Ward:13
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44 Morningside Avenue - Request to Appeal Committee of Adjustment Decision to Ontario Municipal Board - by Councillor Frances Nunziata, seconded by Councillor Mary Fragedakis

** 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.*

Communication MM22.27.1 has been submitted on this Item

Recommendations

Councillor Frances Nunziata, seconded by Councillor Mary Fragedakis, recommends that:

1. City Council direct the City Solicitor to appeal to the Ontario Municipal Board the October 20, 2016 decisions of the Committee of Adjustment, Etobicoke York Panel to approve the consent and minor variances at 44 Morningside Avenue (Applications B0058/16EYK, A0633/16EYK, A0634/16EYK).
2. City Council direct and authorize the City Solicitor to appear at the Ontario Municipal Board hearing and to retain such outside consultants as necessary to oppose the proposed consent and minor variances requested in Applications B0058/16EYK, A0633/16EYK, and A0634/16EYK respecting 44 Morningside Avenue.

Summary

By decision dated October 20, 2016, the Committee of Adjustment, Etobicoke York Panel approved the application (B0058/16EYK), for consent to sever the property at 44 Morningside Avenue ("Subject Property"), as well as the applications (A0633/16EYK, A0634/16EYK) for minor variances for the Subject Property.

The application submitted to the Committee of Adjustment, Etobicoke York Panel was for consent to sever the property into two undersized residential lots for the purposes of constructing two new detached dwellings with integral garages.

Residents of Swansea, the neighbourhood within which the Subject Property is located, expressed strong opposition to the applications, with the Swansea Area Ratepayers' Association having submitted comments to the Committee of Adjustment, Etobicoke York Panel voicing objection to the application. If the Committee of Adjustment, Etobicoke York Panel's approval for consent to sever stands, the proposed lot areas of the resulting lots will be, on average,

nearly 20 percent less than the minimum lot area of 225 m². Residents feel that the severing of this lot into two undersized lots presents a dangerous precedence of over-developing undersized lots in the Swansea community. The variances being requested for Floor Space Index are also of grave concern and not minor in nature as the Applicant is requesting floor space indexes nearly double what the City's zoning by-laws allow.

In addition to the above concerns, Urban Forestry, in their comments to the Committee of Adjustment, Etobicoke York Panel, noted that the approval of the application would result in the loss of two healthy city-owned trees, a 21 cm Colorado Spruce and a 64 cm Black Locust. Notwithstanding these concerns, as well as those of the community, the Committee of Adjustment, Etobicoke York Panel approved the applications for the Subject Property.

This Motion will give the City Solicitor authority to appeal the Committee of Adjustment, Etobicoke York Panel's decision to the Ontario Municipal Board. This Motion will also give the City Solicitor, along with appropriate City staff, authority to attend the Ontario Municipal Board and to retain outside consultants as necessary in order to oppose the applications.

This Motion is urgent as the deadline to file an appeal with the Ontario Municipal Board is November 9 and 17, 2016.

Background Information (City Council)

Member Motion MM22.27

Committee of Adjustment, Etobicoke York Panel Notice of Decision on application for Consent and Minor Variance/Permission Part 1 and Part 2 for 44 Morningside Avenue (<http://www.toronto.ca/leqdocs/mm/2016/mm/bqrd/backgroundfile-98155.pdf>)

Communications (City Council)

(November 9, 2016) E-mail from Amrit Dhoot (MM.New.MM22.27.1)