

City Council**Motion without Notice**

MM22.26	ACTION			Ward:23
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53 Carney Road - Authority to Attend an Ontario Municipal Board Hearing - by Councillor John Filion, 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.*

Recommendations

Councillor John Filion, seconded by Councillor Mary Fragedakis, recommends that:

1. City Council authorize the City Solicitor, along with appropriate City staff, to attend the Ontario Municipal Board and to retain outside consultants as necessary in order to oppose the proposed variances requested in Application A0038/16NY respecting 53 Carney Road.

Summary

The applicant has applied to the Committee of Adjustment, North York Panel for minor variances from the City-wide Zoning By-law 569-2013 and former City of North York Zoning By-law 7625 to legalize and maintain a two-storey detached dwelling with an integral garage that is currently under construction. The Application is known as municipal file number A0038/16NY.

On June 9, 2016, the Committee of Adjustment, North York Panel refused the Application and the requested height variances. In the opinion of the Committee of Adjustment, North York Panel, the Application did not maintain the general intent and purpose of the Official Plan or the Zoning By-laws; the variances were not considered desirable for the appropriate development of the land, and the variances were not considered minor.

The applicant has appealed the Committee of Adjustment, North York Panel's Decision to refuse the Application to the Ontario Municipal Board. The Appeal is known as Ontario Municipal Board File PL160816.

This Motion will 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 support the Committee of Adjustment, North York Panel's Decision refusing the Application and oppose the proposed variances.

This matter is time sensitive and urgent as the applicant has already appealed the Committee of Adjustment, North York Panel's Decision to the Ontario Municipal Board and the Appeal is scheduled to be heard on January 25, 2017.

Background Information (City Council)

Member Motion 22.26

Committee of Adjustment, North York Panel Notice of Decision on application for Minor Variance/Permission for 53 Carney Road

<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-98171.pdf>