

City Council

Notice of Motion

MM23.11	ACTION			Ward:25
---------	--------	--	--	---------

31 Overton Crescent - Request for City Solicitor to Attend at Ontario Municipal Board Hearing - by Councillor Jaye Robinson, seconded by Councillor Michelle Holland

** Notice of this Motion has been given.*

** This Motion is subject to referral to the North York Community Council. A two-thirds vote is required to waive referral.*

** This Motion relates to an Ontario Municipal Board Hearing and has been deemed urgent.*

Recommendations

Councillor Jaye Robinson, seconded by Councillor Michelle Holland, recommends that:

1. City Council authorize the City Solicitor to attempt to negotiate a settlement in the appeal of Committee of Adjustment Application A0393/16NY respecting 31 Overton Crescent and authorize the City Solicitor to settle the matter on behalf of the City in the City Solicitor's 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 City Solicitor and appropriate staff to attend the Ontario Municipal Board and oppose Application A0393/16NY regarding 31 Overton Crescent.
3. City Council authorize the City Solicitor to retain outside consultants as necessary to oppose Application A0393/16NY regarding 31 Overton Crescent.

Summary

The Applicant has applied to the Committee of Adjustment, North York District (Application A0393/16NY) to obtain minor variances from Zoning By-laws 569-2013 and 7625 in order to construct a second floor addition above the existing one-storey dwelling and a two-storey addition towards the west side of the dwelling. The applicant also applied to construct a new attached garage with second floor above. The existing detached garage would be demolished.

At its hearing on June 9, 2016, the Committee of Adjustment refused the Application on the basis that it does not meet the Planning Act's four tests for minor variances. A copy of the Decision is attached. The Applicant appealed the Decision to the Ontario Municipal Board. A hearing on November 23, 2016 was adjourned. A hearing date is scheduled for February 22, 2017.

This motion would give the City Solicitor and appropriate staff authority to attend the Ontario Municipal Board and oppose the Application. It would also give the City Solicitor authority to retain outside consultants as necessary in order to oppose the Application. Additionally, it would authorize the City Solicitor to attempt to negotiate a settlement and to settle the matter on behalf of the City in the City Solicitor's discretion after consultation with the Chief Planner and the Ward Councillor.

Background Information (City Council)

Member Motion MM23.11

Committee of Adjustment, North York Panel Notices of Decisions on application for Minor Variance/Permission for 31 Overton Crescent

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-99019.pdf>)