

City Council

Motion without Notice

MM23.34	ACTION			Ward:25
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366 Broadway Avenue - Request for Representation at the Ontario Municipal Board - by Councillor Jaye Robinson, seconded by Councillor Gary Crawford

** 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 Jaye Robinson, seconded by Councillor Gary Crawford, recommends that:

1. City Council authorize the City Solicitor to appeal the Committee of Adjustment's decision regarding Application A0881/16NY respecting 366 Broadway Avenue to the Ontario Municipal Board.
2. City Council direct the City Solicitor to attempt to negotiate a settlement in the appeal of Committee of Adjustment Application A0881/16NY respecting 366 Broadway Avenue 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.
3. 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 to retain outside consultants as necessary, in order to oppose the proposed variance requested in Application A0881/16NY respecting 366 Broadway Avenue.

Summary

The applicant has applied to the Committee of Adjustment (Application A0881/16NY) for a minor variance from Zoning By-law No. 7625 to construct a rear deck.

The applicant previously received approval from the Committee of Adjustment (Application A839/12NY) on January 9, 2013 for minor variances from Zoning By-law No. 7625 to construct a two-storey dwelling. The Committee of Adjustment approved variances related to lot coverage, side yard setbacks, hard surface coverage, finished first floor height, building height and rear yard setback.

At its hearing on November 24, 2016, the Committee of Adjustment approved the Application

for a minor variance to construct a deck that is higher and projects further away from the rear wall than allowed under the By-law. In their report, Planning staff recommended that the variances for deck height, area and projection be modified to be more in keeping with the intent of the Zoning By-laws. The Notice of Decision and Staff Report are attached.

The Application is of concern as it does not fit the character of the neighbourhood and has significant impacts on the neighbouring properties. Additionally, the previously granted variances of finished first floor height and rear yard setbacks significantly increase the impacts of the variances related to the deck.

In order to preserve the appeal deadline, the City Solicitor has already appealed the Committee of Adjustment's Decision to the Ontario Municipal Board and requires further instructions and direction to proceed with this appeal.

Background Information (City Council)

Member Motion MM23.34

Committee of Adjustment, North York Panel Notice of Decision on application for Minor Variance/Permission on 366 Broadway Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-99186.pdf>)

(November 15, 2016) Report from the Director, North York District Community Planning on 366 Broadway Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-99187.pdf>)