

## City Council

### Motion without Notice

MM23.31	ACTION			Ward:29
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**27 Baltic Avenue - Authority to Attend an Ontario Municipal Board Hearing - by Councillor Mary Fragedakis, 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 Mary Fragedakis, seconded by Councillor Joe Mihevc, recommends that:

1. City Council authorize the City Solicitor to attend the Ontario Municipal Board to ensure that the variances and conditions, as approved by the Committee of Adjustment, Toronto and East York Panel, be maintained by any approval of the Ontario Municipal Board regarding 27 Baltic Avenue (Municipal File No. A0829/16TEY).
2. City Council authorize the City Solicitor to attempt to negotiate with the applicant a resolution of the City concerns relating to front yard parking variances, in consultation with the Ward Councillor and appropriate City Staff.
3. In the event that a resolution cannot be reached, City Council authorize the City Solicitor, along with appropriate City Staff, to attend the Ontario Municipal Board in order to oppose any revised application seeking additional variances related to front yard parking in Application No. A0829/16TEY respecting 27 Baltic Avenue.

### Summary

The applicant has applied to the Committee of Adjustment, Toronto and East York Panel, (the "Committee") for minor variances from the City-wide Zoning By-law 569-2013 and Toronto Zoning By-law 438-86 to construct a new two storey dwelling (the "Application"). The Application is known as municipal file number A0829/16TEY.

On November 9, 2016, the Committee of Adjustment approved the Application and related variances with a condition (the "Decision").

On November 29, 2016, the Committee's Decision to approve the Application was appealed to the Ontario Municipal Board by an immediate neighbour (the "Appeal"). The Ontario Municipal Board has not yet assigned a file number to the Appeal.

The Application originally included variances for a front yard parking space and a related variance for reduced front yard landscaped open space (the "Parking Variances"). City Planning and Transportation Services Staff drafted reports recommending refusal of the Parking Variances, and the applicant subsequently withdrew the Parking Variances before the Committee. The City's concerns with this Application relate to ensuring that only the variances and related conditions, as approved by the Committee of Adjustment, are maintained by any approval of the Application by the Ontario Municipal Board.

This Motion will give the City Solicitor authority to attend the Ontario Municipal Board to ensure that the variances and conditions as approved by the Committee be maintained by the Ontario Municipal Board. This Motion will also give the City Solicitor, in consultation with the Ward Councillor and appropriate City Staff, authority to attempt to negotiate with the applicant a resolution of the City's concerns ensuring that the applicant will not seek approval of the Parking Variances. In the event that a resolution is not reached, this Motion authorizes the City Solicitor, and appropriate City Staff, to attend the Ontario Municipal Board in order to oppose any revised application seeking additional variances related to front yard parking.

This matter is time sensitive and urgent as the immediate neighbour has already appealed the Committee of Adjustment's Decision to the Ontario Municipal Board.

### **Background Information (City Council)**

Member Motion MM23.31

Committee of Adjustment, Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 27 Baltic Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-99225.pdf>)

(November 3, 2016) Report from the Director, Community Planning, Toronto and East York District on 27 Baltic Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-99227.pdf>)

(November 4, 2016) Report from the Manager, Right of Way Management, Transportation Services, Toronto and East York District on 27 Baltic Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-99228.pdf>)