

City Council

Motion without Notice

MM23.38	ACTION			Ward:29
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273 Donlands Avenue - Request for City Solicitor to Attend at the Ontario Municipal Board - by Councillor Mary Fragedakis, seconded by Councillor David Shiner

** 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 David Shiner, recommends that:

1. City Council authorize the City Solicitor to appeal the Committee of Adjustment's Decision regarding Application A0886/16TEY respecting 273 Donlands Avenue.
2. City Council authorize the City Solicitor to negotiate a settlement of the appeal of Application A0886/16TEY respecting 273 Donlands 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 Manager of Traffic Planning, Transportation Services, Toronto and East York District, and the Ward Councillor.
3. In the event that a settlement is not reached, City Council authorize the City Solicitor, along with appropriate City Staff, to retain outside consultants as necessary and to attend the Ontario Municipal Board in order to oppose the variances requested in Application A0886/16TEY respecting 273 Donlands Avenue.

Summary

The applicants applied to the Committee of Adjustment (Application A0886/16TEY) for variances from Zoning By-laws 569-2013 and 6752 to permit the construction of a new rear detached garage.

Transportation Services submitted a staff report, dated November 24, 2016, to the Committee of Adjustment commenting on the Application. In the Staff Report, Transportation Services advised that the subject site abuts a substandard 3.66 metre wide public lane extending between Mortimer Avenue and Memorial Park Avenue. In accordance with the Official Plan requirements for residential public lanes, the Public Lane is required to be widened to 5.0 metres. In order achieve the widening, the applicant is required to convey to the City a 0.67 metre wide strip of land. As a result, the Staff Report recommends that any approval of the

Application should be subject to conditions securing the conveyance of the land needed for the widening of the Public Lane by the owner to the City.

At its hearing on November 30, 2016, the Committee of Adjustment approved the Application. In the Decision, the Committee of Adjustment failed to impose the conditions recommended in the Staff Report. A copy of the Notice of Decision of the Committee of Adjustment and the Staff Report are attached.

The Decision is of concern to the City because the approval of the Application is not subject to the specific conditions securing the conveyance of the lane widening as recommended by Transportation Services in the Staff Report. As a result, the approval of the Application fails to meet the Official Plan policies regarding the widening of residential public lanes. In addition, the proposed size and location of the garage is also of concern to the City because it fails to provide a sufficient setback from the rear property line in order to facilitate the conveyance of the lane widening to the City as required by the Official Plan.

This Motion will give the City Solicitor authority to appeal the Decision to the Ontario Municipal Board. In addition, this motion will give the City Solicitor authority to negotiate a settlement of the appeal. Finally, in the event that a settlement is not reached, this Motion will give the City Solicitor, along with other appropriate City Staff, authority to retain outside consultants as necessary and to attend the Ontario Municipal Board in order to oppose the variances requested in the Application.

This matter is time sensitive and urgent as the deadline for appealing the Decision to the Ontario Municipal Board is on December 20, 2016.

Background Information (City Council)

Member Motion MM23.38

Committee of Adjustment, Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 273 Donlands Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-99252.pdf>)

(November 24, 2016) Report from the Acting Manager of Traffic Planning, Transportation Services, Toronto and East York District on 273 Donlands Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-99253.pdf>)