

City Council

Motion without Notice

MM23.43	ACTION			Ward:23
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293 Bogert Avenue - Request for City Solicitor to Attend at Ontario Municipal Board Hearing - by Councillor John Filion, 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 John Filion, seconded by Councillor Joe Mihevc, recommends that:

1. City Council authorize the City Solicitor to appeal the Committee of Adjustment's decisions regarding Application A0817/16NY respecting 293 Bogert Avenue.
2. City Council authorize the City Solicitor and appropriate staff to attend the Ontario Municipal Board and oppose the proposed minor variances requested in Application A0817/16NY respecting 293 Bogert Avenue.
3. City Council authorize the City Solicitor to retain outside consultants as necessary to oppose the proposed variances requested in Application A0817/16NY.
4. City Council authorize the City Solicitor to attempt to negotiate a settlement and to settle this 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.

Summary

The Applicant has applied to the Committee of Adjustment, North York District (Application A0817/16NY) to obtain minor variances from Zoning By-laws 569-2013 and 7625 in order to construct a new two-storey dwelling. The existing dwelling would be demolished.

At its hearing on November 24, 2016, the Committee of Adjustment granted the Application subject to the conditions that it be developed in accordance with the elevations and that the driveway be constructed with permeable pavers.

City Planning submitted a report recommending that should the Committee approve the Application, the variances for setbacks, height, and front yard landscaping should be brought in

keeping with the intent of the zoning by-laws, and that the driveway be constructed with permeable pavers.

This Motion would give the City Solicitor authority to appeal the Committee of Adjustment's decision to the Ontario Municipal Board. It would also 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. Finally, it would authorize the City Solicitor to attempt to negotiate a settlement and to settle the matter on behalf of the City in his discretion after consultation with the Chief Planner and Executive Director, City Planning and the Ward Councillor.

This matter is time sensitive and urgent as the City Solicitor has already appealed the Committee of Adjustment's Decision to the Ontario Municipal Board and requires instructions and direction to proceed with this appeal.

Background Information (City Council)

Member Motion MM23.43

Committee of Adjustment North York Panel Notice of Decision on applications for Minor Variance/Permission for 293 Bogert Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-99316.pdf>)