TORONTO Member Motion

City Council

Motion Without Notice

MM27.49	ACTION			Ward:21

301 Wychwood Avenue - Ontario Municipal Board Appeal - by Councillor Joe Mihevc, seconded by Councillor John Filion

**** Notice of this Motion has not been given. A two-thirds vote is required to waive notice.***
**** This Motion is subject to referral to the Toronto and East York Community Council. A two-thirds vote is required to waive referral.***
**** This Motion has been deemed urgent by the Chair.***

Recommendations

Councillor Joe Mihevc, seconded by Councillor John Filion, recommends that:

1. City Council authorize the City Solicitor and appropriate staff to attend the Ontario Municipal Board appeal regarding Committee of Adjustment decision A0925/16TEY and uphold the Committee's decision to refuse the minor variances for 301 Wychwood Avenue.

2. City Council authorize the City Solicitor to retain outside consultants as necessary to oppose the proposed variances requested in Committee of Adjustment decision A0925/16TEY for 301 Wychwood Avenue.

3. City Council authorize the City Solicitor to settle the matter on behalf of the City after consultation with the Ward Councillor.

Summary

The applicant has applied to the Committee of Adjustment, Toronto East York District (Application A00877/16TEY) to obtain minor variances from Zoning By-law 569-2013 and 1-83, as amended, to construct a new three-storey detached dwelling with integral garage, front porch, rear ground floor deck, rear basement walkout, rear second floor balcony, rear third floor deck, and front third floor roof deck. The requested variances relate to the minimum area of the first floor required to be within 4.0 metres of the front wall, the maximum front and rear exterior main wall heights, the maximum floor space index, the minimum side yard setback, and the maximum number of platforms at or above the second-storey in the rear.

At its hearing on December 7, 2016, the Committee of Adjustment, refused the application. A copy of the Notice of Decision is attached.

The applicant has appealed the Committee of Adjustment decision to the Ontario Municipal Board. A hearing has not yet been scheduled.

This Motion would give the City Solicitor the authority to attend the Ontario Municipal Board hearing in opposition to the application. It would also give the City Solicitor authority to retain outside consultants as necessary in order to oppose the application. Finally, this Motion would give the City Solicitor authority 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.

Background Information (City Council)

Member Motion MM27.49
Committee of Adjustment, Toronto and East York Panel, Notice of Decision on application for Minor Variance/Permission for 301 Wychwood Avenue
(http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-102382.pdf)