

City Council

Motion without Notice

MM28.29	ACTION			Ward:23
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78 Cameron Avenue - Authority to Attend an Ontario Municipal Board Hearing - by Councillor John Filion, seconded by Councillor Joe Mihevc

** 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 North York Community Council. A two-thirds vote is required to waive referral.
* This Motion has been deemed urgent by the Chair.*

Recommendations

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

1. City Council authorize the City Solicitor's appeal of the March 22, 2017 decision of the North York Panel of the Committee of Adjustment regarding 78 Cameron Avenue (Municipal File A0002/17NY) to the Ontario Municipal Board.
2. City Council authorize the City Solicitor to attempt to negotiate with the applicant, a resolution of the appeal, in consultation with the Ward Councillor.
3. In the event that a resolution is not reached, City Council authorize the City Solicitor, along with appropriate City Staff, to attend the Ontario Municipal Board and to retain outside consultants as necessary in order to oppose the variances requested in Application A0002/17NY respecting 78 Cameron Avenue.

Summary

The applicant has applied to the Committee of Adjustment North York Panel for minor variances from the City-wide Zoning By-law 569-2013 and the North York Zoning By-law 7625 to construct a new detached two-storey dwelling (the "Application"). The Application is known as municipal file number A0002/17NY.

On March 22, 2017, the Committee modified and approved the Application and related variances on condition.

The City is concerned with this Application as it fails to meet the Zoning By-law provisions relating to height and setbacks, which are not in keeping with the prevailing character and built form of the surrounding area. Further, the Decision approves a proposal with setbacks that are inconsistent with the plans.

The Application and the proposed variances do not maintain the intent and purpose of the relevant Zoning By-laws, as the Application proposes setbacks that would result in negative impacts on the immediate neighbourhood and that does not fit the character of the neighbourhood or meet the intent of the Zoning By-laws.

At the request of the local Councillor, the City Solicitor has appealed the Decision to the Ontario Municipal Board to preserve the City's appeal rights. This Motion will give the City Solicitor authority to continue the appeal of the Committee's Decision to the Ontario Municipal Board and to retain outside consultants as necessary. This Motion will also give the City Solicitor authority to attempt to negotiate, with the applicant, a resolution of the appeal in consultation with the Ward Councillor. In the event that a resolution is not reached, this Motion authorizes the City Solicitor, and appropriate City Staff and/or outside consultants as necessary, to attend the Ontario Municipal Board in order to oppose the variances approved by the Committee in its Decision.

The matter is urgent as the City has already appealed the decision to the Ontario Municipal Board and staff require further direction to proceed with the appeal.

Background Information (City Council)

Member Motion MM28.29

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-103221.pdf>)

Committee of Adjustment North York Panel Notice of Decision on application for Minor Variance/Permission for 78 Cameron Avenue

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-103222.pdf>)

(March 13, 2017) Report from the Director, Community Planning, North York District on 78 Cameron Avenue

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-103228.pdf>)