

## City Council

### Notice of Motion

MM13.1	ACTION			Ward: 20
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**3272-3274 Danforth Avenue - Appeal to the Toronto Local Appeal Body of the Committee of Adjustment Decision - by Councillor Gary Crawford, seconded by Councillor Michael Thompson**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Scarborough Community Council. A two-thirds vote is required to waive referral.*

*\* This Motion relates to a Toronto Local Appeal Body Hearing and has been deemed urgent.*

### Recommendations

Councillor Gary Crawford, seconded by Councillor Michael Thompson, recommends that:

1. City Council confirm and authorize the City Solicitor's appeal of the Committee of Adjustment, Scarborough District Panel to oppose the approval of the applicant's proposed development at 3272-3274 Danforth Avenue under Application A0205/19SC.
2. City Council authorize the City Solicitor and appropriate City staff to attend the Toronto Local Appeal Body to oppose the Committee of Adjustment's decision and to retain outside consultants as necessary.
3. City Council authorize the City Solicitor to negotiate a resolution of the appeal and, if a resolution is reached, to settle the appeal at the City Solicitor's discretion, in consultation with the Ward Councillor and the Chief Planner and Executive Director, City Planning.

### Summary

The owner of the lands municipally known as 3272-3274 Danforth Avenue applied to the Scarborough Panel of the Committee of Adjustment for seven (7) variances to the City of Toronto Zoning By-law 569-2013 and two (2) variances to the former City of Scarborough Oakridge Community Zoning By-law 9812 in order to facilitate the construction of a third storey addition and a three-storey rear addition to the existing commercial and residential building (the "Application"). The requested variances are with respect to building setbacks from lot lines, landscaping and parking requirements.

In a report (November 8, 2019) from the Director, Community Planning, Scarborough District, Community Planning Staff expressed concerns regarding the proximity of the east side elevation wall to the side lot line and the failure of the proposal to provide sufficient number of parking spaces of appropriate dimensions. As a result, Community Planning Staff

recommended that four (4) out of seven (7) requested variances to the City-Wide Zoning By-law 569-2013 and both requested variances to the Oakridge Community Zoning By-law 9812 be refused. At its hearing on November 14, 2019, the Committee of Adjustment heard the Application and approved all of the requested variances. Copies of the Planning Report and the Committee of Adjustment decision are attached to this Motion.

As the last day to appeal the Committee of Adjustment's decision was December 4, 2019, the City Solicitor appealed the decision prior to that deadline in order to preserve the City's appeal rights.

This Motion will confirm and authorize the City Solicitor's appeal of the Committee of Adjustment's decision to the Toronto Local Appeal Body. It will authorize the City Solicitor and appropriate City Staff, to attend the Toronto Local Appeal Body in order to oppose the Committee of Adjustment's decision and to retain outside consultants as necessary. This Motion will also authorize the City Solicitor to negotiate a resolution of the appeal and, if a resolution is reached, to settle the appeal at the City Solicitor's discretion, in consultation with the Ward Councillor and the Chief Planner and Executive Director, City Planning.

This matter is urgent because a Toronto Local Appeal Body hearing will be scheduled shortly and the procedural filing dates will have to be met. The City Solicitor requires instructions.

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

Member Motion MM13.1

Committee of Adjustment Scarborough Panel Notice of Decision on application for Minor Variance/Permission for 3272 - 3274 Danforth Avenue

<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-141011.pdf>

(November 8, 2019) Report from the Director, Community Planning, Scarborough District on 3272-3274 Danforth Avenue, Committee of Adjustment Application

<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-141012.pdf>