

**City Council****Motion Without Notice**

MM24.31	ACTION			Ward:19
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**28A, 28B, 30A and 30B Givins Street - Request for City Solicitor to attend at the Ontario Municipal Board - by Councillor Mike Layton, seconded by Councillor Paul Ainslie**

*\* 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 Mike Layton, seconded by Councillor Paul Ainslie, recommends that:

1. City Council authorize the City Solicitor to appeal decisions A0950/16TEY, A0951/16TEY, A0952/16TEY and A0953/16TEY of the Committee of Adjustment, and instruct the City Solicitor and appropriate City staff to attend at the Ontario Municipal Board in opposition to the Committee of Adjustment decisions to approve variances to allow for the construction of rooftop decks above the existing one-storey rear garages at 28A, 28B, 30A and 30B Givins Street.

**Summary**

The owners of four adjoining townhouses at 28A, 28B, 30A and 30B Givins Street submitted four applications to the Committee of Adjustment (Applications No. A0950/16TEY, A0951/16TEY, A0952/16TEY and A0953/16TEY) for minor variances to permit the construction of rooftop decks above the four adjoining properties' existing one-storey rear garages.

At its hearing on January 18, 2017, the Committee of Adjustment approved the requested variances for all four applications subject to the same condition, that the rooftop decks above the rear garages shall be constructed with opaque privacy screening or fencing that is permanent, located on the north and south edges at a minimum height of 1.5 m, measured from the floor of the decks.

In a report dated January 12, 2016, City Planning staff outlined concerns with potential privacy and overlook issues resulting from the proposed rooftop decks, due to direct overlook into each other's back yards, overlook to the neighbouring yards to the north and south, and potential privacy and overlook issues with the rear windows of neighbouring houses. Staff opined that the requested variances do not meet the intent of the Official Plan or the intent of the Zoning By-law, are not desirable, and are not minor.

Accordingly, the following recommendation seeks to instruct City staff to appeal the four decisions of the Committee of Adjustment and authorize the City Solicitor and appropriate City staff to attend at the Ontario Municipal Board in opposition of the Committee of Adjustment's decisions. The deadline for the appeal is February 7, 2017.

**Background Information (City Council)**

Member Motion MM24.31

(January 31, 2017) Committee of Adjustment, Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 28A, 28B, 30A and 30B Givins Street