

**City Council****Notice of Motion**

MM29.2	ACTION			Ward:29
--------	--------	--	--	---------

**263 Gamble Avenue - Authority to Attend a Toronto Local Appeal Body Hearing - by Councillor Mary Fragedakis, seconded by Councillor Frances Nunziata**

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

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

**Recommendations**

Councillor Mary Fragedakis, seconded by Councillor Frances Nunziata, recommends that:

1. City Council authorize the City Solicitor's appeal of the April 26, 2017 decisions of the Toronto and East York Committee of Adjustment regarding 263 Gamble Avenue (Municipal Files B0094/16TEY, A1295/16TEY, and A1296/16TEY) to the Toronto Local Appeal Body.
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 Toronto Local Appeal Body in order to oppose the consent and variances requested in Applications B0094/16TEY, A1295/16TEY, and A1296/16TEY respecting 263 Gamble Avenue.

**Summary**

The applicant has applied to the Committee of Adjustment, Toronto and East York Panel, (the "Committee") for consent and minor variances from the City-wide Zoning By-law 569-2013 and the former East York Zoning By-law 6752 to sever the property into two undersized residential lots and relief from the applicable zoning by-laws to construct a new three-storey semi-detached dwelling on each lot (the "Application"). The Application is known as municipal file numbers B0094/16TEY, A1295/16TEY, and A1296/16TEY.

On April 26, 2017, the Committee approved the Application, consent and related variances with conditions (the "Decision").

The Application fails to meet the provisions of section 51(24) of the Planning Act, particularly, the proposal does not conform to the Official Plan, the dimensions and shapes of the proposed

lots are not appropriate for the area and the proposed severance does not have regard for restrictions on the lands proposed to be severed.

The City is also concerned with this Application as it fails to meet the City-wide By-law provisions regarding building type, dwelling units within a semi-detached house, lot frontage, coverage, floor space index, side-yard setbacks, front yard landscaping, exterior main wall heights, and first floor above established grade. The Application does not respect or reinforce the stable built form in the area and fails to limit the impact of the new development on adjacent properties.

Local area residents and staff have expressed concern with the Application. In order to preserve the City's appeal rights, the City Solicitor has been requested to appeal the Decision to the Toronto Local Appeal Body. This Motion will give the City Solicitor authority to continue the appeal of the Committee's Decision to the Toronto Local Appeal Body. 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, the Motion authorizes the City Solicitor, and appropriate City Staff, to attend the Toronto Local Appeal Body in order to oppose the consent and variances approved by the Committee in its Decision.

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

Member Motion MM29.2

Committee of Adjustment Toronto and East York Panel Notice of Decision on Consent for 263 Gamble Avenue

<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-103924.pdf>

Committee of Adjustment Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 263 Gamble Avenue (Part 1)

<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-103925.pdf>

Committee of Adjustment Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 263 Gamble Avenue (Part 2)

<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-103926.pdf>

(April 19, 2017) Report from the Director, Community Planning, Toronto and East York District on 263 Gamble Avenue

<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-103927.pdf>

(April 19, 2017) Memorandum from the Acting Supervisor Tree Protection and Plan Review Toronto-East York District on 263 Gamble Avenue

<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-103971.pdf>