

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

MM29.5	ACTION			Ward:6
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**Request for Attendance at a Toronto Local Appeal Body Hearing - Appeal of Committee of Adjustment Decision respecting 9 Thirty Eighth Street (B11/16EYK, A95/16EYK and A96/16EYK) - by Councillor Mark Grimes, seconded by Councillor Justin J. Di Ciano**

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

*\* This Motion is subject to referral to the Etobicoke 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 Mark Grimes, seconded by Councillor Justin J. Di Ciano, recommends that:

1. City Council authorize the City Solicitor to appeal the decisions of the Committee of Adjustment for applications B11/16EYK, A95/16EYK and A96/16EYK respecting 9 Thirty Eighth Street to the Toronto Local Appeal Body.
2. City Council authorize the City Solicitor and appropriate City staff to attend the Toronto Local Appeal Body hearing for 9 Thirty Eighth Street in opposition of the consent and minor variances requested in Committee of Adjustment applications B11/16EYK, A95/16EYK and A96/16EYK.

**Summary**

On Thursday, May 4, 2017, the Etobicoke York District Panel of the Committee of Adjustment (the "Committee") approved an application for consent to sever (B11/16EYK) and two associated minor variance applications (A95/16EYK and A96/16EYK) related to the property municipally known as 9 Thirty Eighth Street (the "Applications"). The Applications sought to sever the subject property into two undersized residential lots and construct two new two-storey detached dwellings, each with an integral single car garage.

In a report from the Director, Community Planning, Etobicoke York District dated April 27, 2017, Community Planning staff identified concerns with the proposed lot sizes, lot frontages and the front yard setback for the proposed dwelling on Part B, and as such, recommended refusal of the applications. Community Planning staff also noted in the staff report that the submitted site plan dated January 9, 2017 displays two, three-storey detached dwellings, while the Applications are for two, two-storey detached dwellings. The Notices of Decisions and Staff Report are attached to this Motion.

This matter is urgent because the last day to appeal the Committee's decisions to the Toronto Local Appeal Body is May 24, 2017. In order to preserve the appeal deadline, the City Solicitor has already appealed the Committee's decisions to the Toronto Local Appeal Body. The City Solicitor requires further instructions and direction to proceed with this appeal.

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

Member Motion MM29.5

<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-103998.pdf>

Committee of Adjustment Etobicoke York Panel Notices of Decision on Consent and Minor Variance/Permission for 9 Thirty Eighth Street

<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-103999.pdf>

(April 27, 2017) Report from the Director, Community Planning, Etobicoke York on 9 Thirty Eighth Street

<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-104000.pdf>