

City Council**Motion Without Notice**

MM29.22	ACTION			Ward:29
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374 O'Connor Drive - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Mary Fragedakis, seconded by Councillor Frances Nunziata

** 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 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 to appeal the Committee of Adjustment's decision regarding Application A0055/17TEY respecting 374 O'Connor Drive to the Toronto Local Appeal Body.
2. City Council authorize the City Solicitor to negotiate a settlement of the appeal of the decision in Application A0055/17TEY respecting 374 O'Connor Drive and authorize the City Solicitor to settle the matter on behalf of the City at the City Solicitor's discretion after consultation with Community Planning, Toronto and East York District, and the Ward Councillor.
3. In the event that a settlement is not reached, City Council, authorize the City Solicitor, along with appropriate City Staff, to retain outside consultants as necessary and to attend the Toronto Local Appeal Body in order to oppose the variances requested in Application A0055/17TEY respecting 374 O'Connor Drive.

Summary

On May 10, 2017, the Committee of Adjustment approved a variance application brought by the owners of 374 O'Connor Drive in order to construct a new two-storey rear addition and a partial second storey addition (Application A0055/17TEY). Variances from the applicable Zoning By-laws were sought for side yard setback, building length, lot coverage, and floor space index.

In a Staff report dated May 2, 2017, City Planning outlined concerns with the lot coverage and building length variances requested. Staff opined that these two requested variances do not respect and reinforce the existing physical character of dwellings on O'Connor Drive.

This Motion will give the City Solicitor authority to appeal the Committee of Adjustment's decision to the Toronto Local Appeal Body. In addition, this Motion will give the City Solicitor authority to negotiate a settlement of the appeal. Finally, in the event that a settlement is not reached, this Motion will give the City Solicitor, along with other appropriate City Staff, authority to retain outside consultants as necessary and to attend at the Toronto Local Appeal Body in order to oppose the variances requested by the owners of 374 O'Connor Drive.

Background Information (City Council)

Member Motion MM29.22

(May 2, 2017) Report from the Director, Community Planning, Toronto and East York District on 374 O'Connor Drive

<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-104101.pdf>

Committee of Adjustment, Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 374 O'Connor Drive

<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-104102.pdf>