

## City Council

### Motion Without Notice

MM31.28	ACTION			Ward:23
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**2968 and 2970 Bayview Avenue - Authority to Attend at the Toronto Local Appeal Body - by Councillor John Filion, seconded by Councillor Joe Mihevc**

*\* 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 North York Community Council. A two-thirds vote is required to waive referral.  
\* This Motion has been deemed urgent by the Chair.*

### Recommendations

Councillor John Filion, seconded by Councillor Joe Mihevc, recommends that:

1. City Council authorize the City Solicitor, along with appropriate City staff, to attend the Toronto Local Appeal Body and to retain outside consultants, as necessary, to uphold the Committee of Adjustment decisions to refuse the applications at 2968 and 2970 Bayview Avenue (B0080/16NY, A0938/16NY, A0939/16NY, B0081/16NY, A0940/16NY, A0941/16NY).

### Summary

On Thursday, May 18, 2017, the North York Panel of the Committee of Adjustment refused applications for consent and minor variances (B0080/16NY, A0938/16NY, A0939/16NY, B0081/16NY, A0940/16NY, A0941/16NY) related to the properties municipally known as 2968 and 2970 Bayview Avenue (the "Application").

The application proposes to sever the two existing lots, creating four undersized lots, each requiring variances for lot frontage and lot area. The application also proposes to construct a new four-storey detached dwelling on each of the four newly created lots. The existing dwellings would be demolished.

In a report from the Planning Division, staff were of the opinion that the requested consent to sever fails to satisfy all of the consent criteria under section 51(24) of the Planning Act and the requested minor variance applications do not meet the four tests for minor variance under Section 45(1) of the Planning Act. Each minor variance application requests a minimum of twenty-four variances.

The proposed lots are not in keeping with the lot pattern of the existing or planned context of Bayview Avenue and the adjacent stable neighbourhood. The subject application proposes the

creation of the smallest lots for detached dwellings within the selected study area. The proposed dwellings do not maintain the heights, massing, or scale permitted by the zoning, nor does the proposal maintain the continuation of special landscape features that contribute to the unique physical character of the neighbourhood. The prevailing building type of the neighbourhood adjacent to the subject properties are two-storey detached dwellings with abundant landscaping in the front and rear yards.

This matter is urgent as the application has been appealed to the Toronto Local Appeal Body and staff require further direction to carry out the requirements of the appeal. A hearing date has been scheduled for September 13, 2017.

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

Member Motion MM31.28

Committee of Adjustment North York Panel Notices of Decisions on application for Consent and Minor Variance/Permission for 2968 and 2970 Bayview Avenue

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-105548.pdf>)