

City Council

Motion without Notice

MM31.40	ACTION			Ward:13
---------	--------	--	--	---------

315 Beresford Avenue - Authority to Attend a Toronto Local Appeal Body Hearing - by Councillor Sarah Doucette, seconded by Councillor Mary-Margaret McMahon

** 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 Sarah Doucette, seconded by Councillor Mary-Margaret McMahon, recommends that:

1. City Council authorize the City Solicitor's appeal of the June 15, 2017 decision of the Etobicoke York Committee of Adjustment regarding 315 Beresford Avenue (Municipal File A0404/17EYK) 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 and concerned residents.
3. In the event that a resolution is not reached, City Council authorize the City Solicitor along with the appropriate staff, to attend the Toronto Local Appeal Body hearing, in order to oppose variances requested in Application A0404/17EYK regarding 315 Beresford Avenue.
4. City Council authorize the City Solicitor to retain outside consultants, as necessary.

Summary

The Applicant has applied to the Committee of Adjustment, Etobicoke York Panel, (the "Committee") for minor variances from the Zoning By-Law to "construct a new detached dwelling with an integral garage" at 315 Beresford Avenue. The Application is known as municipal file number A0404/17EYK. At its hearing on June 15, 2017, the Committee of Adjustment approved the Application, and related variances requested (the "Decision"), "on condition".

This Motion would give the City Solicitor and appropriate City Staff authority to attend the Toronto Local Appeal Board hearing and oppose the variances requested in Application A0404/17EYK, respecting 315 Beresford Avenue.

This Application fails to meet the City-wide By-law provisions regarding floor space index, side yard setbacks, rear yard platform projections, building depth, front exterior main wall height and dwelling height. The application does not represent good planning because it is overdevelopment of the property and is not in keeping with the character of the neighbourhood or the intent of the zoning bylaws. The variances, both individually and collectively, are not minor. 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. Additionally, local area residents have expressed strong concern with the Application.

This Motion will give the City Solicitor authority to appeal 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 and concerned residents. In the event that a resolution is not reached, this Motion authorizes the City Solicitor, and appropriate City Staff, to attend the Toronto Local Appeal Body in order to oppose the variances approved by the Committee in its Decision.

Background Information (City Council)

Member Motion MM31.40

Committee of Adjustment Etobicoke York Panel Public Hearing Notice for Minor Variance/Permission for 315 Beresford Avenue

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-105571.pdf>)

Committee of Adjustment Etobicoke York Panel Notice of Decision for Minor Variance/Permission for 315 Beresford Avenue

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-105593.pdf>)