

City Council**Motion without Notice**

MM32.33	ACTION			Ward:37
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Authorization for Submission of Minor Variance Application - 37 Kecala Road - by Councillor Michael Thompson, seconded by Councillor Glenn De Baeremaeker

** 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 Michael Thompson, seconded by Councillor Glenn De Baeremaeker, recommends that:

1. City Council authorize, pursuant to subsection 45.(1.4) of the Planning Act, submission of a minor variance application in regard to 37 Kecala Road for relief from the corner lot driveway location requirements of Toronto Zoning By-law No. 569-2013, as amended.

Summary

Among changes under the Smart Growth for Our Communities Act, 2015 (Bill 73) that came into final effect on July 1, 2016, subsections 45.(1.3) and 45.(1.4) of the Planning Act, as now amended prevent submission of minor variance applications on properties subject to a privately-initiated zoning by-law amendment within two years of by-law enactment, unless the municipal council has otherwise "declared by resolution that such an application is permitted".

In the case of 37 Kecala Road, City Council on November 9, 2016 enacted By-law Nos. 1069-2016 and 1070-2016 approving owner-initiated amendments to former Scarborough's Dorset Park Community Zoning By-law No. 9508, as amended, and City of Toronto Zoning By-law No. 569-2013, as amended, respectively. The new zoning provides for redevelopment of this site to replace a place of worship with seven detached single family dwellings on new lots while retaining the heritage-listed John A. Paterson House.

All seven of the new dwellings are proposed to have driveway access from Kecala Road, as illustrated in the Final Report from City Planning staff on the rezoning application dated September 22, 2016 (Item SC17.23). Toronto Building Zoning staff have now determined, however, that the western-most of these new lots, at the south-east corner of Kecala Road and Blaisdale Road, would not comply with Zoning By-law No. 569-2013, as now amended, because the driveway access for this lot must be from the flankage street, being Blaisdale Road. (Such requirement does not apply under the Dorset Park Community Zoning By-law

No. 9508, as amended.)

Given the irregular configuration of this new lot, compliance with the requirement for driveway access from the flankage street would necessitate site design changes to the new dwelling that may be inconsistent and out of keeping with the designs of the other six new dwelling units. Under the Planning Act as now amended, however, this owner will not be able to file for a minor variance application for zoning relief in this regard until November 9, 2018, thus delaying site redevelopment for a further year and causing the owner undue financial hardship.

As the proposal would not result in increased development density or otherwise modify the remaining development standards established through the rezoning of this property, City Council's authorization for submission of a minor variance application at this time is warranted.

Background Information (City Council)

Member Motion MM32.33