

City Council

Notice of Motion

MM34.10	ACTION			Ward:21
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46 Wembley Road - Authority to Attend a Toronto Local Appeal Body Hearing - by Councillor Joe Mihevc, seconded by Councillor Joe Cressy

** Notice of this Motion has been given.*

** 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 Joe Mihevc, seconded by Councillor Joe Cressy, recommends that:

1. City Council authorize the City Solicitor and appropriate staff to attend the Toronto Local Appeal Body regarding Committee of Adjustment decision A0579/17TEY to oppose the Applicant's requested variances for 46 Wembley Road.
2. City Council authorize the City Solicitor to retain outside consultants as necessary.
3. City Council authorize the City Solicitor to settle the matter on behalf of the City in the City Solicitor's discretion after consultation with the Ward Councillor.

Summary

The Applicant had previously applied to the Committee of Adjustment, Toronto and East York Panel, (the "Committee") to obtain minor variances to Zoning By-law 438-86 (the "Previous Application"). The purpose of the Previous Application was to construct a new three-storey dwelling with an integral below grade garage at the front. The Committee approved the Previous Application on August 28, 2013. The Previous Application is known as municipal file A0569/13TEY.

The Applicant has since applied to the Committee for minor variances from the City-wide Zoning By-law 569-2013 and the former municipality of Toronto Zoning By-law 438-86 to construct a new three-storey detached dwelling with an integral below grade garage, a front covered porch, a rear basement walkout, a rear yard swimming pool, and a rear yard hot tub (the "Application"). The Application is known as municipal file A0579/17TEY. On September 27, 2017, the Committee approved the variances on condition (the "Decision").

The owner of 46 Wembley Road has appealed the Decision on the basis that the Decision approved most of the requested minor variances; however, the Decision approved reduced minor variances for the proposed floor space index. The owners of 20 Hilltop Road are opposed to the Application and have also appealed the Decision.

The City is concerned with the massing of the proposed dwelling, including the floor space index. The statutory deadline to appeal the decision of the Committee was October 17, 2017. This Motion will give the City Solicitor and appropriate staff authority to attend the Toronto Local Appeal Body in opposition to the Applicant's requested variances (A0579/17TEY), provided the appeal of the owner of 46 Wembley Road or the appeal of 20 Hilltop Road is maintained.

This Motion gives the City Solicitor authority to retain outside consultants as necessary to oppose the proposed variances requested in Committee of Adjustment decision A0579/17TEY for 46 Wembley Road.

This Motion will also give the City Solicitor authority to negotiate a resolution of the appeal in consultation with the Ward Councillor. In the event that a resolution is not reached, the Motion authorizes the City Solicitor, and appropriate staff, to attend the Toronto Local Appeal Body in order to oppose the variances requested by the Applicant.

Background Information (City Council)

Member Motion MM34.10

Committee of Adjustment Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 46 Wembley Road

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-108458.pdf>)

Committee of Adjustment Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 46 Wembley Road (previous decision)

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-108459.pdf>)

(September 21, 2017) Report from the Director, Community Planning, Toronto and East York District on 46 Wembley Road

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-108600.pdf>)