

City Council

Motion without Notice

MM34.34	ACTION			Ward:19
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665 Shaw Street - Request for Attendance at a Toronto Local Appeal Body Hearing - Appeal of Committee of Adjustment Decision (A0564/17TEY) - by Councillor Mike Layton, seconded by Councillor Jim Hart

** 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 Mike Layton, seconded by Councillor Jim Hart, recommends that:

1. City Council authorize the City Solicitor, along with appropriate City staff, to attend the Toronto Local Appeal Body hearing to oppose the minor variances requested in Committee of Adjustment application A0564/17TEY regarding 665 Shaw Street.
2. City Council authorize the City Solicitor to attempt to negotiate a resolution of the appeal with the applicant, in consultation with the Ward Councillor and concerned residents.
3. City Council authorize the City Solicitor to retain outside consultants, as necessary.

Summary

On September 27, 2017, the Toronto and East York District Panel of the Committee of Adjustment (the "Committee") refused an application for minor variances related to the property municipally known as 665 Shaw Street (the "Application"). The Application sought to alter the existing 2 ½ storey semi-detached dwelling by constructing a rear one-storey addition with a deck above and to raise the roof of the existing detached garage.

In a report (September 21, 2017) from the Director, Community Planning, Toronto and East York District, Community Planning staff recommended that should the Committee choose to approve the application, the Committee impose the following conditions:

1. the second floor of the proposed dwelling have a maximum building depth of 10.65 metres, excluding the rear deck, and 15.3 metres, inclusive of the rear deck, as per the second floor plan received by the Committee of Adjustment on May 13, 2017;
2. permanent opaque screening or fencing be provided along the north and south edges of the

rear second storey deck to a minimum height of 1.5 metres from the floor of the deck; and

3. the garage plans submitted to Toronto Building for building permit are substantially in accordance with garage plans date stamped by Committee of Adjustment Staff May 13, 2017.

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 the Application.

The Application fails to meet the City-wide By-law provisions governing floor space index (gross floor area), soft landscaping for rear yards, and floor area and heights for accessory buildings. Among other things, the Application raises concerns about blank wall effects, privacy, and overlook on neighbouring properties. Additionally, local area residents have expressed concern with the Application.

The City Solicitor requires further instruction to participate in the appeal process at 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 requested in Committee of Adjustment application A0564/17TEY.

Background Information (City Council)

Member Motion MM34.34

Committee of Adjustment, Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 665 Shaw Street

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-108811.pdf>)