

City Council

Motion without Notice

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| MM35.19 | ACTION | | | Ward:29 |
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821 Carlaw Avenue (A0785/17TEY) - Request for Attendance at a Toronto Local Appeal Body Hearing - Appeal of Committee of Adjustment Decision - by Councillor Mary Fragedakis, seconded by Councillor Sarah Doucette

** 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 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 Mary Fragedakis, seconded by Councillor Sarah Doucette, recommends that:

1. City Council authorize the City Solicitor, along with appropriate City staff, to attend the Toronto Local Appeal Body hearing to uphold the decision of the Committee of Adjustment with respect to application A0785/17TEY regarding 821 Carlaw Avenue.
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 the Chief Planner and Executive Director, City Planning or designate.
3. City Council authorize the City Solicitor to retain outside consultants, as necessary.

Summary

On November 8, 2017, the Toronto and East York Panel of the Committee of Adjustment refused an application for minor variances for the property municipally known as 821 Carlaw Avenue (the "Application"). The Application proposed to legalize an unpermitted rear one-storey addition, an unpermitted conversion of the front porch and attic into living space, and to add a third dwelling unit within the existing 2-storey detached dwelling.

In the report (October 25, 2017) from the Director, Community Planning, Toronto East York District, Community Planning staff recommended that if the Committee of Adjustment approved the Application, it should impose the following conditions:

1. the enclosed front porch, requiring the front yard setback variances under By-laws 569-2013 and 438-86, shall be no greater than one storey in height; and

2. the setback from the front property line for the existing second floor of the dwelling as shown on the site plan submitted to Committee of Adjustment on August 24, 2017, shall remain unchanged at a minimum of 4.94 metres.

The Application requires variances from the City-wide Zoning By-law 569-2013 and former City of Toronto Zoning By-law 438-86 respecting the building depth, setbacks, floor space index and gross floor area, and soft landscaping. Staff concluded that conditions should be imposed on the application to ensure that the front yard setback variance applies only to the proposed enclosed porch, and that it remain one storey only, as potential additions above the enclosed front porch, in front of the existing second floor, would create additional massing with potential impacts on the streetscape of Carlaw Avenue. Accordingly, the application raises concerns as to whether it respects and reinforces the existing physical character of the surrounding neighbourhood and whether the impacts it creates on adjacent properties are minor.

Background Information (City Council)

Member Motion MM35.19

Committee of Adjustment Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 821 Carlaw Avenue

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-109722.pdf>)

(October 25, 2017) Report from the Director, Community Planning, Toronto and East York District on 821 Carlaw Avenue

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-109723.pdf>)