TORONTO Member Motion

City Council

Motion Without Notice

MM39.19	ACTION			Ward:21

629 Rushton Road - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Joe Mihevc, 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 Joe Mihevc, seconded by Councillor Glenn De Baeremaeker, recommends that:

1. City Council authorize the City Solicitor to negotiate a settlement of the appeal of Application A1080/17TEY respecting 629 Rushton Road and 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.

2. In the event that a settlement is not reached, City Council authorize the City Solicitor, along with appropriate City Staff, to attend the Toronto Local Appeal Body in order to oppose the variances requested in Application A1080/17TEY respecting 629 Rushton Road and to retain outside consultants as necessary.

Summary

The Applicant has applied to the Committee of Adjustment (Application A1080/17TEY) for variances to the applicable zoning by-laws to permit the construction of a new three-storey detached dwelling with a rear ground floor deck, a rear third floor deck, and a rear detached garage (the "Application").

The Application requires a number of variances, including for building height, number of storeys, floor space index/gross floor area, and building length. The Application is of concern because the variances requested would result in the construction of a house that is out of character with the surrounding neighbourhood. In particular, at 10.36 metres and three-storeys in height, the proposed house is too tall. The proposal also results in an increased floor space index/gross floor area of 0.66 times the area of the lot whereas only 0.4 times the area of the lot is permitted. Furthermore, the proposed three storey dwelling has the potential for adverse impacts on neighbouring properties and the Rushton streetscape.

At its hearing on March 21, 2018, the Committee of Adjustment refused the Application (the

"Decision"). A copy of the Notice of Decision of the Committee of Adjustment is attached. The Applicant has now appealed the Decision to the Toronto Local Appeal Body.

This Motion will give the City Solicitor, along with other appropriate City Staff, authority to attend the Toronto Local Appeal Body in order to oppose the variances requested in the Application and to retain outside consultants as necessary. This Motion will also give the City Solicitor authority to negotiate a settlement of the appeal.

This matter is time sensitive and urgent as the Applicant has already appealed the Committee of Adjustment's Decision to the Toronto Local Appeal Body.

Background Information (City Council)

Member Motion MM39.19
Committee of Adjustment, Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 629 Rushton Road
(http://www.toronto.ca/legdocs/mmis/2018/mm/bgrd/backgroundfile-114488.pdf)