

City Council

Motion Without Notice

MM41.29	ACTION			Ward:28
---------	--------	--	--	---------

459 - 461 Sackville Street - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Lucy Troisi, seconded by Councillor Frances Nunziata

** 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 Lucy Troisi, seconded by Councillor Frances Nunziata, recommends that:

1. City Council authorize the City Solicitor and appropriate staff to attend the Toronto Local Appeal Body regarding Committee of Adjustment decision A1167/17TEY and uphold the Committee's decision to refuse the minor variances for 459 and 461 Sackville Street.
2. City Council authorize the City Solicitor to retain outside consultants as necessary to oppose the proposed variances requested in Committee of Adjustment decision A1167/17TEY for 459 and 461 Sackville Street.
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 applied to the Committee of Adjustment, Toronto East York District (Application A1167/17TEY) to obtain minor variances from Zoning By-law 569-2013 and Zoning By-law 438-86, as amended, to alter the existing 2½-storey mixed-use building containing four dwelling units and two retail/commercial units by converting the building in its entirety to a day nursery.

The variances requested are with respect to: rear yard soft landscaping, exterior stair setback, floor space index, location of a day nursery in a mixed-use or converted building, and vehicular parking on the lot.

At its hearing on April 11, 2018, the Committee of Adjustment unanimously refused the application. A copy of the Notice of Decision is attached.

The applicant has appealed the Committee of Adjustment decision to the Toronto Local Appeal

Body. A hearing date is scheduled for August 17, 2018.

This Motion gives the City Solicitor the authority to attend the Toronto Local Appeal Body hearing in opposition to the application. It also gives the City Solicitor authority to retain outside consultants, as necessary, in order to oppose the application. Finally, this Motion would give the City Solicitor authority to settle the matter on behalf of the City in the City Solicitor's discretion after consultation with the Chief Planner and Executive Director, City Planning and the Ward Councillor.

This Motion is urgent in order to meet the Toronto Local Appeal Body deadline to attend the hearing as a party.

Background Information (City Council)

Member Motion MM41.29

Committee of Adjustment Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 459 - 461 Sackville Street

(<http://www.toronto.ca/legdocs/mmis/2018/mm/bgrd/backgroundfile-115482.pdf>)