
City Council**Motion without Notice**

MM44.111	ACTION			Ward:25
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80 Braeside Road - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Jaye Robinson, seconded by Councillor Gary Crawford

** 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 Jaye Robinson, seconded by Councillor Gary Crawford, recommends that:

1. City Council authorize the City Solicitor, along with appropriate City Staff, and outside consultants, as necessary, to attend the Toronto Local Appeal Body in order to oppose the Application and related variances requested in Application A0272/18NY respecting 80 Braeside Road.
2. City Council authorize the City Solicitor to attempt to negotiate a resolution of the appeal of the Committee of Adjustment's decision (Application A0272/18NY) respecting 80 Braeside Road, and the City Solicitor be authorized to resolve the matter on behalf of the City in the City Solicitor's discretion after consulting with the Ward Councillor and with the Director of Community Planning, North York District.

Summary

On June 14, 2018, the Committee of Adjustment (the "Committee") heard a minor variance application related to the property municipally known as 80 Braeside Road (the "Application"). The Application sought to construct a new two-storey dwelling with an integral garage and rear deck, and required various variances.

In a report from the Director, Community Planning North York District dated June 4, 2018, Community Planning Staff recommended a reduction in the proposed height of the building as it is higher than the maximum height of a building or structure permitted under the City-wide Zoning By-law 569-2013. The Application was revised at the Committee to address City Planning Staff's concern. The revised Application was approved by the Committee.

On July 4, 2018 a neighbour, appealed the Committee's decision to approve the Application to the Toronto Local Appeal Body.

In a report from Urban Forestry Ravine and Natural Feature Protection Staff dated June 12, 2018, Staff recommended refusal of the Application on the basis that the Application does not conform to the intent and function of the City of Toronto Municipal Code – Ravine and Natural Feature Protection By-law. Specifically, a rear deck is not permitted in an Open Space-Natural Zone, under the City-wide Zoning By-law No. 569-2013, however, as part of the application the applicant requested a minor variance to build a rear deck. RFNP Staff are of the opinion that the Application diminishes the subject site's capacity to support tree health and other ecological functions. If the Application is approved, Ravine and Natural Feature Protection staff are of the opinion that the available planting area and storm water infiltration will be reduced.

This matter is urgent as the deadline to submit the Notice of Intention to be a Party is July 30, 2018, and the hearing for the Toronto Local Appeal Body appeal has been scheduled for October 30, 2018. The City Solicitor requires further instructions and direction to proceed.

Background Information (City Council)

Member Motion MM44.111

Committee of Adjustment North York Panel Notice of Decision on application for Consent for 80 Braeside Road

<http://www.toronto.ca/legdocs/mmis/2018/mm/bgrd/backgroundfile-119346.pdf>

(June 4, 2018) Report from the Joe Nanos, Director, Community Planning, North York District on 80 Braeside Road

<http://www.toronto.ca/legdocs/mmis/2018/mm/bgrd/backgroundfile-119347.pdf>

(July 12, 2018) Report from the Planner, Ravine and Natural Feature Protection, Parks, Forestry and Recreation on 80 Braeside Road

<http://www.toronto.ca/legdocs/mmis/2018/mm/bgrd/backgroundfile-119339.pdf>