

City Council

Notice of Motion

MM3.1	ACTION			Ward: 2
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19 Glen Agar Drive - To Permit Applications for Minor Variances - by Councillor Stephen Holyday, seconded by Councillor Frances Nunziata

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Etobicoke York Community Council. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Stephen Holyday, seconded by Councillor Frances Nunziata, recommends that:

1. City Council, pursuant to Subsection 45(1.4) of the Planning Act, permit applications for minor variances with respect to the property municipally known as 19 Glen Agar Drive for relief from Chapters 320 and 324 of the Etobicoke Zoning Code, as amended by By-law 589-2017, in order to amend the associated development standards as it relates to lot area and side yard setback.

Summary

Among changes under the Smart Growth for Our Communities Act, 2015 (Bill 73) that came into final effect on July 1, 2016, Subsections 45(1.3) and 45(1.4) of the Planning Act, as amended, prevent the submission of minor variance applications on properties subject to a privately initiated Zoning By-law Amendment within two years of the By-law enactment, unless the municipal council has otherwise "declared by resolution that such an application is permitted".

In the case of 19 Glen Agar Drive, the By-law provides for redevelopment of the site with 53 single-detached dwellings, two new public roads (each having access from Glen Agar Drive), and a new public park (approximately 989.5 square metres). Under review by the Building Division, it has been determined that a minor variance application would be required for Lots 1, 2 and 3 (Block A) to vary the lot area from 338 square metres to 297 square metres and for Lots 4, 5 and 12 (Blocks E, F and G) to vary the side yard setback from 0.6 metres on one side and 1.2 metres on the other side to 0.6 metres on one side and 0.65 metres on the other side. Refer to the Registered Plan of Subdivision (Attachment 1 to this Motion) to identify the Lots that require an amendment. Refer to pages 3 and 4 of By-law 589-2017 (Attachment 2 to this Motion) to review the development standards for the site.

It should be noted that the required amendments would not result in an increased development density or otherwise modify the registered plan of subdivision (public streets and size of the

new public park). For Lots 1, 2 and 3, the lot areas were not captured in the By-law under Block A. Further, Lots 4, 5 and 12 are corner lots in which the front yards (proposed front doors) are fronting Glen Agar Drive and the side yards (proposed garage doors) are fronting the new public streets. The City's interpretation of the By-law is that the garage doors would have to be setback 1.2 metres, which would make the houses unbuildable.

Under the Planning Act, as now amended, this land owner will not be able to file for a minor variance application to the Committee of Adjustment, Etobicoke York District, for zoning relief in this regard until May 26, 2019, thus delaying site redevelopment and further restricting the availability for family housing and causing the owner undue financial hardship.

As a result, City Council's authorization for submission of a minor variance application at this time is warranted. While the minor variance process may be the appropriate process, this resolution is not intended to and does not relay Council's endorsement of the merits of the application.

Background Information (City Council)

Member Motion MM3.1

Attachment 1: Registered Plan of Subdivision

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-129537.pdf>)

Attachment 2: By-law 589-2017

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-129538.pdf>)