

## City Council

### Motion without Notice

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| MM3.26 | ACTION |  |  | Ward: 3 |
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**Appeal to the Toronto Local Appeal Body of Committee of Adjustment Decisions for 74 Thirty Eighth Street - by Councillor Mark Grimes, seconded by Councillor Michael Thompson**

*\* 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 Mark Grimes, seconded by Councillor Michael Thompson, recommends that:

1. City Council direct the City Solicitor to appeal the decisions of the Committee of Adjustment, Etobicoke York District Panel to oppose the approval of the applicant's proposed development for 74 Thirty Eighth Street (Application B0071/18EYK, A0655/18EYK, and A0656/18EYK).
2. City Council authorize the City Solicitor, along with appropriate City Staff, to attend the Toronto Local Appeal Body in order to oppose the Applications and the related consent and variances regarding 74 Thirty Eighth Street, and to retain outside consultants, as necessary.
3. City Council authorize the City Solicitor to attempt to negotiate a resolution regarding the Applications, and that the City Solicitor be authorized to resolve the matter on behalf of the City in her discretion after consulting with the Ward Councillor and with the Director of Community Planning, Etobicoke York District.

### Summary

This motion will give the City Solicitor authority to appeal the Committee of Adjustment's decision approving the applications for consent and minor variance respecting 74 Thirty Eighth Street (Application Nos.: B0071/18EYK, A0655/18EYK, and A0656/18EYK (the "Applications")) to the Toronto Local Appeal Body (TLAB).

On February 7, 2019, the Etobicoke York District Panel of the Committee of Adjustment approved an application related to the property municipally known as 74 Thirty Eighth Street for consent to sever, and two associated applications for minor variances (the "Decisions"). The applications seek to demolish the existing residential dwelling, sever the subject property into two undersized residential lots, and build two detached dwellings with integral garages.

The applications require variances to City-wide Zoning By-law 569-2013, including lot frontage, lot area, and floor space index, side yard setback, front exterior main wall height, and front yard parking.

In a report from the Supervisor, Tree Protection and Plan Review – West District, dated January 30, 2019, Urban Forestry requested denial of the Committee of Adjustment application due to the impacts to a bylaw protected tree(s).

This Motion is urgent because the deadline to appeal the decisions is February 27, 2019.

### **Background Information (City Council)**

Member Motion MM3.26

Committee of Adjustment, Etobicoke York Panel Notice of Decision on application for Consent for 74 Thirty Eighth Street

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-130187.pdf>)

Committee of Adjustment, Etobicoke York Panel Notice of Decision on application for Minor Variance/Permission 74 Thirty Eighth Street - Part 1

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-130190.pdf>)

Committee of Adjustment, Etobicoke York Panel Notice of Decision on application for Minor Variance/Permission 74 Thirty Eighth Street - Part 2

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-130191.pdf>)

(January 30, 2019) Memorandum from the Supervisor, Tree Protection and Plan Review - West District to the Committee of Adjustment on a Severance/Minor Variance/Permission Application for 74 Thirty Eighth Street

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-130194.pdf>)