

City Council

Notice of Motion

MM5.15	ACTION			Ward: 15
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14 Brookfield Road - Attendance at Toronto Local Appeal Body Appeal Hearing - by Councillor Jaye Robinson, seconded by Councillor Gary Crawford

** Notice of this Motion has been given.*

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

** This Motion relates to a Toronto Local Appeal Body Hearing and has been deemed urgent.*

Recommendations

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

1. City Council direct and authorize the City Solicitor and appropriate staff to support the Committee of Adjustment's decision to refuse the minor variances requested for 14 Brookfield Road in Application A0841/18NY and to oppose the applicant's appeal of the Committee of Adjustment's decision at the Toronto Local Appeal Body.
2. City Council authorize the City Solicitor to retain outside consultants as necessary.
3. City Council authorize the City Solicitor to attempt to negotiate a resolution of the appeal and, if a resolution is reached, to settle the appeal at the City Solicitor's discretion, in consultation with the Ward Councillor and the Chief Planner and Executive Director, City Planning.

Summary

On February 7, 2019, the North York Panel of the Committee of Adjustment refused a minor variance application in respect of the property municipally known as 14 Brookfield Road. This application is filed as Application A0841/18NY. The applicant sought relief from the City of North York Zoning By-law 7625 to permit the construction of a new three-storey dwelling on 14 Brookfield Road. The applicant proposed to demolish the existing house and build a new detached house that required variances for building height, setback distance, the number of storeys, permitted balcony area, and building length.

City Planning staff submitted a report dated January 23, 2019 to the Committee of Adjustment recommending refusal of the variances as the proposal was not in keeping with the existing physical character of the neighbourhood. Urban Forestry staff requested that the Committee of Adjustment deny the application due to impacts to by-law protected trees as set out in a staff

memorandum dated January 29, 2019. Copies of the Notice of Decision of the Committee of Adjustment, the Planning Staff Report and the Urban Forestry Staff memorandum are attached.

The applicant appealed the Committee of Adjustment's refusal of the application to the Toronto Local Appeal Body on February 25, 2019. A hearing is scheduled for July 8, 2019. The deadline for the City to submit a Notice of Intention to be a Party for the appeal is April 1, 2019.

Background Information (City Council)

Member Motion MM5.15

Committee of Adjustment North York Panel Notice of Decision on application for Minor Variance/Permission for 14 Brookfield Road

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-131069.pdf>)

(January 23, 2019) Report from the Director, Community Planning, North York District on 14 Brookfield Road

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-131031.pdf>)

(January 29, 2019) Memorandum from the Acting Supervisor, Tree Protection and Plan Review - North District on 14 Brookfield Road

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-131036.pdf>)