

City Council

Motion without Notice

MM6.24	ACTION			Ward: 3
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**135 Milton Street - Representation at Toronto Local Appeal Body
Appeal Hearing - by Councillor Mark Grimes, 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 Mark Grimes, seconded by Councillor Frances Nunziata, recommends that:

1. City Council direct the City Solicitor, and any other appropriate City staff, to attend the Toronto Local Appeal Body hearing in respect of 135 Milton Street to support the Committee of Adjustment's refusal of the applicant's proposed development (Applications B0058/18EYK, A0513/18EYK, and A0512/18EYK) and oppose the appeal.
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, and in consultation with the Ward Councillor and the Chief Planner and Executive Director, City Planning.

Summary

On February 7, 2019, the Etobicoke York District Panel of the Committee of Adjustment refused applications related to the property municipally known as 135 Milton Street (the "Subject Property") for consent to sever the lot, and two associated applications for minor variances. The applications are filed as Applications B0058/18EYK, A0513/18EYK, and A0512/18EYK. The applicant has appealed the refusal decision to the Toronto Local Appeal Body (Toronto Local Appeal Body Files 19 117682 S53 03, 19 117683 S45 03 and 19 117684 S45 03).

The applicant proposes to sever the subject property, which has a frontage of 15.24 metres, into two undersized residential lots. The applications require variances to City-wide Zoning By-law 569-2013, including variances for lot frontage, lot area, permitted floor space index, setbacks from the side lot lines, building length and exterior main wall height.

Community Planning staff supported the application on the condition that the development be constructed substantially in accordance with site plans submitted and held on file by the Committee of Adjustment dated January 30, 2019, with no additional variances permitted beyond those appearing on the plans. Community Planning staff submitted a report dated January 30, 2019 to the Committee of Adjustment to recommend approval of the consent and variances on that basis. As a result, the City Solicitor will need to retain external planning consultants to provide evidence for the appeal.

Heritage Preservation Services staff submitted a report dated January 29, 2019 recommending the addition of certain conditions to any approval of the applications.

Copies of the Notice of Decision of the Committee of Adjustment and the Community Planning Staff Report are attached.

This Motion will authorize the City Solicitor to oppose the applicant's Toronto Local Appeal Body appeal and to secure the necessary authorization and resources to support the City's opposition to the appeal, including providing for the ability for the City Solicitor to settle the matter. This Motion is urgent because the deadline to appeal the decisions was April 10, 2019.

Background Information (City Council)

Member Motion MM6.24

Committee of Adjustment, Etobicoke York Panel Notice of Decision on application for consent for 135 Milton Street

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-132110.pdf>)

Committee of Adjustment, Etobicoke York Panel Notice of Decision on application for minor variance/permission for 135 Milton Street - Part 1

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-132111.pdf>)

Committee of Adjustment, Etobicoke York Panel Notice of Decision on application for minor variance/permission for 135 Milton Street - Part 2

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-132112.pdf>)

(January 30, 2019) Report from the Director, Community Planning, Etobicoke York District on 135 Milton Street

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-132075.pdf>)

(January 29, 2019) Report from Senior Manager, Heritage Preservation Services on 135 Milton Street

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-132076.pdf>)