

City Council**Notice of Motion**

MM9.8	ACTION			Ward: 5
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37 Blue Springs Road - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Frances Nunziata, seconded by Councillor Brad Bradford

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

Recommendations

Councillor Frances Nunziata, seconded by Councillor Brad Bradford, recommends that:

1. City Council direct the City Solicitor, and any other appropriate City Staff, to attend the Toronto Local Appeal Body in respect of 37 Blue Springs Road to uphold the Committee of Adjustment's refusal of the Applicant's proposed development (Committee of Adjustment Applications A0871/17EYK, A0872/17EYK, A0873/17EYK and B0090/17EYK).
2. City Council authorize the City Solicitor to retain outside consultants as necessary.

Summary

On June 6, 2019, the Etobicoke York District Panel Committee of Adjustment refused applications for consent to sever the property municipally known as 37 Blue Springs Road into three undersized lots and with a new detached dwelling with an attached garage proposed for each new lot. The decisions in Applications B0090/17EYK, A0871/17EYK, A0872/17EYK and A0873/17EYK are attached to this Motion. The applicant has appealed the refusal decisions to the Toronto Local Appeal Body.

In addition to the consents, the applications require variances to City-wide Zoning By-law 569-2013 and North York Zoning By-law 7625, including variances for lot areas, lot coverages, front yard setbacks, rear yard setbacks, side yard setbacks, and dwelling height. Additionally, two of the proposed severed parcels require a variance for permitted height of the first floor above established grade. One of the applications requires a lot frontage variance. Another proposed severed parcel requires a variance from the By-law requirement for the location of vehicle access to a parking space.

Community Planning staff do not support the applications. On November 20, 2017, Community Planning for the Etobicoke York District wrote a report to the Committee of

Adjustment recommending that the consent and minor variances be refused. On April 2, 2019, Community Planning submitted correspondence to the Committee of Adjustment maintaining their recommendation from the first staff report. Staff recommend refusal of the consents and minor variances because the proposed undersized residential lots and resulting variances would not respect and reinforce the existing physical character and lot configuration of the neighbourhood, would not be in keeping with the general intent and purpose of the Official Plan and the Zoning By-laws, and would not conform to the Official Plan.

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.

Background Information (City Council)

Member Motion MM9.8

Committee of Adjustment, Etobicoke York Panel Notice of Decision on Consent for 37 Blue Springs Road

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-135736.pdf>)

Committee of Adjustment, Etobicoke York Panel Notice of Decision on application for Minor Variance/Permission for 37 Blue Springs Road - Part 1

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-135737.pdf>)

Committee of Adjustment, Etobicoke York Panel Notice of Decision on application for Minor Variance/Permission for 37 Blue Springs Road - Part 2

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-135738.pdf>)

Committee of Adjustment, Etobicoke York Panel Notice of Decision on application for Minor Variance/Permission for 37 Blue Springs Road - Part 3

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-135739.pdf>)

(November 20, 2017) Report from the Director, Community Planning, Etobicoke York District on 37 Blue Springs Road

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-135740.pdf>)

Correspondence from Community Planning Staff to the Committee of Adjustment, dated April 2, 2019

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-135898.pdf>)