

**City Council****Motion Without Notice**

|         |        |  |  |         |
|---------|--------|--|--|---------|
| MM12.25 | ACTION |  |  | Ward: 3 |
|---------|--------|--|--|---------|

**36 Clissold Road- Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Mark Grimes, seconded by Councillor Frances Nunziata**

- \* Notice of this Motion has been given. A two-thirds vote is required to waive notice.*
- \* This Motion is subject to referral to the Etobicoke York Community Council. A two-thirds vote is required to waive referral.*
- \* This Motion has been deemed urgent by the Chair.*

**Recommendations**

Councillor Mark Grimes, seconded by Councillor Frances Nunziata, recommends that:

1. City Council authorize the City Solicitor and appropriate City Staff to attend the Toronto Local Appeal Body hearing to support the Committee of Adjustment's decision to refuse the minor variances requested in Applications A0484/19EYK and A0485/19EYK respecting 36 Clissold Road.
2. City Council authorize the City Solicitor to negotiate a settlement of the appeal of the decision in Applications A0484/19EYK and A0485/19EYK respecting 36 Clissold Road and authorize the City Solicitor to settle the matter on behalf of the City at the City Solicitor's discretion after consultation with the Ward Councillor and with the Director of Community Planning, Etobicoke York District.

**Summary**

On November 7, 2019, the Committee of Adjustment (the "Committee") refused two Minor Variance applications brought by the owner of 36 Clissold Road for the following variances: lot frontage, lot area, lot coverage, gross floor area, side yard setback, soffit height, maximum height for exterior main walls and maximum dwelling height on each lot (the "Applications"). A copy of the Committee's decision is attached. The Applications proposed to construct two new detached dwellings on undersized lots with an attached garage on each part. A previous Committee Consent application (B0031/18EYK) for 36 Clissold Road is currently adjourned at the Toronto Local Appeal Body and awaiting the necessary Minor Variance appeals for joint consideration. A copy of the Committee's decision refusing the consent application is attached.

On November 18, 2019, the owner appealed the Committee's decision to refuse the Applications to the Toronto Local Appeal Body.

In a report (October 28, 2019) from the Director, Community Planning Etobicoke York District, Community Planning Staff opposed the proposed Applications and recommended their refusal. A copy of the Planning report is attached. Planning Staff opined that the proposed lots and variances would result in a development that does not respect and reinforce the existing physical character of the neighbourhood and thus, is not in keeping with the general intent and purpose of the Official Plan and Zoning By-laws.

In a memorandum (October 23, 2019) from the Supervisor, Tree Protection and Plan Review, Urban Forestry Staff also opposed the Applications and recommended their refusal. A copy of the Urban Forestry report is attached. Urban Forestry Staff opined that the approval of the proposed variances may result in the construction of a driveway that will require the removal a healthy and By-law-protected City-owned Norway Maple Tree. Urban Forestry staff also stated that the Official Plan contains policies specifically to the protection, preservation and enhancement of trees.

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

Member Motion MM12.25

Committee of Adjustment Etobicoke York Panel Notice of Decision on application for Minor Variance/Permission for 36 Clissold Road (Parts 1 and 2)

<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-140526.pdf>

Committee of Adjustment Etobicoke York Panel Notice of Decision on Consent for 36 Clissold Road

<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-140527.pdf>

(October 28, 2019) Report from the Director, Community Planning, Etobicoke York District on 36 Clissold Road

<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-140528.pdf>

(October 23, 2019) Memorandum from the Manager and Deputy Secretary-Treasurer, City Planning, Community Planning, Etobicoke York District on 36 Clissold Road

<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-140529.pdf>