

City Council**Notice of Motion**

MM25.4	ACTION			Ward: 24
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3655 Kingston Road - Request for Representation at the Toronto Local Appeal Body - by Councillor Paul Ainslie, seconded by Councillor Gary Crawford

- * Notice of this Motion has been given.*
- * This Motion is subject to referral to the Scarborough 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 Paul Ainslie, seconded by Councillor Gary Crawford, 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 3655 Kingston Road (File 20 205956 S45 24 TLAB) to support the Committee of Adjustment's refusal of the applicant's proposed development (Application A0189/20SC) 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 negotiate, if necessary, 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 September 23, 2020, the Scarborough District Panel of the Committee of Adjustment refused an Application related to the property municipally known as 3655 Kingston Road (the "Subject Property") for minor variances to permit additional variances for the 9 storey apartment building. The Application was filed as Application A0189/20SC. The Applicant has appealed the refusal decision to the Toronto Local Appeal Body (20 205956 S45 24 TLAB).

Minor variances were refused to allow the proposed number of dwelling units of 106, whereas the maximum permitted number of dwelling units is 99 and the proposed vertical clearance of 1.98 metres for parking spaces T78 and T79, whereas parking spaces must have minimum vertical clearance of 2 metres.

A previous Committee of Adjustment application (A0035/19SC) permitted variances for lot

coverage and floor area.

The development was the subject of a combined Official Plan and Zoning By-law Amendment application (File 15 245019 ESC 36 OZ). On October 4, 2017, City Council approved the application and adopted amendments to the Scarborough Village Community Zoning By-law 10010 and the Toronto Zoning By-law 569-2013 to permit the development. The proposed building setbacks, height and the entire building envelope have not changed since City Council passed the Zoning By-law amendments.

The decision of the Committee of Adjustment, Scarborough District recommended refusal of the application as the applications did not maintain the general intent and purpose of the Official Plan or Zoning By-law and the requested variance was not minor nor considered desirable for the appropriate development of the land.

Background Information (City Council)

Member Motion MM25.4

<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-157712.pdf>

Committee of Adjustment Scarborough Panel Notice of Decision on Application for Minor Variance for 3655 Kingston Road

<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-157713.pdf>