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## City Council

### Notice of Motion

MM27.6	ACTION			Ward: 14
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#### **796-802 Broadview Avenue - To Permit Application for Minor Variances - by Councillor Paula Fletcher, seconded by Councillor Ana Bailão**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Toronto and East York Community Council. A two-thirds vote is required to waive referral.*

#### **Recommendations**

Councillor Paula Fletcher, seconded by Councillor Ana Bailão, recommends that:

1. City Council, pursuant to Subsection 45(1.4) of the Planning Act, permit an application for minor variances with respect to the property municipally known as 796-802 Broadview Avenue for relief from the requirements of Former City of Toronto Zoning By-law 438-86, as amended by By-law 690-2019, and from the requirements of City of Toronto Zoning By-law 569-2013, as amended by By-law 689-2019, to amend the associated development standards as they relate to the number of dwelling units and gross floor area.

#### **Summary**

Among changes under the Smart Growth for Our Communities Act, 2015 (Bill 73) that came into final effect on July 1, 2016, Subsections 45(1.3) and 45(1.4) of the Planning Act, as amended, prevent the submission of minor variance applications on properties subject to a privately-initiated Zoning By-law Amendment within two years of By-law enactment, unless the municipal council has otherwise "declared by resolution that such an application is permitted".

On July 4, 2017, City Council considered and adopted the recommendations in the Final Report relating to the Zoning By-law Amendment application for the property at 796-802 Broadview Avenue. The site-specific Zoning By-laws for the development proposal were enacted on May 28, 2019.

The Zoning By-laws for 796-802 Broadview Avenue provide for redevelopment of the site with a six storey mixed-use building. In particular, the site specific By-law requires 30 residential units and 2 non-residential units.

A minor variance would be required to increase the number of dwelling units from 30 to 33 as well as allow for an elevator overrun to access roof top outdoor amenity. The applicant will also be seeking modifications to their site plan agreement, which will follow the minor variance

application. Prior to seeking this permission, the applicant worked with City Planning staff and the local residents' associations on the appropriateness of the proposal.

Under the Planning Act, as amended, however, this landowner will not be able to file for a minor variance application for zoning relief on these matters until May 29, 2021, thus delaying site redevelopment. As the proposed variances do not modify the remaining development standards established through the rezoning of this property, City Council's authorization for submission of a minor variance application at this time is warranted. While the minor variance process may be the appropriate process, this resolution is not intended to and does not relay Council's endorsement of the merits of the application.

**Background Information (City Council)**

Member Motion MM27.6