

City Council

Notice of Motion

MM31.44	ACTION			Ward: 18
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338 Horsham Avenue - Representation at the Toronto Local Appeal Body Appeal hearing - by Councillor John Filion, seconded by Councillor Shelley Carroll

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 John Filion, seconded by Councillor Shelley Carroll, 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 338 Horsham Avenue to uphold the Committee of Adjustment's refusal of the applicant's proposed development (Applications 20 200896 NNY 18 CO, 20 200910 NNY 18 MV and 20 200911 NNY 18 MV).
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 11, 2021, the Toronto and East York District Panel of the Committee of Adjustment refused applications related to the property municipally known as 338 Horsham Avenue for consent to sever the lot, and two associated applications for minor variances (the "Applications"). The applicant has appealed the refusal decision to the Toronto Local Appeal Body.

The applicant proposes to obtain consent to sever the property into two undersized residential lots, construct a new dwelling on each lot. The application requires variances to City-wide Zoning By-law 569-2013 including variances for: [1] minimum required lot frontage, [2] minimum required lot area, [3] minimum required side yard setbacks, [4] minimum front porch setback from side lot line, [5] minimum rear deck setback from side lot line, [6] maximum permitted lot coverage, [7] maximum permitted building height; [8] and maximum permitted first floor elevation above established grade.

Community Planning staff reviewed the Applications and recommended they be refused.

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 file a Notice of Intention to be a party in this Toronto Local Appeal Body hearing is April 19, 2021, and the deadline to file document disclosure is May 17, 2021.

Background Information (City Council)

Member Motion MM31.44

Committee of Adjustment North York Panel Notice of Decision on application for Consent for 338 Horsham Avenue

(<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-165591.pdf>)

Committee of Adjustment North York Panel Notice of Decision on application for Consent for 338 Horsham Avenue

(<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-165592.pdf>)

(February 1, 2021) Report from the Director, Community Planning, North York District on 338 Horsham Avenue

(<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-165593.pdf>)