

**City Council****Motion without Notice**

MM32.35	ACTION			Ward: 2
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**Request for Relief from the By-law Requirements of Site Specific Zoning By-law 1618-2019 (LPAT) for 1, 3, 5 and 7 St. Stevens Court and 289-291 The Kingsway - by Councillor Stephen Holyday, seconded by Councillor Michael Ford**

*\* 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 Stephen Holyday, seconded by Councillor Michael Ford, recommends that:

1. City Council authorize, pursuant to Subsection 45(1.4) of the Planning Act, submission of a minor variance application in regard to 1, 3, 5 and 7 St. Stevens Court and 289-291 The Kingsway for relief from the By-law requirements of Site Specific Zoning By-law 1618-2019 (LPAT) in order to request a variance for an 80 centimetre height increase for the height of Building 'C'.

**Summary**

Among changes under the Smart Growth for Our Communities Act, 2015 (Bill 73) that came into final effect on July 1, 2016, Sub-sections 45(1.3) and 45(1.4) of the Planning Act as now amended prevent 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".

With regards to the proposed development at 1, 3, 5 and 7 St. Stevens Court and 289-291 The Kingsway, the Local Planning Appeal Tribunal issued its order enacting the By-law on September 4, 2019, with minor corrections enacted by an amending Order issued October 8, 2019. By-law 1618-2019 (LPAT) was certified by the City Clerk on November 13, 2019, to permit the development of four new residential buildings ranging in height from 6 to 9 storeys.

Since that time, the owner submitted and received approval for a Site Plan Control Application. The applicant is seeking to make a minor modification, where one variance will be requested for an 80 centimeter height increase for the height of Building 'C'. The applicant consulted the local resident association, Humber Valley Village Residents' Association.

Under the Planning Act as amended, however, this owner will not be able to file for a minor

variance application for zoning relief on these matters until September 4, 2021. This matter is urgent as the development includes provision of replacement rental housing units, and the applicant is anxious to proceed with the development.

**Background Information (City Council)**

Member Motion MM32.35