



Member Motion

City Council

Notice of Motion

MM37.16	ACTION			Ward: 8
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Request Representation at the Toronto Local Appeal Body File A0581/21NY for 10 Stayner Avenue - by Councillor Mike Colle, seconded by Councillor James Pasternak

** Notice of this Motion has been given.*

** This Motion is subject to referral to the North York 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 Mike Colle, seconded by Councillor James Pasternak, recommends that:

1. City Council authorize the City Solicitor and appropriate City Staff to attend at the Toronto Local Appeal Body to support and uphold the Committee of Adjustment's decision for the Minor Variances Application A0581/21NY and any other variances that may be requested regarding 10 Staynor Avenue.
2. City Council authorize the City Solicitor to retain outside consultants as necessary and at the City Solicitor's discretion.
3. City Council authorize the City Solicitor to negotiate a resolution of the appeal of the decision and City Council 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, Community Planning, North District.

Summary

On October 7, 2021, the Committee of Adjustment, North York Panel unanimously refused the application which sought to maintain the accessory structure (pergola) in the rear yard, secondary suite in the basement, excavated rear deck and roof deck on the second floor in the front and construct a new wall and roof enclosure for the basement.

In their report to the Committee, attached to this Motion, Community Planning staff recommended that should they choose to approve, the following variance should be refused:

1. Variance 1 for the proposed rear yard soft landscaping, as measured under Zoning By-law 569-2013; and

2. Variance 2 for the proposed lot coverage, as measured under Zoning By-law 569-2013.

Further, should the Committee choose to approve the application, Staff recommend the following variances first be modified:

1. Variance 4 for the proposed area of each platform at or above the second storey, as measured under Zoning By-law 569-2013, to be reduced from 15.98 square metres to less than 10 square metres.

The Applicant has appealed the Committee of Adjustment Refusal Decision to the Toronto Local Appeal Body. A date for the Hearing has not been set as yet.

Research provided by area residents, community planning staff and my office shows a 2008 Minor Variance application for a second storey and two-storey rear addition was refused by the Committee of Adjustment, appealed by the owner, and ultimately refused by the Appeal Body.

My office has received a great deal of opposition to this application and I agree that it is currently not in keeping with the intent of the Zoning By-law or the character of the neighbourhood, as required by the Neighbourhoods policies of the Official Plan.

Background Information (City Council)

Member Motion MM37.16

Committee of Adjustment North York Panel Notice of Decision on application for Minor Variance/Permission/Consent for 10 Stayner Avenue

(<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-172651.pdf>)

(September 30, 2021) Report from the Director (Acting), Community Planning, North York District on 10 Stayner Avenue

(<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-172652.pdf>)

(October 4, 2021) Letter from Councillor Mike Colle, Ward 8 - Eglinton-Lawrence on 10 Stayner Avenue

(<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-172653.pdf>)