
City Council

Notice of Motion

MM38.12	ACTION			Ward: 3
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86 Foch Avenue - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Mark Grimes, seconded by Councillor Michael Ford

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Etobicoke 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 Mark Grimes, seconded by Councillor Michael Ford, recommends that:

1. City Council direct the City Solicitor, and any other appropriate City Staff, to attend the Toronto Local Appeal Body in respect of 86 Foch Avenue to uphold the Committee of Adjustment's refusal of the Applicant's proposed development (Committee of Adjustment Application Number A0112/21EYK).
2. City Council authorize the City Solicitor to retain outside consultants as necessary.

Summary

The applicant applied to the Committee of Adjustment seeking permission to construct a new detached dwelling with an attached garage at 86 Foch Avenue (Application Number A0112/21EYK).

In particular, the applicant seeks variances from City-wide Zoning By-law 569-2013 and Etobicoke Zoning By-law 1979-67, including variances for lot coverage, gross floor area, front yard setback, rear yard setback, window projection, basement grade, and dwelling height.

On August 26, 2021, the Etobicoke York District Panel of the Committee of Adjustment refused to grant the requested variances (copy attached). The applicant has appealed the refusal to the Toronto Local Appeal Body. A hearing has been scheduled for February 14, 2022.

Community Planning staff do not support the application. On August 18, 2021, Community Planning for the Etobicoke York District wrote a report to the Committee of Adjustment recommending that the minor variances be refused (copy attached). Staff recommend refusal of the minor variances because the proposed massing and scale of the dwelling would not be in keeping with the general intent and purpose of the Official Plan and the Zoning By-laws, and would not respect nor reinforce the prevailing character of the neighbourhood.

Urban Forestry staff also wrote to the Committee of Adjustment on April 19, 2021 recommending refusal of the application because the proposed development would require the removal of by-law protected trees (copy 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.

Background Information (City Council)

Member Motion MM38.12

Committee of Adjustment Etobicoke-Lakeshore Panel Notice of Decision on application for Minor Variance/Permission for 86 Foch Avenue

(<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-174200.pdf>)

(August 18, 2021) Report from the Acting Director, Community Planning, Etobicoke York District regarding 86 Foch Avenue

(<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-174201.pdf>)

(April 19, 2021) Memorandum from the Supervisor, Tree Protection and Plan Review - West District, regarding 86 Foch Avenue.

(<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-174202.pdf>)