

City Council

Notice of Motion

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| MM39.15 | ACTION | | | Ward: 12 |
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16 Ferndale Avenue - Request for Attendance at Toronto Local Appeal Body - by Councillor Josh Matlow, seconded by Councillor Mike Layton

- * 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.*
- * This Motion relates to a Toronto Local Appeal Body and has been deemed urgent.*

Recommendations

Councillor Josh Matlow, seconded by Councillor Mike Layton, recommends that:

1. City Council authorize and direct the City Solicitor, and any other appropriate City staff to attend the Toronto Local Appeal Body hearing in respect of 16 Ferndale Avenue to oppose the variances in Committee of Adjustment Application A0609/21TEY, minor variance application (A0609/21TEY).
2. City Council authorize the City Solicitor to attempt to negotiate a resolution regarding the appeal and City Council authorize the City Solicitor to resolve the matter on behalf of the City, at the City Solicitor's discretion, after consulting with the Ward Councillor and the Director, Community Planning, Toronto and East York District.

Summary

On November 3, 2021 the Committee of Adjustment (the "Committee") refused to authorize minor variances to facilitate the construction of a two-storey laneway suite in the rear yard of an existing two-and-a half-storey detached dwelling at 16 Ferndale Avenue. The owner applied to reduce the required percentage of soft landscaping, the required rear yard setback, and the required separation distance between the laneway suite and the existing residential building on the property; to increase the permitted height of the laneway suite, and to alter the required angular plane projection of the laneway suite. A copy of the Committee's decision is attached.

In a report from the Director, Community Planning, Toronto and East York District, dated October 27, 2021, City Planning staff recommended to the Committee that it refuse to authorize the requested variance to reduce the separation distance between the proposed laneway suite and the existing residential dwelling. Planning Staff opined that the distance between the proposed second storey of the laneway suite and the existing residential suite on the same lot and the adjacent sites, would create unacceptable impacts related to privacy and overlook, in particular that a person from the second storey of the proposed laneway suite could see into the

windows located on the rear walls of adjacent properties and into the existing residential building on the property itself.

On November 23, 2021, the owner appealed the Committee's decision to refuse to authorize the requested variances to the Toronto Local Appeal Body. The Toronto Local Appeal Body has issued a notice of hearing for this file and the deadline for the City to elect to be a party in this matter is January 31, 2022.

Background Information (City Council)

Member Motion MM39.15

Committee of Adjustment Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 16 Ferndale Avenue

<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-175613.pdf>

(October 27, 2021) Report from the Director, Community Planning, Toronto and East York District on 16 Ferndale Avenue

<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-175614.pdf>