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## City Council

### Notice of Motion

MM41.15	ACTION			Ward: 15
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#### **122 Rochester Avenue - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Jaye Robinson, seconded by Councillor Mike Colle**

*\* 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 Jaye Robinson, seconded by Councillor Mike Colle; recommends that:

1. City Council direct the City Solicitor to attend the Toronto Local Appeal Body, with appropriate City staff, in order to oppose the appeal of the Committee of Adjustment's decision to refuse the minor variance application to construct a new dwelling at 122 Rochester Avenue (Application Number A0600/21NY).
2. City Council authorize the City Solicitor to retain such outside consultants, as may be necessary, to oppose the Appeal.
3. 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, in the City Solicitor's discretion, after consulting with the Ward Councillor and with the Director of Community Planning, North York District.

#### **Summary**

This Motion will give the City Solicitor authority, along with appropriate City Staff, to attend the Toronto Local Appeal Body in order to support the Committee of Adjustment's decision to refuse the minor variance application to construct a new dwelling at 122 Rochester Avenue (Application Number A0600/21NY) (the "Application").

The Application seeks variances from City-wide Zoning By-law 569-2013 and former City of North York Zoning By-law 7625, including variances for building height, building length, building depth, and side yard setbacks, among others.

Planning Staff recommended that the Committee of Adjustment refuse the Application because the variances, as combined, create an inappropriate massing condition, do not meet the intent of the Zoning By-law and are not minor, among other reasons (report attached).

On October 21, 2021, the Panel of the Committee of Adjustment refused to grant the requested variances (Decision attached). The applicant has appealed the refusal to the Toronto Local Appeal Board (the "Appeal").

This matter is time sensitive and urgent as a hearing of the appeal has been scheduled for May 10, 2022.

### **Background Information (City Council)**

Member Motion MM41.15

Committee of Adjustment North York Panel Notice of Decision on application for Minor Variance/Permission for 122 Rochester Avenue

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-222418.pdf>)

(October 14, 2021) Report from the Director, Community Planning, North York District on Committee of Adjustment Application for 122 Rochester Avenue

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-222419.pdf>)