

## City Council

### Notice of Motion

MM42.8	ACTION			Ward: 3
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### **5 Marina Avenue - Request for City Solicitor to Attend the Toronto Local Appeal Body - by Councillor Mark Grimes, seconded by Councillor Stephen Holyday**

*\* 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 Stephen Holyday, 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 regarding the proposed development at 5 Marina Avenue (Application Numbers B0006/21EYK, A0026/21EYK, A0027/21EYK).
2. City Council authorize the City Solicitor to retain outside consultants as necessary.
3. City Council authorize the City Solicitor to attempt to negotiate a resolution of the Appeal and if a resolution is reached, to settle the Appeal at the City Solicitor's discretion in consultation with the Ward Councillor and the Chief Planner and Executive Director, City Planning.

### **Summary**

The applicant applied to the Committee of Adjustment seeking consent to sever the property located at 5 Marina Avenue into two undersized residential lots in order to construct a new semi-detached dwelling on each new lot. The applicant also sought four variances from minimum lot frontage, minimum lot area, maximum permitted floor space and minimum parking space width requirements under Zoning By-law 569-2013 (B0006/21EYK, A0026/21EYK, A0027/21EYK) (collectively, the "Applications").

City Planning staff recommended refusal of the Applications. Staff concluded that the Applications do not respect and reinforce the physical character of the geographic neighbourhood, among other concerns. Transportation Services staff were concerned with the proposed parking space scheme, among other concerns.

The Committee of Adjustment refused the Applications in its decision of February 10, 2022 (the "Decision"). The Decision has been appealed to the Toronto Local Appeal Body by the applicant (the "Appeal").

This Motion will authorize and direct the City Solicitor to attend the Toronto Local Appeal Body, along with appropriate staff, in order to oppose the Appeal.

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

Member Motion MM42.8

Committee of Adjustment Etobicoke York Panel Notice of Decision on application for Minor Variance/Permission/Consent for 5 Marina Avenue

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-223296.pdf>)

(February 3, 2022) Report from the Director, Community Planning, Etobicoke York District on 5 Marina Avenue

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-223314.pdf>)

(February 9, 2022) Memorandum from the Manager, Development Engineering, Etobicoke York District on 5 Marina Avenue

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-223315.pdf>)

(February 10, 2022) Memorandum from Supervisor - Tree Protection and Plan Review, Urban Forestry - West District on 5 Marina Avenue

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-223316.pdf>)