

City Council

Notice of Motion

MM43.22	ACTION			Ward: 3
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22 Ninth Street - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Mark Grimes, seconded by Councillor Mike Colle

** 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 Mike Colle, recommends that:

1. City Council authorize the City Solicitor to appeal the Committee of Adjustment's decision regarding 22 Ninth Street (Application A0152/22EYK) and to attend the Toronto Local Appeal Body, with appropriate City staff, in order to oppose the minor variances requested in Application A0152/22EYK regarding 22 Ninth Street.
2. City Council authorize the City Solicitor to negotiate a resolution of the appeal of the decision in Application A0152/22EYK 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 Etobicoke York District.

Summary

This Motion will give the City Solicitor authority, along with appropriate City Staff, to appeal the Committee of Adjustment's decision approving the minor variance application at 22 Ninth Street (A0152/22EYK) (the "Application") and attend the Toronto Local Appeal Body in order to oppose the Application.

The Application proposed to construct a second and third storey above the existing dwelling at 22 Ninth Street. The Application requires a total of three variances to City of Toronto Zoning By-law 569-2013. The variances are related to floor space index, roof eaves projection and side exterior main wall height facing a side lot.

In a report from the Director, Community Planning, Etobicoke York District, dated April 12, 2022, City Planning staff recommended to the Committee of Adjustment that it refuse to authorize the requested variances. A copy of the Planning report is attached. Planning Staff opined that the proposed variances do not meet the four tests under Section 45(1) of the Planning Act. In particular, Community Planning staff opined that the location of the second and third floor, above the existing dwelling, would create an adverse impact of height and

massing to the street. Planning Staff also stated that the proposed variances would allow for the creation of a development that does not respect nor reinforce the physical characteristic of the neighbourhood, and ultimately, is not in keeping with the intent of the Official Plan and Zoning By-law.

On April 22, 2022, the Committee of Adjustment issued a decision approving the Application. A copy of the Committee's decision is attached. This Motion will direct the City Solicitor to appeal the Decision to the Toronto Local Appeal Body in order to oppose the Application.

This matter is time sensitive as the final day to appeal the Committee's decision with respect to the Application (A0152/22EYK) for 22 Ninth Street is May 11, 2022.

Background Information (City Council)

Member Motion MM43.22

Committee of Adjustment Etobicoke York Panel Notice of Decision on application for Minor Variance/Permission/Consent for 22 Ninth Street

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-225402.pdf>)

(April 12, 2022) Report from the Director, Community Planning, Etobicoke York District on 22 Ninth Street

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-225407.pdf>)