

## City Council

### Motion without Notice

MM43.32	ACTION			Ward: 20
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### **7 Ferncroft Drive - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Gary Crawford, seconded by Councillor Paul Ainslie**

- \* Notice of this Motion has not been given. A two-thirds vote is required to waive notice.*
- \* This Motion is subject to referral to the Scarborough 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 Gary Crawford, seconded by Councillor Paul Ainslie, recommends that:

1. City Council authorize the City Solicitor to appeal the Committee of Adjustment's Decision regarding Application A0027/22SC respecting 7 Ferncroft Drive.
2. City Council authorize the City Solicitor to attempt to negotiate a settlement regarding Application A0027/22SC respecting 7 Ferncroft Drive and City Council authorize the City Solicitor to settle the matter on behalf of the City in the City Solicitor's discretion after consultation with the Ward Councillor.
3. City Council authorize the City Solicitor, along with appropriate City Staff or outside consultants, as necessary, to attend the Toronto Local Appeal Board in order to oppose the variances requested in Application A0027/22SC respecting 7 Ferncroft Drive, and to retain outside consultants as necessary.

### **Summary**

This Motion will authorize the City Solicitor, along with appropriate City Staff or outside consultants, as necessary, to attend the Toronto Local Appeal Body in order to oppose the Committee of Adjustment's decision approving the minor variances contained in Application A0027/22SC respecting 7 Ferncroft Drive.

The application respecting 7 Ferncroft Drive sought to alter an existing detached dwelling through the construction of a second storey, a two-storey rear addition, and a two-storey side garage addition. The application initially sought relief from the City of Toronto Zoning By-law 569-2013 requirements for lot coverage, floor space index, minimum front yard setback, building length, minimum side yard setback, and minimum setback for eaves from the side lot line (the "Original Application"). The Original Application was revised through the Committee of Adjustment process so that variances for building length and minimum front yard setback were no longer required (the "Revised Application"). As a result, the Revised Application sought relief from the City of Toronto Zoning By-law 569-2013 requirements for lot coverage,

floor space index , minimum side yard setback, and minimum setback for eaves from the side lot line.

On March 25, 2022, Planning staff submitted a report to the Committee of Adjustment with respect to the Original Application (the "Staff Report"). The Staff Report recommended that, should the Committee of Adjustment choose to approve the Original Application, the decision be tied to the Site Plan attached to the Staff Report to ensure that the proposed dwelling would be built substantially in accordance with the submitted drawings. The Staff Report did not provide an opinion on whether the Original Application should be approved or refused. No report was submitted by Planning staff with respect to the Revised Application. The Staff Report is attached to this Motion.

The Committee of Adjustment approved the Revised Application in its decision of May 5, 2022 (the "Decision"). The Decision did not contain conditions. A copy of the Notice of Decision from the Committee of Adjustment is attached to this Motion.

This Motion will give the City Solicitor authority to appeal the Decision to the Toronto Local Appeal Body. In addition, this Motion will give the City Solicitor authority to attempt to negotiate a settlement of the appeal. Finally, this Motion will give the City Solicitor authority to retain outside consultants as necessary and attend the Toronto Local Appeal Body, along with other appropriate City Staff or outside consultants, in order to oppose the Decision.

This matter is time sensitive and urgent as the deadline for appealing the Decision to the Toronto Local Appeal Body is Wednesday, May 25, 2022.

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

Member Motion MM43.32

Committee of Adjustment Scarborough Panel Notice of Decision on application for Minor Variance/Permission for 7 Ferncroft Drive

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-225628.pdf>)

(March 25, 2022) Report from the Director, Community Planning, Scarborough District, on 7 Ferncroft Road

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-225629.pdf>)