
City Council

Notice of Motion

MM45.15	ACTION			Ward: 20
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86, 88 and 90 Danforth Road - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Gary Crawford, seconded by Councillor Jennifer McKelvie

** Notice of this Motion has been given.*

** 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 Jennifer McKelvie, 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 (Applications A0396/21SC, A0393/21SC and A0397/21SC) for 86, 88 and 90 Danforth Road.
2. 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

In 2020, the Committee of Adjustment, Scarborough Panel granted consent to sever the property located at 94 Danforth Road into three new lots and minor variances permitting the construction of a dwelling on each lot (B0020/19SC, the Decision on "Consent" is attached to this Motion).

In 2021, the applicant applied to the Committee of Adjustment seeking additional variances permitting the construction of a three-storey dwelling on each lot, now known by the municipal addresses 86, 88 and 90 Danforth Road, under the Zoning By-law 569-2013 (A0396/21SC, A0393/21SC and A0397/21SC) (collectively, the "Applications").

The Applications for 86 and 88 Danforth sought seven (7) variances from maximum height, maximum number of storeys, maximum exterior wall height, minimum lot frontage, minimum lot area, minimum building setback, minimum lot frontage and minimum eaves projection. The Application for 90 Danforth sought nine (9) variances in total: the same 7 variances as the adjacent properties, as well as variances for minimum rear yard setback and minimum soft landscaping.

City Planning staff submitted reports recommending refusal of the Applications in part (the reports are attached to this Motion). Staff concluded that the Applications do not reinforce the physical character of the neighbourhood, among other concerns. Staff expressed particular concern with the height of the proposed dwellings.

In its decision of March 28, 2022, the Committee of Adjustment refused three (3) height-related variances for each property and granted the remaining variances (the "Decisions" included). The Decisions have 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 MM45.15

Committee of Adjustment Scarborough Panel Notice of Decision on application for Minor Consent for 94 Danforth Road

<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-226930.pdf>

Committee of Adjustment Scarborough Panel Notices of Decisions on application for Minor Variance/Permission for 94 Danforth Road (86 Danforth Road, 88 Danforth Road, 90 Danforth Road)

<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-226932.pdf>

(March 23, 2022) Report from the Director, Community Planning, Scarborough District on 94 Danforth Road

<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-227014.pdf>

(March 28, 2022) Two Reports from the Director, Community Planning, Scarborough District on 94 Danforth Road

<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-226933.pdf>