
City Council

Notice of Motion

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| MM45.17 | ACTION | | | Ward: 11 |
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36 Macpherson Avenue - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Mike Layton, seconded by Councillor Joe Mihevc

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Toronto and East 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 Mike Layton, seconded by Councillor Joe Mihevc, recommends that:

1. City Council direct the City Solicitor and appropriate staff to attend the Toronto Local Appeal Body in opposition to the minor variances application respecting 36 Macpherson Avenue (Application A1465/21TEY; Toronto Local Appeal Body File 21 133607 S45 11).
2. City Council authorize the City Solicitor to attempt to negotiate a resolution of the appeal of the decision in Application A1465/21TEY, respecting 36 Macpherson Avenue and 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 the Director, Community Planning, Toronto and East York District.

Summary

On March 23, 2022, the Committee of Adjustment (the "Committee") refused a Minor Variance application brought by the owners of 36 Macpherson Avenue for the following variances: front yard setback, front porch encroachment from side lot line, front yard soft landscaping, private driveway elevation, and front main wall height for vehicular entrance (the "Application"). A copy of the Committee's decision for the Application is attached. The Application proposes to alter the existing two-storey semi-detached dwelling by constructing a front integral garage and driveway, as well as reconstructing the front porch.

In a report from the Director, Community Planning, Toronto and East York District, dated March 16, 2022, Planning opposed all variances. Planning staff opined that the approval of the minor variances would weaken the prevailing physical character of the neighbourhood and would result in vehicular access and parking as the prominent feature of the dwelling. Planning Staff also stated that the proposed minor variances would result in a development that does not maintain the general intent and purpose of the Official Plan or Zoning By-law.

On April 12, 2022, the owners appealed the Committee's decision to refuse the Application to the Toronto Local Appeal Body. The Toronto Local Appeal Body has issued a notice of hearing

for this file.

Background Information (City Council)

Member Motion MM45.17

Committee of Adjustment Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission/Consent for 36 Macpherson Avenue

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-226938.pdf>)

(March 16, 2022) Report from the Director, Community Planning, Toronto and East York District on 36 Macpherson Avenue

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-226939.pdf>)