

## City Council

### Motion without Notice

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| MM45.42 | ACTION |  |  | Ward: 15 |
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#### **9 Donwoods Drive - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Jaye Robinson, seconded by Councillor Mike Colle**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate*

#### **Recommendations**

Councillor Jaye Robinson, seconded by Councillor Mike Colle, 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 minor variance Application No. A0898/21NY regarding 9 Donwoods Drive, and any other variances and relief that may be requested.
2. City Council authorize the City Solicitor to retain outside consultants as may be necessary in order to oppose the appeal.
3. City Council authorize the City Solicitor to negotiate a settlement of the appeal of Application A0898/21NY regarding 9 Donwoods Drive and 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 and with the Director of Community Planning, North York District.

#### **Summary**

This Motion will authorize the City Solicitor, along with appropriate City Staff or outside consultants, as necessary, to support the Committee of Adjustment Decision refusing the minor variance application at 9 Donwoods Drive, Application No. A0898/21NY, (the "Application") and attend the Toronto Local Appeal Body in order to oppose the Application.

The Application seeks to construct a new two storey detached dwelling, requesting nine (9) variances, as follows: A proposed side exterior main wall height of 9.72 metres, while the maximum permitted side exterior main wall height is 7.5 metres; a proposed third storey while the maximum permitted number of storeys is 2; an overall building height of 14.12 metres, while the maximum permitted building height is 8 metres; a proposed lot coverage of 43.9 percent, while the maximum permitted lot coverage is 30 percent; a proposed rear yard setback of 4.22 metres, while the minimum permitted setback is 7.5 metres, and finally, three (3) variances regarding raised platforms which encroach into the required front or rear yard setbacks, and one (1) variance regarding a proposed exterior stair which encroaches into the public right of way.

Planning staff filed a report to the Committee of Adjustment with respect to the Application, recommending that the Application be refused outright. Following the City's report refusing the Application, the Applicant eliminated 4 variances before attending the Committee of Adjustment, bringing the total number of variances to 9, down from 13 originally. Despite the elimination of 4 variances, the Committee of Adjustment refused the Application.

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 negotiate a settlement of the appeal. Finally, in the event that a settlement is not reached, this Motion will give the City Solicitor, along with other appropriate City Staff, authority to attend the Toronto Local Appeal Body in order to oppose the variances requested in the Application and to retain outside consultants as necessary.

This matter is time sensitive and urgent as the deadline to request party status in this matter from the Toronto Local Appeal Body is June 16, 2022.

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

Member Motion MM45.42

Committee of Adjustment North York Panel Notice of Decision on 9 Donwoods Drive

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-227478.pdf>)

(March 1, 2022) Report from the Director, Community Planning, North York District on 9 Donwoods Drive

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-227479.pdf>)