

City Council

Motion without Notice

MM47.73	ACTION			Ward: 18
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400 Hollywood Avenue - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor John Filion, seconded by Councillor Shelley Carroll

** 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 North York Community Council. A two-thirds vote is required to waive referral.
* This Motion has been deemed urgent by the Chair.*

Recommendations

Councillor John Filion, seconded by Councillor Shelley Carroll, recommends that:

1. City Council direct the City Solicitor to appeal the Committee of Adjustment's decisions regarding 400 Hollywood Avenue (Applications A0210/22NY and A0211/22NY) and to attend the Toronto Local Appeal Body, with appropriate City staff, in order to oppose the minor variances requested in Applications A0210/22NY and A0211/22NY regarding 400 Hollywood Avenue, and any other variances and relief that may be requested.
2. City Council authorize the City Solicitor to attempt to negotiate a resolution regarding the appeal of the decisions in Applications A0210/22NY and A0211/22NY, respecting 400 Hollywood Avenue, and City Council authorize the City Solicitor to resolve the matter on behalf of the City, in the City Solicitor's discretion, after consulting with the Ward Councillor and with the Director, Community Planning, North York District.

Summary

This Motion will authorize the City Solicitor, along with appropriate City Staff to oppose the Committee of Adjustment's decision approving the minor variance applications at 400 Hollywood Avenue (Applications A0210/22NY and A0211/22NY) (the "Applications") and to attend the Toronto Local Appeal Body in order to oppose the Applications.

On June 2, 2020, the Committee of Adjustment approved a severance and minor variance applications for 400 Hollywood Avenue (Applications B0021/19NY, A0406/19NY, and A0407/19NY), which severed the site into two lots. The current Applications seek to construct two new two storey detached dwellings, one on each of the previously severed lot. The Applications each required the Committee of Adjustment's approval of two (2) proposed variances, one in relation to Zoning By-law 569-2013, and one in relation to By-law 7625. The variances sought in Application A0210/22NY are for a building height of 8.6 metres under By-law 569-2013, and a building height of 8.99 metres under By-law 7625. The variances sought in Application A0211/22NY are for a building height of 8.6 metres under By-law 569-2013, and a building height of 8.95 metres under By-law 7625. Both Applications propose to

construct a flat roof dwelling with "green roof" features and solar panels on the roof. In the report (June 2, 2022) from the Director, Community Planning, North York District, Planning Staff raised concerns with respect to the Applications and recommended that the Applications be refused. A copy of the Planning report is attached. Planning Staff opined that the Applications do not meet the statutory test for minor variance under Section 45 of the Planning Act. In particular, Planning staff opined that the proposed flat roof on each dwelling is accessible and could be used as a rooftop platform and/or terrace, creating privacy and overlook issues. Planning Staff is also taking issue with the height and massing of the proposed development.

On June 9, 2022, the Committee of Adjustment issued decisions approving the minor variance applications. A copy of the decisions are attached. This Motion will direct the City Solicitor to attend the Toronto Local Appeal Body in order to oppose the Appeal.

No hearing date has been scheduled as of the date of this Motion, however, a hearing will be scheduled shortly.

Background Information (City Council)

Member Motion MM47.73

Committee of Adjustment North York Panel Notice of Decision on application for Minor Variance/Permission for 400 Hollywood Avenue

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-228923.pdf>)

(June 2, 2022) Report from the Director, Community Planning, North York District on 400 Hollywood Avenue

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-228924.pdf>)