

City Council

Notice of Motion

MM7.3	ACTION			Ward: 5
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29 De Marco Boulevard - Request for City Solicitor to attend the Toronto Local Appeal Body - by Councillor Frances Nunziata, seconded by Councillor Vincent Crisanti

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Etobicoke 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 Frances Nunziata, seconded by Councillor Vincent Crisanti, recommends that:

1. City Council direct the City Solicitor and appropriate City Staff to attend the Toronto Local Appeal Body to oppose the Applications for 29 De Marco Boulevard, as well as any other variances and/or relief that may be requested.
2. City Council authorize the City Solicitor to attempt to negotiate a resolution regarding the Applications for 29 De Marco Boulevard, 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 the Director of Community Planning, Etobicoke York District.

Summary

On April 27, 2023, the Committee of Adjustment (the "Committee") refused three applications brought by the owner of 29 De Marco Boulevard for, collectively, a consent to sever the property into two undersized residential lots and for minor variances from City-wide Zoning By-law 569-2013 for each of the two proposed dwellings, one on each proposed lot (the "Applications"). Copies of the Committee's decisions on the Applications are attached as Attachments 1A, 1B and 1C.

On May 17, 2023, the owner, through its agent, appealed the Committee's decisions to refuse the Applications to the Toronto Local Appeal Body.

In a report from the Director, Community Planning, Etobicoke York District dated April 19, 2023, Community Planning Staff recommended refusal of the Applications. More specifically, Community Planning Staff opined that the Applications would result in the creation of lots and dwellings that are out of character with the established neighbourhood, and that the proposed severance and variances are not in keeping with the intent of the Official Plan, nor in keeping with the intent of the Zoning By-law, and that the variances are not minor in nature. A copy of the Planning report is attached as Attachment 2.

This Motion will authorize the City Solicitor, along with appropriate City Staff, to attend the Toronto Local Appeal Body and oppose the appeal. A hearing date has yet to be scheduled.

Background Information (City Council)

Member Motion MM7.3

Attachment 1A - Committee of Adjustment Etobicoke York Panel Notice of Decision on application for Consent for 29 De Marco Boulevard

(<https://www.toronto.ca/legdocs/mmis/2023/mm/bgrd/backgroundfile-237126.pdf>)

Attachment 1B - Committee of Adjustment Etobicoke York Panel Notice of Decision on application for Minor Variance/Permission for 29 De Marco Boulevard

(<https://www.toronto.ca/legdocs/mmis/2023/mm/bgrd/backgroundfile-237150.pdf>)

Attachment 1C - Committee of Adjustment Etobicoke York Panel Notice of Decision on application for Minor Variance/Permission for 29 De Marco Boulevard

(<https://www.toronto.ca/legdocs/mmis/2023/mm/bgrd/backgroundfile-237151.pdf>)

(April 19, 2023) Attachment 2 - Report from the Director, Community Planning, Etobicoke York District on 29 De Marco Boulevard

(<https://www.toronto.ca/legdocs/mmis/2023/mm/bgrd/backgroundfile-237139.pdf>)