
Ward 15, Don Valley West

Chair, Toronto Transit Commission
City Hall, 100 Queen Street West
2nd Floor, Suite A12
Toronto, Ontario M5H 2N2

Tel: 416-395-6408
Fax: 416-395-6439
councillor_robinson@toronto.ca
www.jayerobinson.ca
@jayerobinson

January 9, 2023

North York Community Council
North York Civic Centre
5100 Yonge Street
North York, ON M2N 5V7

RE: 2 Shady Oaks Crescent – Request for City Solicitor to Attend at the Toronto Local Appeal Body

Dear Chair and Colleagues,

This motion will give the City Solicitor authority, along with appropriate City Staff, to attend the Toronto Local Appeal Body (the "**TLAB**") in order to support the Committee of Adjustment's (the "**Committee's**") decision to refuse the minor variance application (the "**Application**") in respect of 2 Shady Oaks Crescent (Application Number A0511/22NY). This motion will also give the City Solicitor authority to negotiate a settlement, if appropriate.

The Application proposes to construct a new two-storey dwelling. Five variances from City-wide Zoning By-law 569-2013 (the "**City-wide Zoning By-law**") and one variance from the former City of North York Zoning By-law 7625 (the "**Former North York Zoning By-law**") were initially sought to facilitate the proposed construction as follows:

1. Proposed **lot coverage** of 35.36% of the lot area, whereas a maximum of 25% is permitted (pursuant to the City-wide Zoning By-law);
2. Proposed **front yard setback** of 6.73 metres, whereas a minimum of 9.14 is required (pursuant to the City-wide Zoning By-law);
3. Proposed **west side yard setback** of 3.0 metres, whereas a minimum of 7.5 metres is permitted (pursuant to the City-wide Zoning By-law);
4. Proposed **east side yard setback** of 3.0 metres, whereas a minimum of 7.5 metres is permitted (pursuant to the City-wide Zoning By-law);
5. Proposed **access to vehicle parking** is from the main street, whereas such access is required from the flanking street or public lane (pursuant to the City-wide Zoning By-law); and
6. Proposed **building height** of 12.09 metres, whereas 9.5 metres is permitted (pursuant to the Former North York Zoning By-law).

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On September 29, 2022, Community Planning Staff recommended a reduction of the lot coverage variance to less than 30% of the lot area if the Committee were to approve the Application (see **Attachment 1**). In Community Planning Staff's opinion, such a reduction would reflect the prevailing lot coverage in the neighbourhood. On the same day, Transportation Services issued a Memorandum stating it had no objections to the Application; however, it recommended that any approval of the Application be subject to a condition that a certain notation be added to the site plan drawing (see **Attachment 2**).

The applicant subsequently revised their Application, reducing four of the original variances as follows:

1. Proposed **lot coverage** of 32.90% (a reduction of 2.46% from the original Application);
2. Proposed **front yard setback** of 8.56 metres (an increase of 1.83 metres from the original Application);
3. Proposed **west side yard setback** of 3.41 metres (an increase of 0.41 metres from the original Application); and
4. Proposed **east side yard setback** of 3.61 metres (an increase of 0.61 metres from the original Application).

(See **Attachment 3** for the applicant's revised plans.)

On October 6, 2022, the Committee denied the requested minor variances (see **Attachment 4**).

On October 24, 2022, the owner's representative filed a Notice of Appeal to the TLAB in respect of the Committee's decision (see **Attachment 5**). The TLAB subsequently issued a Notice of Hearing, and the hearing of the appeal is scheduled for March 3, 2023 (see **Attachment 6**).

RECOMMENDATIONS

That City Council:

1. City Council authorize and direct the City Solicitor to attend the TLAB, with appropriate City staff, in order to oppose the appeal of the Committee's decision to refuse the minor variance application in respect of 2 Shady Oaks Crescent (Application Number A0511/22NY).
2. City Council authorize the City Solicitor to attempt to negotiate a resolution of said appeal, and that the City Solicitor be authorized to resolve the matter on behalf of the City, in her discretion, after consulting with the Ward Councillor and the Director of Community Planning, North York District.

Councillor Jaye Robinson



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ATTACHMENTS:

Attachment 1: Community Planning Staff Report, dated September 29, 2022

Attachment 2: Transportation Services Memorandum, dated September 29, 2022

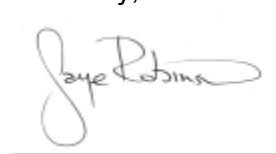
Attachment 3: Applicant's Revised Plans, dated October 6, 2022

Attachment 4: Notice of Decision of the Committee of Adjustment dated October 6, 2022

Attachment 5: TLAB Appeal Submission, filed by the Applicant's Representative, dated October 24, 2022

Attachment 6: TLAB Notice of Hearing issued November 25, 2022

Sincerely,

A handwritten signature in black ink, appearing to read "Jaye Robinson", enclosed within a thin black rectangular border.

Jaye Robinson

City Councillor
Ward 15 – Don Valley West