

Councillor Jaye Robinson



Ward 15, Don Valley West

Chair, Toronto Transit Commission
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February 21, 2023

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

RE: 37 Rochester Ave – Request for City Solicitor to Appeal and Attend at the Toronto Local Appeal Body

Dear Chair and Colleagues,

On December 7, 2022, the North York Panel of the Committee of Adjustment (the "Committee") denied an application brought by the owner of 37 Rochester Avenue for ten minor variances, including building length, building depth and FSI to permit the construction of a new detached dwelling on the subject property (the "Application"). A copy of the Committee's decision is attached.

In a report from the Director, Community Planning, North York District dated November 30, 2022, Community Planning Staff recommended that two variances be refused: Variance No. 5 regarding the building length under Zoning By-law No. 569-2013 and Variance No. 6 regarding the building depth under Zoning By-law No. 569-2013. City Planning Staff also recommended that should the Committee choose to approve this application, that the following variance should be modified: Modify Variance No. 8 regarding the floor space index under Zoning By-law No. 569-2013 from 0.6257 to 0.58 times the lost area or less. A copy of the City Planning Staff report is attached.

This Motion will instruct the City Solicitor and appropriate staff to attend at the hearing at the Toronto Local Appeal Body to oppose the application. This Motion will give the City Solicitor the authority to negotiate a settlement of the appeal on behalf of the City at her discretion after consultation with the Ward Councillor and with the Director of Community Planning, North York District.

This matter is time sensitive and urgent as the applicant has appealed the Committee of Adjustment decision to the Toronto Local Appeal Body, and the City Solicitor requires instructions to meet procedural deadlines and attend the hearing.

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RECOMMENDATIONS

1. City Council instruct the City Solicitor and appropriate City Staff to attend at the hearing at the Toronto Local Appeal Body to oppose Application No. A0489/22NY respecting 37 Rochester Avenue.
2. City Council authorize the City Solicitor to negotiate a settlement of the appeal of the decision in Application No. A0489/22NY respecting 37 Rochester Avenue and authorize the City Solicitor to settle the matter on behalf of the City at her discretion after consultation with the Ward Councillor and with the Director of Community Planning, North York District.

ATTACHMENTS:

Attachment 1: Notice of Decision of the Committee of Adjustment

Attachment 2: Planning Staff Report to the Committee of Adjustment

Sincerely,

Jaye Robinson

City Councillor

Ward 15 – Don Valley West