

City Council

Notice of Motion

MM19.23	ACTION			Ward: 3
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290 Lake Promenade - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Amber Morley, seconded by Councillor Chris Moise

** 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 and has been deemed urgent.*

Recommendations

Councillor Amber Morley, seconded by Councillor Chris Moise, 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 Appeal regarding 290 Lake Promenade (Application A0533/19EYK).
2. City Council authorize the City Solicitor to attempt to negotiate a resolution of the Appeal for 290 Lake Promenade (Application A0533/19EYK) and City Council authorize the City Solicitor to settle the matter on behalf of the City, at the City Solicitor's discretion, after consultation with the Ward Councillor and the Director, Community Planning, Etobicoke York District.

Summary

The applicant applied to the Committee of Adjustment requesting variances from City-wide Zoning By-law 569-2013 relating to floor space index, dwelling height, number of platforms at or above the second storey on the front wall, and area of each platform at or above the second storey (Application A0533/19EYK) (the "Application"). The Application seeks to construct a new detached dwelling with an attached garage, two second storey front balconies, a third storey rear platform, and a deck in the rear yard.

On April 11, 2024, the Etobicoke York District Panel of the Committee of Adjustment refused the Application (the "Decision"). A copy of the Notice of Decision of the Committee of Adjustment is attached. The applicant has appealed the refusal to the Toronto Local Appeal Body (the "Appeal").

In a report from the Director, Community Planning, Etobicoke York District dated April 3, 2024, Community Planning Staff raised concerns with respect to the Application and recommended that the Application be refused. Planning Staff opined that the requested variances are not minor in nature, do not meet the general intent and purpose of the Official Plan and the Zoning By-law, and are not desirable for the appropriate development of the land.

In particular, Planning Staff identified concerns with the proposed floor space index and height. Planning Staff also opined that the requested variances do not respect and reinforce the neighbourhood character or have regard for the Long Branch Neighbourhood Character Guidelines. A copy of the Planning Report is attached.

This Motion will authorize and direct the City Solicitor to attend the Toronto Local Appeal Body, along with appropriate City staff, in order to oppose the Appeal. This Motion will also authorize the City Solicitor to resolve the matter on behalf of the City, at the City Solicitor's discretion, after consultation with the Ward Councillor and the Director, Community Planning, Etobicoke York District.

This Motion is urgent as the Toronto Local Appeal Body has issued a Notice of Hearing for this matter. The deadline for the City to seek party status for this matter is July 8, 2024, and the hearing is scheduled to proceed on September 6, 2024. The Notice of Hearing is attached.

Background Information (City Council)

Member Motion MM19.23

Attachment 1 - Notice of Decision of the Committee of Adjustment (Application No. A0533/19EYK)

<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-246885.pdf>

Attachment 2 - Planning Staff Report dated April 3, 2024

<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-246888.pdf>

Attachment 3 - Toronto Local Appeal Body Notice of Hearing issued June 6, 2024

<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-246889.pdf>