

City Council

Notice of Motion

MM24.1	ACTION			Ward: 16
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10 Ternhill Crescent - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Jon Burnside, seconded by Councillor Lily Cheng

- * Notice of this Motion has been given.*
- * This Motion is subject to referral to the North 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 Jon Burnside, seconded by Councillor Lily Cheng, recommends that:

1. City Council direct the City Solicitor to appeal the Committee of Adjustment's decision in Application A0480/24NY regarding 10 Ternhill Crescent.
2. City Council authorize the City Solicitor and appropriate City staff to attend at the Toronto Local Appeal Body hearing to oppose the development proposed in Application A0480/24NY regarding 10 Ternhill Crescent.
3. City Council authorize the City Solicitor to retain outside consultants as necessary.
4. City Council authorize the City Solicitor to negotiate a settlement of the appeal regarding Application A0480/24NY respecting 10 Ternhill Crescent, and authorize the City Solicitor to resolve the matter on behalf of the City, in her discretion, after consulting with the Ward Councillor and the Director, Community Planning, North York District.

Summary

On November 7, 2024, the North York Panel of the Committee of Adjustment approved a minor variance application, Application A0480/24NY, brought by the owner of 10 Ternhill Crescent for five variances to the City of Toronto Zoning By-law 569-2013 to construct a new dwelling. A copy of the Decision is attached as Attachment 1. In the Decision, the Committee approved Application A0480/24NY finding that the proposed variances maintain the general intent and purpose of the Official Plan and Zoning By-law, are considered desirable for the appropriate development of the land and are minor.

The Application presents outstanding concerns relating, but not limited to, the proposed: lot coverage, number of platforms at or above the second storey located on the rear wall of a detached house, area of each platform at or above the second storey, rear yard setback and east side yard setback.

In a report from the Director, Community Planning, North York District, dated November 5, 2024, Community Planning staff recommended that Variance Number 3 related to the roof garden platform be refused. A copy of the Planning Report is attached as Attachment 2. Community Planning staff raised concerns with the variance related to the roof garden platform and opined that the size of the platform at 19.19 square metres (whereas the Zoning By-law permits a maximum platform area at or above the second storey of 4.0 square metres), is of primary concern. Community Planning staff opined that as proposed, the roof garden platform is far in excess of the Zoning By-law permitted amount and thus the concern with privacy, overlook and noise is much greater. Community Planning staff opined that, to limit the impact of the roof deck to the adjacent neighbours, the roof deck should be revised to meet the Zoning By-law requirement of 4.0 square metres. As such, Community Planning staff recommended that the variance for the roof garden platform be refused.

In order for the City to continue to effectively assess and call its case, the City Solicitor may require the expertise of an external consultant to advise on the appeal, and to potentially make recommendations respecting a resolution of the appeal.

To preserve the City's right of appeal, the City Solicitor appealed the Committee's decision regarding Application A0480/24NY to the Toronto Local Appeal Body on November 27, 2024.

This matter is time-sensitive and urgent as the City Solicitor has already appealed the decision to the Toronto Local Appeal Body in order to preserve the City's statutory right of appeal. Thus, the City Solicitor requires instructions to appeal and to attend the hearing for this matter.

This Motion will authorize the City Solicitor to appeal the Committee's decision approving the minor variance application at 10 Ternhill Crescent (Application A0480/24NY) to the Toronto Local Appeal Body, to attend the Toronto Local Appeal Body to oppose the development proposed in the Application, to retain outside consultants and necessary, and to negotiate a settlement of the appeal.

Background Information (City Council)

Member Motion MM24.1

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-251453.pdf>)

Attachment 1 - Notice of Decision of the Committee of Adjustment regarding Application A0480/24NY

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-251454.pdf>)

Attachment 2- Community Planning Staff Report to the Committee of Adjustment

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-251455.pdf>)