

NOTICE OF MOTION

Appeal of Committee of Adjustment Decision & Request for Legal Staff and Appropriate City Staff to Attend the OMB Hearing A0405/08NY – 148 SHELBORNE AVENUE

MOVED BY: **Councillor MOSCOE** _____

SUMMARY:

A Committee of Adjustment hearing was held on July 16, 2008 in regards to File No. A0405/08NY, an application for variances from the provisions of the North York Zoning By-law 7625, as amended, for the construction of a place of worship on the property at 148 Shelborne Avenue. The application was deferred sine die in order to provide the applicant an opportunity to further consult with neighbouring property owners, and was rescheduled for the September 10, 2008 Committee hearing.

The applicant sought variances to permit a front yard setback of 4.57 metres to the proposed building whereas a minimum of 7.5 metres (which may be decreased by up to 1.0 metre) is required, a west side yard setback of 2.0 metres to the proposed building whereas a minimum of 4.4 metres (half the height of the building) is required, an east side yard setback of 2.4 metres to the proposed building whereas a minimum of 4.4 metres (half the height of the building) is required, a proposed 1.5-metre landscape buffer along the east property line whereas a minimum of 3 metres is required, a proposed 1.0-metre landscape buffer along the north property line whereas a minimum of 1.5 metres is required, thirteen (13) proposed parking spaces whereas a minimum of thirty-seven (37) spaces are required, and distances of approximately 140 metres, 160 metres, 220 metres, 230 metres and 260 metres between the proposed building and other places of worship whereas a minimum distance between lots with a place of worship shall be 304.8 metres. Staff did not provide any written recommendations to the Committee, which subsequently approved the application for the variances at this hearing.

A third party has appealed the Committee decision to the Ontario Municipal Board. An OMB hearing date has not yet been scheduled for this application.

RECOMMENDATION

1. The City Solicitor and appropriate City staff be instructed to attend the Ontario Municipal Board hearing in support of the approval of the variances relating to Committee of Adjustment application A0405/08NY.

October 7, 2008