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**City Council**

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**Motion without Notice**

MM40.6	ACTION			Ward: 17
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**Reopening of MM38.5 - 435 Westmoreland Avenue: Appeal of Committee of Adjustment Decision for Minor Variance Application A11/09EYK - by Deputy Mayor Pantalone, seconded by Councillor Saundercook**

- This Motion has been deemed urgent by the Chair.*
- Council has added this Motion to the agenda for debate.*
- This motion is subject to a reopening of item MM38.5. A two-third vote is required to re-open that item.*

**Recommendations**

Deputy Mayor Pantalone, seconded by Councillor Saundercook, recommends that:

1. The following recommendation be referred to the Etobicoke York Community Council for its consideration:

"That City Council authorize the City Solicitor to retain outside planning consultations and to attend the Ontario Municipal Board hearing against the decision of the Committee of Adjustment (A11/09EYK)"

**Summary**

Due to a personal tragedy in his family, Councillor Cesar Palacio, Ward 17 Davenport was unable to attend the City Council meeting of August 5, 2009. His staff, in error, sent a Notice of Motion regarding 435 Westmoreland Avenue, Appeal of Committee of Adjustment Decision for Minor Variance Application A11/09 EYK to City Council instead of to Etobicoke York Community Council. Councillor Palacio was not present at Council and unable to explain this mistake. The motion was received for information at City Council.

On June 18, 2009 the Committee of Adjustment granted a minor variance application to permit a building at 435 Westmoreland that significantly exceeds the maximum allowed gross floor area, the permissible building depth, and allows substandard parking spaces.

The local community strongly opposed this application. A lengthy petition has been received by the City from local residents that outlines their belief that this proposed development is not compatible with the character of the local community, and that therefore a variance to the

zoning bylaw should not be permitted.

The residents have appealed the decision to the Ontario Municipal Board (OMB).

### **REQUIRES RE-OPENING**

Member Motion MM38.5 (City Council – August 5 and 6, 2009).

(Submitted to City Council as MM40.6 - September 30, 2009)

### **Background Information**

Previous motion (MM38.5) considered by City Council on August 5 and 6, 2009

<http://www.toronto.ca/legdocs/mmis/2009/mm/bgrd/backgroundfile-23866.pdf>