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**City Council**

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**MOTION WITHOUT NOTICE**

MM31.9	ACTION			Ward: 12
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**2321 Keele Street - Appeal of Committee of Adjustment Decision for Minor Variance Application A36/09EYK - Councillor Di Giorgio, seconded by Councillor Grimes**

*•This Motion relates to an Ontario Municipal Board Hearing and has been deemed urgent. Council has added this Motion to the agenda for debate.*

**Recommendations**

Councillor Di Giorgio, seconded by Councillor Grimes, recommends:

1. That City Council direct the City Solicitor to file a notice of appeal in respect of the decision of the Committee of Adjustment with regard to 2321 Keele Street (File A36/09EYK).
2. That City Council authorize the City Solicitor to retain outside consultants, if necessary, and to attend the Ontario Municipal Board Hearing to oppose the decision of the Committee of Adjustment.

**Summary**

On February 19, 2009, the Committee of Adjustment approved a minor variance application to permit a Motor Vehicle Body Repair Shop at 2321 Keele Street, subject to the following conditions:

1. the Committee of Adjustment decision shall be valid for a period of two years, expiring on March 11, 2011;

The following conditions shall be fulfilled to the satisfaction of Traffic Planning/ROW Management Services:

2. the outdoor display of vehicles for sale or lease is prohibited;
3. the outdoor storage of derelict and unlicensed vehicles is prohibited;
4. the use of the boulevard area of Keele Street for vehicle parking is prohibited; the municipal boulevard adjoining the subject site shall be bordered with pre-cast concrete curbstones to prevent unauthorized vehicle parking, to the satisfaction of this division; and

5. Condition No. 4 shall be satisfied within one year of the Committee of Adjustment or Ontario Municipal Board (OMB) approval.

The last date for appealing the decision of the Committee of Adjustment is March 11, 2009.

The site is located in an Industrial-Commercial MC(H) Zone. The zoning provisions do not permit a Motor Vehicle Body Repair Shop where it would be located across the street from a Residential Zone. A Motor Vehicle Body Repair Shop is defined as the use of land, building or structure where repairs, including the replacement of parts, painting, auto glass and related mechanical repairs are made to the body, frame or interior of motor vehicles. An RM4 Multiple Family Fourth Density Zone is located on the west side of Keele Street opposite the proposed use. The application does not meet the purpose and intent of the Zoning By-law nor does it satisfy the other tests for a minor variance under the Planning Act.

Transportation Services staff commented in opposition to the application but advised of conditions to be imposed if the Committee was inclined to approve the application. City planning staff did not report on the matter as the applicant had indicated that mechanical repairs have been carried out at the site and an auto spray paint booth had been established on the site in the past and has existed to the present day. The approval was being sought to ensure certainty of the use to obtain a business license.

Attachment

(Submitted to City Council on February 23 and 24, 2009 as MM31.9)

### **Background Information**

(February 19, 2009) Notice of Decision, Minor Variance/Permission from the Manager and Deputy Secretary Treasurer, Etobicoke York Panel, Committee of Adjustment  
(<http://www.toronto.ca/legdocs/mmis/2009/mm/bgrd/backgroundfile-19322.pdf>)