

---

**City Council**

---

**Notice of Motion**

MM38.5	ACTION			Ward: 17
--------	--------	--	--	----------

**435 Westmoreland Avenue: Appeal of Committee of Adjustment Decision for Minor Variance Application A11/09EYK - by Councillor Palacio, seconded by Councillor Nunziata**

- 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 an Ontario Municipal Board Hearing and has been deemed urgent.*

**Recommendations**

Councillor Palacio, seconded by Councillor Nunziata, recommends that:

1. City Council authorize the City Solicitor to retain outside planning consultants and to attend the Ontario Municipal Board Hearing against the decision of the Committee of Adjustment (A11/09EYK).

**Summary**

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).

(Submitted to City Council on August 5, 2009 as MM38.5)