

MOTION WITHOUT NOTICE

405 Gordon Baker Road - OMB Hearing

Moved by: **Councillor David Shiner**

Seconded by: **Councillor**

The subject property is located at the northeast corner of Gordon Baker Road and Sparks Avenue. The site is developed with a two storey building that has been vacant since 2007.

On February 4, 2009, the Committee of Adjustment refused a minor variance application to permit interior alterations for conversion to a place of worship. This decision has been appealed to the Ontario Municipal Board which has scheduled a hearing date of May 5, 2009.

The three minor variances requested of the Committee are as follows:

1. Proposed gross floor area for a place of worship of 5,218.2sm [56,170.08sf].
WHEREAS the maximum permitted gross floor area for a place of worship is 2,787sm [30,000sf].
2. More than one place of worship per Block.
WHEREAS no more than one place of worship per Block is permitted on lots that are closer than 500m [1,640ft] from a lot that is zoned R or RM and on a road that is not an arterial or minor arterial road.
3. The proposed place of worship is located within 500m [1,604ft] of another place of worship.
WHEREAS no place of worship on a lot that abuts a road that is not an arterial or minor arterial road may be located within 500m [1,604ft] of another place of worship on a lot that abuts a road that is not an arterial or minor arterial road.

The local Councillor has met with the owner to discuss a number of revisions to the proposal that would make it acceptable. The owner has agreed to make these revisions, including limitations on the overall size of the place of worship and the size of the sanctuary/worship area, landscape improvements, and changes to the Sparks Avenue building façade to eliminate four overhead loading doors. Although the gross floor area of the proposal has been reduced by 10%, the number of parking spaces has remained the same at 253 spaces.

This Motion is brought forward on an urgent basis in order for Council to provide direction to the City Solicitor in advance of the OMB hearing. There is no opportunity for this matter to be considered at a future Community Council meeting.

RECOMMENDATIONS:

That City Council instruct the City Solicitor to attend the OMB hearing for the minor variance appeal for 405 Gordon Baker Road, and advise the OMB that the City does not object to the granting of the requested minor variances, subject to the following conditions being imposed on the minor variances:

1. That the maximum gross floor area for the entire place of worship use shall not exceed 4,710 square metres.
2. That the maximum gross floor area for the sanctuary (worship area) portion of the place of worship shall not exceed 706 square metres.
3. That the building be constructed and the landscaping be installed substantially in accordance with the Site Plan A1.0 dated April 2, 2009 and prepared by C.Y. Lee Architect Inc. and the Landscape Concept Plan L-1 dated April 2, 2009 and prepared by YWLA Landscape Architect.
4. That the building be constructed substantially in accordance with the Elevations Plan A2.1 dated April 2, 2009 and prepared by C.Y. Lee Architect Inc.

North York Community Council - April 21, 2009