

NOTICE OF MOTION

ONTARIO MUNICIPAL BOARD HEARING – COMMITTEE OF ADJUSTMENT APPLICATION – 45-47 ASPENWOOD DRIVE

Moved by: Councillor

DAVID SHINER

Seconded by: Councillor

SUMMARY:

The owner of 45-47 Aspenwood Drive, submitted an application to the Committee of Adjustment, North York Panel, for permission to maintain the office uses within the existing residential building (coach house).

Variances were requested with respect to proposed office use, rear yard setback to the existing dwelling and an existing length of dwelling of 31.47m

The applicant had been granted the use for a one year period in 2006. This approval expired on May 18, 2007. The applicant ended the use and re-located. The subject application was submitted after the Toronto Municipal Licensing and Standards Division responded to a complaint that the commercial use had once again resumed without approval and contrary to the Zoning By-law.

Planning staff's main concern is the variance requested for the office use and they commented that the proposed office use was not within the intent of the Zoning By-law and not within the intent of the Official Plan and recommended that the application be refused.

The Committee of Adjustment for the City of Toronto (North District) REFUSED the variances requested .

The applicant has appealed the decision of the Committee of Adjustment to the Ontario Municipal Board.

The Ontario Municipal Board has not set a hearing date for the application.

The Councillor is requesting representation at the Ontario Municipal Board hearing.

RECOMMENDATIONS:

1. That Council authorize the City Solicitor and City Planning Staff to attend the Ontario Municipal Board Hearing to uphold the City's By-law and the Committee of Adjustment's decision.

January 4, 2010