



Gord Perks

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Re: 1566 Queen Street West – Ontario Municipal Board Hearing

On March 9, 2011, the Toronto and East York Committee of Adjustment refused the variance required to permit the construction of a rooftop patio in conjunction with the existing restaurant, Parts and Labour at 1566 Queen Street West. The rooftop patio is proposed to be over the rear, one-storey portion of the building and will have a maximum patron capacity of 254 persons. The variance is to permit the rooftop patio to be located less than 10 m from the adjacent residential zone as required under Zoning By-law 438-86). City Planning staff submitted a report to the Committee recommending refusal of the requested variance.

The applicant has appealed this refusal of the Committee of Adjustment to approve the variance to the Ontario Municipal Board (OMB).

The proposal creates a significant land use conflict with nearby residential uses related to noise and privacy. The intent of the Official Plan would not be maintained by the proposal which conflicts with, and does not preserve, the character of the neighbourhood. The proposed patio encroaches into the 10 m separation distance from a residential property required under By-law 438-86. The proposal is not minor and does not meet the four tests used to assess Committee of Adjustment Applications.

The purpose of this motion is to seek Council's direction for the City Solicitor, together with City Planning and other appropriate staff, to oppose the appeal of the variance at the OMB. A one day hearing has been set for July 5, 2011.

RECOMMENDATIONS

It is recommended that:

City Council direct the City Solicitor and the appropriate staff to appear at the Ontario Municipal Board to support the Toronto and East York Committee of Adjustment's refusal of the application for variances for 1566 Queen Street West.

May 25, 2011