

City Council**Motion without Notice**

MM19.7	ACTION			Ward:41
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Request for City Representation at OMB Hearing for 4186 Finch Avenue East - by Councillor Chin Lee, seconded by Councillor Michelle Berardinetti

- * Notice of this Motion has not been given. A two-thirds vote is required to waive notice.*
- * This Motion is subject to referral to the Scarborough 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 Chin Lee, seconded by Councillor Michelle Berardinetti, recommends that:

1. City Council direct the City Solicitor and any other appropriate staff to attend the Ontario Municipal Board hearing of Tuesday, March 20, 2012 to oppose the appeal and defend the Committee of Adjustment decision regarding 4186 Finch Avenue.

Summary

On March 20, 2012, the Ontario Municipal Board has scheduled a hearing regarding the property at 4186 Finch Avenue East in Ward 41.

The City was notified of this appeal to the OMB on approximately February 22, 2012 and therefore due to time constraints, this Motion should be considered as an urgent matter of City business.

The applicant, Torgan Construction Limited, is appealing a decision of the Committee of Adjustment (Scarborough Panel) on December 8, 2011 that refused the following variances:

1. To increase the total restaurant gross floor area to 0.962 for every 5 m² of built form, whereas the by-law restricts restaurants to a maximum of 0.94 m² for every 5 m² of built form area.
2. To permit a total of 386 parking spaces, whereas the Zoning By-law requires a minimum of 423 parking spaces.

(Submitted to City Council on March 5 and 6, 2012 as MM19.7)