



Gord Perks

Councillor Ward 14 Parkdale-High Park

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February 13, 2011

MOTION

To: Toronto and East York Community Council

From: Councillor Gord Perks

**RE: The Inter-Steer Tavern, 357 Roncesvalles Avenue,
Variances to Allow Rear Yard Patio - Ontario Municipal Board Hearing**

SUMMARY:

On November 30, 2011, the Toronto and East York Committee of Adjustment approved the variances required to legalize and maintain the rear yard patio in conjunction with the existing restaurant, Intersteer Tavern at 357 Roncesvalles Avenue, constructed without proper authorization, subject to the following conditions:

1. The approval of Minor Variance Application A0659/11TEY shall extend for a term of 1 year expiring on November 30, 2012.
2. No music, artificial or amplified sound shall be played on, or shall be projected into the patio area.
3. The patio's opening hours shall be restricted to 11:00 a.m. to 10:00 p.m.

The variances are to permit the rear yard patio located on a lot zoned Mixed Commercial Residential that is located less than 10 m from the adjacent Residential zone, as required under Zoning By-law 438-86. The other variance is to allow zero on-site parking where one space is required under the Zoning By-law. City Planning staff submitted a report to the Committee recommending refusal of the requested variances.



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The Decision has been appealed to the Ontario Municipal Board (OMB) by residents, who are opposed to the decision of the Committee of Adjust granting the variance.

In their report to the Committee of Adjustment, staff recommended refusal of the proposal as it 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 decision of the Toronto and East York panel of the Committee of Adjustment granting the variances and to uphold the staff report recommending refusal of the application at the OMB. A one day hearing has been set for March 21, 2012.

RECOMMENDATIONS:

1. It is recommended that City Council direct the City Solicitor and the appropriate staff to appear at the Ontario Municipal Board to oppose the variances sought for 357 Roncesvalles Avenue and the decision of the Toronto and East York panel of the Committee of Adjustment granting those variances.

Sincerely,

Gord Perks
City Councillor
Ward 14, Parkdale-High Park