TORONTO Member Motion

City Council

Notice of Motion

MM33.9	ACTION			Ward:14

Request for Attendance at an Ontario Municipal Board Hearing - Appeal of Committee of Adjustment Decision respecting 1330 Queen Street West, (A0001/13TEY) - by Councillor Councillor Gord Perks, seconded by Councillor Adam Vaughan

**** Notice of this Motion has been given.***
**** This Motion is subject to referral to the Toronto East York 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 Gord Perks, seconded by Councilllor Adam Vaughan, recommends that:

1. City Council authorize the City Solicitor and City Planning staff to attend at the Ontario Municipal Board Hearing in support of the Committee of Adjustment's decision to refuse the variances for 1330 Queen Street West (A0001/13TEY).

Summary

On February 20, 2013, the Toronto East York Panel of the Committee of Adjustment refused an application for variances for the property 1330 Queen Street West, file number A0001/13TEY.

The applicant requested to construct an outdoor patio to the rear of the restaurant on the main floor of the building. Current Zoning By-law requires that a patio not abut a lot in a Residential district by less than 10 metres. The intent is to minimize the possible impact of noise and privacy on residential properties. In this case, the rear restaurant patio will be located 3.66 metres from a lot in a Residential district.

City Planning staff responded to the Committee of Adjustment application concerned with the potential negative impacts to the adjacent neighbourhood.

Throughout the City, residential districts have been negatively impacted by rear patios. Over the past few years, Parkdale has seen an increase in restaurant/bar type uses replacing a broad range of commercial uses. Community concerns of noise, vandalism, garbage and congestion problems have increased.

In August 2010, City Council directed Planning staff to undertake a study of this section of

Queen Street to determine if additional zoning is required tc mitigate negative impacts associated with restaurants and bars on the surrounding area. That study is well underway.

Further, an Interim Control By-law, prohibiting the establishment of new restaurants, including rear patios and second floor expansions within this study area for a one year period was enactec in November, 2012. This by-law allows City Planning the opportunity to study which of the existing provisions ought to be changes in order to help alleviate the concerns related to land use issues.

The Committee of Adjustment refused the requested variance.

The applicant has appealed the Committee of Adjustment's decision to the Ontario Municipal Board (OMB). A hearing date has not been set.

Urgent consideration is being requested as the appeal to the OMB was submitted on March 12, 2013.

(Submitted to City Council on May 7 and 8, 2013 as MM33.9)

Background Information (City Council)

Member Motion MM33.9
Toronto and East York Panel Notice of Decision on Minor Variance/Permission for 1330 Queen Street West
(http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-58047.pdf)