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**City Council****Motion without Notice**

MM37.41	ACTION			Ward:24
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**6125 Yonge Street - Authority for City Position at Ontario Municipal Board - A0516/10NY - by Councillor David Shiner, seconded by Councillor Cesar Palacio**

*\* 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 North 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 by the Chair.*

**Recommendations**

Councillor David Shiner, seconded by Councillor Cesar Palacio, recommends that:

1. City Council authorize the City Solicitor to appear at the Ontario Municipal Board hearing for 6125 Yonge Street scheduled for July 31, 2013, and inform the Ontario Municipal Board that the City does not oppose the appeal, provided that the Board imposes a condition that there be no new or expanded restaurant uses on the property without the approval of further variances.

**Summary**

An application was submitted to the Committee of Adjustment (Application No. A0516/10NY) seeking relief from various provisions of North York By-Law 7625. These variances include a request for lot coverage of 38.44 percent whereas 33 percent is permitted, a rear yard setback of 4.5m whereas 7.5m is required, and variances for deficiencies concerning the number of parking spaces and size of loading area. The Committee of Adjustment refused the requested minor variances in a decision dated April 10, 2013 after finding that the variances did not meet the intent and purpose of either the Official Plan or Zoning By-law. The applicant has appealed that decision to the Ontario Municipal Board.

City Council decided at its meeting of June 11, 12 and 13, 2013 to send the City Solicitor to attend the scheduled OMB hearing in support of the Committee's decision. Since that date the applicant has entered into discussions with the local Councillor and City staff, which have led to the resolution of outstanding issues with regard to parking and use of the premises. Accordingly, it is recommended that the City Solicitor be granted authority to not oppose the

appeal, but request that an approval of the appeal be subject to conditions drafted by the City to ensure no new restaurant uses will be permitted on the premises.

(Submitted to City Council on July 16 and 17, 2013 as MM37.41)

**Background Information (City Council)**

Member Motion MM37.41

Committee of Adjustment, North York Panel Notice of Decision on application for Minor Variance/Permission for 6125 Yonge Street

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-60234.pdf>