
City Council

Notice of Motion

MM50.10	ACTION			Ward:29
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476 Cosburn Avenue - Appeal and Staff Representation at Ontario Municipal Board Hearing - by Councillor Mary Fragedakis, seconded by Councillor Ron Moeser

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Toronto and 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 Mary Fragedakis, seconded by Councillor Ron Moeser, recommends that:

1. City Council authorize the City Solicitor to appeal the Committee of Adjustment's approval of the minor variances for 476 Cosburn Avenue in regard to rear yard setback and permitting dwelling units on the ground floor.
2. City Council authorize the City Solicitor and City Planning staff to attend the Ontario Municipal Board hearing in order to support the City's appeal in this matter.

Summary

On March 5, 2014 the Toronto and East York Panel of the Committee of Adjustment approved four (4) variances sought by the applicant for a property located at 476 Cosburn Avenue. The variances are in relation to rear yard setback, parking spaces and the location of dwelling units, required for the proposed conversion of an existing mixed-use building. The applicant is seeking to add a rear second-storey addition with a deck and is also seeking permission to convert the ground floor from an existing restaurant use to an office in the front with a residential unit in the rear. The second-storey will be used as two residential units.

City Planning staff recommended that the variances related to rear yard setback and dwelling units on the ground floor (variances #1 and #3) should be refused. Although designated as a Neighbourhood in the City's Official Plan, this portion of Cosburn Avenue is zoned for commercial uses and is identified as a major street. There are no other residential uses on the ground floor in this block of mixed-use buildings on Cosburn Avenue between Linsmore Crescent and Derwyn Road. Planning staff are of the view that the commercial uses on this strip ought to be protected from the encroachment of residential. Furthermore, Planning staff opposed the proposed rear yard setback because the variance would not be in keeping with the neighbourhood's character and could create adverse impacts for residents to the north.

In order to meet the appeal deadline, the City Solicitor has already appealed the Committee of Adjustment's decision in this matter, pending confirmation of this action by City Council. It is therefore urgent that this matter be dealt with at this Council meeting.
(Submitted to City Council on April 1 and 2, 2014 as MM50.10)

Background Information (City Council)

Member Motion MM50.10

(February 27, 2014) Report from the Director, Community Planning, Toronto and East York District on 476 Cosbourn Avenue

<http://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-67934.pdf>

Committee of Adjustment Toronto and East York District - Notice of Decision on Minor Variance for 476 Cosburn Avenue

<http://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-68122.pdf>