

City Council**Notice of Motion**

MM50.13	ACTION			Ward:27
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Attendance at an Ontario Municipal Board Hearing to uphold the decision of the Committee of Adjustment - 155 Church Street - by Councillor Kristyn Wong-Tam, seconded by Councillor Pam McConnell

- * 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 Kristyn Wong-Tam, seconded by Councillor Pam McConnell, recommends that:

1. City Council direct the City Solicitor to attend the Ontario Municipal Board hearing with City Planning staff to oppose the appeal and support the Committee of Adjustment's decision to refuse variances (Application No. A0945/13TEY) for 155 Church Street.

Summary

At its meeting of February 5, 2014, the Committee of Adjustment, Toronto and East York Panel refused an application to convert the basement of an existing two-storey mixed-use building into commercial space (Application No. A0945/13TEY). The first variance sought was to permit the first storey of a commercial use at 1.7 metres below grade whereas a first storey of a non-residential use must be within 0.2 metres of grade, measured at the lot-line. The second variance would allow the conversion of the basement space despite the absence of a pedestrian access ramp, whereas a pedestrian access ramp is required. The standards that were sought to be varied are included in both the former City of Toronto Zoning By-law 428-86 and the new City of Toronto Zoning By-law 569-2013.

City Planning reported to the Committee of Adjustment on January 30, 2014 and recommended that it refuse this application. Staff stated that the requirement to have a pedestrian ramp to access the first level of commercial space intends to promote accessibility. City Planning opined that providing stairs leading to the commercial unit, as proposed by the applicant, without an alternative for persons with mobility issues, is not consistent with the intent of the Zoning By-law.

The applicant has appealed the Committee's decision. No hearing date has been set.

(Submitted to City Council on April 1 and 2, 2014 as MM50.13)

Background Information (City Council)

Member Motion MM50.13

Committee of Adjustment Toronto and East York Panel - Notice of Decision on Minor
Variance for 155 Church Street

<http://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-67954.pdf>