

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

MM50.45	ACTION			Ward:29
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**Staff Representation at an OMB Appeal Hearing for 1273 Broadview Avenue - by Councillor Mary Fragedakis, seconded by Councillor John Filion**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

**Recommendations**

Councillor Mary Fragedakis, seconded by Councillor John Filion, recommends that:

1. City Council authorize the City Solicitor and City Planning staff to attend the Ontario Municipal Board Hearing of the appeal from Committee of Adjustment Files A0051/14TEY, in order to uphold the Committee of Adjustment's refusal of the applications.

**Summary**

The applicant has applied for relief from the provisions of the Zoning By-law in order to alter the detached dwelling by making interior alterations that would permit the use of the ground floor as a medical/dental office. Variances were requested with respect to use, gross floor area of the home occupation activity, and number of employees in a home occupation activity.

The applications were refused by the Committee of Adjustment on Wednesday March 5, 2014, and have subsequently been appealed to the Ontario Municipal Board.

The subject property is located on the east side of Broadview Avenue just south of O'Connor Drive. The property is designated "Neighbourhoods" in the Official Plan, and is zoned R1C Residential in Zoning By-law 6752 of the former Borough of East York and RD (f6.0; a185; d0.75) in Zoning By-law 569-2013 of the City of Toronto.

In a staff report dated February 27, 2014 from the Director, Community Planning, Toronto and East York District, staff raised concerns with the size of the proposed home occupation activity. The application proposes a total of five employees, and it is Planning staff's opinion that the proposed number and type of employees is beyond what would be considered a home occupation activity, contrary to the intent and purpose of the by-law regulations. Furthermore, allowing the proposed 55.53 percent of the gross floor area of the dwelling, which is large for the area, when the by-law permits a maximum of 25 percent is not minor, and does not meet the

general intent and purpose of the Zoning by-law. The variances requested would facilitate a dental office that is too large and has too many employees to be considered a permitted home occupation activity, with undue impacts on the surrounding residential community.

This Motion is urgent as the Ontario Municipal Board hearing is imminent.

(Submitted to City Council on April 1, 2 and 3, 2014 as MM50.45)

**Background Information (City Council)**

Member Motion MM50.45