

**City Council****Notice of Motion**

MM3.19	ACTION			Ward:23
--------	--------	--	--	---------

**Staff representation at an Ontario Municipal Board Hearing for 170 Sheppard Avenue East - by Councillor John Filion, seconded by Councillor Joe Mihevc**

*\* Notice of this Motion has been given.*

*\* 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.*

**Recommendations**

Councillor John Filion, seconded by Councillor Joe Mihevc, recommends that:

1. City Council authorize the City Solicitor and the Chief Planner and Executive Director, City Planning to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment's refusal of the associated variances for 170 Sheppard Avenue East.

**Summary**

On November 26, 2014, Application No. A566/14NY was submitted to the Committee of Adjustment North Panel by the Architect on behalf of the owners, to construct additions to the third, fourth and fifth storey of the existing commercial building.

In their Staff Report, City Planning Staff recommended that the applications be refused on the grounds that the appropriateness of the proposal within the context of the Official Plan and Zoning By-law had not been demonstrated and that the intent and purpose of the Sheppard Avenue Commercial Area Secondary Plan and site specific zoning by-law be upheld.

On November 26, 2014, the Committee of Adjustment refused this application on the grounds that the general intent and purpose of the Official Plan and the Zoning By-law was not being maintained, the variance was not considered desirable for the appropriate development of the land, and, in the opinion of the Committee, the variance was not minor. On December 12, 2014, the applicant appealed this decision to the Ontario Municipal Board.

**Background Information (City Council)**

Committee of Adjustment, North York Panel Notice of Decision on application for Minor Variance/Permission for 170 Sheppard Avenue East

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-75675.pdf>)

(November 17, 2014) Report from the Director, Community Planning, North York District on

170 Sheppard Avenue East

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-75668.pdf>)