

City Council**Notice of Motion**

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| MM19.16 | ACTION | | | Ward:19 |
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1070 Queen Street West - Request for Representation at the Ontario Municipal Board - by Councillor Mike Layton, seconded by Councillor Janet Davis

** 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 Mike Layton, seconded by Councillor Janet Davis, recommends that:

1. City Council authorize the City Solicitor and other City staff to attend the Ontario Municipal Board in opposition to the appeal of the Committee of Adjustment's refusal of application A0027/16TEY and to retain outside consultants as necessary to support the City's position.

Summary

Application A0027/16TEY was submitted to the Committee of Adjustment seeking variances to permit alterations to an existing three-storey commercial building and the construction of a four-storey rear addition. A number of variances to Zoning By-laws 438-86 and 569-2013 were sought, including an increase in permitted gross floor area (1.12 times the area of the lot whereas 1.0 times is permitted), insufficient parking (two spots whereas four are required), reduced rear yard setbacks, and intrusion into the rear angular plane setback for a Commercial-Residential zoned property that abuts a Residential zoned property.

At a hearing on April 13, 2016 the Committee refused the application, finding the requested variances were not minor, were not desirable for the appropriate development of the land, and did not meet the intent and purpose of either the Official Plan or Zoning By-Law. The owner has now appealed that decision to the Ontario Municipal Board.

The variances raise concerns about the impact of the expansion of the existing structure and commercial uses on the immediately adjacent neighbourhood. Accordingly, the following recommendation seeks to instruct staff to appear at the Ontario Municipal Board in support of the Committee of Adjustment decision. Planning staff wrote a report that raised specific concern with the intrusion of the building into the rear angular plane, but did not oppose the application as a whole. As such it is recommended that the City Solicitor be granted authority to retain an outside planning consultant to provide expert evidence before the Board, if

required.

Background Information (City Council)

Member Motion MM19.16

Committee of Adjustment, Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 1070 Queen Street West

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-93852.pdf>)