

City Council

Notice of Motion

MM23.4	ACTION			Ward:37
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1380 Birchmount Road - Request for Attendance at an Ontario Municipal Board Hearing - Appeal of Committee of Adjustment Decision (A039/14SC) - by Councillor Michael Thompson, seconded by Councillor Norman Kelly

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Scarborough 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 Michael Thompson, seconded by Councillor Norman Kelly, recommends that:

1. City Council direct the City Solicitor to attempt to negotiate a settlement on behalf of the City in his discretion after consultation with the Chief Planner and Executive Director, City Planning in the appeal of Committee of Adjustment Application A039/14SC for 1380 Birchmount Road.
2. In the event a settlement cannot be reached, City Council direct the City Solicitor and appropriate City staff to attend the Ontario Municipal Board to oppose the appeal of Committee of Adjustment Application A039/14SC respecting 1380 Birchmount Road.

Summary

The Scarborough District Committee of Adjustment refused a minor variance application related to the property municipally known as 1380 Birchmount Road on Thursday, November 3, 2016. The applicant has appealed the Committee's decision to the Ontario Municipal Board.

The applicant is seeking relief from the provisions of the Employment Districts Zoning By-law 24982 and City-wide Zoning By-law 569-2013 to use the existing structure for a place of worship for a temporary period of three years during the construction of a temple at 733 Birchmount Road.

The applicant is currently unlawfully occupying part of the existing warehouse at 1380 Birchmount Road for a place of worship. The subject property is zoned Industrial Zone (M) under By-law 24982, under which places of worship are only permitted as a sole use on the lot, or as a use in conjunction with day nurseries. The subject property is zoned Employment Industrial (E) under By-law 569-2013, under which places of worship are not permitted.

The applicant has also sought relief under City-wide Zoning By-law 569-2013 to permit 94 parking spaces, where the Zoning By-law requires a minimum total of 153 parking spaces (139 spaces for place of worship use, nine spaces for warehouse use and five spaces for office use).

Background Information (City Council)

Member Motion MM23.4

(November 3, 2016) Committee of Adjustment, Scarborough Panel Notice of Decision on application for Minor Variance/Permission for 1380 Birchmount Road
(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-98990.pdf>)