

City Council

Motion without Notice

MM23.32	ACTION			Ward:7
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50 - 60 Marmora Street - Request for Attendance at an Ontario Municipal Board Hearing - Appeal of Committee of Adjustment Decision (A0648/16EYK) - by Councillor Giorgio Mammoliti, seconded by Councillor John Campbell

** 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 Giorgio Mammoliti, seconded by Councillor John Campbell, recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Municipal Board to support the Committee of Adjustment's decision to refuse minor variance application A0648/16EYK regarding 50 – 60 Marmora Street, and to request the Ontario Municipal Board uphold the various reasons as per the Committee of Adjustment's decision.

Summary

The Committee of Adjustment, Etobicoke York Panel refused an application for minor variances related to the property municipally known as 50 – 60 Marmora Street on Thursday, November 17, 2016. The application sought to retroactively obtain approval for its floor space index – which exceeded maximum permitted floor space index – under Section 60.20.1.10.(3), By-law 569-2013 and Section 31(5), By-law 7625. The application also sought approval for the location of its garbage compactors, contravening Section 31(11)(a), By-law 7625.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In doing so, it was the decision of the Committee of Adjustment that the minor variance application be refused for four (4) reasons:

1. The general intent and purpose of the Official Plan is not maintained.
2. The general intent and purpose of the Zoning By-law is not maintained.
3. The variance(s) is not considered desirable for the appropriate development of the land.
4. In the opinion of the Committee, the variance(s) is not minor.

This Motion would direct the City Solicitor to attend the Ontario Municipal Board hearing to support the Committee of Adjustment's decision to reject the variances and ensure the

conditions outlined by the Committee form part of the Ontario Municipal Board's decision.

This matter is urgent because the City Solicitor requires direction for ongoing discussions with the parties involved in the appeal. An Ontario Municipal Board hearing has yet to be scheduled.

Background Information (City Council)

Member Motion MM23.32

Committee of Adjustment, North York Panel Notice of Decision on application for Minor Variance/Permission for 50 - 60 Marmora Street

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-99138.pdf>)