

City Council**Motion without Notice**

MM18.42	ACTION			Ward:17
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**Request for Attendance at an Ontario Municipal Board Hearing -
Appeal of Committee of Adjustment Decision respecting 1233-1239 St.
Clair Avenue West - by Councillor Cesar Palacio, seconded by
Councillor Ana Bailão**

** 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 Cesar Palacio, seconded by Councillor Ana Bailão, recommends that:

1. City Council direct the City Solicitor and appropriate City Planning staff to attend at the Ontario Municipal Board hearing when scheduled for Committee of Adjustment File (A173/16EYK), regarding 1233-1239 St. Clair Avenue West, to defend the proposed variances that were approved by the Committee of Adjustment at the March 31, 2016 meeting.

Summary

At its hearing on Thursday, March 31, 2016, the Committee of Adjustment approved the minor variances for the property municipally known as 1233-1239 St. Clair Avenue West. The application was appealed and will now be subject to a hearing at the Ontario Municipal Board. As the local Ward Councillor, I would appreciate if the City Solicitor and appropriate Planning staff could attend the Ontario Municipal Board hearing to defend the decision of the Committee of Adjustment, thereby allowing the proponent to construct a three-storey mixed-use building containing retail and office uses.

Prior to the March 31, 2016 hearing, my office did not receive any complaints from local residents, with regards to the proposed variances. Executive members of the local business improvement area, are in full support of the Shoppers Drug Mart proposal, as it will be a positive catalyst that will enhance their commercial strip.

Furthermore, this project fits within the spirit and character of the neighborhood, as the community collectively sees it as a real compliment to the mixed-use, diverse character of the Corso Italia Business Improvement Area, which already includes specialty shops, boutiques, fine dining establishments, fresh food markets, and social gathering places.

I believe that the proposed variances pertaining to 1233-1239 St. Clair Avenue West, in

accordance to the application A173/16EYK, are minor in nature, will not conflict with the City's Zoning By-law nor the City's Official Plan, is entirely appropriate for this subject property and will be compatible with the surrounding urban context.

Background Information (City Council)

Member Motion MM18.42

Committee of Adjustment, Etobicoke York District Notice of Decision on application for Minor Variance/Permission for 1233-1239 St. Clair Avenue West

Thursday, March 31, 2016

**NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)**

File Number:	A173/16EYK	Zoning	MCR T5.0 C2.0 R4.0
Owner(s):	2322235 ONTARIO INC	Ward:	Davenport (17)
Agent:	MHBC PLANNING LIMITED	Heritage:	Not Applicable
Property Address:	1233 - 1239 ST CLAIR AVE W	Community:	
Legal Description:	PLAN 1360 PT LOT 19		

Notice was given and a Public Hearing was held on Thursday, March 31, 2016, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a three-storey mixed-use building containing retail and office uses.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

- Section 8(3) Part I 2, By-law 438-86**
The maximum permitted non-residential gross floor area is 2.0 times the area of the lot (1,146.2 m²).
The proposed building will have a non-residential gross floor area equal to 3.6 times the area of the lot (2,035.85 m²).
- 12(2) 479.(5)(b)(i), By-law 438-86**
The minimum required setback from any lot in an R or G district is 7.5 m.
The proposed building will be located 0 m from a lot in a residential zone to the south.
- Section 12(2) 479.(5)(c)(i), By-law 438-86**
No part of any building may be located closer than 1.5 m from a flanking street.
The proposed building will be located 0 m from the flanking street (Via Italia).
- Section 12(2) 479.(7)(b)(i), By-law 438-86**
All parts of the building must be contained within a 60 degree angular plane projected over the lot at a distance of 7.5 m from a lot in a residential zoned district, at an elevation of 10.5 m above the average elevation of the ground directly above the setback.
The proposed building will not be contained within the angular plane.
- Section 12(2) 479.(9)(a), By-law 438-86**
A minimum of 1.5 m of soft landscaping shall be provided along the rear lot line abutting a residential district.
A total of 0 m of soft landscaping along the rear lot line will be provided.
- Section 4(4)(b), By-law 438-86**
A total of 7 parking spaces are required.
A total of 0 parking spaces will be provided.

7. **Section 8(3) Part XI 1, By-law 438-86**
No building shall front on or gain entrance from a flanking street.
The proposed building will have an entrance from a flanking street (Via Italia).

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance Application is Approved

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

SIGNATURE PAGE

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Legal Description:	PLAN 1360 PT LOT 19		

Allan Smithies (signed)

Dominic Gulli (signed)

Nathan Muscat (signed)

DATE DECISION MAILED ON: Friday, April 8, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, April 20, 2016

CERTIFIED TRUE COPY

Susanne Pringle
Manager & Deputy Secretary Treasurer
Etobicoke York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$125.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at www.omb.gov.on.ca.

