

**COMMITTEE OF THE WHOLE MAY 22, 2001**

**ONTARIO MUNICIPAL BOARD HEARING  
VARIANCE APPLICATION  
SILVIO DI GIAMMARINO IN TRUST  
FILE: A182/99**

**Recommendation**

The Commissioner of Planning & Urban Design recommends:

THAT Council provide direction respecting Staff's attendance at the Ontario Municipal Board Hearing regarding Committee of Adjustment's REFUSAL of Variance Application A182/99 (Silvio Di Giammarino in Trust).

**Purpose**

Council's direction is required respecting Staff's attendance at the Ontario Municipal Board Hearing regarding a lot located southeast of Jane Street and Macintosh Boulevard, being 59 Talman Court.

**Background - Analysis and Options**

On February 8, 2001, the Vaughan Committee of Adjustment refused Variance Application A182/99 (Silvio Di Giammarino in Trust), to permit the maintenance of a loading area associated with the existing industrial building. The applicant proposed a 0.0m interior side yard to a raised loading area (rather than the required 6.0m), a 3.0m x 9.0m loading deck (rather than the required 3.5m x 9.0m), and a 3m aisle to and from a loading space (rather than the required 6.0m).

The subject lands are designated "Employment Area General" by OPA No. 450 and zoned EM2 General Employment Area by By-law 1-88.

The Committee of Adjustment received one letter from the owner of the adjacent property at 70 Talman Court, who was also represented at the Committee meeting. The owner's representative stated the loading dock was encroaching on their property and the applicant had removed landscaping on their lands to install the driveway to the loading area. The windows of the adjacent building at 70 Talman Court face directly across the parking lot at the loading area. Their letter commented that the variances were not minor, and contradicted the Official Plan and the Zoning by-law.

**Conclusion**

Planning Staff consider that the variance to permit a 0m setback is not minor, is not appropriately located on the property, nor does it meet the intent of the by-law. This matter is scheduled to proceed to the OMB on June 4, 2001. It is recommended that Council provide direction respecting Staff's attendance at the OMB hearing.

**Attachments**

1. Location Map
2. Site Plan

**Report prepared by:**

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Bianca M.V. Bielski, Manager, Development Planning, ext. 8485

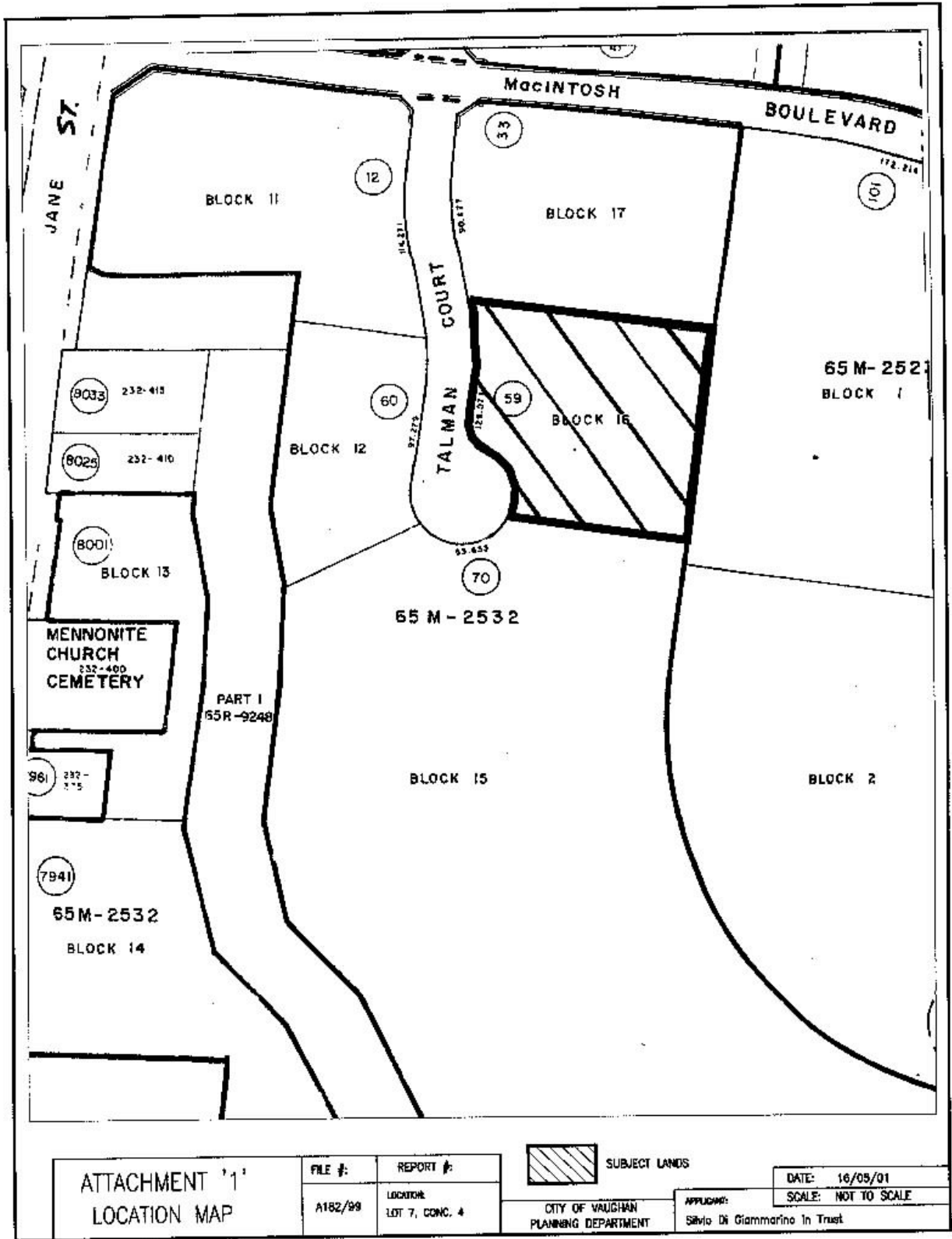
Respectfully submitted,

MICHAEL DeANGELIS  
Commissioner of Planning & Urban Design

JOANNE R. ARBOUR  
Director of Community Planning

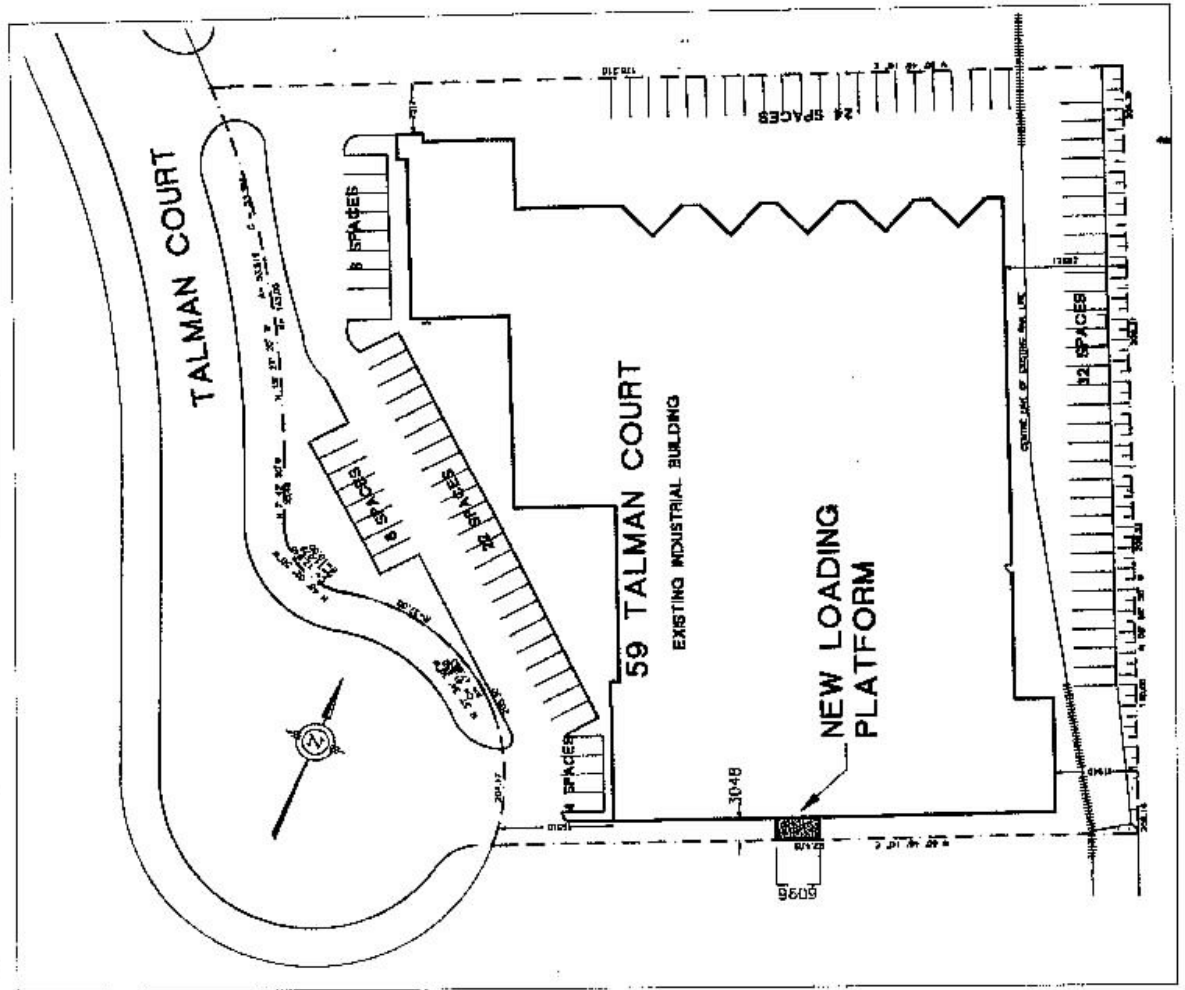
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ATTACHMENT '1' LOCATION MAP	FILE #:	REPORT #:	DATE: 16/05/01 SCALE: NOT TO SCALE
	A182/99	LOCATION: LOT 7, CONC. 4	
CITY OF VAUGHAN PLANNING DEPARTMENT		APPLICANT: Silvio Di Giammarino In Trust	





ATTACHMENT '2' SITE PLAN	FILE #:	REPORT #:	DATE: 16/08/01
	A182/99	LOCATION: LOT 7, CONC. 4	SCALE: NOT TO SCALE
CITY OF VAUGHAN PLANNING DEPARTMENT		APPLICANT: Silvio Di Giannarino in Trust	