

**ONTARIO MUNICIPAL BOARD HEARING
VARIANCE APPLICATION FILE A342/01
802282 ONTARIO LIMITED**

Recommendation

The Commissioner of Planning recommends:

THAT Council provide direction with respect to the City's position on an appeal of the Committee of Adjustment's refusal of Variance Application A342/01 (802282 Ontario Limited).

Purpose

To seek direction from Council with respect to Staff's attendance at the Ontario Municipal Board (OMB) hearing scheduled for February 28, 2002.

Background - Analysis and Options

The site is located on the west side of Islington Avenue and south of Nashville Road, being Part of Lots 31, 32 and 33 of Plan 65R-18214, in Lot 23, Concession 8, City of Vaughan. The lands are designated "Core Area" by OPA #601, and zoned C1 Restricted Commercial Zone by By-law 1-88, subject to Exception 9(943).

On December 6, 2001, the Committee of Adjustment refused variances to permit the continued construction of a two-storey mixed-use commercial/residential building, notwithstanding the front yard is 3.5m rather than 4.476m, the interior side yard is 1.88m rather than 2.19m, the rear yard is 11.45m rather than 12.0m, and the landscaping is as per the revised schedule rather than as per the schedule from the Ontario Municipal Board Order #1697.

The Applicant appealed the Committee's decision on the basis that the variances are a result of inadvertence by the construction crew.

At the Committee of Adjustment Public Hearing, there was a representative from the Kleinburg Area Ratepayers Association, a resident of Kleinburg, and two representatives from an abutting property owner. Some of the concerns expressed related to possible deficiency in parking spaces not addressed in the application, and the question of appropriateness of the Committee granting a variance to an OMB decision.

Conclusion

The Community Planning Department did not object to the application on the basis that the requested variances were the result of construction error and met the intent of the By-law. This matter is scheduled to proceed to the OMB on February 28, 2002, and Council's direction is requested.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

Glenn White, Planner, ext. 8213
Bianca M. V. Bielski, Manager, Development Planning, ext. 8485

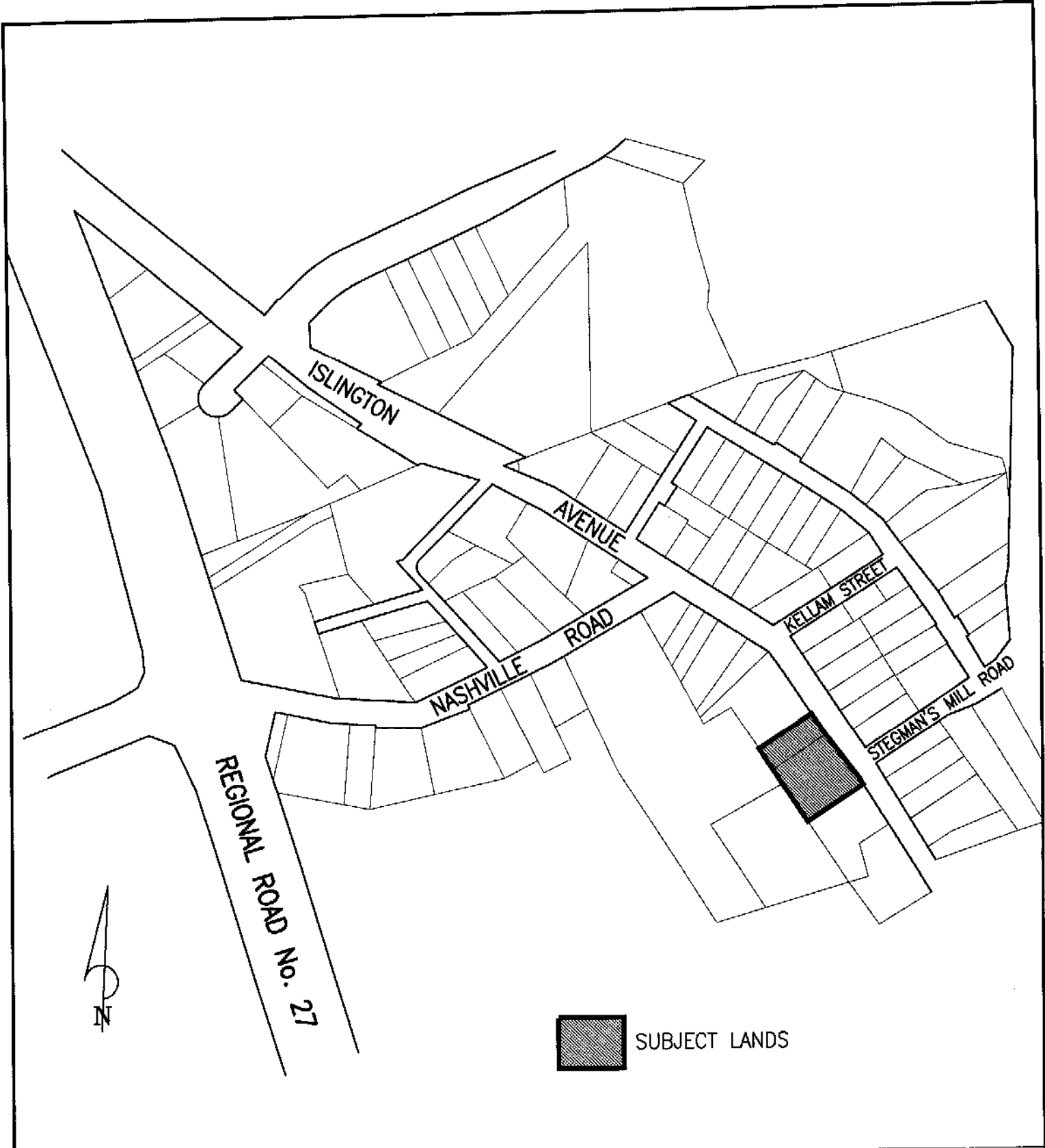
Respectfully submitted,

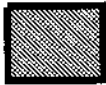
MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

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 SUBJECT LANDS

ATTACHMENT '1' LOCATION MAP	FILE #:	REPORT #:	DATE: 02/05/2002
	A342/01	LOCATION: PART OF LOT 23, CON. 8	SCALE: NOT TO SCALE
CITY OF VAUGHAN PLANNING DEPARTMENT		APPLICANT: 802282 ONTARIO LIMITED	

