

November 22, 2010

Re 94 John Street OMB appeal by Mr. C. Naccarato

I would encourage Markham to send legal representation to the OMB hearing requested by Mr. Naccarato and defend its earlier decision to reject the variances requested by him. The points that I would like the council to consider are:

- 1.) All of the residents of the area were opposed to the severance of the lot into two small lots, especially considering that the northern severed lot facing Deanbank is so small compared to the average lot on Deanbank. A group of concerned residents went so far as to appeal to the OMB and lost that decision. At that OMB hearing in 2009, Mr. Naccarato was asked about future requests for variances and stated that he had no plans to do so. How would the decision have gone if the hearing had known that Mr. Naccarato would be seeking variances?
- 2.) The OMB decision put forward a certain timeline for actions by Mr. Naccarato relating to the submission of a detailed site plan. I would ask the council to note that this requirement was not met. In the strict legal sense, this would negate the earlier decision to grant the severance. I believe that this point should be brought up by Markham at the forth coming OMB hearing.

Morton Roseman