

NOTICE OF MOTION**Request for City Representation at the Ontario Municipal Board to Support Committee of Adjustment's Refusal – 347 Manor Road East (A0666/08TEY)**

Moved by: Councillor Walker

Seconded by: Councillor Stintz

SUMMARY:

An application for minor variances with respect to the property known as 347 Manor Road East was heard by the Toronto and East York Committee of Adjustment on July 9, 2008, proposing to construct a new two-storey detached dwelling with an integral below grade garage.

On July 9, 2008, the Toronto and East York Committee of Adjustment refused this application for variances.

The Ontario Municipal Board will be considering an appeal by the subject property owner in December 2008.

RECOMMENDATION:

1. That City Council direct the City Solicitor and the appropriate staff to appear at the Ontario Municipal Board to support the Toronto and East York Committee of Adjustment's refusal of the application for variances for 347 Manor Road East.

October 29, 2008

Attachment

According to Chapter 27, Council Procedures:

| | |
|---|-----|
| Notice given | (v) |
| Fiscal Impact Statement provided | |
| Should have Fiscal Impact Statement prior to debate Requires two-thirds to waive requirement if Council wishes to debate | * |
| Should be referred to Toronto and East York Community Council Requires two-thirds vote to consider at this meeting | (v) |
| Motion Recommendations are Urgent - OMB | (v) |

* Deputy City Manager and Chief Financial Officer to advise.

Wednesday, July 9, 2008

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

| | | | |
|--------------------|-----------------------|------------|-----------------|
| File Number: | A0666/08TEY | Zoning | R2 Z0.6 (PPR) |
| Owner(s): | GHASEM NAJAFI ASL | Ward: | St. Paul's (22) |
| Agent: | TITKA SAFARZADEH | | |
| Property Address: | 347 MANOR RD E | Community: | Toronto |
| Legal Description: | PL 1788 LT171 | | |

Notice was given and a Public Hearing was held on Wednesday, July 9, 2008, as required by the Planning Act

PURPOSE OF THE APPLICATION:

To demolish the existing dwelling and to construct a new two-storey detached dwelling with integral below-grade garage.

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

- Section 12(2) 260(III), By-law 438-86**
The maximum permitted building height is 9.0 m.
The new dwelling will have a height of 9.2 m.
- Section 6(3) Part I 1, By-law 438-86**
The maximum permitted gross floor area is 0.60 times the area of the lot (174.19 m²).
The new dwelling will have a gross floor area equal to 0.73 times the area of the lot (212.26 m²).
- Section 6(3) Part II 2(II), By-law 438-86**
The minimum required setback from a front lot line is 5.8 m.
The new dwelling will be located 5.3 m from the front lot line.
- Section 6(3) Part II 3(I), By-law 438-86**
The minimum required setback from the wall of an adjacent building containing no openings is 0.9 m.
The new dwelling will be located 0.81 m from the wall of the west adjacent dwelling at 345 Manor Road East.
- Section 6(3) Part II 3.B(II), By-law 438-86**
The minimum required setback from a side lot line for the portion of a building exceeding 17.0 m in depth is 7.5 m.
The rear 1.07 m portion of the new dwelling exceeding 17.0 m in depth will be located 1.47 m from the east and 3.56 m from the west side lot lines.

6. Section 6(3) Part IV 3(II), By-law 438-86

The by-law prohibits a below grade integral garage where access to the garage is located in a wall of the building facing the front lot line

The proposed integral garage will be located below grade.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance Application is Refused

It is the decision of the Committee of Adjustment to **NOT** approve this variance application for the following reasons:

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

SIGNATURE PAGE

| | | | |
|--------------------|-----------------------|------------|-----------------|
| File Number: | A0666/08TEY | Zoning | R2 Z0.6 (PPR) |
| Owner(s): | GHASEM NAJAFI ASL | Ward: | St. Paul's (22) |
| Agent: | TITKA SAFARZADEH | | |
| Property Address: | 347 MANOR RD E | Community: | Toronto |
| Legal Description: | PL 1788 LT171 | | |

Robert Brown (signed)

Gillian Burton (signed)

George Vasilopoulos
(signed)

DATE DECISION MAILED ON: Tuesday, July 15, 2008

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, July 29, 2008

CERTIFIED TRUE COPY

Anita M. MacLeod
Manager & Deputy Secretary Treasurer
Toronto and East 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.