

**NOTICE OF MOTION****REQUEST FOR CITY REPRESENTATION AT THE ONTARIO MUNICIPAL BOARD – A-0264/08NY - 8 YORK ROAD – WARD 25****Moved by: Councillor Jenkins**  
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\_\_\_\_\_**SUMMARY:**

On June 18, 2000, the Committee of Adjustment – North Panel – approved a request by the owner of 8 York Road to construct a new two-storey dwelling on an undersized lot. Relief sought dealt with existing lot width, frontage and area, and for a reduced south side yard setback to the proposed dwelling. The application was approved, subject to several conditions, one of which was that no accessory structure be erected in the rear yard.

The new owner of the subject property now proposes to construct a retractable pool enclosure in the rear yard, **which would violate this condition**. An increase in lot coverage, in addition to the original minor variances permitting the existing lot width, frontage and area, and south side yard setback to the existing dwelling are now required.

The Zoning By-law defines an Accessory Building as “a Subordinate detached building or structure that is devoted exclusively to an accessory use, and located on the same lot as the main building”. The Zoning By-law defines a Structure as “an assembly, other than a building, affixed to the ground or to a building, but does not include a fence”.

Planning staff is of the opinion that the proposed retractable pool enclosure is an accessory structure, as defined by the Zoning By-law. In addition to the existing dwelling, the proposed pool enclosure would result in a lot coverage of approximately 40.8% in an area where 35% is allowed. **Planning staff recommended this application be refused.**

**The Committee of Adjustment, on June 18, 2008, refused this application.** The owner has appealed this decision to the Ontario Municipal Board – no hearing date has been scheduled.

**RECOMMENDATIONS:**

1. That Council authorize the City Solicitor and Planning staff to attend the Ontario Municipal Board Hearing to uphold the City’s zoning by-law and Committee of Adjustment decision.