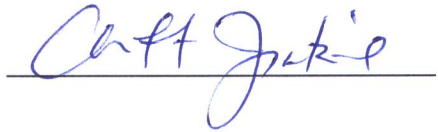


NOTICE OF MOTION**Appeal of Committee of Adjustment Decision and Request for Planning and Legal Staff attendance at the OMB
B0064/08NY; A0533/08NY and A0534/08NY – 55 OWEN BOULEVARD**

Moved by: Councillor Jenkins

**SUMMARY:**

An application to the Committee of Adjustment, North York Panel for the division of a parcel of residential lands into two parts for conveyance purposed for the creation of a new building lot were **refused** by the committee on September 10, 2008. The owner also sought variances for the existing and newly created lot which included variances for lot frontage; lot area; front and rear yard setbacks. All associated variances were also **refused by the Committee of Adjustment**.

The Committee agreed with the Planning staff report: *“The proposed severance would result in development which does not meet the intent and purpose of the Official Plan and does not represent good planning. The associated Minor Variance applications are also not within the intent of the Zoning By-law and would not be appropriate in this instance. Staff are therefore of the opinion that the applications should be refused.”*, and **refused** the application.

The City’s new Official Plan speaks directly to this issue in **Policy 4.1.5** which states:

“Development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood.”

The applicant has appealed this decision to the Ontario Municipal Board. The Board has not scheduled a hearing date for this application.

As the Councillor representing this community I request that Planning and Legal Staff attend the Ontario Municipal Board hearing **to defend the Committee of Adjustment decision**.

RECOMMENDATIONS:

That Council authorize City Planning and Legal staff to attend the Ontario Municipal Board Hearing to uphold the decision of the Committee of Adjustment.

October 24, 2008

Wednesday, September 10, 2008

NOTICE OF DECISION

CONSENT (Section 53 of the Planning Act)

File Number: B0064/08NY Zoning: R3
Owner(s): CHRISTOPHER LOFTUS Ward: Don Valley West (25)
Agent: CHRISTOPHER LOFTUS
Property Address: **55 OWEN BLVD** Community: North York
Legal Description: PLAN 3517 LOT 176 E PT LOT 193

Notice was given and the application considered on Wednesday, September 10, 2008, as required by the Planning Act.

THE CONSENT REQUESTED:

The applicant proposes to sever the existing lot into two lots in order to accommodate a new dwelling on the conveyed lot.

The application is for the consent of the Committee of Adjustment to the division of a parcel of residential lands into two parts for conveyance purposes for the creation of a new residential lot.

The lands concerned have 18.3 metres fronting onto the south side of Owen Boulevard, a depth of 68.28 metres fronting onto the west side of Upper Highland Crescent and an area of 1,249.5 square metres. The lands are described as Lot 176 & Pt Lot 193 on the attached Registered Plan 3617. There is a two-storey dwelling currently on the property which would be retained. A new two storey dwelling is proposed to be constructed on the conveyed land parcel.

The lands to be conveyed, being Proposed Lot B on the attached plan, would have 30.5 metres fronting onto the west side of Upper Highland Crescent, a depth of 18.3 metres and an area of 558 square metres.

The lands to be retained, being Proposed Lot A on the attached plan, would have 18.3 metres fronting onto the south side of Owen Boulevard, a depth of 37.8 metres and an area of 691 square metres.

This application is being considered in conjunction with Minor Variance Applications A0533/08NY and A0534/08NY for variance from the provisions of the North York Zoning By-law 7625, as amended, to permit the construction of a two-storey dwelling on the proposed severed lot and a one-storey garage addition to the existing dwelling on the retained lot.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Consent Application is Refused

In the opinion of the Committee, the application does not satisfy the requirements of Section 51(24) of the Planning Act and is **NOT** approved for the following reason(s):

- The proposed land division is premature.
- The proposed land division does not conform to the policies of the official plan.
- The suitability of the land for the purposes for which it is to be subdivided has not been demonstrated.
- The suitability of the dimensions and shapes of the proposed lots has not been demonstrated.
- The adequacy of roads, vehicular access, parking and loading facilities has not been demonstrated.
- The adequacy of utilities and municipal services has not been demonstrated.

Wednesday, September 10, 2008

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

File Number:	A0534/08NY	Zoning	R3 (PPR)
Owner(s):	CHRISTOPHER LOFTUS	Ward:	Don Valley West (25)
Agent:	CHRISTOPHER LOFTUS		
Property Address:	55 OWEN BLVD	Community:	North York
Legal Description:	PLAN 3517 LOT 176 E PT LOT 193		

Notice was given and a Public Hearing was held on Wednesday, September 10, 2008, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

The applicant proposes to construct a new two-storey dwelling on a newly-created lot fronting onto Upper Highland Crescent.

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

1. Proposed lot area of 558m²
WHEREAS a minimum lot area of 690m² is required;
2. Rear yard setback of 3m to the proposed dwelling
WHEREAS a minimum rear yard setback of 9.5m is required.

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.

Wednesday, September 10, 2008

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

File Number:	A0533/08NY	Zoning	R3 (PPR)
Owner(s):	CHRISTOPHER LOFTUS	Ward:	Don Valley West (25)
Agent:	CHRISTOPHER LOFTUS		
Property Address:	55 OWEN BLVD	Community:	North York
Legal Description:	PLAN 3517 LOT 176 E PT LOT 193		

Notice was given and a Public Hearing was held on Wednesday, September 10, 2008, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

The applicant proposes to construct a one-storey, attached garage on the north side of the existing dwelling. The proposed one-car garage addition would be at-grade, and would front onto Owen Boulevard.

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

1. Front yard setback of 3.2m to the proposed addition
WHEREAS a minimum front yard setback of 6.5m is required;
2. Rear yard setback of 6.09m from the proposed rear lot line to the existing dwelling
WHEREAS a minimum rear yard setback of 9.5m is required;
3. Proposed building length of 28.5m
WHEREAS a maximum building length of 16.8m is permitted.

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.