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NOTICE OF MOTION

580 Spadina Avenue- OMB Hearing- Appeal of Committee of Adjustment Decision

Moved by: **Councillor Adam Vaughan** _____

Seconded by: **Councillor** _____

SUMMARY:

An application for 580 Spadina Avenue was heard and approved at the Committee of Adjustment on April 30, 2008. The appeal period to the Ontario Municipal Board expires on May 20, 2008

The application was to permit a two-storey addition to the rear of the existing 2 ½ storey converted dwelling containing 3 units. The rear addition is connected to the existing building at the basement level only. Access is through a lockable door.

Although the Zoning By-law does not identify the proposal as a house behind a house, the proposed two-storey addition is only accessible from the existing dwelling through a lockable basement door. Due to the fact there is only one connection and that access from one dwelling to another it is at the basement level, the proposed development has the potential to function in the same manner as a pair of back-to-front semi-detached dwellings. The intent of the Zoning By-law is to not permit a house behind a house even though this application does not trigger this variance.

Furthermore, the proposed addition will exceed the permitted dwelling depth of 14.0 meters by 29.85 metres which could result in negative impacts for neighbours to the north of the development.

Planning Staff did not oppose this application.

RECOMMENDATIONS:

1. Council requires the City Solicitor to appeal the approved variances for 580 Spadina Avenue and appear at the Ontario Municipal Board with an independent consultant in support of refusal.

According to Chapter 27, Council Procedures:

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 Committee/Community Council	

Requires two-thirds vote to consider at this meeting	
Motion Recommendations are Urgent – (e.g. Health and Safety)	

* Deputy City Manager and Chief Financial Officer to advise.

Members should discuss their Motions with appropriate City staff to ensure the correct information is included.

Motions Without Notice:

According to Chapter 27, Council Procedures:

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 the Committee/Community Council Requires two-thirds vote to consider at this meeting	
City Clerk, in consultation with the Chair, agrees that the Motion Recommendations are Urgent – (e.g. Health and Safety)	

* Deputy City Manager and Chief Financial Officer to advise.



City Planning Division
Gary Wright, Chief Planner and Executive Director

Committee of Adjustment
100 Queen Street West
Toronto ON M5H 2N2
Tel: 416-392-7565
Fax: 416-392-0580

Tuesday, April 30, 2008

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

File Number:	A0691/07TEY	Zoning:	R3 Z1.0 (WAIVER)
Owner(s):	BARRY WARREN ERNEST BRAGG	Ward:	Trinity-Spadina (20)
Agent:	FRANCIS LAPOINTE		
Property Address:	580 SPADINA AVE	Community:	Toronto
Legal Description:	PL 521 LT6		

Notice was given and a Public Hearing was held on Wednesday, April 30, 2008, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a one-storey and two-storey addition in the rear yard of the subject property. The addition will be connected to the existing 2 ½ storey converted dwelling containing 3 units, by means of a covered walkway with a basement. Three surface parking spaces will be provided with access from Sussex Mews public lane.

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

- Section 6(3) Part I 1, By-law 438-86**
The maximum permitted gross floor area is 1.0 times the area of the lot (401.5 m²).
The converted house, as altered, will have a gross floor area equal 1.06 times the area of the lot (425.57 m²).
- Section 6(3) Part II 3, By-law 438-86**
The minimum required setback from a side lot line is 0.45 m
The proposed addition will be located 0.102 m from the south side lot line.
- Section 6(3) Part II 5(I), By-law 438-86**
The maximum permitted building depth is 14.0 m.
The converted house, as altered, will have a depth of 43.85 m from the front yard setback of 2.08 m.
- Section 6(3) Part II 3, By-law 438-86**
The minimum required setback from the wall of an adjacent residential building is 0.9 m.
The proposed addition will be located 0.65 m from the south adjacent wall at 578 Spadina Avenue.

5. Section 6(2) 1(iii)A, By-law 438-86

An addition is permitted, provided the increase in residential gross floor area does not exceed 15 % of the area of the lot (60.23 m²).

The proposed addition will have a gross floor area equal to 54 % of the area of the lot (214.69 m²).

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance Application is Approved on Condition

It is the decision of the Committee of Adjustment to approve this variance application for the following reasons:


- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):

Prior to the issuance of a demolition and/or building permit, the applicant shall satisfy all matters relating to City and Privately owned trees, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review.

SIGNATURE PAGE

File Number:	A0691/07TEY	Zoning	R3 Z1.0 (WAIVER)
Owner(s):	BARRY WARREN ERNEST BRAGG	Ward:	Trinity-Spadina (20)
Agent:	FRANCIS LAPOINTE		
Property Address:	580 SPADINA AVE	Community:	Toronto
Legal Description:	PL 521 LT6		



Sheila Pm



Gillian Burton

DISSENTED

George Vasilopoulos

DATE DECISION MAILED ON: Tuesday, May 6, 2008.

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, May 20, 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.