

## **MOTION**

### **Request for Legal and City Staff to Attend at the Ontario Municipal Board in response to an Appeal of Committee of Adjustment Decision B0014/08TEY, A0213-215/08TEY; -- 216 Hamilton Street**

**Moved by:** Councillor Fletcher

**Seconded by:** Councillor

### **SUMMARY:**

The applicant seeks to sever a lot at 216 Hamilton Street into three lots and create a three storey row house with three residential units. The Toronto and East York Panel of the Committee of Adjustment refused the proposal. An appeal is scheduled to be heard by the Ontario Municipal Board on June 30, 2008. This motion seeks authority for the City to oppose four of the variances proposed, but does not seek to oppose the consent itself, nor the remaining variances.

The application for consent is accompanied by applications for eight minor variances. City staff are concerned that four of the variances proposed are not appropriate. Integral garages are proposed in each of the three units. As a result, variances are required from the zoning by-law provision that integral garages are not permitted where access is located in a wall facing the front lot line in circumstances where the lot frontage is less than 7.62 metres. Linked to this circumstance, the applicant seeks variances from the requirement that not less than 75% of the front yard should be provided as soft landscaping. Staff raise the concern that these variances will result in a house form and yard that are inappropriately dominated by the garage doors and driveways. There is concern as well over the impact of the driveways upon an existing tree.

In addition, the applicant seeks variances to permit the first floor decks to be located above the maximum permitted height of 1.2 metres above grade. The applicant also seeks a variance to permit one of the row house units to be located closer than 0.9 metres away from an adjacent, existing residence.

Staff do not object to the consents themselves, nor to the other variances proposed. However, there is concern that authorizing the four variances noted above will result in a three unit row house that does not represent good planning.

### **RECOMMENDATIONS:**

1. That City Council authorize the City Solicitor and such staff as may be appropriate, including Planning and Urban Forestry staff, to attend the Ontario Municipal Board hearing to contest the appeal as it relates to proposed variances no. 4 (minimum distance between side walls), no. 5 (maximum deck height above grade), no. 6 (75% soft landscaping requirement) and no. 7 (integral garages on lots with frontage less than 7.62 metres).

June 10, 2008