

## **NOTICE OF MOTION**

### **Ontario Municipal Board Hearing – A0250/09NY - 350 Briar Hill Avenue (Ward 16)**

**Moved by: Councillor Stintz**

#### **SUMMARY:**

On September 2, 2009 the Committee of Adjustment modified an application to demolish the existing dwelling and construct a new two-storey dwelling with a gross floor area of 185.8m<sup>2</sup> (0.60 times the area of the lot) whereas a maximum of 108.36m<sup>2</sup> (0.35 times the area of the lot) is permitted. In addition, variances were requested for a proposed east side yard setback of .4m and proposed front yard soft landscaping area of 72.6%. The City Planning Staff Report recommended that the gross floor area be reduced to be more in keeping with the character of the neighbourhood, to better maintain the intent and purpose of the By-law, as well as with previous Committee decisions noting that the vast majority of approvals in the area had been approved with a gross floor area of .54 time the area of the lot or less.

It was the decision of the Committee of Adjustment that the Minor Variance Application be approved on Condition:

The Committee of Adjustment **Approved** the following variances:

- Proposed east side yard setback of .4m whereas a minimum of 1.2m is required for the portion of the building not exceeding 17m in length; and
- Proposed front yard soft landscaping area of 72.6% whereas a minimum of 75% is required.

The Committee of Adjustment **Modified and Approved** the following variance:

- Proposed gross floor area of **167.2m<sup>2</sup> (0.54 times the area of the lot)**, whereas a maximum of 108.36m<sup>2</sup> (0.35 times the area of the lot) is permitted;

This modification achieves the following goals:

- 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.

The decision was subject to the following conditions(s):

1. The owner shall satisfy the City of Toronto Municipal code Chapter 813, Article II, with respect to City owned trees, to the satisfaction of the Urban Forestry Division.

2. The owner shall submit a Tree Security Deposit (in the form of a certified cheque or letter of credit only) and sign a Tree Preservation Agreement to the satisfaction of the Urban Forestry Division.

The applicant appealed the Committee of Adjustment Decision to the Ontario Municipal Board.

## RECOMMENDATIONS:

1. That Council direct the City Solicitor and appropriate Planning Staff to attend the Ontario Municipal Board hearing to uphold the Committee of Adjustment's decision regarding application A0250/09NY.

Date: October 13, 2009

### 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 <b>Urgent – (e.g. Health and Safety)</b>	

\* 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 <b>Urgent</b> – (e.g. <b>Health and Safety</b> )	

\* Deputy City Manager and Chief Financial Officer to advise.