

MOTION**REQUEST FOR CITY REPRESENTATION AT THE ONTARIO MUNICIPAL BOARD – A0333/09NY – 35 ROCHESTER AVENUE**Moved by: **Councillor Jenkins**

SUMMARY:

On October 14, 2009, the Committee of Adjustment (COA) – North Panel – issued a decision approving modified variances for a new two-storey dwelling at 35 Rochester Avenue while refusing other variances. The application had sought variances to permit the construction of a new two-storey dwelling with a GFA of 0.58 of lot area together with west and east side yard setbacks of 1.21m for the portion of the dwelling exceeding 17 m in length.

The Committee **refused** the side yard variances and **approved** a modified variance for Gross Floor area of 0.50 of lot area, after hearing planning arguments that **this application was not in keeping with Official Plan Policy 4.1.5 which states that “No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood.”**

The applicant has now appealed the COA decision to the Ontario Municipal Board. The OMB has not scheduled a hearing on this appeal. Staff did not comment on this application.

The following recommendation seeks to uphold the decision of the Committee of Adjustment.

RECOMMENDATION:

1. That Council authorize the City Solicitor to attend the Ontario Municipal Board Hearing and retain outside planning consultants, if necessary, to uphold the decision of the Committee of Adjustment in the matter of A0333/09NY – 35 Rochester Avenue.

November 10, 2009