

Pam McConnell



Councillor, Ward 28
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May 12, 2010

To: Toronto and East York Community Council

From: Councillor Pam McConnell

Re: 2 St. James Court – Ontario Municipal Board Hearing

SUMMARY:

The owner of 2 St. James Court has appealed a decision of the Toronto and East York Committee of Adjustment to refuse an application for variances to Zoning By-law 438-86. A copy of the Committee's decision is attached. The Ontario Municipal Board has not yet set a hearing date for the appeal. This property was the subject of an Ontario Municipal Board hearing in 2008. In that case, the City Solicitor attended in opposition and the Board did not allow the requested variances. The current application is also not appropriate for the development of the property.

The applicant has brought a Motion before the Board seeking an Order for Disclosure and an Order that the Board rule separately on each of the requested variances. The Board has set June 14, 2010 to hear the Motion. A date will also likely be set in the near future for a hearing of the appeal of the Committee's decision.

RECOMMENDATIONS:

1. That Council authorize the City Solicitor and any relevant Staff to attend at all proceedings before the Ontario Municipal Board pertaining to 2 St. James Court and to hire any consultants required to uphold the decision of the Committee of Adjustment.

Sincerely,

Pam McConnell
Councillor, Ward 28 – Toronto Centre-Rosedale



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

File Number:	A0835/08TEY	Zoning	R3 Z1.0 (WAIVER)
Owner(s):	JOYCE ELAINE ROGERS	Ward:	Toronto Centre-Rosedale (28)
Agent:	NORMAN ROGERS		
Property Address:	2 ST JAMES CRT	Community:	
Legal Description:	CON 1 FB BLK 6 PT TWP LT16 PT PARK LT1 N/S OF WELLESLEY ST		

Notice was given and a Public Hearing was held on **Wednesday, June 17, 2009**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To alter the existing two-storey detached dwelling by constructing a rear and west side second floor addition that cantilevers over the proposed rear yard garden and the existing right-of-way. Further, to construct a roof top stair enclosure that leads to a proposed roof top garden.

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

- 1. Section 6(3) Part I 1, By-law 438-86**
The residential gross floor area shall not exceed 1.0 times the area of the lot (162.76 m²).
The altered dwelling will have a residential gross floor area equal to 1.168 times the area of the lot (190.16 m²).
- 2. Section 6(3) Part II 3(I), By-law 438-86**
The required side yard setback from adjacent dwellings where the side walls contain no openings is 0.9 m.
The altered dwelling will be located 0.00 m from the adjacent dwelling at No. 6 St. James.
- 3. Section II 3.B (I), By-law 438-86**
The required side yard setback where the side wall of a dwelling contains no opening is 0.45 m.
The altered dwelling will be located 0.33 m from the west side lot line and 0.00 m from the east side lot line.
- 4. Section 6(3) Part II 4, By-law 438-86**
The minimum required rear yard setback is 7.5 m.
In this case, the altered dwelling will be located 0.53 m from the rear lot line.

5. **Section 4(5)(B), By-law 438-86**
One parking space shall be provided.
In this case, no parking spaces will be provided.

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.

SIGNATURE PAGE

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Robert Brown (signed)

Gillian Burton (signed)

George Vasilopoulos
(signed)

Kay Gardner (signed)

DATE DECISION MAILED ON: Tuesday, June 23, 2009

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, July 7, 2009

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.