



*Karen Stintz*  
Councillor - Ward 16, Eglinton Lawrence

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Date: October 17, 2013

To: North York Community Council – City Clerk's Office – Secretariat

From: Councillor Karen Stintz

Subject: Request for City Solicitor to attend OMB Hearing for 478 Melrose Ave.

**SUMMARY:**

On July 4, 2013 the Committee of Adjustment unanimously refused an application to maintain and legalize the carport at the rear of the property. A previous Committee of Adjustment Decision File A0372/10NY approved variances for lot area, lot frontage and width, front yard setback, side yard setbacks and lot coverage of 41.5% where the maximum permitted is 30%.

Staff recommended that the Committee **refuse** this application because it does not respect and reinforce the neighbourhood.

The additional variances requested - File#A406/132NY on July 4, 2013 were:

1. Section 14-B(6), By-law No. 7625  
Proposed lot coverage of 57.89% of the lot area  
WHEREAS the maximum permitted lot coverage is 30% of the lot area;
2. Section 6(23)(a)(ii)(B), By-law No. 7625  
Proposed carport lot coverage of 16.39% of the lot area  
WHEREAS the maximum permitted carport lot coverage is 10%; and
3. Section 6(23)(a)(i)(E)(IV), By-law No. 7625  
Proposed west side yard setback of 0.16m  
WHEREAS the minimum required west side yard setback is 1.2m.

The Committee of Adjustment Refused the Minor Variance Application for the following reasons:

- The general intent and purpose of the Official Plan & 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.

On July 22, 2013 the Applicant appealed the Committee's decision to the Ontario Municipal Board. A hearing has not been scheduled as yet.

**RECOMMENDATION:**

1. That City Council authorize the City Solicitor and a City Planner attend the Ontario Municipal Board Hearing to uphold the Committee of Adjustment's decision.