



Karen Stintz
Councillor - Ward 16, Eglinton Lawrence

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 152 Glencairn Ave.

SUMMARY:

On July 4, 2013 the Committee of Adjustment unanimously refused an application (A204/13NY) to construct a new two-storey dwelling. The existing dwelling would be demolished.

The application to construct a new two storey dwelling was previously before the Committee of Adjustment on April 24, 2013 and was deferred to July 4, 2013. As detailed in the staff report, in July 2012 this property was subject to a Committee of Adjustment decision where variances were approved for a GFA of 0.47 times the lot area, a west side yard setback of 2m for the portion of the dwelling beyond 17m and an east side yard setback of 1.5m for the portion of the dwelling beyond 17m. That decision was appealed by the applicant to the Ontario Municipal Board where a settlement was reached and all three variances were upheld.

The current proposal is to permit a new two storey dwelling with a higher GFA and reduced setbacks. Staff continue to support the previous Committee approval for this site and subsequent OMB decision; that they were appropriate for this site and recommend a reduction in the proposed GFA and increase in the side yard setbacks should the Committee decide to approve the application.

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 23, 2013 the Applicant appealed the Committee's decision to the Ontario Municipal Board. A hearing has not been scheduled as yet for OMB #PL130898.

RECOMMENDATION:

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