TORONTO

MM23.13

MOTION WITHOUT NOTICE

Appeal of Committee of Adjustment Decision – 165 Parkhurst Boulevard

Moved by: **Councillor Parker**

Seconded by: **Councillor Jenkins**

SUMMARY:

A Committee of Adjustment hearing was held on March 12, 2008, in regard to File No. A0589/07NY, an application for variances from the provisions of the East York Zoning By-law 1916, as amended, for the property at 165 Parkhurst Boulevard. The variances are to permit the existing one-storey addition (porch enclosure) attached to the rear of the dwelling and to permit the construction of a second storey addition above the rear one-storey portion of the dwelling. The application sought a variance to permit a Floor Space Index of 0.6 times the area of the lot (247m2) where a maximum Floor Space Index of 0.45 times the area of the lot (185.2m2) is permitted, a variance to permit a dwelling length of 16.77m where a maximum dwelling length of 16.75m is permitted, and a variance to permit a dwelling height of 8.7m where a maximum dwelling height of 8.5m is permitted.

The Committee of Adjustment permitted the variances as requested for dwelling length and dwelling height, however, the Committee of Adjustment modified the requested Floor Space Index variance, approving 0.54 times the area of the lot (222.3m2) when the applicant sought 0.6. The applicant has appealed the modified variance for Floor Space Index to the Ontario Municipal Board and a hearing has been scheduled for August 7, 2008.

The proposed Floor Space Index of 0.6 represents an overdevelopment of the lot and does not meet the intent of Official Plan that requires compatibility with the physical character of the neighbourhood. City Planning staff support the decision of the Committee of Adjustment in not permitting the requested Floor Space Index of 0.6 times the area of the lot.

RECOMMENDATION:

1. That the City Solicitor and appropriate City staff be instructed to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision of the modification to the Floor Space Index of 0.54 times the lot area that has been appealed by the owner to the Ontario Municipal Board and opposing the Floor Space Index of 0.6 times the lot area (relating to Committee of Adjustment application A0589/07NY).

July 15, 2008
Attachments

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	*
Is before Council for debate	(v)
Chair agrees that the Motion Recommendations are **Urgent - OMB**	(v)

* Deputy City Manager and Chief Financial Officer to advise.