TORONTO

MM23.14

MOTION WITHOUT NOTICE

Appeal of Committee of Adjustment Decision – Application A0086/08NY; 453 Sutherland Drive

Moved by: **Councillor Parker**

Seconded by: **Councillor Jenkins**

SUMMARY:

The applicant proposes to construct a second floor addition to an existing one-storey dwelling and a one-storey addition to the rear of the dwelling. For that purpose, the applicant sought a variance for lot coverage of 35.3% (whereas 35% is permitted) and a variance for a floor space index of 0.67 times lot area (whereas 0.45 times lot area is permitted).

At the Committee of Adjustment hearing on March 26, 2008, the applicant withdrew the lot coverage variance and slightly reduced the proposed floor space index variance. The Committee of Adjustment further reduced and then granted a minor variance to permit a floor space index of 0.55 times lot area, upon certain conditions required by Urban Forestry staff.

The applicant has appealed the Committee's decision as it relates to the floor space index variance. It is recommended that the City oppose the appeal. The applicant's proposed floor space index represents an inappropriate over-development of the property. However, the applicant has indicated to the City Solicitor that it is prepared to accept a floor space index of 0.59 times lot area. That amount is the same as has been granted for the adjacent property to the south. In addition, the applicant will address concerns raised by the neighbour to the north by eliminating a second floor walk-out balcony proposed to face north.

This matter must be considered on an urgent basis, because the Ontario Municipal Board hearing is scheduled for August 18, 2008.

RECOMMENDATIONS:

1. That the City Solicitor be authorized to engage an external planning consultant and to attend the Ontario Municipal Board hearing to contest the proposed minor variance, together with such City staff as may be required to support the conditions required by Urban Forestry.

2. That the City Solicitor be authorized not to oppose the minor variance, provided it is reduced to 0.59 times lot area, and provided the conditions required by Urban Forestry are imposed on the minor variance together with a condition that there shall not be a walk-out balcony installed on the north wall of the proposed second floor.

July 15, 2008

Attachment

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.