

NOTICE OF MOTION**Appeal of Committee of Adjustment Decision and Legal and Planning Staff's attendance at the Ontario Municipal Board – 1 St. Edmund's Drive, A0715/08NY**

Moved by: Councillor Jenkins



SUMMARY:

This Motion seeks Council approval to send Legal and Planning staff to the OMB to uphold the refusal recommendation of Planning staff and the refusal decision of Committee Of Adjustment – North Panel.

An application to the Committee of Adjustment, North York Panel, to permit the construction of a **two-storey addition to an existing three-car detached garage and a second storey above which would include a games room on the second floor, a bathroom and a walk-in closet on the main level, was refused by the Committee on December 17, 2008.**

The owner (through his architect) sought variances for: 1) GFA of the detached garage equal to 11 % of the lot area whereas a maximum GFA of an accessory structure equal to 5% of the lot area is permitted; 2) Existing and proposed rear yard setback of the detached garage of 2.04 m whereas a minimum setback of 3 m is required (This variance was found not required at the hearing); 3) existing and proposed north side yard setback of the detached garage of 1.4 m whereas a minimum setback of 3 m is required; 4) proposed garage is two-storey whereas a garage is required to be one-storey; 5) proposed garage height of 7.49 m whereas a maximum garage height of 4 m is permitted.

This proposal requires variances that are not respecting development in established Neighbourhoods with respect to heights, massing and dwelling type of nearby properties and prevailing patterns of rear and side yard setbacks as stated in the Official Plan, Chapter 4.1 Neighbourhoods, S5 c) and f).

With the extraordinary amount of second floor space in the garage, there is nothing that would prevent the applicant from using this as a second dwelling on one residential lot, contrary to the intent of the Zoning By-law. This application does not meet the four tests for a minor variance.

Planning staff did not support the application.

The applicant has appealed the refusal decision to the Ontario Municipal Board. No hearing date has been scheduled.

As the Councillor representing this community I request Council authorize the City Solicitor and City Planning staff to attend the Ontario Municipal Board Hearing **to uphold the decision of the Committee of Adjustment.**

RECOMMENDATIONS:

That Council authorize the City Solicitor and City Planning staff to attend the Ontario Municipal Board Hearing to uphold the decision of the Committee of Adjustment.

Date: January 13, 2008