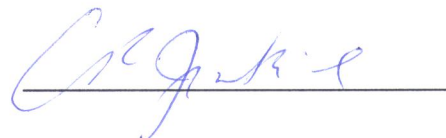


MOTION**Appeal of Committee of Adjustment Decision and Request for City Legal Staff attendance and Planning assistance at the OMB
A0027/10NY – 12 DAWLISH AVENUE****Moved by: Councillor Jenkins****SUMMARY:**

An application to the Committee of Adjustment, North York Panel, to permit the construction of a new two-storey detached dwelling, was **REFUSED** by the committee on March 17, 2010. The owner sought variances for Gross Floor Area of 0.62 times the area of the lot, whereas a maximum of 0.35 times the area of the lot is permitted; and an east side lot line setback of 0.54 metres, whereas a minimum of 0.9 metres is required for the portion of the building not exceeding 17 metres in depth and where the side wall contains openings.

The owner has appealed the Committee decision to the Ontario Municipal Board and a hearing is scheduled for June 8, 2010.

A City Planning Staff Report recommended conditional approval stating that: “the proposed gross floor area be reduced to be more in keeping with the character of the neighbourhood, and with the previous Committee decisions”, and “the proposed gross floor area is considered atypical and excessive for this neighbourhood, the intent of the Official Plan and the Zoning By-law is not met”.

The City’s new Official Plan speaks directly to this issue in **Policy 4.1.5** which states:

“Development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood.”

As the local Councillor I request Council authorize the City Solicitor and outside Planning staff, if required, to attend the Ontario Municipal Board Hearing **to uphold the decision of the Committee of Adjustment.**

RECOMMENDATIONS:

That Council authorize the City Solicitor to attend the Ontario Municipal Board Hearing with the assistance of outside planners, if required, to uphold the decision of the Committee of Adjustment.

May 25, 2010

CITY OF TORONTO
CLIFF JENKINS
5100 YONGE ST
TORONTO ON M2N 5V7

Wednesday, March 17, 2010

**NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)**

| | | | |
|--------------------|-----------------------|------------|----------------------|
| File Number: | A0027/10NY | Zoning | R1 Z0.35 |
| Owner(s): | THOMAS KITSOS | Ward: | Don Valley West (25) |
| Agent: | G. DUFF RYAN | | |
| Property Address: | 12 DAWLISH AVE | Community: | Toronto |
| Legal Description: | PL 1485 PT LT2 | | |

Notice was given and a Public Hearing was held on Wednesday, March 17, 2010, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

This is an application to permit the construction of a two storey dwelling. The existing dwelling would be demolished.

NOTE: The property was previously subject to minor variance application (A0573/07NY) for a second storey addition above the existing one storey portion of the dwelling at the rear and south side. The application was considered by the Committee of Adjustment on October 10, 2007 and approved for a front yard setback of 5.9metres to the proposed front porch, south side yard setback of 0.75metres to the existing dwelling and proposed addition, south side yard setback of 0.75metres to the rear 1.2metres portion of the dwelling exceeding 17metres in length, rear yard setback of 5.4metres, front porch projection of 3.4metres, projection along the north elevation beyond the dwelling of 1.2metres, and gross floor area of 0.43 times the area of the lot.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

1. Proposed gross floor area of 283.4m² (0.62 x the area of the lot)
WHEREAS a maximum of 160.2m² (0.35 x the area of the lot) is permitted; and
2. Proposed east side lot line setback of 0.54m
WHEREAS a minimum of 0.9m is required for the portion of the building not exceeding 17m in depth and where the side wall contains openings.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**The Minor Variance Application is Refused**

It is the decision of the Committee of Adjustment to **NOT** approve this variance application for the following reasons:

- The general intent and purpose of the Official Plan is not maintained.

- The general intent and purpose of the 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.

