Colque e



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 Planning Division Gary Wright, Chief Planner and Executive Director

CITY OF TORONTO **CLIFF JENKINS** 5100 YONGE ST TORONTO ON M2N 5V7 North York Civic Centre 5100 Yonge Street Toronto, Onatrio M2N 5V7 Phone: (416)395-7132 Fax: (416)395-7200

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 0.75 metres to the rear 1.2 metres portion of the dwelling exceeding 17 metres 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:

- Proposed gross floor area of 283.4m² (0.62 x the area of the lot) 1. WHEREAS a maximum of 160.2m² (0.35 x the area of the lot) is permitted; and
- Proposed east side lot line setback of 0.54m 2. 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.

Page 1 Decision Notice - MV.doc

- 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.

SIGNATURE PAGE

File Number:

A0027/10NY

Owner:

THOMAS KITSOS

Agent:

G. DUFF RYAN

Property Address: Legal Description: 12 DAWLISH AVE

PL 1485 PT LT2

Zoning

R1 Z0.35

Ward:

Don Valley West (25)

Community:

Toronto

David Gurin (signed)

Donald Di Prospero

(signed)

Ronald Forbes (signed)

DATE DECISION MAILED ON: Thursday, March 25, 2010

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, April 6, 2010

CERTIFIED TRUE COPY

Denise Rundle (signed) Manager & Deputy Secretary Treasurer North York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$125.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at www.omb.gov.on.ca.