To: NORTH YORK COMMUNITY COUNCIL
From: COUNCILLOR JAYE ROBINSON
Date: February 16, 2011
SUBJECT: 35 Hemford Crescent – Ontario Municipal Board Hearing

Summary:

The property was the subject of a previous Committee of Adjustment application for the construction of a new one storey dwelling and an accessory structure. Variances were requested and approved for lot coverage of 35% (267.23m²) including the accessory structure, a building length of 18.93m and an accessory structure height of 4.5m. The dwelling is now under construction by permit 2010 188634, issued on September 3, 2010. The dwelling has not been constructed in accordance with the Building Permit Plans. On December 8, 2010, the North York panel of the Committee of Adjustment refused a variance application regarding 35 Hemford Crescent to permit the one storey dwelling and detached accessory structure presently under constructed to be maintained and completed as constructed.

The applicant appealed the Committee of Adjustment decision to the Ontario Municipal Board.

This request is made to authorize the City Solicitor and an Outside Planner to attend before the Ontario Municipal Board.

Recommendations:

1. That City Council authorizes the City Solicitor, Outside Planner and any relevant Staff to attend all proceedings before the Ontario Municipal Board pertaining to the appeal of the Committee of Adjustment decision with respect to 35 Hemford Crescent to uphold the decision of refusal by the Committee of Adjustment.
NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)

File Number: A0675/10NY
Zoning: R3 - Single Family Detached Dwelling Zone; RD - Residential Dwelling Zone (PPR)
Owner(s): CHERYL JOAQUIM
Ward: Don Valley West (25)
Agent: ARTY JOAQUIN
Community: North York
Property Address: 35 HEMFORD CRES
Legal Description: PLAN 4332 LOT 378

Notice was given and a Public Hearing was held on Wednesday, December 8, 2010, as required by the Planning Act.

PURPOSE OF THE APPLICATION:
This is an application to permit the one storey dwelling and detached accessory structure presently under constructed to be maintained and completed as constructed.

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

North York By-law 7625

1. Lot coverage of 35.04% (269.02m²) including the accessory structure
   WHEREAS a maximum lot coverage of 25% (191.94m²) is permitted;

2. Building length of 19.23m
   WHEREAS a maximum building length of 16.8m is permitted;

3. South side yard setback of 1.2m
   WHEREAS a minimum setback of 1.8m is required.

City of Toronto By-law 1156-2010

4. Lot coverage of 36.29% (278.6m²) including the dwelling, accessory structure, the front and rear porches and the basement walk out area
   WHEREAS a maximum lot coverage of 25% (191.94m²) is permitted;

5. Front yard setback of 5.25m
   WHEREAS a minimum setback of 11.45m is required;
6. Building length of 20.53m
   WHEREAS a maximum building length of 17m is permitted;

7. Building depth of 20.53m
   WHEREAS a maximum building depth of 19m is permitted;

8. South side yard setback of 1.2m
   WHEREAS a minimum setback of 1.8m is required;

9. Rear yard setback of 1.69m to the accessory structure (overhang)
   WHEREAS a minimum setback of 1.91m (half of the height) is required; and

10. North yard setback of 0.5m to the accessory structure (overhang)
    WHEREAS a minimum setback of 1.91m (half of the height) is required.

*NOTE - The property was the subject of a previous Committee of Adjustment application A0041/10NY, for the
construction of a new one storey dwelling and an accessory structure. Variances were requested and approved for a
lot coverage of 35% (267.23m²) including the accessory structure, a building length of 18.93m and an accessory
structure height of 4.5m. The dwelling is now under construction by permit 2010 188634, issued on September 3,
2010. The dwelling has not been constructed in accordance with the Building Permit Plans. It was originally
proposed on the Permit plans to have an integral garage along the south side of the dwelling. The applicant is
proposing to provide habitable space within this area, resulting the increased requirement for the side yard setback.
The required parking would be located on the existing driveway.

The dwelling has a lot coverage of 31.44% (241.34m²) and the accessory structure has a lot coverage of 3.6%
(27.686m²).

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.
SIGNATURE PAGE

File Number: A0675/10NY

Owner: CHERYL JOAQUIM
Agent: ARTY JOAQUIN
Property Address: 35 HEMFORD CRES
Legal Description: PLAN 4332 LOT 378

Zoning: R5 - Single Family Detached Dwelling Zone; RD - Residential Dwelling Zone (PPR)
Ward: Don Valley West (25)
Community: North York

Isaac Lallouz (signed)  Jason Tsang (Signed)  Donna McCormick (signed)

Donald Di Prospero (signed)

DATE DECISION MAILED ON: Thursday, December 16, 2010
LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, December 28, 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.
NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)

File Number: A0041/10NY
Owner(s): CHERYL JOAQUIN
Agent: ARTY JOAQUIN
Property Address: 35 HEMFORD CRES
Legal Description: PLAN 4332 LOT 378

Zoning: R5 - PAL.
Ward: Don Valley West (25)
Community: North York

Notice was given and a Public Hearing was held on Wednesday, April 14, 2010, as required by the Planning Act.

PURPOSE OF THE APPLICATION:
This is an application to permit the construction of a new one storey dwelling. Also proposed is the construction of an accessory structure at the rear of the property. The existing dwelling would be demolished.

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

1. Proposed lot coverage of 35% (267.23m²) for the proposed one storey dwelling and the accessory structure at the rear of the property.
   WHEREAS a maximum of 25% (190.88m²) is permitted;

2. Proposed building length of 18.93m
   WHEREAS a maximum of 16.8m is permitted; and

3. Proposed accessory structure height of 4.5m
   WHEREAS a maximum of 3.7m is permitted.

Note: The proposed dwelling would have a lot coverage of 31.12% (237.6m²), and the proposed accessory structure at the rear of the property would have a lot coverage of 3.15% (24.1m²).

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance Application is Approved on Condition

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.
This decision is subject to the following condition(s):

1. The owner shall satisfy the City of Toronto Municipal Code Chapter 813, Article III, with respect to privately owned trees, to the satisfaction of the Urban Forestry Division.

2. Where no street tree exists, the owner shall provide payment in an amount to cover the cost of planting a street tree abutting the site to the satisfaction of the General Manager of Parks, Forestry and Recreation.