John Filion

Toronto City Councillor – Ward 23, Willowdale

Date: **April 16, 2012**

To: North York Community Council –City Clerk's Office-Secretariat

From: Councillor John Filion

Subject: **Representation at an Ontario Municipal Board Hearing for 325 Hillcrest Ave**

SUMMARY:

An application for Minor Variances was submitted by Peter Higgins, on behalf of Arosha Amoozandeh and Hamed Hosseini, to permit the construction of a new two-storey dwelling at 325 Hillcrest Ave.

The dimensions of the lot are 50 feet wide by 131 feet and 6 inches deep, so it should have been no hardship for the applicant to comply fully with the City's bylaws. They requested a total of four variances for lot coverage, east and west side yard setbacks and an additional west side yard setback for a one storey extension. At its meeting of April 11th 2012, the Committee granted all four variances, including lot coverage of 32.7%.

Although precedents have been established for lot coverage of 32%, particularly on lots which are smaller than the subject site, few variances have been approved in excess of that amount. Most of these have been successfully appealed to the Ontario Municipal Board on the grounds that they are out of character with the neighbourhood and would set a precedent for continually higher lot coverage above the 30% allowed in the bylaw.

The 30% lot coverage has been in existence since before amalgamation, and has been reinforced in the new proposed harmonized zoning bylaw.

Full compliance with the bylaw would allow a home of 3,945 square feet. Lot coverage of 32% - to which the applicant refused to reduce the size – would allow a home of 4,208 square feet.

RECOMMENDATION:

1. That Council authorizes the City Solicitor to appeal the approval of the minor variances, and authorize the City Solicitor and an Outside Planner to attend the Ontario Municipal Board hearing in opposition to the Committee of Adjustment's approval of the minor variance with respect to the proposed lot coverage.

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