Date: October 10, 2012

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

From: Councillor John Filion

Subject: Representation at an Ontario Municipal Board hearing for 401 Kingsdale Ave.

SUMMARY:

In February 2012 the Toronto Building Division identified that the dwelling at 401 Kingsdale Avenue, which was nearing completion, had a west side yard setback, overall building height and a finished first floor height which did not meet the requirements of the site specific zoning bylaw, and issued an Order to Comply notice to the owner. As a result, applications for Minor Variance were submitted by Hossein Efkekhari, on behalf of Saul Besharat, to permit the dwelling under construction to be maintained and completed as constructed.

In their Staff Report dated June 21, City Planning Staff stated they were of the opinion that ‘the dwelling, as constructed, does not meet the intent of the Zoning Bylaw’. On July 4, 2012, the Committee of Adjustment refused the application on the grounds that it did not maintain the intent and purpose of the Official Plan or the Zoning Bylaws, the variances were not considered desirable for the appropriate development of the land, and, in the opinion of the Committee, the variances were not minor.

The property owner has appealed this decision to the Ontario Municipal Board.

RECOMMENDATIONS:

1. That Council authorize the City Solicitor and City Planning Staff to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment’s refusal of the variances.