John Filion

Toronto City Councillor – Ward 23, Willowdale

Date: **February 26, 2013**

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

From: Councillor John Filion

Subject: **Representation at an Ontario Municipal Board Hearing for 223 Burndale Avenue**

SUMMARY:

An application for Minor Variances was submitted by Nastaran Yadollahi, to permit the construction of a new two-storey dwelling at 223 Burndale Avenue.

At its meeting of January 9th 2013, the Committee granted all four variances, including variances for a proposed west side yard setback of 1.02 meters and a proposed finished first floor height of 1.8 meters.

Although reduced side yard setbacks are sometimes considered on smaller lots, a side yard setback of 1.02 meters is less than what has previously been approved for new developments in this area, and would risk setting a precedent that would change the character of the neighbourhood.

Precedents have been established for finished first floor heights above the allowed amount of 1.5 meters, particularly on lots where there is a significant height increase between the established grade (measured at the crown of the road and from where all height measurements are taken) and the actual foot of the house. However, this is not the case with the lot in question, where the height difference between established grade and the foot of the house appears to be only 0.30 meters, based on the front elevation provided by the applicant. A minimum of 8 steps would be required between the foot of the house and the entrance under the proposed design, well outside of the 6 or less steps typical of the character of the neighbourhood. Full compliance with the bylaw would allow for 6 steps leading from the foot of the house to the entrance. There also appears to be inconsistencies in the positioning of the entrance to the home on the front elevation provided, which, although it is marked as 1.8 meters above established grade, is drawn at approximately 1.4 meters above established grade. This gives the appearance of the entrance being lower on the building than the measurements and variance requested would allow. The appearance of the proposed home as depicted in the elevations provided by the applicant are vital in the decision making process of the Committee of Adjustment, the City Councillor and the residents who receive notice of the application.

RECOMMENDATION:

1. That Council authorizes the City Solicitor to appeal the approval of the minor variances, and authorize the City Solicitor to attend the Ontario Municipal Board hearing in opposition to the Committee of Adjustment's approval of the minor variance with respect to the finished first floor height.

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