Karen Stintz
Councillor - Ward 16, Eglinton Lawrence

Date: **April 9, 2013**

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

From: Councillor Karen Stintz

Subject: Request for City Solicitor to attend OMB hearing for 451 Old Orchard Grove

SUMMARY:
On September 12, 2012 File #A554/12NY was heard, the submission to permit the existing rear deck structure composed of an upper, middle and lower portion to be maintained as constructed.
Seven variances were submitted:

1. Existing rear decks projection of 15.06m (for the lower, middle and upper deck), whereas a maximum of 2.1 is permitted.
2. Existing rear deck width of 6.86m whereas a maximum of 4.88 is permitted.
3. Existing east side yard setback of 0.15m (for the middle deck) whereas a minimum of 1.2 is required.
4. Existing rear yard setback of 7.3m whereas a minimum of 9.5m is required.
5. Existing covered upper deck projection of 5.33m from the rear wall whereas a maximum of 2.15m is permitted.
6. Existing fence height of 4.27m whereas a maximum of 2.15m is permitted.
7. Existing rear deck area of 82.93m^2 whereas a maximum of 55.4m^2 is permitted.

Staff were of the opinion that the rear decks, as constructed, do not meet the intent of the Zoning By-law. The cumulative effect of the seven requested variances is an excessively large extension of living space in the rear yard. The Committee of Adjustment voted that the application be deferred sine die at the request of the applicant in order to allow staff an opportunity to circulate a new notice of hearing reflecting any revisions to the plans and corrections to the original notice of hearing.

On February 20, 2013 File #A554/12NY came back with two variances:

1. Existing rear upper, middle and lower decks project 15.05m from the rear wall
2. Existing rear most deck portion has a width of 5.79m

The Committee of Adjustment refused the application.

On March 8, 2013 the Applicant appealed the Committee decision to the Ontario Municipal Board. No date has been set for Case #PL130254.

RECOMMENDATIONS:

1. That City Council authorize the City Solicitor and a City Planner to attend the Ontario Municipal Board hearing to uphold the Committee of Adjustment's decision.

Sincerely,

Karen Stintz
City Councillor

Toronto City Hall, 2nd Floor, Suite B32 ● 100 Queen Street West ● Toronto, Ontario M5H 2N2
Telephone: 416-392-4090 ● Fax: 416-392-4129 ● Email: councillor_stintz@toronto.ca