Date: August 12, 2014

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

From: Councillor John Filion

Subject: Representation at an Ontario Municipal Board hearing for 144 Kingsdale Avenue.

SUMMARY:

Applications for Consent and Minor Variance were submitted by Rubinoff Design Group, on behalf of Xiuhua Guo, to permit the severance of the subject property into two residential building lots and the construction of a new two-storey dwelling on each of the proposed lots.

Severance of this lot had been sought previously in June 2005, and was refused by the Committee of Adjustment. It was then approved upon appeal by the Ontario Municipal Board in January 2006. However, this decision has since expired.

On June 25th, 2014, the Committee refused the consent application on the grounds that the proposed land division does not conform to the policies of the official plan, the suitability of the land for the purposes for which it was to be subdivided was not demonstrated, and the suitability of the dimensions and shapes of the proposed lots was not demonstrated. The associated variances were refused on the grounds that the general intent and purpose of the Official Plan and the Zoning By-law was not being maintained, 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.

In addition to creating two undersized lots, the application also requested a number of variances. This included reduced side yard setbacks and increased lot coverage, building height, finished first floor and main wall height. Changes to some of these variances were submitted to the Committee; however, as all the associated variances were refused, those changes are not binding.

Rubinoff Design Group, on behalf of Xiuhua Guo, has appealed the decision of the Committee to the Ontario Municipal Board.

RECOMMENDATIONS:

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