

**Date:** April 14, 2015

**To:** Scarborough Community Council –City Clerk's Office-Secretariat

**From:** Councillor Crawford

**Subject:** Representation at an Ontario Municipal Board Hearing for 13 and 15 Queensbury Avenue

**SUMMARY:**

Minor Variance Applications A045/15SC and A046/15SC were submitted by the owner of 13 Queensbury Avenue and 15 Queensbury Avenue, respectively, for the purpose of permitting the construction of a new detached dwelling on each of those two lots. The variances for 13 Queensbury Avenue proposed a coverage of 47.5% of the lot area, whereas the maximum permitted coverage is 33% of the lot area, and proposed a floor area of 0.869 times the lot area (202 square metres), whereas the maximum permitted floor area is the lesser of 0.6 times the lot area (139.97 square metres) or 204 square metres. The variances for 15 Queensbury Avenue proposed a coverage of 46% of the lot area, whereas the maximum permitted coverage is 33% of the lot area, and proposed a floor area 0.86 times the lot area (198.704 square metres), whereas the maximum permitted floor area is 0.6 times the lot area (139.24 square metres) or 204 square metres. A front yard setback variance was also proposed.

At its meeting held on March 18, 2015, the Committee of Adjustment refused the applications. The Committee of Adjustment decisions are attached. The owner has appealed the refusal to the Ontario Municipal Board. A hearing date has not yet been scheduled.

The variances refused by the Committee of Adjustment in March 2015, were the same variances refused by the Committee of Adjustment on November 20, 2014 under Applications A229/14SC and A230/14SC. The applicant failed to appeal the refusal within the appeal period and the identical applications were again considered by the Committee of Adjustment.

City Planning wrote to the Committee of Adjustment on the original applications recommending refusal as Planning was of the opinion that the applications would signal a new precedent for density and coverage that might be used to justify redevelopment proposals on the lots, gradually destabilizing the neighbourhood. Planning's Report, dated November 13, 2014 continues to be applicable to Applications A045/15SC and A046/15SC. A copy of the Report is attached.

The owner has submitted revised plans which reduce the proposed density and coverage for both 13 and 15 Queensbury Avenue. The reduction is satisfactory to City Planning.

This motion recommends that the City Solicitor and City Planning staff be directed to attend the Ontario Municipal Board hearing in this matter to secure through settlement the reduction in the density and coverage, and failing which, to oppose the variances requested under the applications.

## **RECOMMENDATIONS:**

1. That City Council authorize the City Solicitor and City Planning staff to attend at the Ontario Municipal Board hearing on the appeals of Variance Applications A045/15SC and A046/15SC, in respect of 13 and 15 Queensbury Avenue, to secure through settlement the reduction in density and coverage to the following:
  - 13 Queensbury Avenue
    - Floor area of 0.75x times the lot area (174 square metres)
    - Coverage of 41.4% of the area of the lot
  - 15 Queensbury Avenue
    - Floor area of 0.75 times the lot area (174 square metres)
    - Coverage of 41.7% of the area of the lot.
2. That any settlement approving the revised variances be subject to the City's standard Urban Forestry conditions;
3. In the event a settlement cannot be reached, City Council authorize the City Solicitor and City Planning staff to attend at the Ontario Municipal Board in support of the Committee of Adjustment's refusal of Variance Applications A045/15SC and A46/15SC.