

**ONTARIO MUNICIPAL BOARD HEARING
VARIANCE APPLICATION
LEONARDO & BETTY TIRONE
FILE: A225/02**

Recommendation

The Commissioner of Planning recommends:

THAT Council provide direction with respect to the City's position on an appeal of the Committee of Adjustment's refusal of Variance Application A225/02 (Leonardo & Betty Tirone).

Purpose

To seek Council direction with respect to the City's position at the Ontario Municipal Board (OMB) hearing scheduled for January 14, 2003.

Background - Analysis and Options

The site is located southwest of Teston Road, and Jane Street, south of America Avenue, being Lot 22R of Plan 65M-3268 (12 Madeira Avenue), in Lot 24, Concession 5, City of Vaughan. The lands are designated "Medium Density Residential/Commercial" by OPA #600, and zoned RV4(W/S) Residential Urban Village Zone Four by By-law 1-88.

On October 10, 2002, the Committee of Adjustment refused a variance to permit the maintenance of a wooden deck in the rear yard. The minimum rear and interior side yard setbacks to the deck are both 0.06m, rather than the required rear yard of 4.2m and side yard of 1.2m. At the hearing, the applicant submitted a petition of support with names of six neighbours, including the lot to the rear, but not the abutting lots to each side.

In the letter of appeal, the applicant has stated that the construction of the deck was the solution to the drainage problem in their rear yard, providing safety of their children. The applicant also indicates that the deck does not interfere with the drainage swales or water flow.

Conclusion

Staff was of the opinion the requested variance could not be considered minor and, as such, did not support Variance Application A225/02. The requested variances represent over a 99% reduction to the required setbacks, and not considered appropriate development of the lands. The matter is scheduled to proceed to the OMB on January 14, 2003, and Council's direction is requested.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

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Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

SUBJECT LANDS
12 MADEIRA AVENUE
LOT 22R, PLAN 65M-3268



Location Map

Part of Lot 24,
Concession 5

APPLICANT:
LEONARDO & BETTY TIRONE

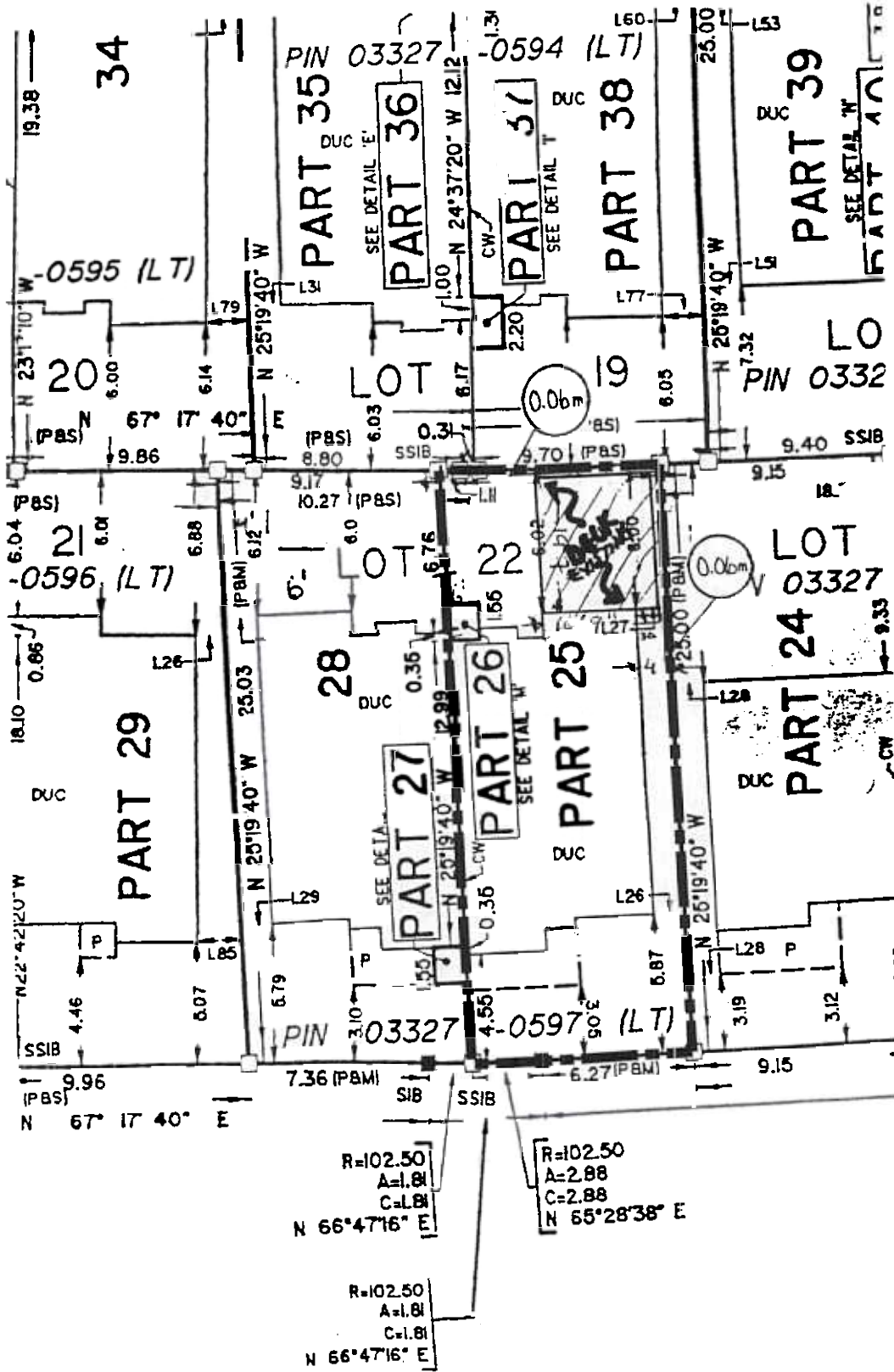
City of
Vaughan
Community Planning Department

Attachment

FILE No.:
A225/02

November 26, 2002
Not to Scale

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SUBJECT LANDS

Site Plan

Part of Lot 24,
Concession 5
APPLICANT:
LEONARDO & BETTY TIRONE

City of
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