

**ONTARIO MUNICIPAL BOARD HEARING
VARIANCE APPLICATION FILE A352/02
GERALD RIDGE**

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 A352/02 (Gerald Ridge).

Purpose

To seek Council direction with respect to Staff's attendance at the Ontario Municipal Board (OMB) hearing scheduled for January 13, 2003.

Background - Analysis and Options

The site is located southwest of Rutherford Road and Dufferin Street, south of Dufferin Hill Drive, being Lot 94 of Plan 65M-3334 (6 Freemont Street), in Lot 15, Concession 3, City of Vaughan. The lands are designated "Low Density Residential" by OPA #600, and zoned RV4 Residential Urban Village Zone Four by By-law 1-88, subject to Exception 9(1039).

On September 12, 2002, the Committee of Adjustment refused a variance to permit the maintenance of an unenclosed and uncovered wooden deck. The applicant requested the minimum interior side yard setback to the deck to be 0.0m rather than 0.6m.

During the Committee of Adjustment meeting, the applicant submitted a petition of support with names of ten surrounding neighbours. The abutting neighbour to the south (10 Freemont Street) appeared in opposition, expressing concerns related to lack of privacy with children looking over the fence and the potential danger of children climbing on top of the bench and fence.

In the letter of appeal, the applicant stated the side yard was reduced for safety reasons. The applicant feared her three small children could be hurt falling between the deck and the fence and be trapped under the deck if there was a setback between the deck and the fence. The letter states the applicant contacted the City three times and was not informed about the required side yard setback until the building permit was applied for, after the deck was constructed. The letter also states they are willing to install a screen above the fence height to address the privacy concerns expressed by the abutting neighbour.

Conclusion

Staff was of the opinion the requested variance could not be considered minor and as such, did not support Variance Application A352/02. The Community Planning Department cannot support a 0.0 m setback for a deck on a single residential lot. The matter is scheduled to proceed to the OMB on January 13, 2003, and Council's direction is requested.

Attachments

1. Location Map
2. Site Plan/Photo

Report prepared by:

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Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning
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JOANNE R. ARBOUR
Director of Community Planning



Location Map

Part of Lot 15,
Concession 3

APPLICANT:
GERALD RIDGE



Community Planning Department

Attachment

FILE No.:
A352/02

November 26, 2002
Not to Scale

1

DUFFERIN HILL DRIVE

(BY PLAN 65M- 3355)

(BY PLAN 65M-3334)

BLOCK 150
(0.30 RESERVE)
P.I.N. 03272-1006
PLAN 65M-3334

BLOCK 152
(STREET WIDENING)
P.I.N. 03272-1247

BLOCK 125 (STREET WIDENING)
P.I.N. 03272-0981

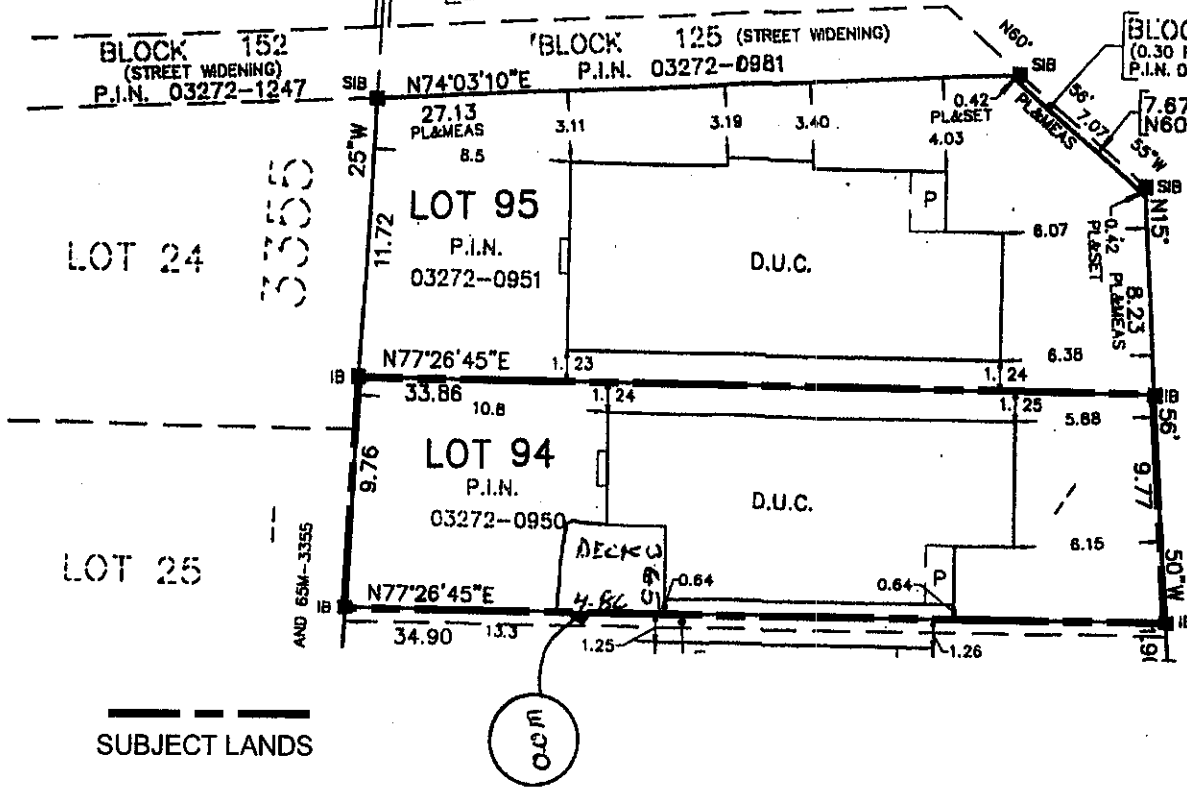
BLOCK 136
(0.30 RESERVE)
P.I.N. 03272-0992

LOT 24

LOT 25

3355

3334
FREEMONT ST.



SUBJECT LANDS



Site Plan

Part of Lot 15,
Concession 3

APPLICANT:
GERALD RIDGE



Community Planning Department

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Not to Scale

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