

**COMMITTEE OF THE WHOLE NOVEMBER 5, 2001**

**ONTARIO MUNICIPAL BOARD HEARING  
VARIANCE APPLICATION  
MICHELE LORUSSO  
FILE: A150/01**

**Recommendation**

The Commissioner of Planning recommends:

THAT Council provide direction with respect to the City's position on an appeal to the Committee of Adjustment's refusal of Variance Application A150/01 (Michele Lorusso).

**Purpose**

To obtain direction from Council with respect to Staff's attendance at the Ontario Municipal Board hearing scheduled for November 26, 2001.

**Background - Analysis and Options**

The site is located on the north side of Torii Street, northwest of Regional Road No. 7, and Aberdeen Avenue, being Lot 37, Registered Plan 65M-3056 (26 Torii Street) in Lot 6, Concession 6, City of Vaughan. The lands are designated "Low Density Residential" by OPA No.240 (Woodbridge Community Plan) and zoned R3 Residential Zone by By-law 1-88, subject to Exception 9(476).

On July 26, 2001, the Committee of Adjustment refused Variance Application A150/01 (Michele Lorusso), as an abuse of process. The Application was to permit the maintenance of a covered and unenclosed porch with a minimum rear yard of 5.03m from the end of the canopy, rather than the required 7.5m.

On February 22, 2001, the Committee of Adjustment heard Variance A39/01 which was submitted by the same Applicant for the same property. Application A39/01 requested a variance to both the front yard, which was approved, and the rear yard. The same 5.03m rear yard variance, which was not approved through A39/01 and was not appealed, is the subject of Application 150/01.

The at-grade concrete porch is covered by a sloping canopy roof. The canopy is attached to the rear wall of the dwelling and is made of clear glass panels. The walls of the porch are open, with the exception of the columns supporting the roof.

The Applicant appealed the decision to the Ontario Municipal Board (OMB) on the basis that the Committee erred in refusing the application on the grounds that it was an abuse of process.

**Conclusion**

The Community Planning Department supported the rear yard variance, since it is measured from the canopy roof, and the unenclosed nature of the structure minimizes any impact on neighbouring properties. This matter is scheduled to proceed to the OMB on November 26, 2001, and Council's direction is requested.

**Attachments**

1. Location Map
2. Site Plan

**Report prepared by:**

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Bianca M. V. Bielski, Manager, Development Planning, ext. 8485

Respectfully submitted,

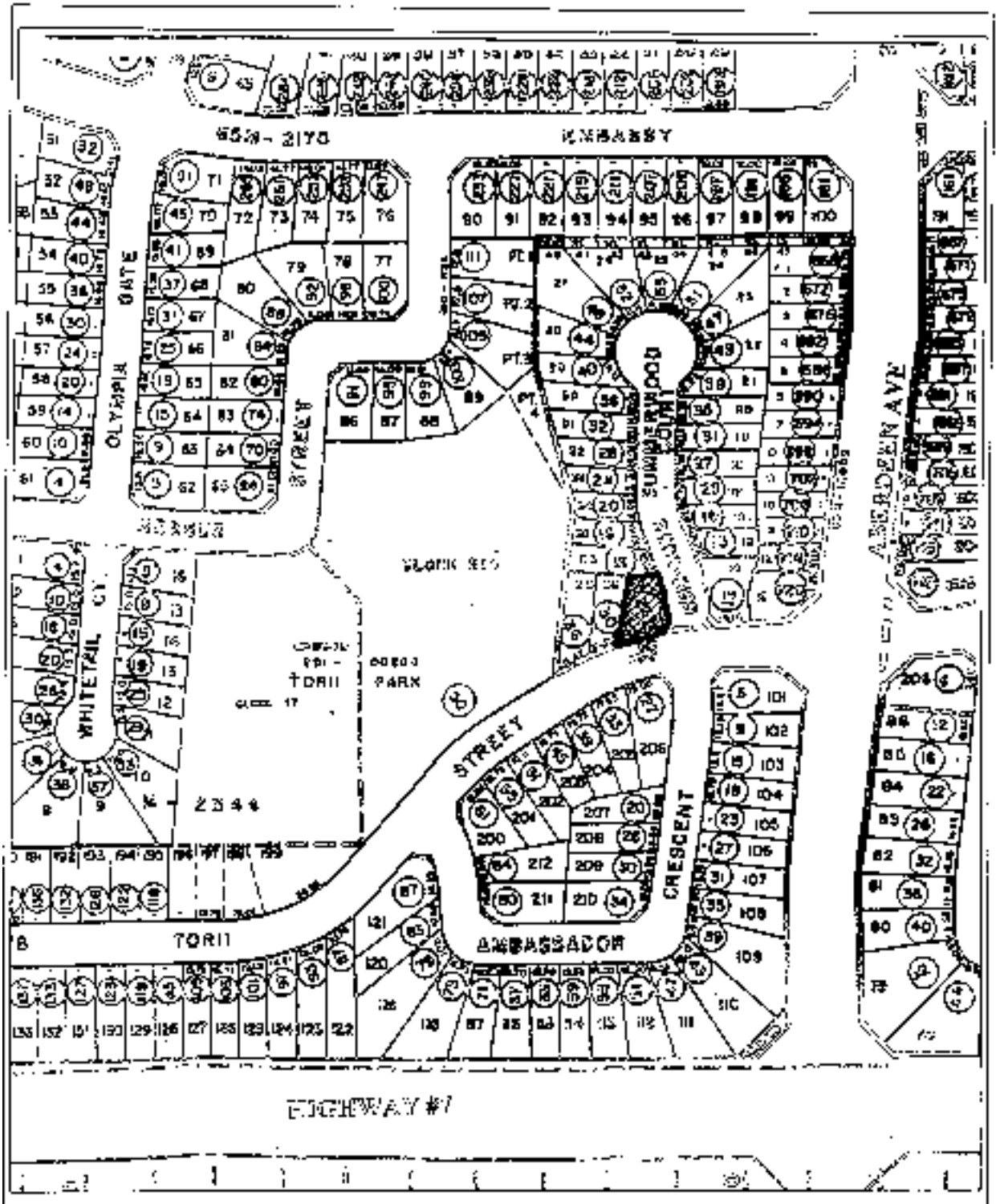
MICHAEL DeANGELIS  
Commissioner of Planning


JOANNE R. ARBOUR  
Director of Community Planning

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| ATTACHMENT '1'<br>LOCATION MAP | FILE #  | REPORT #              |  SUBJECT LOTS | DATE                                      |
|                                | ALSO/21 | WORK MAP (S) & COM. # |   | CITY OF WASHINGTON<br>PLANNING DEPARTMENT |
|                                |         |                       |   | DATE 10/22/2001<br>SCALE NOT TO SCALE     |

