

**ONTARIO MUNICIPAL BOARD HEARING
VARIANCE APPLICATION FILE A245/04
L. PAGLIA**

Recommendation

The Commissioner of Planning recommends that this report BE RECEIVED for information.

Purpose

To provide information concerning an appeal of the Committee of Adjustment's refusal of Variance Application A245/04, scheduled for an Ontario Municipal Board Hearing on January 10, 2005.

Background - Analysis and Options

The site is located (see Attachment #1) north of Nashville Road and west of Regional Road No. 27, on the south side of Forest Heights Boulevard (81 Forest Heights Boulevard), being Lot 9, Registered Plan 65M-2928. The lands are designated "Suburban Residential" by OPA #601 (Kleinburg-Nashville Community Plan), and zoned RR Rural Residential Zone by By-law 1-88, subject to Exception 9(741).

On August 19, 2004, the Committee of Adjustment refused to permit a variance to facilitate the construction of a one-storey detached dwelling with a proposed maximum lot coverage of 15.3% (see Attachment #2) whereas the by-law permits a maximum of 10%. The applicant (L. Paglia) did not apply for any other variances. The Development Planning Department did not support Variance Application A245/04, as the request would result in more than a 50% increase in lot coverage beyond the By-law maximum.

There have been other lot coverage variances granted in the subdivision, as follows (see Attachment #1) 13.3% for 111 Forest Heights Boulevard (A112/01), 11.4% for 87 Old Humber Crescent (A226/02) and 13.0% for 99 Old Humber Crescent (A34/03). It is further noted that the previous owner of the subject Lot 9 was granted a variance (A259/00) for 14.3% lot coverage on October 12, 2000, which was also not supported by the Development Planning Department. A building permit was applied for in 2000, but was not issued, and the variance lapsed.

At the August 2004 Committee of Adjustment meeting, the resident at 67 Forest Heights Boulevard (abutting to the east) appeared with concerns, and submitted a booklet with photographs illustrating the approximate locations of the proposed dwelling. Two letters were received by the Committee of Adjustment on August 19, 2004, from the residents at 67 and 97 Forest Heights Boulevard (abutting residents on the east and west sides). The letters objected to the lot coverage and the resulting effect of the rear elevation of the proposed dwelling being setback 5m further than the dwelling at 67 Forest Heights Boulevard and 20m further than the dwelling at 97 Forest Heights Boulevard. The letters further stated that the front elevation of the proposed dwelling would be in line with the rear elevation of the dwelling at 97 Forest Heights Boulevard.

The minutes of the Committee of Adjustment meeting indicated that no one was in attendance to represent the application. In the letter of appeal, the agent for the applicant stated that the Committee of Adjustment was only concerned with the adjacent owner's opinion that the proposed dwelling was setback too far to the rear. The objection letter offers that the proposed dwelling could be moved forward to meet the minimum front yard requirement of 15m in the RR Zone which would be in keeping with both abutting dwellings. The dwelling as currently proposed has a front yard of approximate by 20m to the garage and 30m to the main portion of the dwelling.

Relationship to Vaughan Vision 2007

This staff report is consistent with Vaughan Vision 2007, which encourages managed growth through the implementation of the Official Plan.

Conclusion

The Development Planning Department did not support Variance Application A245/04. The matter is scheduled to proceed to the OMB on January 10, 2005, and it is recommended that this report be received for information purposes.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

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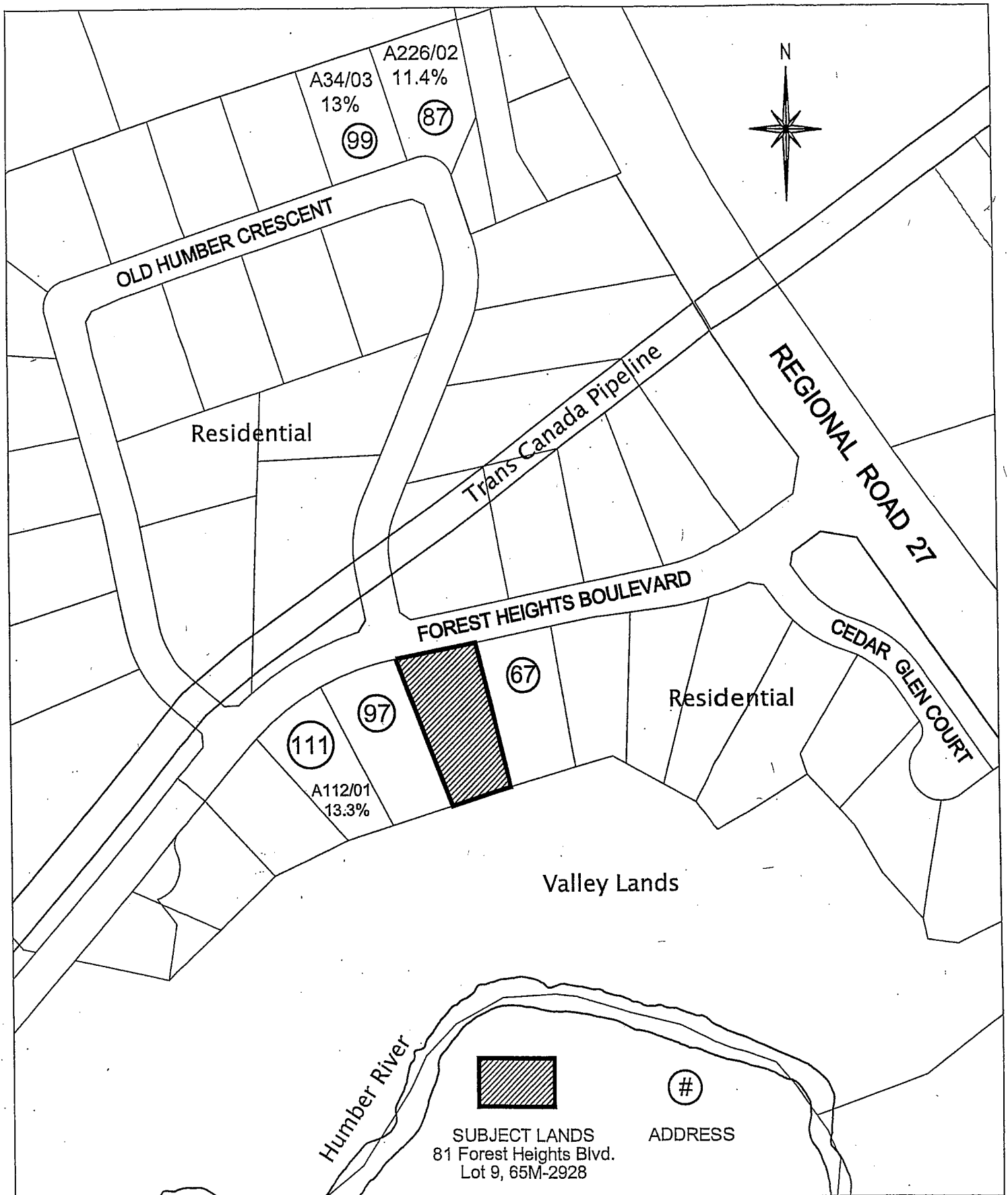
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

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Location Map

Part of Lots 26 & 27,
Concession 9

APPLICANT:
L. PAGLIA

H:\DFT\1 ATTACHMENTS\A\0245_04



Development Planning Department

Attachment

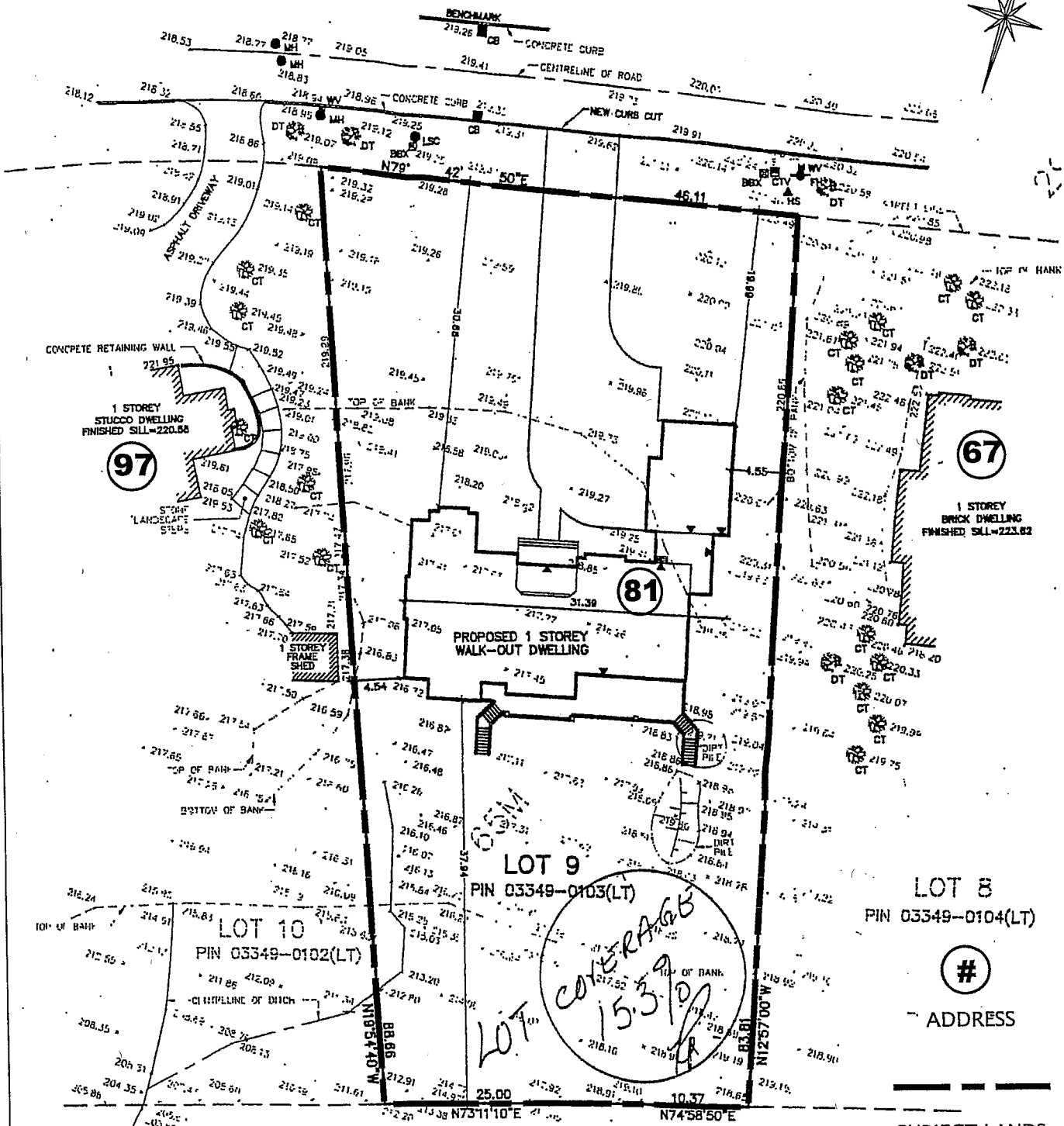
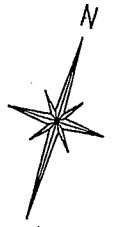
FILE No.:
A245/04

November 10, 2004

Not to Scale

1

FOREST HEIGHTS BOULEVARD
(BY PLAN 65M-2928)
PIN 03349-0090(LT)



97

67

81

LOT 9
PIN 03349-0103(LT)

LOT 8
PIN 03349-0104(LT)

LOT 10
PIN 03349-0102(LT)

ADDRESS

BLOCK 42
PIN 03349-0097(LT)

SUBJECT LANDS
81 Forest Heights Blvd.
Lot 9, Plan 65M-2928

Site Plan

Part of Lots 26 & 27,
Concession 9

APPLICANT:
L. PAGLIA



Development Planning Department

Attachment

FILE No.:
A245/04

November 10, 2004

Not to Scale

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