

COMMITTEE OF THE WHOLE MARCH 7, 2005

**ONTARIO MUNICIPAL BOARD HEARING
VARIANCE APPLICATION FILE A352/04
KRISHAN SHARMA**

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 A352/04, scheduled for an Ontario Municipal Board Hearing on March 29, 2005.

Background - Analysis and Options

The site is located northwest of Rutherford Road and Islington Avenue, at the northwest corner of Sonoma Boulevard and David Todd Avenue (200 Sonoma Boulevard) being Lot 227 on Registered Plan 65M-3274, in Part of Lot 17, Concession 8, City of Vaughan (Attachment #1). The lands are designated "Low Density Residential" by OPA #600, and zoned RV3 Residential Urban Village Zone Three by By-law 1-88, subject to Exception 9(988).

On December 2, 2004, the Committee of Adjustment refused Variance Application A352/04, to permit a westerly interior side yard of 0.35m, whereas the RV3 Zone required a minimum of 1.2m. The variance would have facilitated the maintenance of an exterior stairway leading to a basement entrance in the side yard (Attachment #2).

At the Committee of Adjustment meeting, the applicant's agent gave a brief submission regarding the request, and submitted photographs to the Committee showing the existing stairway. There was no one else in attendance either in support or in opposition to the requested variance. The Committee of Adjustment staff did not receive any letters of support or opposition to the variance application. The Engineering Department had no comments or conditions, and the Building Standards Department advised that there was an outstanding Order to Comply (04-291) for the construction of the exterior stairway without the required building permit having been issued.

The Committee of Adjustment was of the opinion that the variance sought was not minor nor desirable for the appropriate development and use of the land. The Committee also stated that the general intent and purpose of the By-law and the Official Plan would not be maintained.

In the letter of appeal to the Ontario Municipal Board (OMB) the applicant states that there were no persons, other than the Committee, that had opposed the application. The applicant also stated the neighbours, who were aware of his need for the application, were not present at the hearing nor did they pose any opposition to the application. The letter also stated that a neighbouring property recently received approval of a variance for a similar side entrance.

Relationship to Vaughan Vision 2007

This staff report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

Conclusion

The Development Planning Department had no objection to Variance Application A352/04, given that the proposed exterior stairs were open and not covered and provided sufficient setback to facilitate drainage in the side yard. The matter is scheduled to proceed to the OMB on March 29, 2005, and it is recommended that this report be received for information purposes.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

Glenn White, Planner, ext. 8213
Grant Uyeyama, Manager of Development Planning, ext. 8635

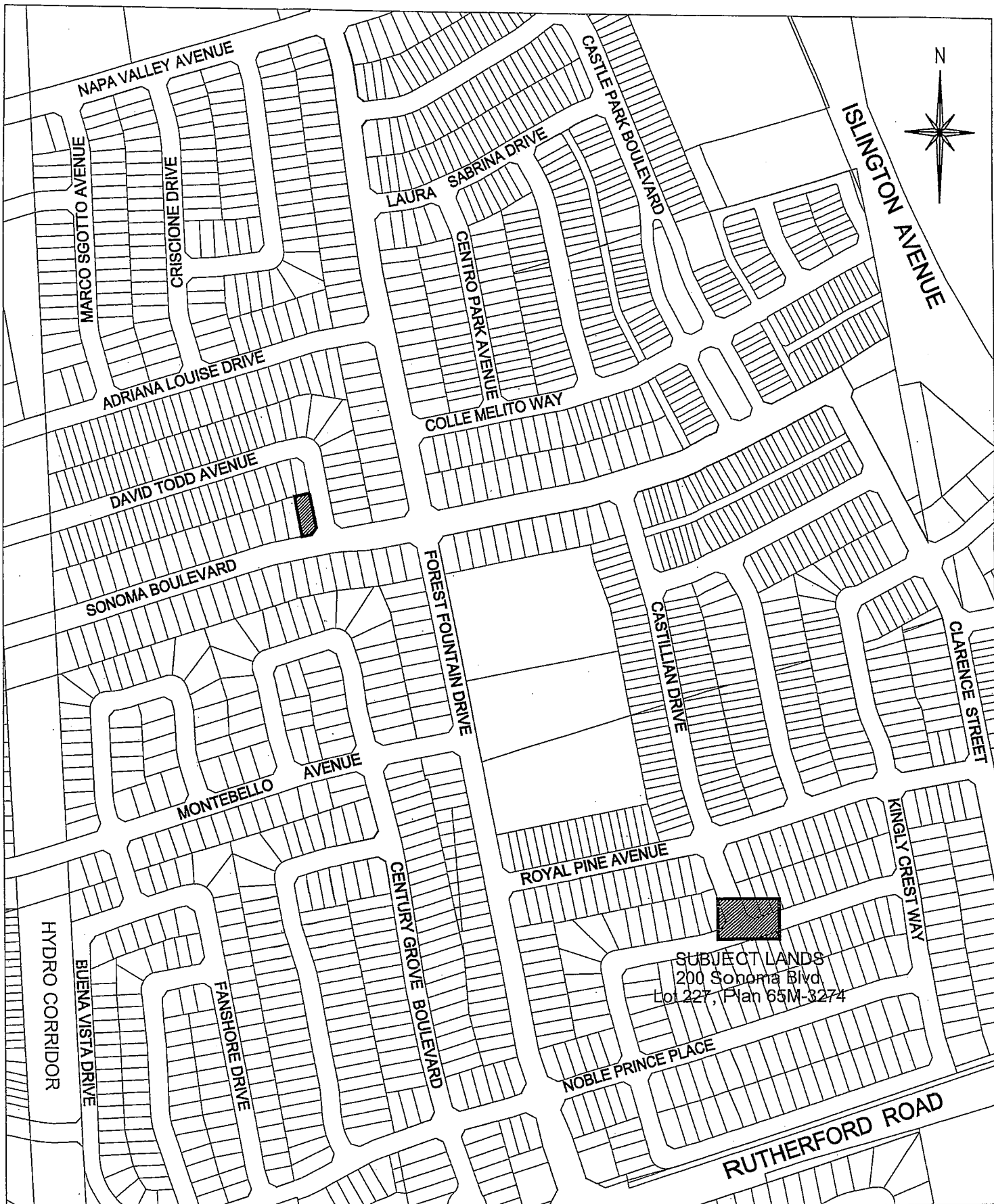
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/LG

R:\SERWORKING\WHITEGIOMBA35204.CW.dot



Location Map

Part of Lot 17,
Concession 8

APPLICANT:
KRISHAN SHARMA

H:\DPT\1 ATTACHMENTS\A\0352_04



Development Planning Department

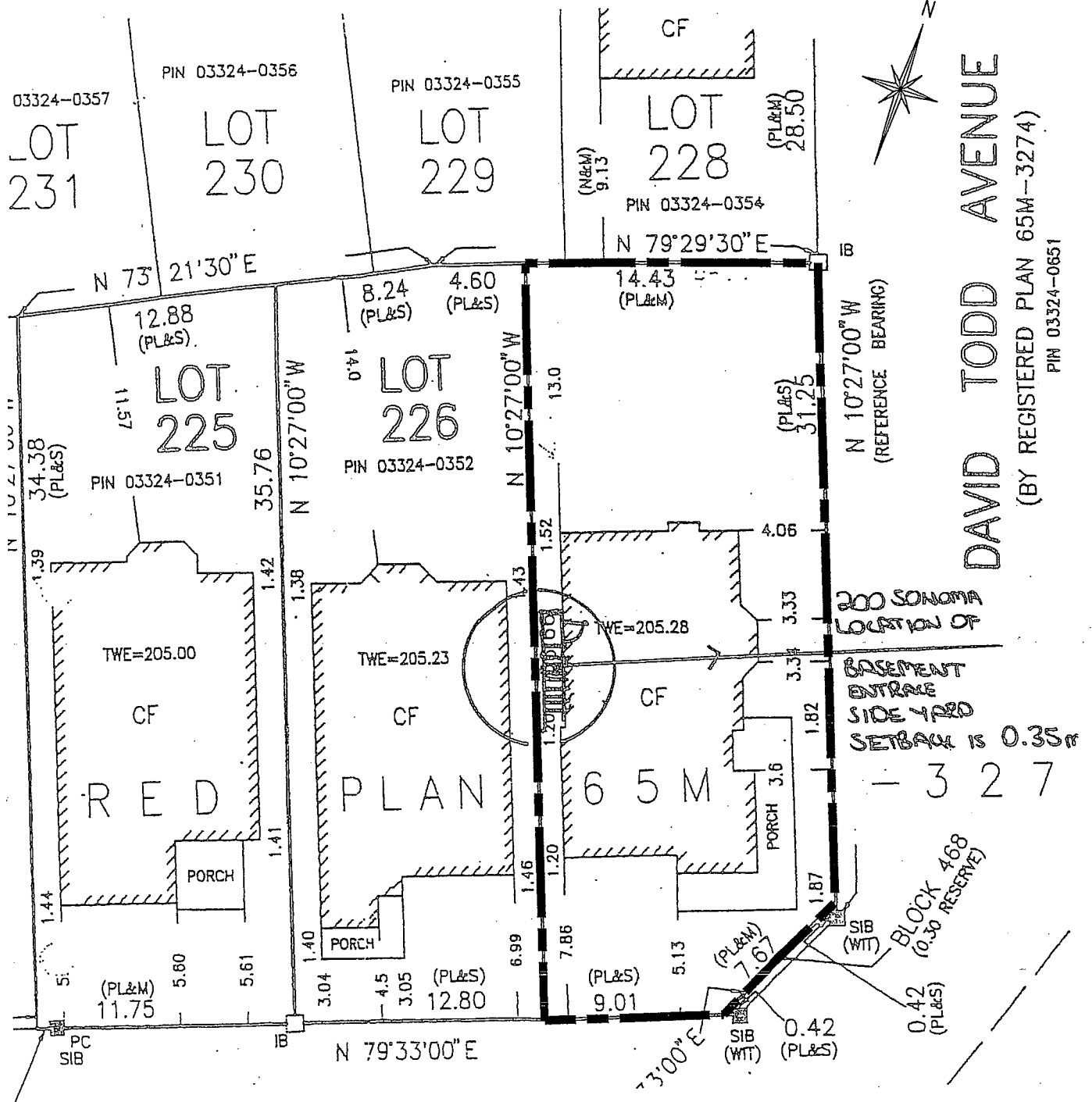
Attachment

FILE No.:
A352/04

February 18, 2005

Not to Scale





SONOMA BOULEVARD
 (BY REGISTERED PLAN 65M-3274)
 PIN 03324 - 0651

SUBJECT LANDS
 200 Sonoma Blvd.
 Lot 227, Plan 65M-3274

Site Plan

Part of Lot 17,
 Concession 8
 APPLICANT:
 KRISHAN SHARMA



Development Planning Department

Attachment

FILE No.:
 A352/04
 February 18, 2005
 Not to Scale

2