

ISSUE DATE:

Jun. 13, 2005

DECISION/ORDER NO:

1529



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL050280

Martha Wood & Judith Nyman have appealed to the Ontario Municipal Board under subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the Committee of Adjustment of the City of Toronto which granted an application by Erin & Jan Sorhaug numbered A-0049/05TEY for variance from the provisions of By-law 438-86, as amended, respecting 371 Palmerston Boulevard
OMB File No. V050155

APPEARANCES:

Parties

Erin and Jan Sorhaug

Agent

J. Khurana

MEMORANDUM OF ORAL DECISION DELIVERED BY N.C. JACKSON ON JUNE 08, 2005 AND ORDER OF THE BOARD

The Applicants seek to add a rear building addition to serve as a family room for their premises at 371 Palmerston Boulevard in the City of Toronto. They applied to the Committee of Adjustment for two variances:

1. To permit a total gross floor area of 286.76 square metres, some 11.6 square metres in excess of the permitted 275.16 square metres.
2. To permit a building depth of 17.69 metres which exceeds the permitted 17 metres by .69 metres.

The Committee granted the Application which was then appealed to this Board by the neighbours to the south, Martha Wood and Judith Nyman of 369 Palmerston Boulevard. The concern of the Appellants was overview into their rear yard.

The Parties and their planning consultants have met and resolved their concerns. Minutes of Settlement filed ask the Board to impose a condition as follows; any rooftop

deck above the proposed addition and to the rear of the existing second floor bedroom shall have a 4-foot high non-transparent privacy screen on the south facing side. The Applicants' Planning Consultant provides in his evidence the willingness to have this condition imposed on the basis to deal with privacy concerns expressed. The Appellants do not appear, but the Minutes of Settlement indicate a clear willingness to withdraw their objection if the condition is imposed.

Based upon planning evidence from Mr. Khurana, planner for the Applicants, the Board finds the revised Application for the two variances meets the four tests under the *Planning Act*. The Application conforms with the general intent of the residential housing provisions of the Official Plan and Zoning By-law 438-86 Zone R2Z.06 provisions. The Application is a desirable and appropriate form of development in the context of an older neighbourhood, in size and massing. With the condition sought, the impact will not be significant, and the relief sought is minor.

The Board permits the Application to be amended to reflect the condition as shown on the amended plans in Exhibit 6. The amendment is minor and no further notice is required pursuant to section 45(1)(18.1.1) of the *Planning Act*.

The Board allows the Appeal in part in order to impose the aforesaid condition respecting the four-foot non-transparent privacy screen. The Appeal is otherwise dismissed and the amended Application is authorized for the two variances.

This is the Order of the Board.

N.C. JACKSON
MEMBER