

Appeal of Committee of Adjustment Decisions

(City Council on December 14, 15 and 16, 1999, adopted this Clause, without amendment.)

The Etobicoke Community Council recommends the adoption of the following report (November 16, 1999) from the Executive Director and Chief Planner, subject to:

- (1) amending the Recommendation by striking out “980 Islington Avenue”; and**
- (2) adding the following new Recommendation No. (2):**
“(2) legal representation be provided for the appeal regarding 980 Islington Avenue; and the City Solicitor be authorized and directed to secure appropriate planning consultant services to represent the City of Toronto at the Ontario Municipal Board.”,

so that the Recommendation shall now read as follows:

“It is recommended that:

- (1) staff representation not be provided for the appeals regarding 209 Berry Road, 46 Racine Road, and 540 Evans Avenue; and**
- (2) legal representation be provided for the appeal regarding 980 Islington Avenue, and the City Solicitor be authorized and directed to secure appropriate planning consultant services to represent the City of Toronto at the Ontario Municipal Board.”:**

Purpose:

To advise Etobicoke Community Council of Committee of Adjustment Decisions which have been appealed to the Ontario Municipal Board and to recommend whether legal and staff representation is warranted.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendation:

It is recommended that staff representation not be provided for the appeals regarding 209 Berry Road, 46 Racine Road, 980 Islington Avenue and 540 Evans Avenue.

Background:

Four appeals of Committee of Adjustment decisions in the Etobicoke Community Council area relating to applications at 209 Berry Road, 46 Racine Road, 980 Islington Avenue and 540 Evans Avenue have been received from the Etobicoke Committee of Adjustment.

Comments:

The applications and appeals are summarized as follows:

- (1) Address: 209 Berry Road
Ward: Lakeshore-Queensway
Application No.: A-267/99ET
Applicant: Irene Holowachuk
Appellant: Irene Holowachuk
Date of Appeal: October 29, 1999
Hearing Date: To be determined by the OMB
Zoning: Second Density Residential (R2).

Application: The property has a lot frontage of 15.24 m (50 ft) and a lot area of 534.17 m² (5,750 sq ft). A one-storey detached dwelling with an attached single car garage and an attached shed currently occupies the property. The applicant is proposing to legalize and maintain the existing attached garage. The applicant requested the following two variances:

- (a) East side yard setback of .24 m to the attached shed whereas 0.9 m is required; and
(b) East side yard setback of 0.13 m to the eaves overhang of the attached shed whereas 0.4 m is required.

Decision of Committee of Adjustment: Refused

Comments: Staff have not identified any significant planning issues and do not recommend Legal and Planning Staff representation at the Ontario Municipal Board.

- (2) Address: 46 Racine Road
Ward: Rexdale-Thistletown
Application No.: A-266/99ET
Applicant: 1321311 Ontario Limited
Appellant: 1321311 Ontario Limited
Date of Appeal: November 2, 1999
Hearing Date: To be determined by the OMB
Zoning: Class 2 Industrial Zone (I.C2)

Application: The property at 46 Racine Road has a lot frontage of 21.34 m (70 ft) and an area of 1,301 m² (14,004 sq ft). The property is occupied by a 464.5 m²

(5,000 sq ft) one storey building which is used for automotive repairs. The applicant has constructed an overhead loading door in the front wall of the building without a building permit. The applicant requested the following variances:

- (a) a reduction in the minimum distance for a vehicle entrance from a lot line abutting a street from 16.5 metres to 7.78 metres;
- (b) the elimination of the required 4.5 metre landscaped strip along the front lot line;
- (c) to allow two parking spaces to be located within the required 4.5 metre setback from the street line; and
- (d) to permit a reduction in the number of required parking spaces from 14 to 12.

Planning staff's comments dated October 7, 1999, stated that there was no objection to the proposed variances provided that the front of the lot was landscaped to the satisfaction of the Director of Community Planning, West District. Works and Emergency Services comments dated October 12, 1999, indicated that they objected to the variances based on a lack of parking; however they have indicated that attendance before the Ontario Municipal Board is not warranted in this matter.

Decision of Committee of Adjustment: Refused

Comments: Staff have not identified any significant issues and do not recommend any representation at the Ontario Municipal Board.

- (3) Address: 980 Islington Avenue
- Ward: Lakeshore-Queensway
- Application No.: A219/99ET
- Applicant: 1139754 Ontario Limited
- Appellant: 1139754 Ontario Limited
- Hearing Date: To be determined by the OMB
- Zoning: Class 1 Industrial Zone (I.C1)

Application: The property is located on the northwest corner of Islington Avenue and Jutland Road. The property has a lot frontage of approximately 48.03 m (157.58 ft), a depth of approximately 53.34 m (175 ft), and a lot area of approximately 2672.02 m². The applicant is proposing to redevelop the site for a gasoline service station and a convenience store. The variance requested is to permit a convenience store in conjunction with a gasoline service station whereas no other use is permitted in conjunction with a gasoline service station and a convenience store is not considered as an

ancillary use to the service station. The proposed development is subject to site plan approval.

Decision of Committee of Adjustment: Refused

Comments: Staff have not identified any significant planning issues and do not recommend Legal and Planning Staff representation at the Ontario Municipal Board.

(4) Address: 540 Evans Avenue
Ward: Lakeshore-Queensway
Application No.: A263/99ET
Applicant: 1211107 Ontario Limited
Appellant: Elizabeth McLaughlin
Hearing Date: To be determined by the OMB
Zoning: Class 1 Industrial Zone (I.C1)

Application: The property is located on the north side of Evans Avenue between The East Mall and Bestobell Road. The property has a lot frontage of 51 m and a lot area of approximately 6970 m². The applicant is proposing to install a weather canopy over the existing pump island. The variance requested is to permit a front yard setback to the weather canopy of 3.4 m (at the closest point) whereas a 4.5 m setback is required.

Decision of Committee of Adjustment:

Granted, on the following conditions:

- (1) Prior to the issuance of a building permit, the applicant submit a front yard landscaping plan and an appropriate financial guarantee, to the satisfaction of the Urban Planning and Development Services Department, West District.
- (2) The applicant shall apply for and obtain a building permit from the Urban Planning and Development Services Department, West District, prior to the installation of the weather canopy over the existing pump islands, if required, and also shall comply with all current requirements and regulations of the Ontario Building Code Act.

Comments: Staff have not identified any significant planning issues and do not recommend Legal and Planning Staff representation at the Ontario Municipal Board.

Contact:

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