

Appeals of Committee of Adjustment Decisions

(City Council at its regular meeting held on October 3, 4 and 5, 2000, and its Special Meetings held on October 6, 2000, October 10 and 11, 2000, and October 12, 2000, adopted this Clause, without amendment.)

The Etobicoke Community Council recommends the adoption of the following reports (August 30, 2000 and September 13, 2000) from the Director, Community Planning, West District:

(August 30, 2000)

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 planning staff representation is warranted.

Financial Implications and Impact Statement :

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

Recommendations :

It is recommended that:

- (1) staff representation not be provided for the appeals of 49 Albright Avenue, 50 Jellicoe Avenue, 16 Woodford Park Road, 115 Lakeshore Drive, 1460 The Queensway, 23 and 25 Kingdom Street, 25 King George's Road, and 3975 Bloor Street West; and
- (2) Legal and Planning staff representation be provided for the appeal regarding 189 Delta Street.

Background :

Appeals of the Committee of Adjustment decisions in the Etobicoke Community Council area relating to the applications at: 49 Albright Avenue, 50 Jellicoe Avenue, 16 Woodford Park Road, 189 Delta Street, 115 Lakeshore Drive, 1460 The Queensway, 23 and 25 Kingdom Street, 25 King George's Road, and 3975 Bloor Street West, have been received from the Etobicoke Committee of Adjustment.

Comments :

The applications and appeals are summarized as follows:

(1) Address: 49 Albright Avenue
Ward: Lakeshore-Queensway
Application No.: A166/00ET
Applicant: Roman Koziol
Appellant: Geoff Camp
Date of Appeal: July 10, 2000
Hearing Date: To be determined by the OMB
Zoning: Third Density Residential (R3)
Official Plan: Low Density Residential

Application: This property is located at the south-west corner of Albright Avenue and Foch Avenue (west of Browns Line and south of Horner Avenue). The property has a frontage of 13.5 metres (44.3 feet) and a lot area of 514.35 square metres (5,536.6 square feet). The applicant is proposing to demolish the existing dwelling, construct a duplex dwelling with an attached single car garage and maintain an existing single car garage at the rear of the property. The applicant requested the following variances:

- (a) the existing detached garage will maintain a north side yard setback of 5.28 metres (17.32 feet) flanking Albright Avenue whereas the minimum required side yard setback for a garage door flanking a street is 6 metres (19.68 feet);
- (b) the detached garage is not permitted on a corner lot;
- (c) the lot frontage is 13.5 metres (44.29 feet) whereas the minimum required lot frontage for a duplex dwelling is 15 metres (49.21 feet);
- (d) the lot area is 514.35 square metres (5,536.6 square feet) whereas 557 square metres (5,995.69 square feet) is required; and
- (e) the proposed floor space index is 0.492 times the area of the lot and a gross floor area of 253 square metres (2,723.36 square feet) whereas 0.4 times the area of the lot or 205.74 square metres (2,214.64 square feet) is permitted.

Planning staff recommended that the applicant should consider demolishing the existing single car garage in the rear yard and construct an attached two-car garage in order to increase the amount of rear yard amenity space for the occupants of the proposed duplex dwelling.

Decision of Committee of Adjustment: Variances (a) and (b) were refused
Variances (c), (d) and (e) were approved
with conditions.

Comments: As staff comments were incorporated into the Committee of Adjustment's decision, staff do not recommend planning or legal staff representation at the Ontario Municipal Board.

(2) Address: 50 Jellicoe Avenue
Ward: Lakeshore-Queensway
Application No.: A174/00ET
Applicant: Maria Cianfrogna
Appellant: Maria Cianfrogna
Date of Appeal: July 11 2000
Hearing Date: To be determined by the OMB
Zoning: Third Density Residential (R3)
Official Plan: Low Density Residential

Application: This property is located one property removed from the north-west corner of Jellicoe Avenue and Foch Avenue (west of Browns Line and south of Horner Avenue). The property has a frontage of 13.41 metres (44 feet) and a lot area of 449.64 square metres (4,840 square feet). The applicant is proposing to demolish the existing dwelling and construct a two-storey duplex dwelling and a detached two-car garage at the rear of the property. The applicant requested the following variances:

- (a) The lot frontage is 13.41 metres (44 feet) whereas the minimum required lot frontage for a duplex dwelling is 15 metres (49.21 feet);
- (b) The lot area is 449.64 square metres (4,840 square feet) whereas 557 square metres (5,995.69 square feet) is required;
- (c) The duplex dwelling will be located 4.6 metres (15.09 feet.) from the front lot line whereas a minimum of 6.34 metres (20.8 feet) is required;
- (d) The proposed floor space index is 0.492 times the area of the lot and a gross floor area of 221.21 square metres (2,381.16 square feet) whereas 0.4 times the area of the lot or 179.85 square metres (1,935.95 square feet) is permitted; and,
- (e) The cellar of the duplex dwelling will be 1.07 metres (3.51 feet) above finished grade whereas no cellar shall exceed 1 metre (3.28 feet) above finished grade.

Decision of Committee of Adjustment: Refused

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

- (3) Address: 16 Woodford Park Road
Ward: Lakeshore-Queensway
Application No.: A165/00ET
Applicant: Antonio Vivas and Ana Vivas
Appellant: Angela Spedaliere, Miroslav Cosovic and Vojka Cosovic
Date of Appeal: June 27, 2000
Hearing Date: To be determined by the OMB
Zoning: Second Density Residential (R2)
Official Plan: Low Density Residential

Application: This property is located north of The Queensway, west of Mimico Creek, on the west side of Woodford Park Road. The property has a frontage of 12.19 metres (40 feet) and a lot area of 442.2 square metres (4,760 square feet). The applicant is proposing to construct a second storey addition, with a carport below, along the north side wall of the dwelling. The applicant requested the following variance:

- (a) The north side yard setback is 0.67 metres (2.2 feet) and the aggregate width of the side yards is 1.38 metres (4.53 feet), whereas the minimum required side yard setback is 0.9 metres (2.95 feet) and the aggregate width of the side yards shall not equal less than 2.1 metres (6.89 feet).

Decision of Committee of Adjustment: Approved with conditions

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

- (4) Address: 189 Delta Street
Ward: Lakeshore-Queensway
Application No.: A161/00ET
Applicant: Irene Direkoglu and Tungay Direkoglu
Appellant: Irene Direkoglu and Tungay Direkoglu
Date of Appeal: June 28, 2000
Hearing Date: To be determined by the OMB
Zoning: Third Density Residential (R3)
Official Plan: Low Density Residential

Application: This property is located south of Evans Avenue, on the west side of Delta Street. The property has a frontage of 8.28 metres (27.17 feet) and a lot area of 321.65 square metres (3,462.4 square feet). The applicant is

proposing to legalize and to maintain the three-residential dwelling units in the semi-detached dwelling and other related alterations made to the building and property. The applicant requested the following variances:

- (a) The existing building does not comply with the definition of a semi-detached dwelling as it contains accessory units, which are not permitted. A semi-detached dwelling, which is defined as a building containing two dwelling units that are located side-by-side, is a permitted use;
- (b) One parking space is located within the garage and two parking spaces are located on the driveway, whereas three on-site parking spaces that comply with the parking standards are required;
- (c) The existing driveway covers 100 percent of the front yard and has a width of 7.8 metres (25.5 feet) measured at the street line, whereas a maximum permitted coverage for a driveway is 40 percent of the front yard; and the maximum permitted width of a driveway at the street line is 6 metres (19.69 feet);
- (d) The side entrance to the bachelor apartment in the basement of the dwelling is located 0.2 metres (8 inches) from the north side lot line, whereas the minimum required side yard setback for chimney breasts, steps, eaves or any other projection from the main side wall is 0.4 metres (1.31 feet);
- (e) The front porch projects 1.66 metres (5.44 feet.) into the required front yard, whereas a porch is permitted to encroach a maximum of 1.6 metres (5.25 feet.) into the required front yard;
- (f) The front porch entrance is located 0.2 metres (8 inches) from the north side lot line, whereas a minimum required side yard setback is 0.9 metres (3 feet);
- (g) The proposed floor space index is 0.71 times the area of the lot and a gross floor area of 230.95 square metres (2,486 square feet) whereas 0.4 times the area of the lot or 128.44 square metres (1,382.13 square feet) is permitted; and
- (h) The altered dwelling covers 36.2 percent or 116.26 square metres (1,251.45 square feet) whereas the maximum permitted coverage for the dwelling is 33 percent or 105.96 square metres (1,140.5 square feet).

Planning staff advised that the Committee of Adjustment that City Council approved a city-wide by-law, which would permit second suites within

semi-detached dwelling. The final by-law was approved by Order of the Ontario Municipal Board in July of 2000. Staff indicated that the amount of front yard open space resulting from the variances to parking and driveway coverage is inadequate and the addition of a third suite is inappropriate. Planning Staff recommended that the applicant revise their application to be more in keeping with the intent of the city-wide by-law.

Decision of Committee of Adjustment: Refused

Comments: City Council recently passed city-wide zoning by-law amendments to permit second suites in semi-detached units. This proposal to maintain a third suite, based on the conditions on the property, represents an over-intensification of the site. Staff recommend that planning and legal staff attend the Ontario Municipal Board hearing to support the Committee's decision.

(5) Address: 115 Lakeshore Drive
Ward: Lakeshore-Queensway
Application No.: A246/00ET
Applicant: Greg Spencer and Tanja Wacyk
Appellant: Greg Spencer and Tanja Wacyk
Date of Appeal: August 9, 2000
Hearing Date: To be determined by the OMB
Zoning: First Density Residential (R1)
Official Plan: Low Density Residential

Application: This property is located west of 7th Street, on the south side of Lakeshore Drive. The property has a frontage of 8.74 metres (28.7 feet), a lot area of 610.61 square metres (5,672.8 square feet) and a tableland area of 437.5 square metres (4,709.5 square feet). The applicant is proposing to demolish the attached garage and use the existing driveway as a front yard parking pad, as well as, to construct a two-storey east side addition, a second storey rear addition, a roofed front porch and an open and unroofed rear deck. The applicant requested the following variances:

- (a) Parking will be provided on the existing driveway, whereas at least one parking space shall be provided for each dwelling by means of an attached or detached garage, carport or a rear yard parking space;
- (b) The proposed east side yard setback is 0.05 metres (2 inches) at the closest point and will maintain a west side yard setback of 0.45 metres (1.48 feet) whereas the minimum required side yard setback is 0.6 metres (1.97 feet);

- (c) The eaves overhang will be located up to the east and west side lot lines and the chimney will be located 0.15 metres (0.5 feet.) from the west side lot line, whereas 0.5 metres is the minimum required side yard setback; and
- (d) The proposed gross floor area is 218.6 square metres (2,353.07 square feet), equal to 49.97 percent of the tableland area, whereas 175 square metres (1,2883.75 square feet) equal to 40 percent of the tableland is permitted.

Planning staff originally recommended that the applicant reduce the amount of gross floor area of 248.25 square metres (2,672.2 square feet) to be more in- keeping with the Zoning Code. The applicant reduced the gross floor area to 218.6 square metres (2,353.07 square feet) which is more in-keeping the Zoning Code requirement.

Decision of Committee of Adjustment: Refused

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

- (6) Address: 1460 The Queensway
Ward: Lakeshore-Queensway
Application No.: A145/00ET
Applicant: Carlton Cards Limited
Appellant: Norstar Corporation
Date of Appeal: August 9, 2000
Hearing Date: To be determined by the OMB
Zoning: Industrial Class 2 (I.C2)
Official Plan: Industrial

Application: This property is located at the north-east corner of The Queensway and Vansco Road. The building has a gross floor area of 32,033.7 square metres (334,819 square feet) and a lot area of 41,737 square metres (449,268.69 square feet). The applicant is proposing to lease 23 925.55 square metres (257,541 square feet) of floor area in the north portion of the building to a wood working shop. Carlton Cards will occupy the remaining 8 018.12 square metres (87,278 square feet) of building floor area for administrative offices. The applicant requested the following variance:

- (a) 220 parking spaces area existing on-site whereas 483 on-site parking are required.

Decision of Committee of Adjustment: Granted for a term of five years, expiring on August 1, 2005.

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

(7) Address: 23 and 25 Kingdom Street
 Ward: Kingsway Humber
 Application No.: A236/00ET, A237/00ET and B50/00ET
 Applicant: Fabrizio and Francesca LaMarca
 Appellant: Karl Vidmar
 Date of Appeal: August 21, 2000
 Hearing Date: To be determined by the OMB
 Zoning: Second Density Residential (R2)
 Official Plan: Low Density Residential

Application: Twenty-three Kingdom Street is located on the south side of Kingdom Street, east of Scarlett Road. The property has a frontage of 15.24 metres (50 feet) and a lot area of 557.10 square metres (5,996.77 square feet). The applicant is proposing to demolish the existing dwelling unit and construct a new two storey single family dwelling. Twenty-five Kingdom Hall will be conveyed and developed as a new two-storey single family dwelling with an attached single car garage. The applicant requested the following variances:

- (a) The required minimum lot frontages are required to be 13.5 metres (44.29 feet) and the applicant is proposing lot frontages of 7.62 metres (25 feet);
- (b) The required minimum lot areas are 510 square metres (5,489.77 square feet) and the applicant is proposing lot areas of 278.5 square metres (2,997.8 square feet);
- (c) The maximum permitted floor space index shall not exceed 0.45 times the lot area or 125.4 square metres (1,349.83 square feet) and the applicant is providing a floor space index of 0.59 times the lot area or 164.36 square metres (1,769.21 square feet); and,
- (d) The maximum permitted height measured to the soffit is 6.5 metres (21.32 feet) and the applicant is proposing a height of 7.4 metres (24.28 feet) to the soffit.

Decision of Committee of Adjustment: Minor variances were granted subject to the conditions in the Consent Decision

Consent was given subject to the following conditions:

- (i) a demolition permit is obtained;
- (ii) \$1,750.00 submitted for the Public Land Fund Levy;
- (iii) a statement of paid taxes is filed;
- (iv) four copies of the registered reference plan of survey are filed;
- (v) an undertaking is required for the development conditions; and
- (vi) the conditions must be satisfied within one year.

Comments: In our comments to the Committee, staff identified that the area was the subject of a preservative zoning by-law. Notwithstanding that comment, staff have not identified any significant planning issues and do not recommend planning or legal staff representation at the Ontario Municipal Board.

(8) Address: 25 King George's Road
Ward: Kingsway-Humber
Application No.: A228/00ET
Applicant: Ian Ness and Anne Rose
Appellant: Janet Eden
Date of Appeal: August 15, 2000
Hearing Date: To be determined by the OMB
Zoning: Second Density Residential (R2)
Official Plan: Low Density Residential

Application: This property is located on the south side of King George's Road, east of Prince Edward Drive. The property has a frontage of 13.72 metres (45 feet) and a lot area of 564.37 square metres (6,075 square feet). The applicant is proposing to construct a rear two-storey and partial one storey addition. The applicant requested the following variance:

- (a) The maximum permitted gross floor area, including an attached or detached garage is 150 square metres (1,614.64 square feet) plus 25 percent of the lot area, or in this case 324.72 square metres (3,495.37 square feet). The altered dwelling will have a gross floor area of 150 square metres (1,614.64 square feet) plus 30.96 percent of the lot area, or a total gross floor area of 324.72 square metres (3,495.37 square feet).

Decision of Committee of Adjustment: Granted subject to the following conditions:

- (i) A building permit must be obtained prior to commencing any structural alterations to the building and comply with the Ontario Building Code; and
- (ii) The roof overhang and eavestrough shall direct roof-run-off water onto the subject property and away from the abutting properties.

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

(9) Address: 3975 Bloor Street West
Ward: Markland-Centennial
Application No.: A231/00ET
Applicant: Zofia Lachowicz and Mirosław Lachowicz
Appellant: Zofia Lachowicz and Mirosław Lachowicz
Date of Appeal: August 23, 2000
Hearing Date: To be determined by the OMB
Zoning: Second Density Residential (R2)
Official Plan: Low Density Residential

Application: This property is located on the south side of Bloor Street West, west of Shaver Avenue South. The property has a frontage of 10.97 metres (45 feet) and a lot area of 501.66 square metres (6,392.9 square feet). The applicant is proposing to widen the existing driveway. The applicant requested the following variances:

- (a) A driveway must lead to a parking space. A parking space shall be provided by either an attached garage, carport, detached garage or rear yard parking space. The widened driveway will not lead to a legal parking space;
- (b) No driveway shall exceed 40 percent of the front yard area, which in this case is equal to 32.51 square metres. The widened driveway will cover 52.78 percent of the front yard area, equal to 42.96 square metres (462.43 square feet); and,
- (c) A parking space shall not be less than 6 metres (19.69 feet) in length. The portion of the widened driveway will have a depth of 5.43 metres (17.81 feet).

Decision of Committee of Adjustment: Refused

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

Conclusions:

Staff recommend that representation not be provided for the appeals at: 49 Albright Avenue, 50 Jellicoe Avenue, 16 Woodford Park Road, 115 Lakeshore Drive, 1460 The Queensway, 23 and 25 Kingdom Street, 25 King George's Road, and 3975 Bloor Street West.

Staff recommend that representation be provided for the appeal at 189 Delta Street.

Contact:

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(September 13, 2000)

Purpose:

To advise Etobicoke Community Council of a Committee of Adjustment decision that has been appealed to the Ontario Municipal Board and to recommend whether legal and planning 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 legal and planning staff representation be provided for the appeal regarding 9 Brownlea Avenue.

Background:

An appeal of a Committee of Adjustment decision in the Etobicoke Community Council area relating to an application at 9 Brownlea Avenue has been received from the Etobicoke Committee of Adjustment.

Comments:

The application and appeal is summarized as follows:

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| (1) | Address: | 9 Brownlea Avenue |
| | Ward: | Kingsway-Humber |
| | Application No.: | A255/00ET |
| | Applicant: | Rosetta Perri |
| | Appellant: | Rosetta Perri |
| | Date of Appeal: | September 5, 2000 |
| | Hearing Date: | To be determined by the OMB |
| | Zoning: | Second Density Residential (R2) |
| | Official Plan: | Low Density Residential |

Application: This property is located on the east side of Brownlea Avenue between Raymore Drive and Kingdom Street (east of Scarlett Road and south of Lawrence Avenue West). The property has a frontage of 12.2 metres (40 feet) and a lot area of 445.9 square metres (4,800 square feet). The applicant's application proposes to legalize and maintain an existing detached two car garage for use as a contractor's workshop. The applicant requested the following variances:

- (a) The minimum required rear and side yard setback for an accessory structure is 0.4 metres. (1.31 feet). The workshop will maintain a north side yard setback of 0.05 metres (2 inches) and a rear yard setback of 0.33 metres (1.08 feet);
- (b) The maximum permitted coverage of the accessory structure is 2 percent of the lot area or 8.92 square metres (29.27 square feet). The workshop will maintain a coverage of 9.62 percent of the lot area or 42.9 square metres (461.8 square feet);
- (c) A contractor's workshop is not listed as a permitted use for lands zoned R2

In our comments to the Committee, Planning staff noted that industrial uses such as contractor's workshops and storage are not permitted in the zoning by-law and are not intended by the Low Density Residential designation in the Official Plan. Staff noted that, "this type of use is more appropriate in an industrial zone and as such, the use is not within the intent of the Zoning Code, it is not an appropriate use of the lands and is not minor."

Decision of Committee of Adjustment: Refused

Comments: Staff do not support the use of accessory structures in residential areas for industrial uses such as contractor's workshops and storage. Staff

recommend that planning and legal staff attend the Ontario Municipal Board hearing to support the Committee's decision.

Conclusion:

Staff recommend that representation be provided for the appeal at 9 Brownlea Avenue.

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