Appeal of Committee of Adjustment Decisions

(City Council on April 11, 12 and 13, 2000, adopted this Clause, without amendment.)

The Etobicoke Community Council recommends the adoption of the following report (March 8, 2000) from the Director, Community Planning, West District:

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.

Recommendations:

It is recommended that:

(1) staff representation not be provided for the appeals regarding 14 Park Boulevard or 59 Tilden Crescent; and

(2) legal and planning staff representation be provided for the appeal regarding 130 Westmore Drive, Unit 9.

Background:

Appeals of the Committee of Adjustment decision in the Etobicoke Community Council area relating to applications at 14 Park Boulevard, 130 Westmore Drive, Unit 9, and 59 Tilden Crescent have been received from the Etobicoke Committee of Adjustment.

Comments:

The applications and appeals are summarized as follows:

(1) Address: 14 Park Boulevard
Ward: Lakeshore-Queensway
Application No.: A38/00
Applicant: Paul Anthony John Fournier
Appellant: Paul Anthony John Fournier
Date of Appeal: February 21, 2000
Hearing Date: To be determined by the OMB
Zoning: RM1 Long Branch – Residential Multiple
Official Plan: Low Density Residential

Application: This property is located on the north side of Park Boulevard, between Thirty First Street and Thirty Third Street. The property has a frontage of 16.362 m (53.68 ft) and the lot area is 665.97 m² (7,168.63 sq ft). The applicant is proposing to alter the existing building (containing two dwelling units) into a fourplex by constructing a rear two-storey addition (containing two dwelling units). A private driveway will access parking in the rear yard for four cars. The applicants requested the following variances:

(a) Lot frontage of 16.362 m (53.68 ft) whereas the minimum required lot frontage for a fourplex dwelling is 21.3 m (69.88 ft)

Planning Staff did not comment on the application. Transportation staff advised that they had no objection to the application subject to the proposed parking area being graded and asphalted and the parking area striped to reflect the layout and dimensions illustrated on the site plan submitted.

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.

(2) Address: 130 Westmore Drive, Unit 9
Ward: Rexdale-Thistletown
Application No.: A50/00
Applicant: Ayesha Khalid
Appellant: Ayesha Khalid
Date of Appeal: March 1, 2000
Hearing Date: To be determined by the OMB
Zoning: Class 1 Industrial (I.C1)
Official Plan: Industrial

Application: The subject property is located on the east side of Highway No. 27 approximately 80 m (262 ft) north of Finch Avenue. The applicant currently operates a 149 m² (1,603 sq ft) grocery store within Unit No. 9 of an 18-unit condominium building. In an attempt to obtain a business license from the City, it was found that the Class 1 Industrial zone does not permit the use of a grocery store.

In commenting on the application to the Committee, the City’s Urban Development Services Department indicated that the proposed use would not maintain the intent of the Official Plan. Comments from the Transportation Services Section of the Works and Emergency Services...
Department noted that five parking spaces must be provided for the subject unit whereas the condominium agreement assigns only two spaces to this unit.

Decision of Committee of Adjustment: Refused

Comments: The use of the subject property does not maintain the intent of the “Industrial” Official Plan designation. Additionally, the use of the subject unit for a grocery store would create a shortfall of three parking spaces for the unit.

(3) Address: 59 Tilden Crescent
Ward: Kingsway-Humber
Application No: A-018/00ET
Applicant: Shannon Lee Lawrence
Appellant: Richard Horsley and Monica Flanagan
Date of Appeal: January 16, 2000
Hearing Date: To be determined by the OMB
Zoning: Second Density Residential (R2)
Official Plan: Low Density Residential

Application: The property is located on the east side of Tilden Crescent backing onto Raymore Park. It contains a one-storey single family detached dwelling. The lot frontage is 9.14 m (30 ft) and the lot area is 564 m$^2$ (6,071 sq ft). The applicant proposes two-storey additions requiring the following variances:

1. a front yard setback of 4.02 m rather than the required 4.82 m;
2. a driveway width of 2.29 m rather than the required 2.4 m;
3. a minimum floor area and width inside the proposed garage of 17.5 m$^2$ and 2.79 m rather than the required 18.0 m$^2$ and 3 m; and
4. a minimum side yard setback of 0.0 m and total side yards of 0.87 m rather than the required 0.9 m and 2.1 m.

The Toronto and Region Conservation Authority fill regulations apply to most of this property. The Authority has issued a Fill Permit for works involving the construction of retaining walls at the rear of the property in order to remediate previous slope stability concerns.

Decision of the Committee of Adjustment: Approved

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

Staff recommends that representation not be provided for the appeals at 14 Park Boulevard and 59 Tilden Crescent. Staff recommends that representation be provided for the appeal at 130 Westmore Drive, Unit 9.

Contact:

David Oikawa, Manager, Community Planning, West District
Tel.: (416) 394-8219; Fax: (416) 394-6063; E-mail: doikawa@city.toronto.on.ca