



Ontario Municipal Board
Commission des affaires municipales de l'Ontario

V 880238

IN THE MATTER OF Section 44(12) of the
Planning Act, 1983

and -

IN THE MATTER OF an appeal by the Corporation of the City of Etobicoke from a decision of the Committee of Adjustment of the City of Etobicoke whereby the Committee granted an application numbered A76/88 by South Beach Investments Limited for a variance from the provisions of Section 340-(30)(31) of the Zoning Code, upon conditions, premises known municipally as 2335 Lake Shore Boulevard West

C O U N S E L:

R.R. Arblaster - for South Beach Investments Limited
B.C. Ketcheson - for City of Etobicoke

MEMORANDUM OF ORAL DECISION delivered by B.W. McLOUGHLIN
on September 8, 1988

The City of Etobicoke appeals against a decision of the Committee of Adjustment which authorized variances from the provisions of Section 340-(30)(31) of the Zoning Code which permit South Beach Investments Limited to add four apartment units at the rear of its apartment building on the property known municipally as 2335 Lake Shore Boulevard West.

The subject property is improved by an 8 storey, 128 unit apartment building built some 25 years ago and it backs onto Lake Ontario. The proposal calls for the completion of what appears to be the shell of four units built at the time of the original construction.

In the proposal put before the Committee of Adjustment, a 23 foot strip of landscaped amenity space at the rear of the building and a small portion of amenity space at its north side were to be converted to parking to meet the Zoning Code standard. The completion of the four units would increase the gross floor area by a small amount and four of the existing underground parking spaces do not meet the 6.0 metre length requirement.

There is also a concern expressed as to whether the positioning of outdoor space cause it to be about 2 feet narrower than the requirement.

At the outset of the hearing the Board was advised that applicant wished to amend its proposal. The landscaped amenity space is to remain untouched. This situation causes the existing parking supply of 158 spaces to be some 8 spaces less than the Code requires.

The revised proposal is satisfactory to the City and the expert planning and traffic evidence as to the minor increase in gross floor area the adequacy of the existing parking supply and the size of the spaces satisfies the Board that no significant adverse impact will flow from the proposed development.

A representative of the building's tenants' association advised the Board that the tenants support the revised proposal. The tenants would to see the landscaped amenity areas upgraded. The traffic expert states that it is imperative that better illumination be provided in underground parking area. The City requests the Board, as a condition of its approval, to require the applicant to pay all impost fees on the four additional dwelling units

The Board finds, on the planning evidence, that the four tests for the authorization of a variance as specified in Section 44(1) of Planning Act are met

The decision of the Board is, therefore, that the appeal is dismissed and the variances requested are authorized on condition:

1 that the lighting in the underground parking area and its accesses be improved by the applicant to the satisfaction of Municipality;

that the landscaped ity improved the applicant
the sat sfaction the Municipa ity

3 that impost paid the applicant


M. O'LOUGHLIN
MEMBER


M. E. JOHNSON
MEMBER