

Scarborough (City) 20 Sewells Road Redesignation Official Plan
Amendment (Re)

Canada Board of American Missions of the Lutheran Church in America has appealed to the Ontario Municipal Board under subsection 34(11) of the Planning Act, R.S.O. 1990, c. P.13, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 14402, of the City of Scarborough to rezone land respecting 20 Sewells Road from "Churches - (+)" to "Churches - Apartments (+ - A)" to permit the development of a 92 apartment units in addition to the existing church use O.M.B. File No.: Z 930116, and

At the request of Canada Board of American Missions of the Lutheran Church of America, the Minister of Municipal Affairs has referred to the Ontario Municipal Board under subsection 22(1) of the Planning Act, R.S.O. 1990, c. P.13, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Scarborough to redesignate lands located on the north side of Sewells Road, east of Neilson Road and municipally known as 20 Sewells Road from "Churches - (+)" to "Churches (+) - Higher Density Residential Uses - Apartments (A)" to permit the development of a church and a 92 unit apartment building Minister's File No.: 20-OP-0594-A46 O.M.B. File No.: O 940039

[1994] O.M.B.D. No. 2005
File Nos. O 940039, Z 930116

Ontario Municipal Board
A. Delfino, S. Fish
Oral decision: October 31, 1994
Filed: January 18, 1995
(12 pp.)

COUNSEL:

R. Arblaster, for Canada Board of American Missions of the Lutheran Church of America.
L. Mangoff, for City of Scarborough.

MEMORANDUM OF ORAL DECISION delivered by A.
DELFINO AND
ORDER OF THE BOARD:--

The Board is dealing with a referral of an Official Plan Amendment and with an appeal from Council's refusal to enact a proposed amendment to the Zoning By-law of the City of Scarborough by the American Missions of the Lutheran Church of America. The requested amendments are required for the construction of a 92 unit apartment and a place of worship within the same building.

At the hearing, the Board was informed that the City and the proponents have been working together to modify the proposal and that they have reached an agreement that would be subject to the Board's consideration. Duncan Cameron, a resident of a unit on the ninth floor of 1319 Glen Maples, who was purportedly speaking on behalf of other residents, spoke in opposition to the proposed ten storey structure. His concerns dealt with the potential loss of view, especially to Lake Ontario, the shadow cast on his building, traffic congestion, loss of sunlight and lack of adequate community services and school sites in the Malvern Community. In addition, he expressed some concerns for the lack of proper notification afforded to nearby residents which prevented a better preparation of the case.

The Board heard the evidence of two land use planners in support of a proposed Official Plan Amendment, entered as Exhibit No. 10, and a Zoning By-law Amendment, entered as Exhibit No. 11. In their testimony to the Board, the planners measured the above mentioned proposed amendments against the City of Scarborough Official Plan, the Malvern Community Secondary Plan, provincial planning documents and comments from the various reviewing agencies and City staff and formed an opinion that the proposal conforms to the Official Plan and constitutes good land use planning.

The architect addressed questions of mass, height, shadow and visions and is of the opinion that any impact would be

minimal, especially as to view which due to the distances between buildings and the location of the buildings would result in a minimal reduction on the angle of vision.

The Board has considered all of the evidence and finds that the proposed 10 storey apartment building, which is intended to be 50 percent for seniors and 50 percent for assisted family with a place of worship component, represents a compatible development of the subject site.

The Board also finds that the proposed Official Plan and Zoning By-law Amendments are based on sound planning principles and comply with both the Scarborough Official Plan and the Secondary Plan. In addition, the proposal implements the Provincial Housing Policy and makes effective use of available services.

The Board is satisfied from the testimony of the planners and the architect that concerns such as noise, loss of sunlight, effect on the streetscape, potential increase in traffic, availability of school sites, loss of view and introduction of shadow have been properly considered and addressed adequately. The proposed building will not unreasonably impact nearby buildings or uses in a manner that would deprive the residents of the enjoyment of their property.

The Board heard Mr. Cameron's concerns on notifications and on the process and while it is of the opinion that a better system could have been developed to notify nearby residents of the pending proposal, in this particular case proper notification has been given and the residents may wish to address the City as to possible improvements in the future.

On the strength of all of the evidence the Board therefore:

- a) Modifies the Official Plan as shown in Appendix "A" and as modified, approves the Official Plan Amendment; and

- b) Allows the appeal and amends the City of Scarborough Zoning By-law 14402 in the form of the draft amendment, attached as Appendix "B".

The Board so orders.

A. DELFINO, Member
S. FISH, Member