

32 Triller Avenue, Committee of Adjustment Application

Date: October 29, 2019

To: Chair and Committee Members of the Committee of Adjustment, Toronto and East York Panel

From: Director, Community Planning, Toronto and East York District

Wards: Parkdale-High Park (04)

File Number: A0790/19TEY

Hearing Date: November 6, 2019

RECOMMENDATIONS

Community Planning staff recommend that the requested variances for a parking space located in the front yard be refused (Variances No. 1, 3 and 4).

APPLICATION

This application is to alter the existing detached dwelling by constructing a rear addition, rear second and third storey decks, and a rear basement walkout. A front yard parking space is also proposed. The following variances are being requested:

1. Chapter 200.5.10.1, By-law 569-2013
A parking space is required to have a width of 2.6 m and a length of 5.6 m.
The proposed parking space will have a width of 2.6 m and a length of 4.9 m.
2. Chapter 10.5.40.50.(3), By-law 569-2013
A platform located above the second storey is required to be located a minimum of 0.9 m from a lot line.
The proposed platform will be located 0.22 m from the south lot line and 0.76 m from the north side lot line.
3. Chapter 10.5.80.10(1), By-law 569-2013
A parking space must be on the same lot as the use for which the parking space is required.
A portion of the proposed parking space will be located on City property.

4. Chapter 10.5.80.10(3), By-law 569-2013
A parking space may not be in a front yard.
The proposed parking space will be located in the front yard.

COMMENTS

The property is located south of Queen Street West and east of King Street West. The site is zoned R(d1.0)(x313) under By-law 569-2013. The property is currently occupied by a 2 ½ storey detached dwelling with no parking space.

The proposed front yard parking space would have a length of 4.9 m, whereas the minimum required length is 5.6 m (Variance No. 1). The proposed front yard parking space would also partially encroach onto the City boulevard (Variance No. 3). The Committee of Adjustment does not have the authority to permit encroachments onto the public right-of-way. In comments provided on July 31, 2019, staff from Transportation Services object to the proposed front yard parking space. It is also noted that Transportation Services would also not support a parking space that was entirely on private property. Variance No. 4 is requested the proposed parking be located in the front yard. The By-law defines the front yard to mean "the area on a lot between the front lot line and all front main walls of the building".

On December 7, 2018, the Local Planning Appeal Tribunal (LPAT) issued an Order to approve and bring into force Official Plan Amendment 320 (OPA 320). The approved policies reflect the policies endorsed by City Council. OPA 320 contains new and revised policies on Healthy Neighbourhoods, Neighbourhoods and Apartment Neighbourhoods. The approved amendments uphold the Official Plan's goals to protect and enhance existing neighbourhoods that are considered stable but not static, allow limited infill on underutilized Apartment Neighbourhood sites and help attain Tower Renewal Program goals.

The site is within an area designated *Neighbourhoods* in the Official Plan. The Official Plan acknowledges that *Neighbourhoods*, while stable, will be subject to physical change in the form of enhancements, additions, and infill housing. Physical changes to our established *Neighbourhoods* must be sensitive, gradual and "fit" the existing physical character. A key objective of the Official Plan is that new development respect and reinforce the general physical patterns in a *Neighbourhood*.

Official Plan Policy 2.3.1.1 states that *Neighbourhoods* and *Apartment Neighbourhoods* are considered to be physically stable areas. Development within *Neighbourhoods* and *Apartment Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

Policy 4.1.5 of the Official Plan, as amended by OPA 320, states that Development in established *Neighbourhoods* will respect and reinforce the existing physical character of each geographic neighbourhood, including in particular:

- g) prevailing patterns of rear and side yard setbacks and landscaped open space;

OPA 320 further states "the prevailing building type and physical character of a geographic neighbourhood will be determined by the most frequently occurring form of development in that neighbourhood" and that "no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the overall physical character of the entire Neighbourhood".

Policy 4.1.8 of the Official Plan states that Zoning By-laws will contain numerical site standards for matters such as building type and height, density, lot sizes, lot depths, lot frontages, parking, building setbacks from lot lines, landscaped open space and any other performance standards to ensure that new development will be compatible with the physical character of established residential neighbourhoods.

The general intent of Zoning By-law provisions in prohibiting front yard parking spaces is to maintain a consistent and attractive streetscape by locating parking spaces behind the front main wall. This provides space for outdoor amenity areas, landscaping and greater on-site drainage of rainwater.

Planning staff have concerns with the variances for a parking space located in the front yard. Parking spaces located between the front wall of the building and the front lot line do not represent the prevailing character of the streetscape. Front yard parking spaces also result in curb cuts which remove on-street parking spaces. Community Planning is therefore recommending refusal of the requested variances for a front yard parking space (Variance No. 1, 3 and 4).

CONTACT

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SIGNATURE



Signed by Dan Nicholson, Acting Manager, Community Planning on behalf of
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