



STAFF REPORT
Committee of Adjustment
Application

Date:	April 6, 2011
To:	Chair and Members of the Committee of Adjustment North York District
From:	Director, Community Planning, North York District
Wards:	Ward 16 (Eglinton-Lawrence)
Reference:	File No. A055/11NY, A056/11NY and A057/11NY Address: 602 ROSELAWN AVENUE Applications to be heard: Thursday, April 7, 2011.

RECOMMENDATION

Staff recommend the applications be refused.

APPLICATION

The applicant is proposing to construct three new three-storey dwellings on the above noted property. The subject property was subject to previous applications (File # B0001/10NY, A0011/10NY, A0012/10NY, and A0013/10NY) for consent to sever the property into three lots, along with minor variance applications for the proposed dwellings on each lot. On May 12, 2010 it was the decision of the Committee to refuse the above mentioned applications. The decision of the Committee was appealed to the Ontario Municipal Board where the consent and minor variance applications were approved. The applicant is now requesting an additional variance for front yard parking.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

A055/11NY – 602A ROSELAWN AVENUE PART 1

Toronto Zoning By-law No. 438-86

1. Proposed parking space to be located between the front lot line and the front wall of a dwelling
WHEREAS a parking space located between the front lot line and the front wall of a dwelling is not permitted.

City of Toronto Zoning By-law No. 1156-2010

2. Proposed parking space to be located in the front yard and not be in tandem with a required parking space

WHEREAS a parking space located in the front yard must be used in tandem with a required space located behind the front yard.

A055/11NY – 602B ROSELAWN AVENUE PART 2

Toronto Zoning By-law No. 438-86

1. Proposed parking space to be located between the front lot line and the front wall of a dwelling
WHEREAS a parking space located between the front lot line and the front wall of a dwelling is not permitted.

City of Toronto Zoning By-law No. 1156-2010

2. Proposed parking space to be located in the front yard and not be in tandem with a required parking space
WHEREAS a parking space located in the front yard must be used in tandem with a required space located behind the front yard.

A057/11NY – 602C ROSELAWN AVENUE PART 3

Toronto Zoning By-law No. 438-86

1. Proposed parking space to be located between the front lot line and the front wall of a dwelling
WHEREAS a parking space located between the front lot line and the front wall of a dwelling is not permitted.

City of Toronto Zoning By-law No. 1156-2010

2. Proposed parking space to be located in the front yard and not be in tandem with a required parking space
WHEREAS a parking space located in the front yard must be used in tandem with a required space located behind the front yard.

COMMENTS

The subject properties are located north of Eglinton Avenue West and east of Bathurst Street on the north side of Roselawn Avenue. The subject properties are designated *Neighbourhoods* in the City of Toronto Official Plan and are zoned R1 Z0.6 in former City of Toronto Zoning By-law No. 438-86 and RD in City of Toronto Zoning By-law No. 1156-2010.

The previous variances requested permission for an integral at grade garage in the front wall of each of the dwellings. Staff recognized the limitations of the proposed lots and the fact that rear yard garages could not be accommodated. With a garage at the front of each dwelling, it would be possible to store vehicles and items such as garbage and recycling bins inside the dwellings, thus keeping the front yard clear and creating a positive relationship with the public realm. As such, staff supported these variances.

The applicant has revised the plans since the OMB approval, eliminating the garage and requesting front yard parking only. Staff are of the opinion that this would result in the continuous parking of vehicles in the front yard of each dwelling, thereby negatively altering the relationship of the dwellings with the public realm. In addition, there is no ability to obtain street parking, as permit parking on the portion of Roselawn Avenue between Chaplin Crescent and Castlewood Road is not permitted. Should there be two vehicles, the proposed variances in conjunction with the street parking restrictions, would create difficulties as only one parking space can be accommodated on each property.

The majority of dwellings in the surrounding neighbourhood have garages. There are a few exceptions, however, the majority of these dwellings have wider lots where parking is accommodated behind the main front wall. The dwelling at 1 Caldwell Road is a newer dwelling with no garage, however, it is a corner lot and there is a curb cut on the flanking street which would provide for parking in the rear yard.

The applicant demonstrated through the 2010 applications, that dwellings with integral garages would be appropriate for the lots. Staff are of the opinion there would be no hardship to maintaining the integral garages as originally proposed as this was deemed to be appropriate by both the applicant and staff.

Staff also have concerns with respect to the neighbouring site. The subject property was originally a three unit apartment building and directly to the east is a 5 unit apartment building (600 Roselawn Avenue) owned by a company related to the owner of the subject properties. The applicant has indicated to staff that 600 Roselawn Avenue may be developed in the same manner as the subject property. By permitting front yard parking only and eliminating the garages on the subject properties, this would establish a negative precedent for any redevelopment of 600 Roselawn Avenue.

Staff are of the opinion the proposed variances do not meet the intent and purpose of both City of Toronto By-laws, nor would they maintain the existing character of the neighbourhood. It is for these reasons staff are recommending the Committee refuse these variances.

Respectfully submitted,

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SIGNATURE

Allen Appleby
Director, Community Planning, North York District

File # A055/11NY, A056/11NY & A057/11NY

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