

DECISION AND ORDER

Decision Issue Date Tuesday, February 19, 2019

PROCEEDING COMMENCED UNDER Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): NICHOLOS STANOULIS

Applicant: DREW LASZLO ARCHITECT INC

Property Address/Description: 1560 AVENUE RD

Committee of Adjustment Case File: 18 198989 NNY 16 MV

TLAB Case File Number: 18 227200 S45 16 TLAB

Hearing date: Friday, February 15, 2019

DECISION DELIVERED BY S. MAKUCH

APPEARANCES

| NAME | ROLE | REPRESENTATIVE |
|---------------------------|----------------|----------------|
| 1560 AVENUE ROAD INC | OWNER/PARTY | |
| DREW LASZLO ARCHITECT INC | APPLICANT | |
| NICHOLOS STANOULIS | APPELLANT | |
| WILLIAM DOLAN | EXPERT WITNESS | |
| SOUTH ARMOUR HEIGHTS | PARTICIPANT | |
| RESIDENTS ASSOC. | | |
| OLD ORCHARD GROVE | PARTICIPANT | |
| RATEPAYERS ASSOC. | | |

INTRODUCTION

This is an appeal from a decision refusing to permit the reduction of a parking requirement from 19 spaces to 3 spaces and refusing to allow two of three the spaces to be substandard in size.

BACKGROUND

The parking spaces relate to an already constructed mixed use building which is to have retail at grade, office on the second floor, and residential on the third floor. A variance has already been granted to reduce the parking requirement to 3 spaces from 16 spaces based on the residential use. As a result of the conversion of the residential floor to office, the parking requirement is 19 spaces. In constructing the mixed use building, support columns impinge on two of the existing 3 spaces.

MATTERS IN ISSUE

The primary issue was whether the conversion of the residential space to office created such an increase in demand for parking that the variance should not be allowed and thus the residential use should be maintained. An additional issue was whether the undersized parking spaces could be used to park cars.

Representatives of two of the local community associations appeared and submitted concerns about the building and parking. Those concerns were: whether a 4th floor might be added to the building; whether there was adequate space for 3 cars; whether an adjacent right of way was wide enough for access; and whether there was a sufficiency of parking in the area generally.

JURISDICTION

A decision of the Toronto Local Appeal Body ('TLAB') must be consistent with the 2014 Provincial Policy Statement ('PPS') and conform to the Growth Plan of the Greater Golden Horseshoe for the subject area ('Growth Plan').

In considering the applications for variances from the Zoning By-laws, the TLAB Panel must be satisfied that the applications meet all of the four tests under s. 45(1) of the Act. The tests are whether the variances:

- maintain the general intent and purpose of the Official Plan;
- maintain the general intent and purpose of the Zoning By-laws;
- are desirable for the appropriate development or use of the land; and
- are minor.

EVIDENCE

The evidence of William Dolan, a qualified land use planner, was both oral and written. It was that the office use would not so substantially increase the parking demand that the variances should be denied. He also pointed out that both public and private parking is available in the neighbourhood. In his opinion the variances did not conflict with any provincial policies or documents. He also gave evidence that the posts did not significantly interfere with the parking of cars as car doors could open in spite of them.

With respect to the submissions of the representatives of the two community groups, it was clear they had an interest in the matter even if the property was beyond the boundaries of their respective organizations. While they did not have professional evidence, they clearly had a detailed knowledge of the site and its history. I appreciate their concern that there may be a fourth floor added to the building. On the basis of the evidence they presented, in my view, that would be inappropriate and clearly contrary to any parking variance granted. They appeared satisfied that the access to the parking spaces had been improved.

There was a City Transportation report on file recommending a payment in lieu of parking for the two substandard spaces. I do not find it appropriate to require a payment in lieu if the variance is granted for those spaces.

ANALYSIS, FINDINGS, REASONS

Given that a variance has already been granted to reduce the parking requirement to 3 from 16, the real issue before me is whether a variance should be granted to remove the requirement for 3 additional spaces as a result of the conversion of one floor to residential. The evidence is clear that the conversion does not necessitate 3 additional spaces. Moreover, it is clear the 2 substandard spaces can function and cars can be parked in them in spite of the posts.

DECISION AND ORDER

The following variances are allowed:

1. Section 26(7), By-Law 7625


The minimum required number of parking spaces is 19 spaces.

The proposed number of parking spaces is 3 spaces.

2. Section 6A(3), By-Law 7625

The minimum required parking space size is 5.6m x 2.9m for 2 spaces.

The proposed parking space size is 5.6m x 2.44m for the 2 end parking spaces that are obstructed by columns.

X 

S. Makuch

Panel Chair, Toronto Local Appeal