



**MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 1
PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 81 Spadina Avenue
Legal Description: Part of Lots 18 and 19 (East Spadina Avenue), Registered Plan 92 ½
File No.: D08-02-23/A-00294
Report Date: February 1, 2024
Hearing Date: February 7, 2024
Planner: Cass Schlauzero
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving Neighbourhood Overlay
Zoning: R4UB

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **requests an adjournment of** the application.

DISCUSSION AND RATIONALE

Staff have reviewed the subject minor variance application against the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended.

During review of the plans submitted with the application, staff determined that an additional minor variance is required to permit an increased setback from the rear lane.

Per Section 133 (9)(d)(i) of the Zoning By-law (ZBL), the maximum rear yard setback for a coach house is 1 metre where the rear lot line abuts a travelled lane or where no entrance or window faces the lot line. In all other cases, the minimum rear yard setback is 4 metres. The proposed coach house both abuts a travelled lane and contains entrances and windows facing the rear lot line.

The wording of S. 133 (9)(d)(i) specifically notes two circumstances whereby the rear yard setback must be no greater than 1 metre—if the coach house abuts a travelled lane or where no entrance or window faces the lane.

S. 133 (9)(d)(ii), applicable to “all other cases”, is superseded by the fact that one of the two specific circumstances in (i), being the location of the coach house abutting the lane,

triggers the maximum 1 metre setback requirement. Applying the provision under (ii) requires that one or the other specifics in (i) does not apply.

Staff have requested that the applicant update the site plan to include additional information related to soft landscaping areas, setbacks for the principal building and coach house, and measurements of all projections on the proposed coach house. Staff have also requested that the applicant provide 3-dimensional renderings of the proposed coach house.

ADDITIONAL COMMENTS

Based on review of the documents submitted with this application, staff generally note no concerns with an application to permit a two-storey coach house with a shed-style roof, given that the proposed development is in keeping with the coach house policies under 4.2.1 (3) of the Official Plan. Applications for minor variances to allow a height of up to two stories may be considered if the applicant can demonstrate that the privacy of the adjoining properties is maintained, that the siting and scale of the coach house does not negatively impact abutting properties, and that distinctive trees and plantings are preserved on the subject property.

Notwithstanding the above, the elevation drawings indicate that the main floor ceilings will be 11' 10" high. Staff recommend that the height of the main floor be reduced to lessen the overall impact of the building. In addition to requiring additional information as noted above, staff have requested that the applicant provide rationale to support the request for additional building height specifically as it relates to the main floor of the building.

The site plan indicates that a walkway is to be installed in the northerly interior side yard of the principal building, which will provide access between the coach house and Spadina Avenue. The survey indicates that this area is currently surfaced in asphalt, and Google Streetview images show that the area serves as a portion of a shared driveway between the subject property and 79 Spadina Avenue. The survey does not show an easement over the area and the applicant has not provided evidence that such an easement is registered on title.

S. 133 (12)(c) prohibits parking on a walkway leading from a public street to a coach house other than that part of the walkway that encroaches over a **permitted** driveway. S. 139 (2) permits a shared driveway **over a mutual easement** leading to one or more permitted parking spaces. Further, S. 100 (1)(c) requires that parking be located on the same lot as the use for which it is provided. Without a minor variance to permit parking for either 79 or 81 Spadina Avenue to be partially located on the abutting lot, and without mutual easement for vehicular access and parking, neither a shared driveway nor parking space can be established in conformity with the By-law.

Staff may require that the applicant provide evidence that an easement or joint-use and maintenance agreement, or equivalent agreement, exists on title to establish the area as a shared driveway and parking area, and which specifies the granting and benefitting

parties to said easement or agreement. If no such easement or agreement exists, the applicant may be required to obtain consent from the Committee to establish an easement and a minor variance to permit a parking space to be partially located the abutting lot, or remove the proposed walkway between the coach house and Spadina Avenue, or remove the driveway, parking space and private approach at 81 Spadina Avenue and reinstate the portion of the curb along the property's frontage.

Staff will complete a fulsome review of the application upon receipt of the above-requested information and revised notice.

Infrastructure Engineering

1. The Planning, Real Estate and Economic Development Department will do a complete review of grading and servicing during the building permit process.
2. At the time of building permit application, a grading/servicing plan prepared by a Professional Engineer, Ontario Land surveyor or a Certified Engineering Technologist will be required.
3. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
4. All trees on City property and private trees greater than 30 centimetres in diameter in the inner urban area are protected under the Tree Protection By-law (2020-340), and plans are to be developed to allow for their retention and long-term survival. A Tree Removal Permit and compensation are required for the removal of any protected tree.
5. The surface storm water runoff including the roof water must be self-contained and directed to the City Right-of-Way, not onto abutting private properties, as approved by the Planning, Real Estate and Economic Development Department.
6. A private approach permit is required for any access off a City street.
7. Existing grading and drainage patterns must not be altered.
8. In accordance with the Sewer Connection By-Law a minimum spacing of 1 metre is required between service laterals and the foundation face.
9. Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).

Planning Forestry

There are no tree impacts associated with this application. It is recommended to plant a new tree in the laneway frontage following construction, to improve the canopy cover of the site as well as the 'streetscape'.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Minor Variance Application. The Department requires additional information from the applicant

with respect to the private approach and shared driveway along Spadina Avenue, and may impose a condition on a revised application requiring the applicant to legalize the shared driveway and parking space or remove the private approach and reinstate the curb.



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