

2024-03-14



**MINOR VARIANCE APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 1**

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

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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:	March 14, 2024
Hearing Date:	March 20, 2024
Planner:	Cass Schlauzero
Official Plan Designation:	Inner Urban Transect, Neighbourhood, Evolving Neighbourhood Overlay
Zoning:	R4UB

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**DEPARTMENT COMMENTS**

The Planning, Real Estate and Economic Development Department **has no concerns with** 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.

The application was adjourned from the February 7 hearing to allow the applicant to revise the proposed development and the accompanying site plan, and to apply for an additional minor variance for an increased rear yard setback.

Based on review of the revised plans, staff note no concerns with the 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.

The applicant reduced the overall height of the coach house from 7.0 metres to 6.1 metres, which lessens the impact of the development on the surrounding properties and

public laneway. The increased rear yard setback allows for a balcony projection off the second storey of the coach house, providing the coach house residents with additional, private outdoor amenity space. The balcony complies with applicable provisions of Section 65 of the Zoning By-law in that it projects no more than 2 metres into the provided rear yard, and 1.5-metre-high opaque screens are provided on the two sides facing and within 1.5 metres of interior side lot lines.

Staff also note no concerns with the additional request to permit an increased driveway width. The existing accessory building contains two legal non-complying parking spaces accessed by a legal non-complying driveway; this “driveway” occupies the area between the garage and rear lot line and entirely is surfaced in asphalt. A reduction in the width of the asphalt area from 8.23 metres to 4.87 metres, where the remaining area of the provided rear yard will be surfaced with soft landscaping and an interlock walkway, is an improvement to the streetscape abutting the lane. Staff echo the comments from Planning Forestry with respect to further reducing the walkway hardscaping where possible, and to consider permeable materials for the driveway surfacing.

## **ADDITIONAL COMMENTS**

### **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

While there are no tree-related concerns with the requested variances related to the building, there are concerns with the proposed amount of hardscaping and the ability to plant a tree on the laneway frontage. Consider opportunities to reduce the hardscaped walkway area or to use permeable materials to provide sufficient soil volume to plant a 50-millimetre tree to improve the canopy cover and streetscape of the laneway.

## Right of Way Management

Right-of-Way Management has no concerns with the proposed minor variance application, as there are no requested changes to the private approach. The site plan indicates that the driveway leading to the garage is 4 metres in length. No motor vehicle is permitted to park in the driveway if any part of the vehicle will encroach into the public lane. The public lane must remain unencumbered and unobstructed at all times.



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Cass Sclauzero  
Planner I, Development Review, East  
Planning, Real Estate and Economic  
Development Department



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Jean-Charles Renaud  
Planner III, Development Review, Central  
Planning, Real Estate and Economic  
Development Department