

9/4/2014

312 Oxford St E - Google Maps

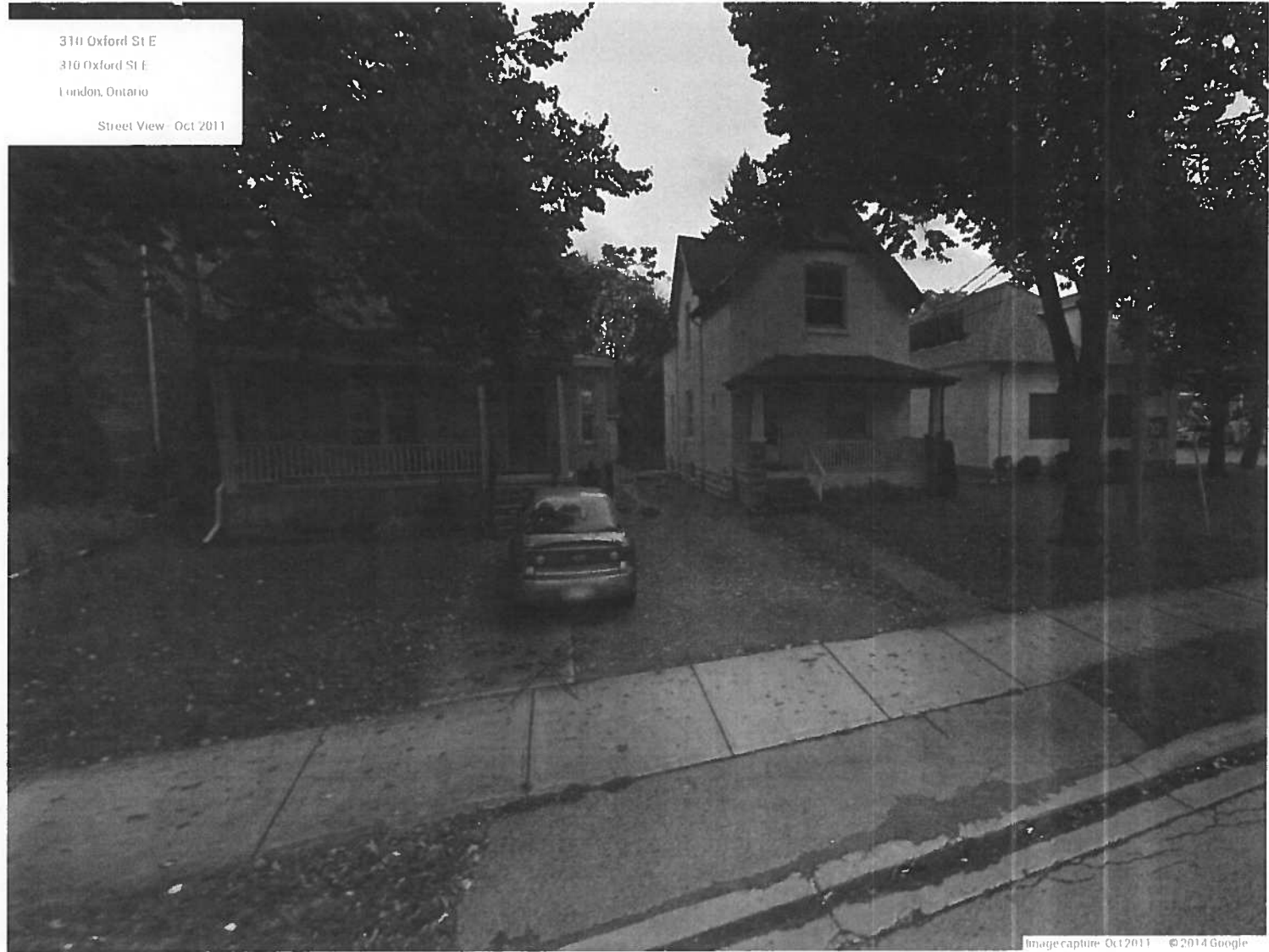
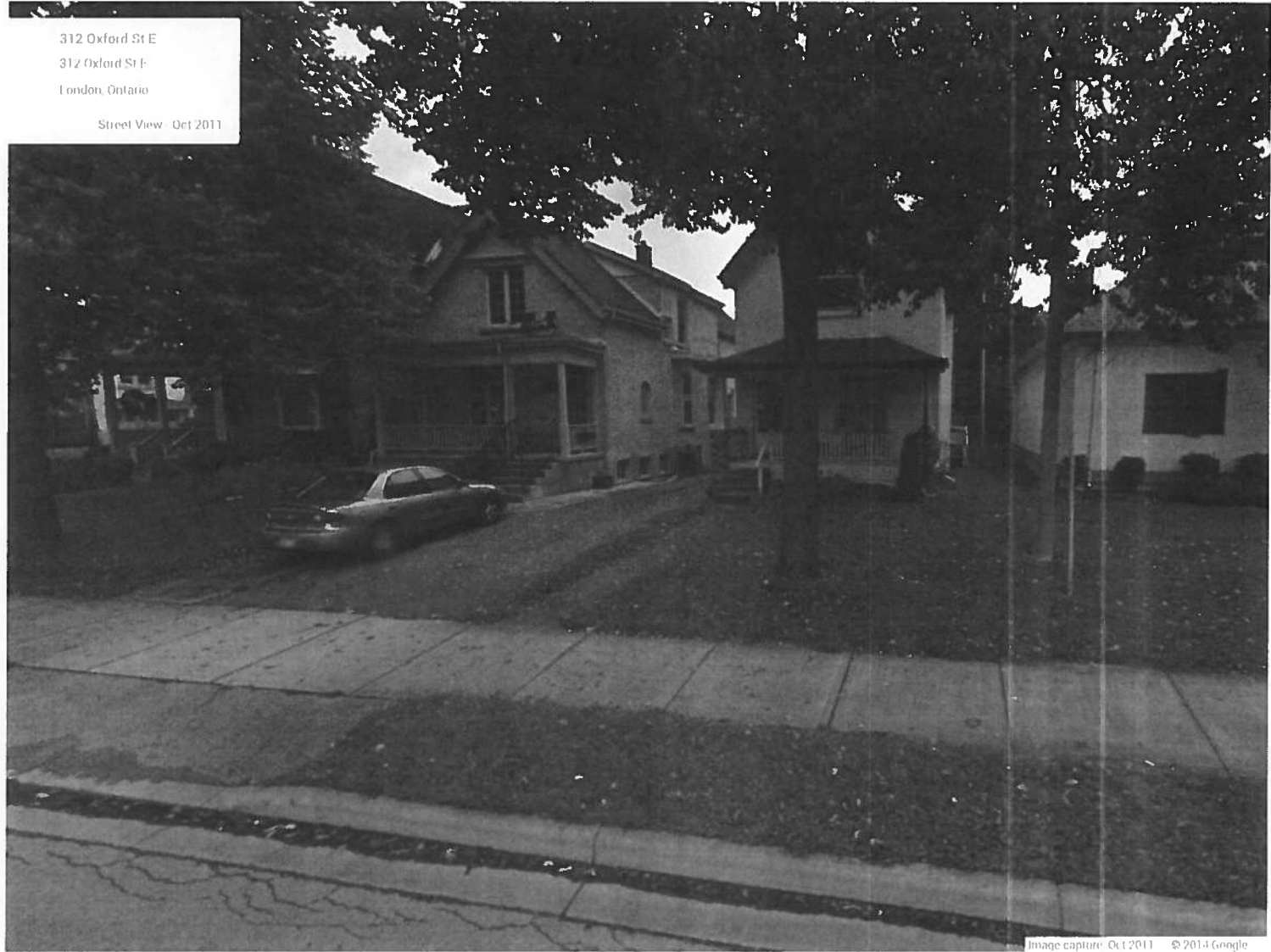


Image capture: Oct 2011 © 2014 Google

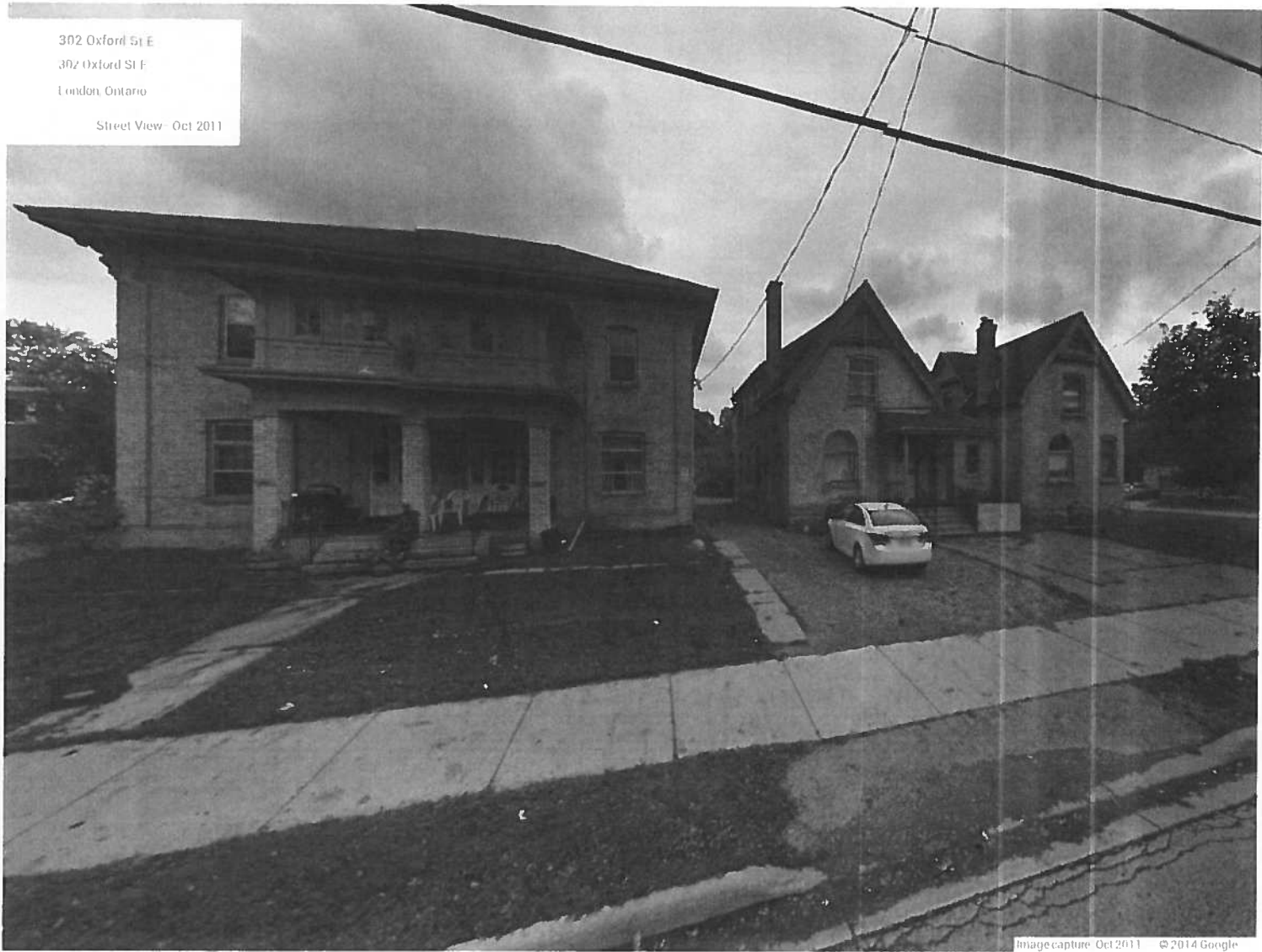
9/8/2014

312 Oxford St E - Google Maps



9/4/2014

302 Oxford St E - Google Maps



9/4/2014

379 Oxford St E - Google Maps



9/4/2014

361 Oxford St E - Google Maps





London  
CANADA

300 Dufferin Avenue  
P.O. Box 5035  
London, ON  
N6A 4L9

BP.01/14  
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Email: smeksula@london.ca  
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August 20, 2014

**NOTICE OF PUBLIC MEETING BEFORE PLANNING AND  
ENVIRONMENT COMMITTEE  
NOTICE OF OBJECTION  
FROM A DECISION OF THE CITY OF LONDON RESIDENTIAL  
BOULEVARD PARKING COMMITTEE**

**APPLICANT:** Halina Marcinowski

**LOCATION:** 312 Oxford Street East (see attached map)

**PLANNING  
POLICIES:**

TAKE NOTICE that pursuant to the City of London Municipal Council Policy 27 (4), as amended; the City of London Planning Committee has received an objection of the decision of the Residential Boulevard Parking Committee for a residential boulevard parking agreement.

Any objection of a decision of the City of London Residential Boulevard Parking Committee will be heard by the City of London Built and Natural Environment Committee. The Planning and Environment Committee will make recommendation to Council.

Council's decision is final.

**PUBLIC  
MEETING:**

By letter dated May 9, 2014, you were informed of the application to create a residential boulevard parking space as described above.

As an interested property owner in the area, you are now advised that the Planning and Environment Committee will consider the objection to the decision of the City of London Residential Boulevard Parking Committee at its meeting on **Tuesday, September 9, 2014, not to be heard before 4:00 p.m.**, or thereafter. Meetings are held in the Council Chambers on the second floor of City Hall, located at 300 Dufferin Avenue (north-east corner of Wellington Street). Each application is allocated a time for public delegations. It should be recognized however, that Planning and Environment Committee may find it necessary to exceed the limit. Your co-operation is appreciated in the event that you have to wait for your application to be considered.

Replies received to our previous notice are included in summary form in our report which has been submitted to the Planning Committee. **Please Note:** Comments and opinions submitted on this matter, including your name and address are part of the public record and may be viewed by the general public and published in the Report to Planning and Environment Committee and Council Agenda.

A neighbourhood or community association may exist in your area. If it reflects your views on this proposal, you may wish to select a representative of the association to submit comments on your behalf. Your representative on City Council, Councillor Nancy Branscombe (519-661-2500 ext. 7014) would be pleased to discuss any concerns you may have with this application.

**FOR MORE  
INFORMATION:**

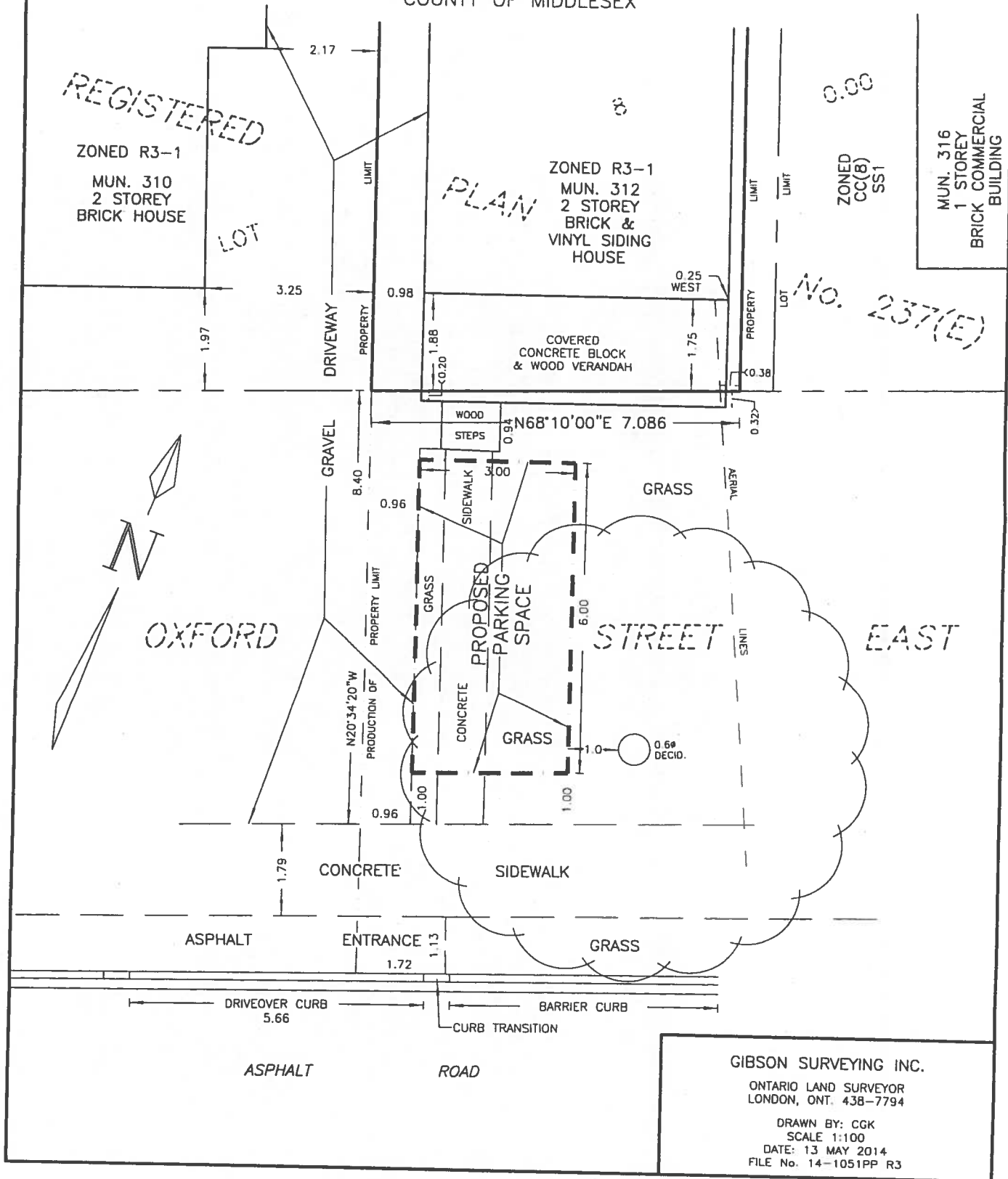
For additional information, please contact Sean Meksula at 519-661-2500 ext. 5349, referring to "File BP.01/14", or inquire at Development Planning, 6th Floor, City Hall, 300 Dufferin Avenue, between 8:30 a.m. and 4:30 p.m. weekdays.

**TO BE  
NOTIFIED:**

If you wish to be notified of the decision of Council, you must make a written request to the City Clerk, 300 Dufferin Ave., P.O. Box 5035, London, ON, N6A 4L9. You will also be notified if you appeared at the Planning Committee meeting and left your name and address with the Secretary of the Committee.



SKETCH SHOWING  
**PROPOSED PARKING SPACE**  
**MUN. 312 OXFORD STREET EAST**  
 IN THE  
**CITY OF LONDON**  
 COUNTY OF MIDDLESEX





London  
CANADA

## NOTICE OF DECISION

Section 102.1 of the Municipal Act R.S.O. 1990

TAKE NOTICE that the London Boulevard Parking Committee, pursuant to s.102.1 of the Municipal Act R.S.O 1990, as amended, **REFUSED** the application for a boulevard parking area on Oxford Street East road allowance, in front of the lands municipally known as 312 Oxford Street East for the following **REASONS**:

- The proposed boulevard parking area does not conform to the intent of Chapter 27 (4) of the City of London Council Policies, Residential Front Yard and Boulevard Parking;
- The proposed boulevard parking areas does not conform to the intent of the Z.-1 Zoning By-law;
- The proposed boulevard parking area does not conform to the intent of the S.-1 Streets By-law.
- The proposed driveway does not conform to the Conservation Guidelines for the Bishop Hellmuth Heritage Conservation Plan.

AND TAKE NOTICE that any person or public body may oppose this decision or any conditions imposed by the London Boulevard Parking Committee to Municipal Council by filing a notice of opposing with the London Boulevard Parking Committee **NOT LATER THAN 4:30 p.m. ON July 3<sup>rd</sup>, 2014**. The notice of opposition must set out the reasons for opposition to the Boulevard Parking Committee's decision.

Additional information with respect to this decision of the London Boulevard Parking Committee is available from Development Services in Development and Compliance Services, 6<sup>th</sup> floor of City Hall, or by telephoning 519-930-3500 during business hours (weekdays from 8:30am-4:30pm).

You will be entitled to receive notice of any changes to the conditions of the provisional decision if you have either made a written request to be notified of the decision of the London Boulevard Parking Committee or you make a written request to the London Boulevard Parking Committee to be notified of changes.

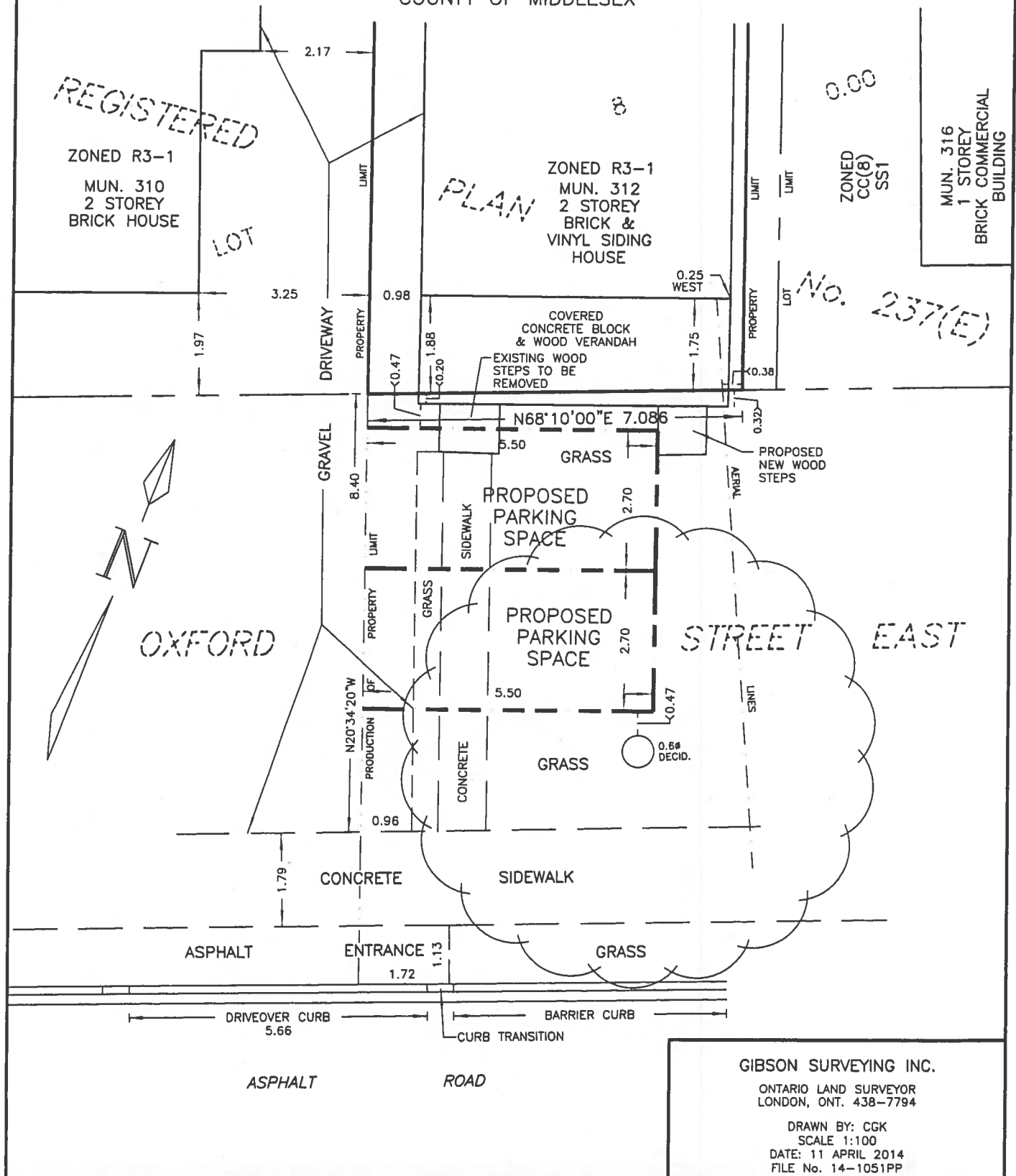
The land to which this application applies is not the subject of an application under the Planning Act.

Dated at the City of London this 16<sup>th</sup> day of June, 2014

Sean Meksula,  
Planner  
Development Services  
300 Dufferin Avenue, London, ON N6A 4L9



SKETCH SHOWING  
**PROPOSED PARKING FOR**  
**MUN. 312 OXFORD STREET EAST**  
 IN THE  
**CITY OF LONDON**  
 COUNTY OF MIDDLESEX



GIBSON SURVEYING INC.  
 ONTARIO LAND SURVEYOR  
 LONDON, ONT. 438-7794

DRAWN BY: CGK  
 SCALE 1:100  
 DATE: 11 APRIL 2014  
 FILE No. 14-1051PP

June 23, 2014

London Boulevard Parking Committee  
City Hall  
300 Dufferin Avenue  
London Ontario  
PO BOX 5035  
N6A 4L9

Dear Sirs:

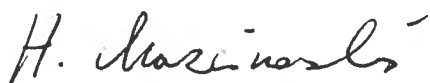
RE: 312 Oxford St E - Appeal of Boulevard Parking

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I, Halina Marcinowski, wish to appeal the decision made by the London Boulevard Parking Committee wherein said Committee refused an application for residential boulevard parking on 312 Oxford St E. The reasons for my opposition are enclosed herein.

I also appoint Thomas Kelly to act as my agents in any and all matters therein.

Yours very truly,



Halina Marcinowski

# APPEAL OF DECISION OF LONDON BOULEVARD PARKING COMMITTEE

*FILE No: BP. 001/14: 312 OXFORD ST E*

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## 1 SUMMARY

The property located at 312 Oxford St E does not currently have any legal parking spaces. All residential properties in the City of London are legally entitled to parking. There is no legal access to the rear of the property, as a meeting with the neighbor at 310 Oxford St E confirmed that they will not provide the owner of 312 Oxford St E with a right of way over the driveway bordered by both houses. The property at 312 Oxford St E has no side yards. The only other possible area for parking for this property is in front of the property, on land owned by the City of London.

All of the requirements set out in Chapter 27(4) of the City of London Council Policies, Residential Front Yard and Boulevard Parking have been met. The Zoning By-Law states that this property is to have two parking spots. The property would use an existing driveway off of Oxford St. and would not have any other discernible effect on any public thoroughfares, therefore abiding by the Street By-Law. The driveway conforms to the Conservation Guides for the Bishop Hellmuth Heritage Conservation Plan.

**The reason for opposition of the Notice of Decision of the London Boulevard Parking Committee (namely that the Committee refused the application) is that all of the requirements set out in all of the above documentation have been met, and as such the proposed residential boulevard parking space in front of the building should be granted.**

The property has not been properly maintained in decades, and is essentially falling down. The frame of the property is in excellent shape, as it was obviously well built over 100 years ago. However, the current owner inherited the property and has no desire to renovate it. She is unable to sell the property without parking, and boulevard parking is the only parking available to the property. If something is not done to the building then it will have to be demolished, and the value to the City's tax base will plummet.

## 2 CHAPTER 27(4) OF THE CITY OF LONDON COUNCIL POLICIES

### 2.1 CRITERIA

The criteria for boulevard parking in Chapter 27(4) of the City of London Council Policies (as set out in Section 3.2) are as follows:

*(a) None of the parking area alternatives described in Section 3.1 of this policy are available;*

There is no tandem parking available, and there are no rear service lanes. No buildings or structures can be altered or relocated to accommodate parking. There is no side yard, and there is no legal access to the rear of the property. Repeated attempts to ask the neighbor located at 310 Oxford St E for a right-of-way over the driveway that would allow access to the rear of the lot have been rebuffed, and the neighbor has stated that no such right-of-way will be granted.

*(b) The parking area exception conforms to the general intent and purpose of the Official Plan policies and Zoning By-law regulations;*

The property is zoned such that 2 parking spots are required. This is the only way to get any parking at all.

*(c) The parking area exception is generally in compliance with the purpose and intent of the Streets By-law;*

The parking area exception does not affect any of the public thoroughfares, or anything covered by the Streets By-Law.

*(d) The change to the Zoning By-law regulations for the residential parking area is minor;*

There is no discernible change required.

*(e) The parking area is generally in keeping with the scale and form of parking on surrounding properties and will have minimal negative impact on existing vegetation and/or municipal services.*

The parking area is minimal in terms of the available front yard space (takes up 25% of the available front yard space), and will have next to no impact on existing vegetation or municipal services. There is ample space between the proposed parking space and the existing tree on the property.

### 2.2 PARKING STANDARDS

The standards for boulevard parking in Chapter 27(4) of the City of London Council Policies (as set out in Section 3.3) are as follows:

*(a) Number of Boulevard Parking Spaces (max.) - 1 per legal dwelling unit*

The property is zoned for a maximum of 3 legal dwelling units; the proposed one space is within the limits.

*(b) Parking Area size (min.) - 2.7 meters (8.8 feet) wide by 5.5 meters (18.0 feet) long.*

The proposed parking spot is 3 meters wide by 6 meters long, meeting this requirement.

*(c) Parking Area and Driveway Width (max.) - maximum 6.0 m. (19.7 feet) or 40% of the front lot line whichever is less but in no case less than 2.7 meters (8.8 feet).*

The driveway to be used is already present on the land.

*(d) Parking Area Lot Coverage (max.) - 40% of the land area between the front of the main building and the roadway.*

The available land area between the front of the building and the roadway is 72 meters squared, with the proposed parking area taking up 18 meters squared of that, or 25%.

*(e) The Parking Area length shall not be permitted parallel to the street line.*

The proposed parking area is perpendicular to the street line.

*(f) The Parking Area shall not be permitted closer than 1.0 m. (3.0 feet) from an existing or future public sidewalk.*

The proposed parking area is one meter from the closest sidewalk.

*(g) In the case of corner properties, where a driveway would be constructed within 10 meters (30 feet) from the intersecting road allowance, approval for permission will be at the discretion of the General Manager of Environmental Services & City Engineer subject to the provisions of the Streets By-law (By-law S-1).*

N/A

*(h) All parking areas and driveways shall be provided and maintained with a stable surface, treated to prevent the raising of dust or loose particles, such as any asphalt, concrete or other hard-surfaced material.*

Upon being granted the proposed parking area it would be paved as required above.

*(i) The Corporation reserves the right to require landscaping, fencing and buffering on and around the parking area and/or to require the preparation by the owner of a site plan for the parking area.*



Any required landscaping/buffering/fencing would be enacted by the recipient of the boulevard parking spot.

### 3 Z.-1 ZONING BY-LAW

As set out on the zoning referral record completed by a Zoning By-law enforcement officer (a copy of which is enclosed) for the property in question, the property requires 2 parking spots. All of the other requirements as set out on the zoning referral record have been met, as on the enclosed completed zoning referral record.

On the North Side of Oxford Street, within a one block radius east and west of the property located at 312 Oxford St E, the following 6 properties have boulevard parking (all located on Oxford St E):

- 304
- 370
- 374
- 396
- 398
- 400

As such, granting boulevard parking to 312 Oxford St E will not set a precedent. Rather it will conform to the precedent set by the above 6 properties.

#### 4 S.-1 STREETS BY-LAW

As the proposed parking space will use the pre-existing driveway located on City of London property, with no new driveway or curb cutting required, it complies with the S.-1 By-law.

There is ample space available on land in front of the house owned by the City around the proposed boulevard parking space for a car to turn around such that any car exiting the property won't be backing on to Oxford St. As such, there are no issues with the Streets By-Law.

## 5 BISHOP HELLMUTH HERITAGE DISTRICT

The relevant portions of the Bishop Hellmuth Heritage Conservation District Plan are quoted as follows:

"Car parking should be located to the side or rear of the lot. Where car parking is seen from the street, landscaping should be introduced to provide a visual buffer."

"A priority is that car parking be accessed off the back lane. If absent, car parking should be located to the side or rear of the new building."

"Paving over front yards for car parking is strongly discouraged. Where car parks are established to the side or rear of a building, landscape buffers should be planted to visually screen the parked cars."

As set out above, there is no available car parking on the side or rear of the lot. The front yard will not be paved over, less than 25% of the front yard would be paved over for the proposed parking space. If required, there is no issue placing some sort of hedge such that the parking will not be visible from the street. As such, the guidelines are met.

The house located on the property is around a hundred years old, placing it in the age of the remainder of the properties located in the Bishop Hellmuth Heritage District. The house has not been maintained, as is essentially falling down. Without parking people are unable to live there and there is no reason to maintain the house, and the current owner is unable to sell it. Due to the extreme narrowness of the lot, the only other possible way to get parking would be to demolish the current house, and build one much farther back on the lot, with parking being done in front on the owner's land. This would blatantly fly in the face of the Conservation Guidelines.

The new three story pharmacy located at the corners of Waterloo St and Oxford St does not comply with the Conservation Guidelines. The Heritage District strongly opposed the building of the pharmacy but the proposed pharmacy was approved by the City of London anyway. Evidently the Guidelines are simply guidelines, not rules, and cannot cover every possibility.

## 6 MISC.

The decision made by the London Boulevard Parking Committee is null and void, as it justifies its decision under Section 102.1 of the Municipal Act R.S.O. 1990. The Municipal Act R.S.O. 1990 was repealed on January 1, 2003 and as such is no longer in force.