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TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING, DIRECTOR OF LAND USE PLANNING, CITY PLANNER
SUBJECT:	APPLICATION BY: ISAAC SHAPIRO 569 VICTORIA STREET PUBLIC PARTICIPATION MEETING ON NOVEMBER 28, 2011 AT 7:00 P.M.

RECOMMENDATION

That, on the recommendation of the Director of Land Use Planning, City Planner, the written objection submitted by Isaac Shapiro on October 28, 2011 from the decision of the City of London Residential Boulevard Parking Committee dated October 11, 2011 to refuse an application made by Isaac Shapiro for an agreement to establish residential boulevard parking at 569 Victoria Street in the City of London, **BE DISMISSED** for the following **REASONS**:

- There are suitable alternatives for parking on the site without the addition of the requested boulevard parking space;
- 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 area does not conform to the intent of Zoning By-law Z.-1; and
- The proposed boulevard parking area does not conform to the intent of Streets By-law S.-1.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Z-5942- PC- September 25, 2000, City Wide, Boulevard Parking Process

ANALYSIS

569 Victoria Street

On September 14, 2011 the property owner Isaac Shapiro submitted a residential boulevard parking application to create a parking space in front of 569 Victoria Street in the City of London's road allowance. 569 Victoria Street is located on the south side of Victoria Street, east of Maitland Street. Victoria Street is a 40m road allowance. The residential building and detached garage was constructed circa 1949. The property is located on a street that is predominately single detached dwellings.

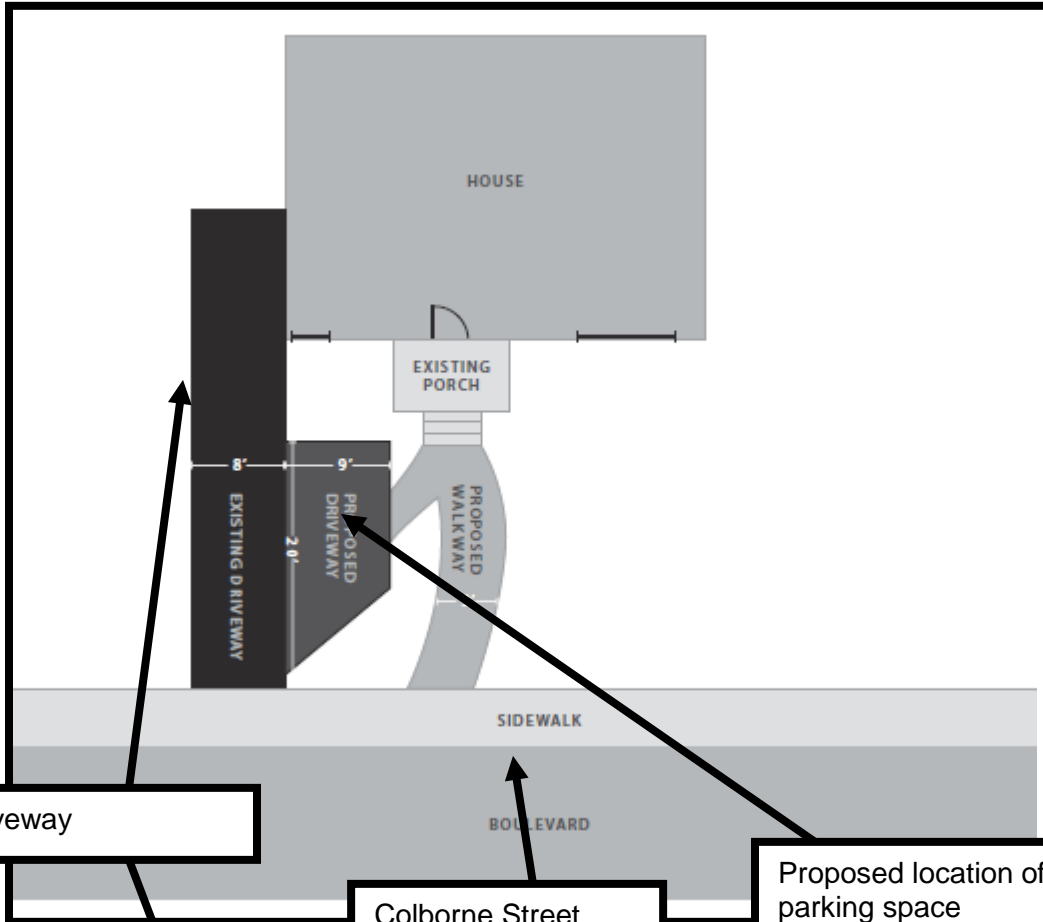
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<p style="text-align: center;">LOCATION MAP</p> <p>Subject Site: 563 Victoria Street Applicant: Shapiro Isaac David, Papernick Jessica Sarah File Number: B-7961 Planner: Craig Smith Created By: Craig Smith Date: 2011-09-20 Scale: 1:2500</p>	<p style="text-align: center;">LEGEND</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Subject Site</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Parks</td> </tr> <tr> <td style="width: 20px; text-align: center;">□</td> <td>Assessment Parcels</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Buildings</td> </tr> <tr> <td style="width: 20px; text-align: center;">123</td> <td>Address Numbers</td> </tr> </table>	■	Subject Site	■	Parks	□	Assessment Parcels	■	Buildings	123	Address Numbers
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<p>Corporation of the City of London Prepared By: Planning and Development</p>											

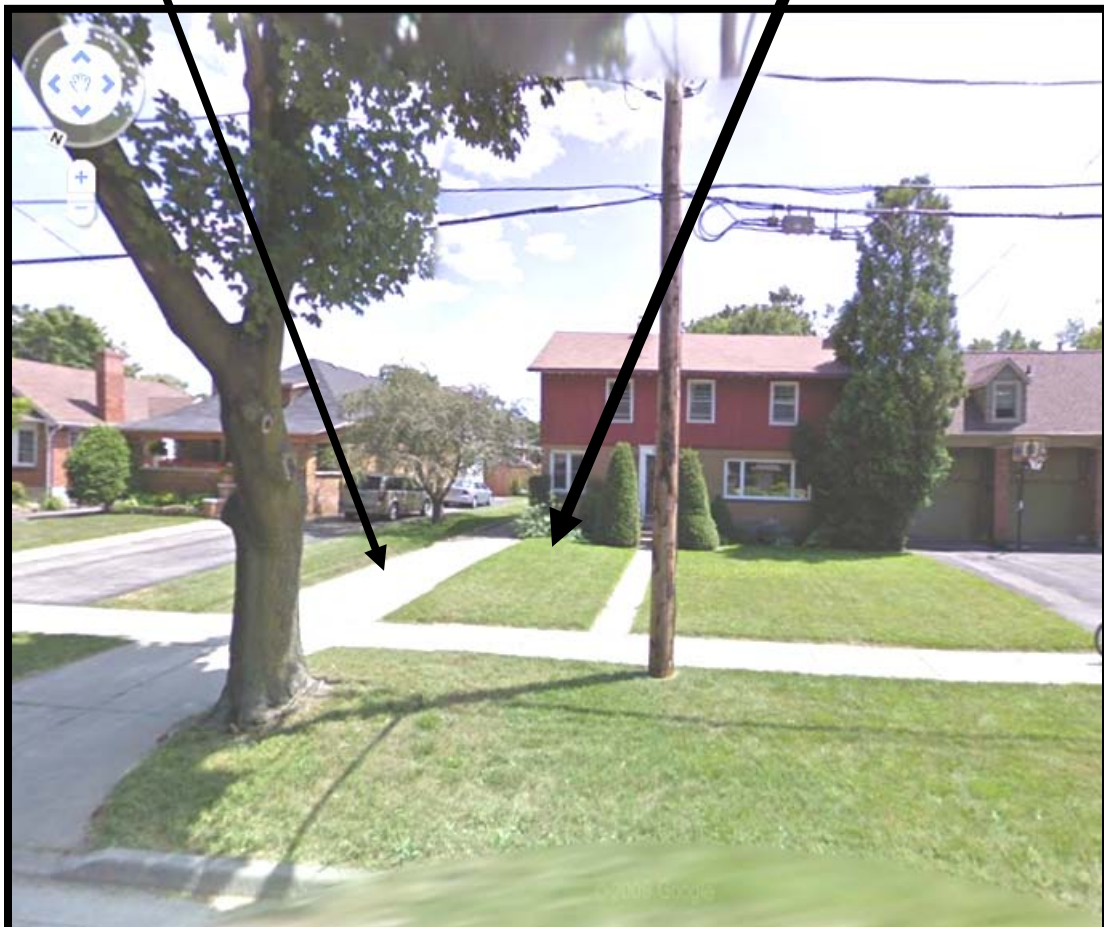
Proposed Site Plan



Existing driveway

Colborne Street road edge

Proposed location of boulevard parking space



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On September 20, 2011 a notice of application to permit a boulevard parking space in front of 569 Victoria Street in the City of London's road allowance was circulated to all property owners within a 60m radius of the property. Attached to the notice of application was a location map along with the above requested site plan. Notice of the proposed application was advertised in the Living in the City section of the London Free Press on September 24, 2011.

On October 11, 2011 the City of London Boulevard Parking Committee met. Based on the comments received by Staff (see attached Appendix 1) and based on Council Policies as listed below, the request for a residential boulevard parking space in front of 569 Victoria Street in the City of London Road Allowance was refused (see attached decision Appendix 2).

Residential Boulevard Parking Process

On September 25, 2000 the Planning and Development Department submitted a report to Planning Committee recommending amendments to the residential boulevard parking process. Prior to September 2000, all applications to permit residential boulevard parking were submitted to Planning Committee for the approval of Council. Council delegated the approval of boulevard parking to Municipal Staff. The intent of Council was to create an administrative committee to streamline the process, reduce application fees and reduce the amount of time that Planning Committee has to spend on these matters, while preserving the opportunity for public input and appeal.

The Planning Division upon receiving an application for residential boulevard parking will circulate the application to property owners within 60 metres (200 feet) of the site and to the appropriate commenting agencies. Comments will be received and an administrative committee comprised of representatives from the Transportation Division, Planning Division, Clerks Department and the Urban Forestry Division will meet and discuss the merits of the application and make a decision.

The decision will be circulated to the applicant and any member of the public that requested a copy. The decision will be subject to a 20 day appeal period in which the matter may be opposed by the applicant or a member of the public to the Built and Natural Environment Committee.

If the application is opposed, staff will prepare a report to the Built and Natural Environment Committee and schedule a public meeting. The decision of Council is final.

Council Policies Criteria for Consideration of Exceptions

3.1 Suitable Alternatives

The approval of front yard or boulevard parking will not be supported by Council where a suitable alternative exists for parking entirely on the owner's property, as described in one or more of the following situations:

- (a) Tandem parking is available in a legal existing driveway when the land use is single detached dwellings;
- (b) The use of rear service lanes is possible where such lanes are accessible and in use by more than one property owner;
- (c) The removal of, alteration to or relocation of accessory buildings or structures, fences and landscaping will result in the accommodation of parking entirely on the owner's property; and/or
- (d) The side and/or rear yard of the lot can be used for a parking area, provided such parking area does not occupy more than 25% of the total lot area.

3.2 Criteria for Approval of an Exception

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The approval of a front yard or boulevard parking exception may be supported by Council where the application for an exception meets the following criteria:

- (a) None of the parking area alternatives described in Section 3.1 of this policy are available;
- (b) The parking area exception conforms to the general intent and purpose of the Official Plan policies and Zoning By-law regulations;
- (c) The parking area exception is generally in compliance with the purpose and intent of the Streets By-law;
- (d) The change to the Zoning By-law regulations for the residential parking area is minor; and
- (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.

3.3 Front Yard and Boulevard Parking Standards

The following minimum and maximum standards apply to parking area exceptions. They are intended to generally reflect the standards currently found in the Zoning By-law as they apply to parking areas for single, semi-detached, duplex, converted two (2) unit type dwellings.

No parking area will be approved which conflicts with any by-laws or regulations of the City of London.

- (a) Number of Boulevard Parking Spaces (max.) - 1 per legal dwelling unit
- (b) Parking Area size (min.) - 2.7 meters (8.8 feet) wide by 5.5 meters (18.0 feet) long.
- (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).
- (d) Parking Area Lot Coverage (max.) - 40% of the land area between the front of the main building and the roadway.
- (e) The Parking Area length shall not be permitted parallel 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.
- (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).
- (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.

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- (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.

On January 20, 2011, the applicant submitted to the City of London a letter of appeal of the City of London Residential Boulevard Parking Committee.

In the letter the applicant lists the following reasons for appeal:

- *The Current driveway is narrow (only 8' approx) and lies directly at my neighbours property line, and the other side is at the wall of the house. This makes entry into the car from the passenger side impossible and very difficult even from the driver's side;*
- *The widening on the "boulevard" (aka: front lawn), is very common in the houses near and around ours. It is common practice to widen the drive as multiple cars are the norm nowadays;*
- *My wife and I are expecting our first at the end of November, my vehicle is a stick shift, my wife does not drive standard, so, moving and shuffling cars is a constant bother; and*
- *Please allow us to expand our driveway, it will look good, it will make our lives much easier, it will keep our cars off the street (so as not to impede traffic flow).*

Staff Comments

Intent of Council Policy 27 (4)

The intent of Council Policy 27 (4) is to allow for front yard parking where there is no ability to park in conformity with Zoning By-law. The intent is to allow for a maximum of one parking space per dwelling unit in the front yard where it can be demonstrated that the parking space can be accommodated without creating adverse impacts on the abutting land uses.

Currently 569 Victoria Street has a 2.7m (8ft) wide driveway that can provide for the required parking spaces as per Zoning By-law Z.-1 in tandem. The proposed boulevard parking space does not conform with the intent of City Council Policy 27 (4).

Intent of Zoning By-law Z.-1

Zoning By-law Z.-1 Section 4.19 requires that in all residential zones all required parking be provided either in a rear yard, a side yard or a garage. The By-law allows vehicles to be parked in a driveway that leads to all or a portion of a parking space in a rear yard, side yard or a garage. The By-law requires a minimum of 2 parking spaces be provided on the lot for the existing single detached dwelling. The dwelling has an existing driveway that leads to the garage in the rear yard. The existing garage and existing driveway can easily accommodate the required parking in tandem on this site. The proposed boulevard parking space does not conform with the intent of Zoning By-law Z.-1.

Intent of the Streets By-law S.-1

Street By-law S.-1 Schedule "A" allows for a maximum driveway width of 40% of a lot frontage or 6m whichever is less. The Streets By-law requires that the driveway lead to all or a portion of a parking space on the lot. The proposed parking space is not located in a side yard, rear yard or a garage. The widening of the driveway to accommodate the proposed boulevard parking space does not conform with the intent of Streets By-law S.-1.

CONCLUSION

The applicant applied to the City of London Residential Parking Committee on September 14, 2011, to permit a parking space in the City of London Boulevard in front of 569 Victoria Street. As per Council policy the notice of application was circulated. The City of London Residential Boulevard Parking Committee met on October 11, 2011 and refused the application. Notification of the decision was given to the applicant in writing. The property owner Isaac Shapiro on October 28, 2011 submitted an objection to the decision of the City of London Residential

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Boulevard Parking Committee. Planning Staff recommends that the objection to the City of London Residential Parking Committee decision be dismissed for the following reasons:

1. 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.
2. The proposed boulevard parking area does not conform to the intent of Zoning By-law Z.-1.
3. The proposed boulevard parking area does not conform to the intent of Streets By-law S.-1.

PREPARED BY:	SUBMITTED BY:
CRAIG SMITH – PLANNER COMMUNITY PLANNING AND URBAN DESIGN	JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP DIRECTOR OF LAND USE PLANNING, CITY PLANNER	

November 18, 2011
"Attached"

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Appendix 1

THE CORPORATION OF THE CITY OF LONDON

Date: **October 5, 2011**

To: **London Residential Boulevard Parking Committee**

From: **Planning and Development Department
Implementation Section**

Subject: **Planning and Development Department
Comments – Residential Boulevard Parking Application
Deadline Date – October 11, 2011**

**B-7961 569 Victoria Street
Isaac Shapiro**

The applicant is requesting permission to permit a parking space to be located in the City of London street allowance. The proposed parking space is located in front of 569 Victoria Street measuring metres in 6.1metres in depth by 2.7 metres in width.

Permission to obtain residential boulevard parking shall be in conformity with Chapter 27 (4) of the City of London Council Policies, Residential Front Yard and Boulevard Parking.

The Policy states:

CRITERIA FOR CONSIDERATION OF EXCEPTIONS

3.1 Suitable Alternatives

The approval of front yard or boulevard parking will not be supported by Council where a suitable alternative exists for parking entirely on the owner's property, as described in one or more of the following situations:

- a) *Tandem parking is available in a legal existing driveway when the land use is single detached dwellings;*
- b) *The use of rear service lanes is possible where such lanes are accessible and in use by more than one property owner;*
- c) *The removal of, alteration to or relocation of accessory buildings or structures, fences and landscaping will result in the accommodation of parking entirely on the owner's property; and/or*
- d) *The side and/or rear yard of the lot can be used for a parking area, provided such parking area does not occupy more than 25% of the total lot area.*

3.2 Criteria for Approval of an Exception

The approval of a front yard or boulevard parking exception may be supported by Council where the application for an exception meets the following criteria:

- a) *None of the parking area alternatives described in Section 3.1 of this policy are available;*
- b) *The parking area exception conforms to the general intent and purpose of the Official Plan policies and Zoning By-law regulations;*

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- c) *The parking area exception is generally in compliance with the purpose and intent of the Streets By-law;*
- d) *The change to the Zoning By-law regulations for the residential parking area is minor;*
- 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.*

3.3 Front Yard and Boulevard Parking Standards

The following minimum and maximum standards apply to parking area exceptions. They are intended to generally reflect the standards currently found in the Zoning By-law as they apply to parking areas for single, semi-detached, duplex, converted two (2) unit type dwellings.

No parking area will be approved which conflicts with any by-laws or regulations of the City of London.

- a) *Number of Boulevard Parking Spaces (max.) - 1 per legal dwelling unit*
- b) *Parking Area size (min.) - 2.7 meters (8.8 feet) wide by 5.5 meters (18.0 feet) long.*
- 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).*
- d) *Parking Area Lot Coverage (max.) - 40% of the land area between the front of the main building and the roadway.*
- e) *The Parking Area length shall not be permitted parallel 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.*
- 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).*
- 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.*
- 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.*

Z.-1 Zoning By-law Section 4.19 states:

- 4. a) *No person shall use any land or cause or permit the use of any land situated in any zone for the purpose of parking or storage of a vehicle in any front yard or exterior side yard.*
- 4. c) *Notwithstanding the yard and setback provisions of this By-law to the contrary, uncovered surface parking areas that conform to the provisions of Subsection 4.19(7) (Surface and Drainage of parking Areas and Driveways) of this By-law, shall be permitted in the yards or in the area between the required road allowance and the required setback as follows:*

Residential - R1, R2, R3, R4 and R11 Zones:

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- a) *The interior side yard and rear yard, provided that no part of any parking area is located any closer than 1.0 metres (3.3 feet) to any required road allowance; and,*
- b) *Driveways in the front yard or driveways in the exterior side yard.*

6. a) *For single, semi-detached, duplex, or converted two unit dwellings, driveways leading to all or a portion of a parking area shall be provided from an improved street by means of one or more unobstructed driveways not less than 2.7 metres (8.8 feet) in width.*

Background

569 Victoria Street is located on the south side of Victoria Street, east of Maitland Street. Victoria Street is a 40m road allowance. The residential building and detached garage was constructed circa 1949. The property is located on a street that is predominately single detached dwellings.

Analysis

The applicant is proposing to permit additional boulevard parking in front of the dwelling unit between the City of London sidewalk and the front lot line. There is a driveway on the east side of the property that leads to the garage. The applicant wishes to create an additional parking space west of the existing driveway in the City of London Boulevard.



As per the Zoning By-law Z.-1, Section 4.19 parking can occur on a driveway that leads to all or a portion of parking space in the rear yard. In this case the driveway leads to the garage in the rear yard. The existing driveway and the ability to park on the driveway that leads to the rear yard parking area are permitted by the By-law. The proposed parking space is located wholly in the front yard and is contrary to Zoning By-law Z.-1 Section 4.19 4) a) which prohibits parking spaces in the front yard. This parking space and driveway does not lead to all or portion of the permitted rear yard parking and does not conform to Section 4.19 4) c) or Section 4.19 6) of Zoning By-law Z.-1.

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To obtain permission to permit a parking space in the City of London road allowance in front of 569 Victoria Street, the parking space is required to conform to the criteria and standards as set out in Council Policy 27 (4), Residential Front Yard and Boulevard Parking and meet the intent of the Streets By-law S.-1 and the Zoning By-law Z.-1. The applicant has the ability to provide for two parking spaces on the existing driveway in tandem as described in Council Policy 27 (4) Section 3.1.

Conclusion

The proposed request to permit a boulevard parking space does not conform to Council Policy 27 (4). It is noted that the applicant has sufficient parking (two tandem spaces) on the existing driveway that leads to the rear yard parking that conforms to Zoning By-law Z.-1. Planning and Development does not support the request for permission to obtain a Residential Boulevard Parking agreement for the parking space and recommends it be refused.

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Appendix 2



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

London
CANADA

NOTICE OF DECISION

**OF THE LONDON BOULEVARD PARKING COMMITTEE
APPLICATION NO. (B-7961)**

TAKE NOTICE that on October 11, 2011, 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 Victoria Street road allowance, in front of the lands municipally known as 569 Victoria Street 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 area does not conform to the intent of Zoning By-law Z.-1.
- The proposed boulevard parking area does not conform to the intent of Streets By-law S.-1.

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 opposition with the Clerk of the Corporation of the City of London **NOT LATER THAN 4:30 p.m. ON, October 31, 2011**.. 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 the Department of Planning & Development Office or by telephoning (519) 661-4980 during business hours (weekdays from 8:30 a.m. to 4:30 p.m.).

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 decisions of the London Boulevard Parking Committee or you make a written request to the London Boulevard Parking Committee to be notified of changes to the conditions of the provisional agreement.

Dated at the City of London, October 11, 2011.

Craig Smith, Planner
Planning and Development Department

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