

2023-07-14



**Minor Variance**  
**COMMENTS TO THE COMMITTEE OF ADJUSTMENT**  
**Panel 2**

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Site Address:	18 Rothwell Drive
Legal Description:	Part of Lots 167 & 168, Judge's Plan 652
File No.:	D08-02-23/A-00133
Date: July 14, 2023	Hearing Date: July, 18 2023
Planner:	Evode Rwagasore
Official Plan Designation:	Outer Urban Transect, Neighbourhood
Zoning:	R1AA

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**DEPARTMENT COMMENTS**

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

Staff is not satisfied that the Owner is meeting the general intent and purpose of the *Official Plan* for one of the four tests under the *Planning Act*. There is a natural heritage feature on site, an escarpment and forest. Therefore, an Environmental Impact Study (EIS) is required per the Official Plan (2022). The owner(s) need to demonstrate that the development will not have a negative impact on the slope and forest. Furthermore, a Slope Stability Report is required because the site is within lands identified as having unstable slopes.

**DISCUSSION AND RATIONALE**

The intent is to allow a building height of 14.35 metres measured from average finished grade, whereas the Zoning By-law permits a maximum building height of 8.5 metres measured from average finished grade. The requested variance is a result of the prescribed Zoning Bylaw building height calculation for a property within the Greenbelt and having a significant slope on an exceptionally deep lot with a 33-metre rear yard setback and a 27-metre grade change. Building height is calculated based on the average grade at the front and rear setbacks. If the average grade were to be measured at the front yard setback and rear of the building footprint, it would be approximately 85.50 metres above mean sea level



(amsl), permitting a maximum building height at 94.00 metres amsl, or 8.5 metres above average grade. The proposed height elevation of 94.24 metres measured at the front wall of the building, results in the front wall of the building being 0.24 metres above the permitted maximum height. Given the minimal visual impact of the increased height on the streetscape, the requested variance is considered minor.

The current pattern of building separations along Rothwell Drive is maintained. The general purpose and intent of the Zoning By-law is maintained.

### **ADDITIONAL INFORMATION REQUIRED**

There is a natural heritage feature on site, an escarpment and forest, as identified on Schedule C11-C of the Official Plan. Therefore, an Environmental Impact Study (EIS) is required. Per the Official Plan (2022) *“Development or site alteration proposed in or adjacent to natural heritage features shall be supported by an environmental impact study prepared in accordance with the City’s guidelines”* (Official Plan (2022), Policy 5.6.4.1 (4)). The Official Plan (2022) defines Development as *“The construction of an addition to buildings, changes of or intensification in use, the addition of units on existing lands, and the creation of new lots. Development also includes redevelopment, and for the purposes of this Official Plan is meant to indicate where a planning application under the Planning Act is required”*.

The site is subject to unstable slopes, as shown on Schedule C15 – Environmental Constraints, which identifies lands affected by unstable slopes and organic soils; therefore, a slope stability report is required in accordance with Policy 10.1.4.(3). Per the Official Plan (2022), *“the City shall review all development using the following criteria:*

- (a) There is sufficient soils and engineering information (obtained using established standards and procedures) to confirm that the site is suitable or can be made suitable for development;*
- (b) Alterations to the site shall not cause adverse environmental effects, create a new hazard or aggravate an existing hazard elsewhere; and*
- (c) People and vehicles have a way of safely entering and exiting the area during emergencies or following an erosion event”.*

## ADDITIONAL COMMENTS

There are no tree-related concerns with the variance requested. The design allows for the retention of 37 of the 41 trees within the front portion of the site, primarily impacting trees in good/fair condition for the driveway. Nine new 50mm trees are required as compensation for the four proposed for removal. The planting plan must be updated for submission with the tree permit application. Tree protection fencing must be installed and maintained through the full duration of construction.



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