

2023-07-28



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 598 Kirkwood Avenue
Legal Description: Part of Lot 15, Registered Plan 152
File No.: D08-02-23/A-00164
Report Date: July 25, 2023
Hearing Date: August 2, 2023
Planner: Basma Alkhatib
Official Plan Designation: Inner Urban Transect, Neighbourhood Overlay, Evolving Neighbourhood Overlay, Minor-Corridor designation.
Zoning: R4UC (Residential fourth density, subzone UC)

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

Staff are satisfied that the requested minor variances meet the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended.

The subject land is within the Inner Urban Transect Policy Area on Schedule A and is designated Neighbourhood on Schedule B2 in the Official Plan. Section 6.3.2 outlines that new development should respect the character of existing areas and development. The intended pattern of development in the Inner Urban Transect is urban including a minimum of two functional storeys, minimal and functional side yard setbacks and landscaped areas. Policy 5.2.1 also encourages an urban built form pattern, with a focus on multi-modal transportation methods, particularly walking and cycling. Site development should also include space for soft landscaped areas, trees, and hard surfacing. Policy 4.6.3 encourage new projects to enhance the public realm where proper by using methods such as: curb extensions, curbside boulevards that accommodate wider pedestrian walkways, trees, landscaping, and street furniture. These enhancements will make streets safer and more enjoyable by dedicating more space to pedestrians, creating opportunities for relaxation and social interaction, and where necessary, buffering pedestrians from traffic.

A main goal of the Official plan is giving landscaping a higher priority than on-site parking, highlighting the concern over the loss of “green space” and the tree canopy in front yards in new infill and intensification projects. Staff recognized that the subject site includes soft

landscaping in the existing front and corner side yards with areas exceeding the requirements. Consequently, these areas supply the transition between the public realm and private property and contributes directly to the quality of the streetscape shared by those who live on the street and in the neighbourhood.

The Department has **no concerns** with the proposed reduced rear yard because an apartment dwelling, low-rise, nine or more units, is permitted in the R4UC Zone. The reduction in the rear yard setback is considered minor because the wall creating the reduction is not extended parallel to the lot line. The shift in this project from having onsite parking in exchange for additional dwelling units is consistent with the intensification objectives and policies of the Official Plan by adding more units to the local housing stock and maintaining a consistent street edge which aligns with the existing neighbouring buildings and provides an urban pattern of development. Moreover, the proposed development focuses on multi-modal transportation methods, particularly walking and cycling, which is encouraged based on policy and context.

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 30cm 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 Planning, Real Estate and Economic Development Department.
6. Existing grading and drainage patterns must not be altered.

Planning Forestry

The Tree Information Report confirms that the proposed addition will have no impact on existing protected trees, provided that tree protection fencing is installed and maintained throughout construction.

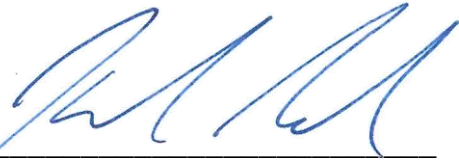
Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Minor Variance Application. However, the Applicant is proposing to remove the rear parking lot as part of the new development. In light of this, the Owner shall be made aware that a private approach permit is required to remove the now redundant approach.

Basma Alkhatib

Basma Alkhatib

Planner I, Development Review, Central
Planning, Real Estate and Economic
Development Department

A handwritten signature in blue ink, appearing to read "J. Renaud".

Jean-Charles Renaud , RPP, MCIP

Planner III, Development Review, Central
Planning, Real Estate and Economic
Development Department