

2024-01-12



MINOR VARIANCE APPLICATION

COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 2

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 1267 Summerville Avenue  
Legal Description: Part of Lot 42, Registered Plan 294  
File No.: D08-02-23/A-00286  
Report Date: January 11, 2023  
Hearing Date: January 16, 2023  
Planner: Justin Grift  
Official Plan Designation: Inner Urban Transect, Neighbourhood Designation  
Zoning: R4UC

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns with** the variance request to increase the height of the proposed building, subject to the plan demonstrating the existing average grade be updated to reflect the correct grades from the front yard setback.

DISCUSSION AND RATIONALE

The Official Plan designates the property Neighbourhood in the Inner Urban Transect. The policies pertaining to this designation support a wide variety of housing types with a focus on missing-middle housing that can remain within a low-rise built form. They also provide direction for an allowable built height of up-to 4 storeys for higher-density low-rise residential development, when appropriate. Staff note, as per Section 13 of the Official Plan, one residential storey corresponds to three metres in height and the low-rise category includes 4 full storeys. Further, policy 3.2.14 states that if an increase in permitted height is requested, it may be done so through a minor variance when the proposed height falls within the same height category of low-rise.

The property is zoned Residential Fourth Density, Subzone UC (R4UC). The purpose of this zone is to allow a wide mix of residential buildings forms ranging from detached to low rise apartment dwellings while regulating development in a manner that is compatible with existing land use patterns so that the residential character of a neighbourhood is maintained or enhanced. The Zoning By-law permits low-rise

apartments in this zone and prescribes a maximum building height of 11 metres. The intent of the height maximum is to maintain a consistent built form amongst the dwellings in the area and to avoid having structures imposing directly onto adjacent lots. Staff note the building height is measured from the highest point of the surface of a flat roof and the average grade. As the property falls within the Greenbelt and as per Section 139(5), the average grade is measured from the existing grade prior to any site alteration at the rear yard and front yard setbacks.

Staff have no concerns with the relief sought to increase the permitted height of the low-rise apartment by 0.89 metres to a maximum of 11.89 metres. Staff are of the opinion that the grade fluctuations on the property impact the measured height of the building, as the back portion of the lot is at the bottom of a slope. Thus, the front wall of the proposed building will be below the 11 metres already permitted in the zone when facing the building from the street. Staff are satisfied that the requested variance meets the “four tests” outlined in Section 45 (1) of the Planning Act, R.S.O. 1990 c. P.13, as amended.

## **ADDITIONAL COMMENTS**

### **Planning**

After discussions with the City's Waste Collection Services group, staff have requested that the applicant provide an unobstructed 2-metre access to Summerville Avenue to provide adequate space to push the carts to the front for waste collection. Staff understand this does not pertain to the subject application but hope the applicant will take it into consideration.

### **Planning Forestry**

The proposed increase in building height will have no affect on existing or proposed new trees. Several of the proposed removals are unrelated to the proposed building, but the grading plans may need to be revised at the building permit stage, to account for proposed parking and retaining walls and retention of trees at the rear of the property. If all proposed tree removals are approved, 18 compensation trees will be required; 5 are proposed, 4 of which are columnar or ornamental species which do not provide canopy cover. The Official Plan has a goal of 40% canopy cover (city-wide). Where space is available with no overhead impediments, large-growing species should be proposed, to improve the canopy cover and provide shade for the residents. It is also recommended to replace any invasive species from the plan (e.g. barberry) with native and/or non-invasive species.

### **Engineering**

The applicant will be required to provide a Grading Plan at time of building permit, prepared by a relevant professional: Professional Engineer (P.Eng.), Certified

Engineering Technologist (CET), Ontario Land Surveyor (OLS), Professional Landscape Architect (OLA), or Professional Architect (OAA).



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