

2024-02-02



MINOR VARIANCE APPLICATION

COMMENTS TO THE COMMITTEE OF ADJUSTMENT

PANEL 1

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 484 Kenwood Avenue  
Legal Description: Lot 251, Registered Plan 283  
File No.: D08-02-23/A-00284  
Report Date: February 1, 2024  
Hearing Date: February 7, 2024  
Planner: Justin Grift  
Official Plan Designation: Inner Urban Transect, Neighbourhood Designation  
Zoning: R1K

DEPARTMENT COMMENTS

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

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.

The property is zoned Residential First Density, Subzone K (R1K). The purpose of this zone is to restrict the building form to detached 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.

As seen in the submitted plans, the applicant is proposing to construct a second storey above the existing sunroom without expanding beyond the footprint of the dwelling. They are seeking relief to reduce the front yard setback by 0.75 metres, to a setback of 4.35 metres, from Section 3 of the Zoning By-law. The intent of the front yard setback is to maintain a consistent front yard along a street and ensure there is an adequate buffer between buildings and the right-of-way. Further, the property is a corner lot and the lot line facing Highland Avenue is deemed the front lot line, even though the principal entrance of the dwelling faces Kenwood Avenue.

Considering that the second storey addition will not expand the footprint of the dwelling closer to the front lot line, Staff are of the opinion the proposed variance is minor and will

not result in a significant change within the front yard. In addition, Staff note that there is an existing shrub line along the Highland frontage that will be retained and serve as a buffer between the street and the second storey addition. With respect to Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended. Staff are satisfied that the requested minor variance meets the “four tests”.

## ADDITIONAL COMMENTS

### Infrastructure Engineering

The Department has no additional comments as this application has already been reviewed and approved for Building Permit (A23-004438).

### Forestry

Through pre-consultation it was determined that all construction would be above the existing sunroom, with no new excavation required. Tree protection fencing must be installed at the full extent of the Critical Root Zones for all existing trees in proximity to the construction area and maintained for the full duration of construction. No materials or equipment may be placed within the Tree Protection Area.

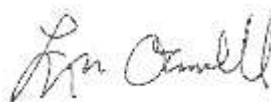
### Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Minor Variance Application as there are no requested changes to the private approach/driveway. However, the Owner shall be made aware that the parking space, the decorative rocks and the log fence all located completely in the City boulevard (Right-of-Way) are not permitted and must be removed. The ROW Permits and Agreement unit will be following up directly with the homeowner to enforce these violations.



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Justin Griff  
Planner I, Development Review, South  
Planning, Real Estate and Economic  
Development Department



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Erin O'Connell  
Planner III, Development Review, Central  
Planning, Real Estate and Economic  
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