



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

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 193 Sunnyside Avenue  
Legal Description: Part of Lots 23 & 24, Reg Plan 116  
File No.: D08-02-24/A-00012  
Report Date: April 25, 2024  
Hearing Date: May 1, 2024  
Planner: Margot Linker  
Official Plan Designation: Inner Urban Transect, Neighbourhood  
Zoning: R3P[487] (Residential Third Density, Subzone P, Urban Exception 487)

**DEPARTMENT COMMENTS**

The Planning, Real Estate and Economic Development Department **has some concerns with** the application.

**DISCUSSION AND RATIONALE**

Staff have reviewed the subject minor variance application against the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended.

The subject site is located within the Inner Urban Transect and is designated Neighbourhood, as per Schedules A and B2 in the Official Plan. This area is intended for urban characteristics, including development providing no parking or limited parking that is concealed from the street and not forming an integral part of the building (Table 6).

The subject site is zoned R3P[487] within the Mature Neighbourhoods Overlay, and is subject to the Streetscape Character Analysis. The analysis identified that the subject lot is part of Character Group A, where front-facing attached garages are not permitted.

Staff have some concerns regarding the requested front-facing attached garage. In this transect, the Official Plan prioritizes the built-form relationship with the public realm through emphasis on front entrances and windows. It directs parking to be hidden from the view of the public realm, so as to reduce the dominance of the automobile on the streetscape. While staff appreciate that the proposed garage is set back over 2 metres, it still renders the principal entrance of less importance and may contribute to the dominance of the automobile within this neighbourhood.

## ADDITIONAL COMMENTS

### Heritage Planning Branch

193 Sunnyside Avenue is a non-designated property listed on the City's Municipal Heritage Register. Owners of non-designated properties listed on the Heritage Register must provide the City with 60 days' notice of their intent to demolish a building. The owner has submitted their 60 days' notice which expires on May 21, 2024. Upon review of the submission, staff do not recommend designation of this property, and can sign off on a demolition permit once the 60 days has expired.

### 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. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
3. 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.
4. A private approach permit is required for any access off of the City street.
5. Existing grading and drainage patterns must not be altered.

### Planning Forestry

~~The TIR provided does not fully account for the proposed impacts to the adjacent street tree (tree 1), nor does it recommend appropriate tree protection & preservation measures. An updated TIR was requested from the applicant in February, but no response was received.~~

~~The plan in the TIR outlines tree protection fencing based on the proposed design, rather than the existing conditions. A phased approach to tree protection fencing should be implemented, in order to allow for demolition of the existing building & structures within the CRZ. The tree protection measures should be revised to reflect the proposed impacts to Tree 1.~~

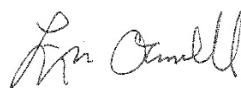
There appears to be adequate space to plant new trees in the rear yard following construction; the owner should consider planting trees in the rear yard following construction, to enhance the property and contribute towards the City's 40% canopy goal, as per the Official Plan's policies to enhance and protect the urban forest canopy through growth and intensification (§ 4.8.2).

### Right of Way Management

~~The Right-of-Way Management Department has **concerns** with the proposed Minor Variance Application as there are some changes to the private approach/driveway. The location is remaining the same but there is sharp angle change in a portion that falls in the ROW which may not meet the required angle of intersection from the centreline of~~

~~the roadway – Private Approach By-law Section 17. Additionally, the private approach should be offset 0.3m from the neighbouring property. The new modification of the private approach would require a 1.5m offset from the utility pole unless Hydro was to waive that distance.~~

The cover letter notes that the garage can be converted into a living space. If this were to happen, the site would lose their legal parking space and no longer be able to park on this site.



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