

2023-07-14



**MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address:	358 Cunningham Avenue
Legal Description:	Lot 55, Registered Plan 551
File No.:	D08-02-23/A-00134
Report Date:	July 13, 2023
Hearing Date:	July 18, 2023
Planner:	Justin Grift
Official Plan Designation:	Outer Urban Transect, Neighbourhood Designation and falls within the area of the Alta Vista / Faircrest Heights / Riverview Park Secondary Plan
Zoning:	R1GG

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The subject property is on Cunningham Avenue in Ward 18 – Alta Vista. The surrounding area is residential, consisting primarily of detached dwellings. The Official Plan (2021) designates the property as Neighbourhood in the Outer Urban Transect. The policies pertaining to this designation support a wide variety of housing types with a focus on lower density missing-middle housing that reflects the built form context of the neighbourhood, as well as support up to 3 storeys height permission, and where appropriate 4 storeys to allow for ground oriented higher-density low-rise residential development.

The policies in the Alta Vista / Faircrest Heights / Riverview Park Secondary Plan speak to ensuring that development gently accommodates additional density in building types that complement the scale and form of the existing buildings, employing site designs that maintain the character of the existing neighbourhood, which is defined by low-rise buildings, green front yards, and tall trees along the streets.

The property is zoned *Residential First Density, Subzone GG (R1GG)*. The purpose of this zone is to restrict the building form to detached dwellings and regulate development in a manner that is compatible with existing land use patterns so that the detached dwelling and residential character for a neighbourhood is maintained or enhanced. The Zoning By-law prescribes a maximum height of 8 metres for detached dwellings. 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 notes that the building height is measured differently between a flat roof and a hip/gable roof. The flat roof is measured from the highest point of the roof surface, whereas a hip/gable roof is measured from the midpoint of the rafters.

Staff has no concerns with the requested variance looking to erect a detached dwelling with an increased height of 0.18 metres. Staff is of the opinion the proposed increase is minor due to it being a flat roof and is in keeping with the Secondary Plan and Official Plan. Further, the plans provided demonstrate that the dwelling respects the interior side yard setbacks, which alleviates some concerns on the height imposing onto neighboring properties. Staff is satisfied that the requested variance meets the '4 tests' outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended.

ADDITIONAL COMMENTS

Planning Forestry

There are no tree-related concerns with the requested minor variance. There were several unauthorized removals of protected trees through the building permit process for which compensation has been paid and 3 compensation trees are to be planted in accordance with the tree planting plan provided to Forestry Services.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Minor Variance Application. However, the owner shall be made aware that a private approach permit is required to construct the new driveway/private approach.

Building Code Services

Building Code Services does not have any comments.



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