

2024-10-31



MINOR VARIANCE APPLICATION

COMMENTS TO THE COMMITTEE OF ADJUSTMENT

PANEL 2

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 858 Wingate Drive  
Legal Description: Lot 630, Registered Plan 643  
File No.: D08-02-24-A-00220  
Report Date: October 31, 2024  
Hearing Date: November 05, 2024  
Planner: Nivethini Jekku Einkaran  
Official Plan Designation: Outer Urban Transect, Neighbourhood  
Zoning: R1O

REQUESTED VARIANCES:

The Applicant requires the Committee's authorization for minor variances from the Zoning By-law as follows:

- a) To permit a reduced setback for a detached garage (eaves) of ~~0.18 metres~~ **0.3 metres** from the interior side lot line, whereas the By-law requires a minimum setback for an accessory structure of 0.6 metres from a lot line.
- b) To permit a reduced setback for a detached garage (eaves) of 0.3 metres from the rear lot line, whereas the By-law requires a minimum setback for an accessory structure of 0.6 metres from a lot line.
- c) ~~To permit a driveway to occupy 100 per cent of the yard in which it is located, whereas the By-law permits a driveway to occupy a maximum of 50 per cent of the yard in which it is located.~~
- d) To permit a reduced landscaped strip of 0 metres between a driveway and interior side lot line, whereas the By-law requires a driveway to be separated from the interior side lot line by a landscaped strip not less than 0.15 metres in width.
- e) ~~To permit a reduced driveway width of 2.34 metres, whereas the By-law requires a minimum driveway width of 2.6 metres.~~

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has no 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. Staff are satisfied that the requested minor variance(s) meet(s) the “four tests”.

The subject property is zoned as R1O – Residential First Density Zone, Subzone O. The property is within the Outer Urban Transect and designated as Neighbourhood, as per Schedules A and B3 of the Official Plan. This area is generally planned for low-density, low-rise development which maintains the neighbourhood character.

## ADDITIONAL COMMENTS

### Infrastructure Engineering

1. The **Planning, Development and Building Services 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. 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.
4. 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, Development and Building Services Department**.
5. Existing grading and drainage patterns must not be altered.

### Planning Forestry

There is one street tree along Wingate, and a large privately-owned tree at the South-East corner of the site. While the proposed garage & driveway will not directly impact the existing trees on site, they must be protected through construction by implementing the [Tree Protection Specifications](#), to ensure no encroachment into the Critical Root Zone.

There should be no storage, staging, or encroachment into the softscape within the right-of-way at the front of 858 Wingate.

### 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 private approaches.

*J. E. Nivethini*

---

Nivethini Jekku Einkaran  
Planner I, Development Review All Wards  
Planning, Development and Building  
Services Department

*Erin O'Connell*

---

Erin O'Connell  
Planner III, Development Review All Wards  
Planning, Development and Building  
Services Department