



Report Committee of Adjustment

Filing Date: March 22nd, 2024

Hearing Date: April 23rd, 2024

File: A-2024-0072

**Owner/
Applicant:** 2797180 Ontario Inc.

Address: 12039 Hurontario Street

Ward: WARD 2

Contact: Aferdita Dzaferovska, Assistant Development Planner

Recommendations:

That application A-2024-0072 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the owner finalize site plan approval under City File SPA-2022-0106, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
 3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

A Site Plan application (City File SPA-2022-0106) was submitted on June 3rd, 2022, to facilitate the development of a 12-storey residential building on the subject property and is currently under review. The minor variance application is being requested to permit an increased height as a result of the proposal as set forth in the Site Plan Application.

Existing Zoning:

The property is zoned 'Residential Apartment A- Section 3625 (R4A-3625)' according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a building height of 38.90 metres whereas the by-law permits a maximum height of 9 storeys (28.5 metres).

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The subject property is designated 'Residential' in the Official Plan and 'High Density Residential' as per the Snelgrove Heartlake Secondary Plan (Area 1). An Official Plan Amendment application (OZS-2021-0017) changed the designation of the property from Low Density Residential to High Density Residential (OPA 2006-215) to accommodate the proposed 12 storey apartment building development. Further, Section 1.5 of the Snelgrove Heartlake Secondary Plan states that lands designated High Density Residential on Schedule 1 shall be developed in accordance with the New Housing Mix and Density Categories in Section 4.2.1.2 of the Official Plan. The "High Density Residential" category means a density up to 200 dwelling units per net residential hectare (up to 80 units per net acre) which incorporates townhouses, duplexes, maisonettes and apartments. Staff are of the opinion that the increase in building height aids in achieving appropriate standards of development to help realize the policy intent of this Plan. Subject to the recommended conditions of approval, the requested variance maintains the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The applicant is requesting one variance to permit a building height of 38.90 metres whereas the by-law permits a maximum height of 9 storeys (28.5 metres). The intent of the by-law in regulating the maximum permitted building height for a property is to ensure that there are no negative massing impacts on adjacent properties.

While full building height requirements of the Zoning By-law are not satisfied, staff are of the opinion that the proposed residential building is appropriately setback, with a minimum of 4.0 metres (13.1 ft) being provided, thus mitigating any negative massing impacts on adjacent properties. As such, the proposed increase in building height is adequately buffered and setback from adjacent properties. Further, the proposed building incorporates a stepped building concept with each successive floor of the building being set back from the one below it, fully complying with the 45-degree angular plane requirement and mitigating concerns of overlook, privacy, and shadowing (refer to Appendix A). Subject to the recommended conditions of approval, the requested variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance is to permit an increased building height of 38.90 metres to facilitate the development of a 12 storey residential apartment building. The increase of 10.4 metres (34.1 ft.) to the building height is not anticipated to significantly contribute to shadowing onto adjacent properties given that a 45-degree angular plane is maintained with the building concept and design. Additionally, as the

proposed building is adequately setback from neighbouring properties, staff are of the opinion that there are ultimately no negative massing and/or visual impacts on adjacent properties.

A Site Plan Application under City File SPA-2022-0106 was submitted on June 3rd, 2022, to facilitate the development of a 12-storey residential building on the subject property and is currently under review. A condition of approval is included that the owner finalize site plan approval under City File SPA-2022-0106, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services. The Site Plan Control process will examine the design and technical aspects of the proposed development to ensure it is compatible with the surrounding area and contributes to the vitality of the city. The variance is requested to given that Site Plan Control must implement the Official Plan and be authorized by the zoning that is in force and applicable to the site.

Subject to the recommended conditions of approval, the variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

Given the context of the property and the location in which the building is proposed, the increase in height is not expected to generate negative impacts. The increase of building height of 10.4 metres, is considered as a minor departure from the permitted height. This will ensure that the development will maintain the character of the surrounding area which is primarily mid-rise development. The proposed 12 storey building frames Hurontario Street, in which it is fronting, whilst simultaneously allowing access to sunlight to adjacent properties. Further the sitting of the building and resulting setbacks minimize shadowing and visual intrusion. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

Aferdita Dzaferouska

Aferdita Dzaferovska, Assistant Development Planner

