



Report Committee of Adjustment

Filing Date: September 11, 2023

Hearing Date: October 3, 2023

File: A-2023-0277

**Owner/
Applicant:** Kings Vista Condos Inc. c/o Prabjeet Chhabra

Address: 25 Kings Cross Road

Ward: WARD 7

Contact: Charles Ng, Planner I

Recommendations:

That application A-2023-0277 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 through the Site Plan Application Number SPA-2022-0117, the applicant shall implement additional vegetation screening along the east and south property lines in order to screen the airshafts and transformer from the public view;
 3. That the owner finalize site plan approval under City File SPA-2022-0117, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services; and
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The applicant has submitted a Minor Variance Application to seek relief from setback requirements. Staff notes that the variances being requested are in support of Site Plan Application SPA-2022-0117, which contemplates the redevelopment of the subject property to include two (2) mixed-use

building over two (2) phases, known as Building 'A' and Building 'B'. This Minor Variance Application is intended for Phase 1, Building 'A'.

Existing Zoning:

The subject property is zoned 'Central Area Mixed Use 1 – CMU1' with Special Section '3026' (CMU1-3026), according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a 1.6 metre interior side yard setback to a hydro transformer, whereas the by-law requires a minimum interior side yard setback of 8.1 metres;
2. To permit a 2.3 metre rear yard setback to an intake shaft, whereas the by-law requires a minimum rear yard setback of 5.0 metres to an air intake shaft; and
3. To provide a 4.0 metre setback to the daylight triangle whereas the by-law requires a minimum setback of 5.0 metres.

Current Situation:

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

The subject property is designated 'Central Area' in the Official Plan, and further designated 'Central Area Mixed Use' in the Queen Street Corridor Secondary Plan (Area 36). Lands designated 'Central Area' in the Official Plan are intended to accommodate a wide range of uses to support the objective and vision of reinforcing the area as a cultural, economic, entertainment and tourist hub. This includes increasing residential dwellings to provide opportunities for people to live and work. Permitted uses are further defined in the Secondary Plan, but generally include a variety of residential uses. Lands designated 'Central Area Mixed Use' in the Secondary Plan are intended to accommodate mixed-use developments comprising of residential, commercial, institutional, cultural and entertainment uses.

The requested variances are intended to support the redevelopment of the subject property to include two mixed-use buildings under Site Plan Application SPA-2022-0117. The requested variances are not considered to have significant impacts within the context of the applicable planning policy framework.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Official Plan.

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

Variances 1 and 2 are to permit a 1.6 metre interior side yard setback to a hydro transformer, whereas the by-law requires a minimum interior side yard setback of 8.1 metres; and to permit a 2.3 metre rear yard setback to an intake shaft, whereas the by-law requires a minimum rear yard setback of 5.0 metres

to an air intake shaft, respectively. The intent of the by-law in regulating setbacks is to ensure that appropriate site circulation, availability of amenity space, privacy, visual impact, and sufficient building separation between lot lines are maintained.

The subject property is located within an area that is generally characterized by residential uses in the form of high-density residential towers, outdoor amenity spaces, and some commercial uses that serve the community. The size and orientation of the proposed mixed-use building is not anticipated to significantly impact the subject property, neighbouring properties, or the area. Staff notes that landscaping elements are intended to be incorporated into the proposed development, which is intended to screen and enhance the public realm. These technical details are reviewed and addressed through the related Site Plan application currently under review. The requested relief from setback requirements are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is to provide a 4.0 metre setback to the daylight triangle whereas the by-law requires a minimum setback of 5.0 metres. The intent of the by-law in regulating building setbacks to daylight triangles is to ensure that the function of the daylight triangle is not affected. The daylight triangle is located at the intersection of Kensington Road and Kings Cross Road within the City's Right-of-Way and is outside of the subject property's limits. Based on the building's massing, landscaping treatment and the orientation of the building itself, the requested building setback from the daylight triangle from 5.0 metres to 4.0 metres is not anticipated to significantly affect the function of the daylight triangle. Furthermore, the City's Traffic Services Department has reviewed the requested variances and note that there are no technical or functional concerns with the variances.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The subject property is located within an area that is generally characterized by residential uses in the form of high-density residential towers, outdoor amenity spaces, and some commercial uses that serve the community. The requested variances are intended to support Site Plan Application SPA-2022-0117, which includes two (2) mixed-use buildings to be constructed over two (2) phases. This Minor Variance Application is intended to support Phase 1, Building 'A', which maintains a proposed height of 20 storeys. The proposed development also includes outdoor amenity spaces and landscaping elements that are intended to enhance the public realm. The requested variances are generally aligned with the planned intent, character and function of the subject property and surrounding area. The requested variances are also generally aligned with the Official Plan and Zoning By-law.

Subject to the recommended conditions of approval, the requested variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances are to permit a side yard setback of 1.6 metres from a hydro transformer, a rear yard setback of 2.3 metres from an air intake shaft, and a building setback of 4.0 metres to the

daylight triangle. The requested variances represent minor deviations from permitted allowances as per the by-law and are generally aligned with the Official Plan and Zoning By-law.

Subject to the recommended conditions of approval, the requested variance is minor in nature.

Respectfully Submitted,

Charles Ng

Charles Ng, Planner I

Appendix A:

