

TITLE: CONDITIONAL USE AND VARIANCE 2940 VICTORIA AVENUE OWNER: SUNNY DAYS ENTERPRISES LTD. APPLICANT: MCKENZIE DESIGN SOLUTIONS (KATE MCKENZIE)		
MEETING DATE: March 4, 2026		Page 1 of 5
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Public outreach report	
PRESENTER: Emmanuel Owusu Ansah, Community Planner	MANAGER: Sonikile Tembo, Principal Planner	

RECOMMENDATIONS:

Conditional Use

That Conditional Use Application C-09-25 to allow for multiple dwellings as part of a commercial development in the CAR Commercial Arterial Zone be approved at 2940 Victoria Avenue (Lot 2, Plan 41029 BLTO) in accordance with the attached letter of intent "Attachment A" and site plan "Attachment B-3".

Variance

That Variance Application V-24-25 to vary Table 12 under Section 55 of the Zoning By-law to increase the maximum building height from 19.0m or four storeys to 28.0m or six storeys and reduce the required rear yard from 7.6m to 6.0m in the CAR Commercial Arterial Zone be approved at 2940 Victoria Avenue (Lot 2, Plan 41029 BLTO) in accordance with the attached letter of intent "Attachment A" and site plan "Attachment B-3".

BACKGROUND:

*Request*

The applicant, Kate McKenzie of McKenzie Design Solutions, on behalf of the property owner, Sunny Days Enterprises Ltd., is applying for the following:

1. To allow for multiple dwellings as part of a commercial development on property located at 2940 Victoria Avenue in the CAR Commercial Arterial Zone
2. To vary Table 12 under Section 55 of the Zoning By-law to increase the maximum building height from 19.0m or four storeys to 28.0m or six storeys and reduce the required rear yard from 7.6m to 6.0m for the proposed building in the CAR Commercial Arterial Zone

The applicant also concurrently applied for a subdivision to create three bare land condominium units. The subdivision application is expected to go to the March 16, 2026 City Council meeting, and does not require a public hearing.

Approval of these applications will allow for the development of a six-storey 120-unit residential building in the CAR Zone.

#### *Development Context*

The subject site currently has a commercial building at the northwest portion of the site that accommodates a dental office and denture clinic, a wellness business, and a radio station. The site is located two blocks southwest of the intersection of Victoria Avenue and McDiarmid Drive. Uses surrounding the site include commercial to the north and west, an open space to the south and an educational institution (Vincent Massey) further south and a mix of commercial and residential uses to the east. Victoria Avenue provides access to the site.

#### *History*

The building initially housed both television and radio studios, though part of the building sat empty for a time after the closure of the television station CKX-TV in 2009. There are no recent records of major development applications affecting the site beyond routine permits related to tenant improvements.

#### ANALYSIS:

Approval of these applications will allow for the development of a six-storey 120-unit residential building in the southern part of the site.

#### Conditional Use

*Consistency with Part 7, Section 106(1)(b) of The Planning Act and Demonstration that the Use:*

1. *Will be compatible with the general nature of the surrounding area;*

The proposed 120-unit residential building will be located at the rear (southern portion) of the site, behind the existing commercial building. As such, the development will not directly alter the established commercial streetscape along the arterial street.

While the proposed building will introduce higher-density residential use on the site, its placement behind the existing commercial structure provides an appropriate transition and minimizes its visual prominence from the street. Further, the site is on an arterial street where mixed-use intensification is anticipated, and moderate-density residential uses already

exist along the north side of Victoria Avenue west of the site. The proposed residential development therefore is compatible with the general nature of the surrounding area.

2. *Will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area;*

The building's placement at the rear of the site provides separation from adjacent commercial properties and limits its prominence from Victoria Avenue. Access will continue to exist from the arterial street, designed to accommodate higher traffic volumes, and the proposed lane opening will establish a second alternate access point to the site, as required for developments of this size, from the McDiarmid Drive/McTavish Avenue intersection, improving overall site circulation and connectivity.

Given the surrounding land uses and the configuration of the site, the development is not anticipated to negatively affect neighbouring properties or future development opportunities in the area.

3. *Is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law*

City Plan

- The site is located within the "General Urban Area" and is along a Commercial Corridor under Map 3: Urban Structure
- 7.1(1)(a) – General Urban Area supports existing and future residential development
- 7.1(3)(Residential General Policies)(a)(b)(c)(e) – supports residential development within a serviced General Urban Area with adequate water and wastewater capacity, while providing a mix of housing options and densities and promoting infill development within an established area.
- 7.1(3)(Residential Development)(e) and 7.4.(1)(Corridor General Policies)(a) – proposal supports high density intensification of residential development on corridors.

Zoning by-law

- The proposed development generally meets the bulk and siting requirements under the CAR zone other than the requested variances as outlined next in this report

## Variance

### *Consistency with Part 6, Section 97(1)(b) of The Planning Act and Demonstration that the Variance:*

1. *Will be compatible with the general nature of the surrounding area;*

Though the proposed building will be the tallest one in the area, the surrounding area includes a mix of three- and four-storey buildings, some with similar or larger building mass, such as 3015 Victoria Avenue and 3130 Victoria Avenue.

The intent of the 7.6m rear yard is generally to provide some private yard/amenity for the residents, allow space for access and parking areas behind structures and ensure appropriate buffering from adjacent properties. In this case, parking is not proposed within the rear yard. As such, the reduced rear yard of 6.0m continues to provide sufficient separation while accommodating the proposed building footprint without compromising the intent of the Zoning By-law

2. *Will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area;*

The building's placement at the rear of the property and the presence of open space and institutional uses to the south, reduces potential concerns related to building shadow or privacy.

The reduction in the rear yard will not be detrimental to the area, since there are no services being protected by this required yard, and all parking and access is adequately provided without negatively affecting neighbours.

3. *Is the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and*

The additional storeys allow for a more compact form while providing sufficient parking for both the existing and proposed uses. The proposed reduced rear yard allows for an increased separation from the existing commercial building.

4. *Is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law*

As addressed in the conditional use component of analysis, the proposal complies with all other provisions of the City Plan and, apart from the requested variances, the Zoning By-law.

## *Commenting Agencies*

All comments have been addressed

LEGISLATIVE REQUIREMENTS:*Notification*

In accordance with and exceeding minimum requirements under Subsection 169(3) of The Planning Act, notice was sent to owners of property within 100 metres (328 feet) of the subject property, and also posted on the subject property.

*Public Outreach*

In accordance with Section 13 of the Zoning By-law, the applicant sent a letter describing the project to all residents within 100m of the site. The applicant indicated that two neighbours contacted her with concerns about parking and traffic through the lane and on McDiarmid Drive. The proposal meets the City's minimum parking requirements. Primary access will remain from Victoria Avenue, which is intended to accommodate high traffic volumes. The southern lane will serve as secondary access for the residential building and three existing properties southeast of the subject site. The development is not expected to create traffic impact beyond what is typical for this type of use. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.