

Committee of Adjustment
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City of Ottawa | Ville d'Ottawa
Comité de dérogation



Minor Variance
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 2

Site Address: 422 & 424 Hartleigh Avenue

Legal Description: Part of Lot 90, Registered Plan 305

File No.: D08-02-23/A-00053 & D08-02-23/A-00055

Date: March 31, 2023

Hearing Date: April 5, 2023

Planner: Siobhan Kelly

Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving
Neighbourhood Overlay

Zoning: R2F

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has some concerns** with the applications.

DISCUSSION AND RATIONALE

At the hearing on July 6, 2022, the Committee of Adjustment granted severance and minor variance applications for the proposed semi-detached dwelling. At that time, the proposal featured two carports and driveways along the exterior side lot lines, which necessitated the removal of a tree in the front yard. The applicant has since revised the design to retain the tree by relocating the driveways. The revised design features two attached front-facing attached garages and requires relief from Section 140 of the Zoning By-law, which prohibits front-facing attached garages where it is not a dominant streetscape character attribute.

The Official Plan provides broad policy direction that development shall maintain the urban forest canopy. When considering impacts on individual trees, the Official Plan directs staff and the Committee of Adjustment to prioritize the retention of large, healthy trees over replacement plantings. If granted, the variance will facilitate the retention of a large and healthy white spruce tree while also facilitating the development of a semi-detached dwelling – the form of ground-oriented density contemplated for Neighbourhoods in the Inner Urban Transect. Staff is satisfied that the variance meets the general intent and purpose of the Official Plan.



While recognizing the merits of the revised design as it relates to tree retention, staff has some concerns with the proposed variance. The property is zoned Residential Second Density Subzone F (R2F) and is subject to the Mature Neighbourhoods Overlay, which prescribes built form regulations based on streetscape character attributes. The intent of Section 140 of the Zoning By-law is to ensure that new development is consistent with dominant streetscape character attributes. The dominant streetscape character for Hartleigh Avenue is no front-facing attached garages. As there is no parking requirement for this area, staff note that the applicant could retain the tree and adhere to the dominant streetscape character by removing on-site parking.

Notwithstanding the above comments, staff note that the proposed development includes built form and design elements that reduce some of the impacts associated with front-facing attached garages. The proposed garages are set back 1.41 metres from the front edge of the landings and 0.61 metres from the principal entrances. Further, the materiality of the garage doors reduces their visual impact and helps to emphasize the dwelling's pedestrian entrances. If granted, staff recommend that the Committee of Adjustment tie the decision strictly to the plans submitted with the application, including the building elevations.

ADDITIONAL COMMENTS

Forestry:

The Tree Information Report (TIR) shows there are four protected trees on the property. Contrary to the planning rationale, Tree #1 is in good condition and will be retained. Tree #3 is planned for removal due to its condition and conflicts with the proposed development. The City requires a tree removal permit for this tree. Compensation in the form of planting two trees on the property will be a condition of the permit. In advance of applying for a building permit, please update the TIR as the rear yard walkway and associated grading are not discussed in the TIR.

The TIR must be followed through construction. The tree protection fencing must be installed prior to construction and will follow the City's specification which can be found at the following link:

https://documents.ottawa.ca/sites/documents/files/tree_protection_specification_en.pdf

Right-of-Way Management:

A Private Approach Permit and Road Cut Permit are required for each of the newly constructed driveways/private approaches. Please contact Right-of-Way



Management prior to construction to obtain the permits. rowadmin@ottawa.ca

A handwritten signature in blue ink that reads "Skelly".

Siobhan Kelly
Planner I
Development Review, South Branch
Planning, Real Estate and Economic
Development Department

A handwritten signature in blue ink that reads "Lisa Stern".

Lisa Stern, MCIP, RPP
Planner III
Development Review, West Branch
Planning, Real Estate and Economic
Development Department