

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 1

Site Address: 93 Fifth Avenue

Legal Description: Part of Lot 35, Block 24, Registered Plan No.34756

File Nos.: D08-02-23/A-00056

Date: March 27, 2023

Hearing Date: April 5, 2023

Planner: Basma Alkhatib

Official Plan Designation: Inner Urban Transect, Evolving Neighbourhood

Zoning: R3Q [1474] (Residential third density Zone, subzone Q, exception1474)

### DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns** with the above-noted application.

### DISCUSSION AND RATIONALE

The subject site is within the Inner Urban Transect Policy Area on Schedule A and Evolving Neighbourhood designated on Schedule B2 in the Official Plan. Section 6.3.2 outlines that new development should respect the character of existing areas and development. The intended pattern of development in the Inner Urban Transect is urban, exhibiting the characteristics outlined in Table 6 of the Official Plan. Urban Transect includes a minimum of two functional storeys, buildings attached or with minimal functional side yard setbacks and small areas of formal landscape. It also should include space for soft landscape, trees, and hard surfacing.

Upon reviewing the application, staff noticed a paved driveway in the front yard that is used as a surface parking. There is not enough information that indicates that this parking space was legally created. Also, staff noticed that this parking space is not of sufficient length to fit a car within the subject site land boundaries, which means that the users would be parking partly within the City's ROW.

Moreover, the front yard is currently occupied by a parking space and a walkway, and there is no softscaping, which is not compliant with the Zoning By-law. Table 139 in the Zoning By-law requires that the site include 30% softscaping.

Staff have received an updated site plan from the applicant on April 3, 2023. The updated site plan shows the removal of the parking space, and the front yard is proposed to be softscaped, except for the walkway. Staff recognize that the proposed



walkway provides access between the right-of-way and the walkway (subject walkway for minor variance) that is aligned with the entrance stairs. The proposed walkway and the softscaping satisfy the requirements of the By-law.

The Department has **no concerns** with the applicant's request to increase the walkway that connects the entrance stairs with the walkway perpendicular on the right-of-way, to be 1.32 metres instead of 1.2 metres in width, as this change is minor and has no impact on the surrounding context.

#### **Forestry Services Comments:**

1. There are no tree-related concerns with the walkway width as there are no existing trees in this location. Once the existing hardscaping is removed it is strongly recommended to plant a new 50mm tree in the ROW in front of this house, or to apply for a tree through the City's Trees in Trust program.

#### **Additional Comments:**

1. **Planning, Real Estate and Economic Development Department** will do a complete review of grading and servicing during the building permit process.
2. At the time of building permit application, a grading/servicing plan prepared by a Professional Engineer, Ontario Land surveyor or a Certified Engineering Technologist will be required.
3. Any proposed works to be located within the road allowance requires prior written approval from the **Infrastructure Services Department**.
4. In accordance with the **Tree Protection By-law** all City owned trees are to be protected and compensation will be required if any tree is damaged or lost.
5. The **Tree Protection By-law** is in effect and a permit is required to remove any protected trees (30 cm or greater in the urban area and 50 cm or greater in the suburban area) located on private property.
6. 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, Real Estate and Economic Development Department**.
7. A private approach permit is required for any access off of the City's street.
8. Existing grading and drainage patterns must not be altered.
9. The **Planning, Real Estate and Economic Development Department** requires proof that the Rideau Valley Conservative Authorities have granted their approval due to development being located within the regulatory limit.
10. Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).
11. In reviewing the application, the cover letter notes that modifications were undertaken to the driveway/private approach. In light of this, an investigation was completed, and it was determined that permits were **not issued** for the alterations to the driveway. As a result, the Owner shall apply to the **Right-of-**



**Way, Heritage, and Urban Design Department** to ensure the changes conform to the Private Approach By-law, as well as the Road Activity By-law.

12. **Please contact the ROW Department at [rowadmin@ottawa.ca](mailto:rowadmin@ottawa.ca) to submit your application.**
13. Please ensure design of the walkway does not encourage front yard parking.

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