

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



Permission
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 1

Site Address: 350 A Winston Avenue

Legal Description: Lot 12, Registered Plan 179

File No.: D08-02-22/A-00057

Date: March 31, 2023

Hearing Date: April 5, 2023

Planner: Margot Linker

Official Plan Designation: Inner Urban Transect, Evolving Neighbourhood Overlay

Zoning: R3S (Residential Third Density, Subzone S)

Mature Neighbourhood Bylaw: n/a

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 located within the Inner Urban Transect Policy Area on Schedule A and is designated Neighbourhood and within the Evolving Neighbourhood Overlay on Schedule B in the Official Plan. Policy 2 in Section 6.3.2 directs form-based regulation to have regard for local context and character of existing development as well as for appropriate interfaces between residential buildings, including the provision of reasonable and appropriate soft landscaping and screening to support livability. The subject site is located within the Richmond Road / Westboro Secondary Plan. Section 2 identifies preserving the scale and character of existing neighbourhoods and ensuring the compatibility of new development as a guiding principle of this Plan.

Under the current Zoning By-law, the R3S (Residential Third Density, Subzone S) zone lists “townhouse” as a prohibited use, and therefore there currently are no regulatory performance standards such as for setbacks for townhouses within this zone. A construction permit for the subject townhouse dwelling unit was issued in 1993, so Planning staff believe that the unit exists today as a legal non-conforming use. The subject Permission Application will accommodate the expansion of the existing building footprint and envelope of the legal non-conforming use.

When considering applications for permission to expand or enlarge a legal non-conforming use, previous Ontario Land Tribunal cases have considered of issues



such as desirability for development of the property and impact on the surrounding area.

The proposed rear yard setback appears to be approximately 24 per cent of the lot depth (6.45 metres), providing sufficient rear yard area for soft landscaping to plant new and protect existing trees. There appears to be some examples of shallow rear yards within the vicinity of the subject site, including the property to the immediate north as well as a few properties on Winston Avenue closer to Madison Avenue. The proposed addition will be located where a rear-facing deck exists currently and will not have windows facing abutting properties to the north and south, and staff do not anticipate additional privacy concerns of the one-storey addition for the properties to the west.

The agent for the applicant has confirmed that the addition's roof will be designed to ensure that surface storm water runoff including the roof water will be self contained and not be directed onto abutting private properties, and that the newly constructed south wall abutting 350B Winston will meet or exceed Ontario Building Code-prescribed fire resistance ratings as well as maintain smoke-tightness with the existing shared party wall.

Forestry Services Comments:

1. Through pre-consultation it was determined that there are no protected trees on site, and no tree-related concerns with the application. Tree protection is required for the 2 City trees in front if there is to be any equipment or material staging in this area, and recommended for the tree in the rear yard; fencing is to be installed and maintained for the full duration of construction in accordance with the City's protection specifications.

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. 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.
4. 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.
5. 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**.

6. Existing grading and drainage patterns must not be altered.
7. The site is located within 300 m of the O-Train Light Rail Transit rail corridor. The City of Ottawa will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.

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