

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: 667 Churchill Avenue

Legal Description: Lot 27, Registered Plan 460

File No.: D08-02-23/A-00040

Date: March 30, 2023

Hearing Date: April 5, 2023

Planner: Margot Linker

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

Zoning: R3S (Residential Third Density, Subzone S)

Mature Neighbourhood Bylaw: ABA

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department has **concerns** with the above-noted application.

DISCUSSION AND RATIONALE

The Official Plan designates the property as Minor Corridor within the Evolving Neighbourhood Overlay in Schedule B2 within the Inner Urban Transect on Schedule A. The Inner Urban Transect comprises of those lands immediately surrounding the Downtown Core intended to enhance those areas with an existing built form. Generally, the older neighbourhoods in the Inner Urban Transect reflect the urban built form characteristics described in Table 6, which are planned for no automobile parking, or limited parking that is concealed from the street and not forming an integral part of a building, such as in a front facing garage. To provide residents with equitable access to an urban forest canopy, Section 4.8.2 Policy 3 states that growth, development and intensification shall maintain the urban forest canopy and its ecosystem services, in accordance with Subsection 4.8.2, Policy 6) and the following:

- a) Preserve and provide space for mature, healthy trees on private and public property, including the provision of adequate volumes of high-quality soil as recommended by a Landscape Architect;
- c) Planning and development decisions, including Committee of Adjustment decisions, shall have regard for short-term, long-term and cumulative impacts on the urban forest at the neighbourhood and urban-wide scale;
- d) When considering impacts on individual trees, planning and development decisions, including Committee of Adjustment decisions, shall give priority to

the retention and protection of large, healthy trees over replacement plantings and compensation[...]

Staff note that the R3S (Residential Third Density, Subzone S) zone allows a mix of residential building forms ranging from detached to townhouse dwellings

Staff have concerns with the proposed front-facing attached garage. The intent of Section 140 of the Zoning By-law and the Streetscape Character Analysis is that development should be consistent with the streetscape’s dominant characteristics. Since the absence of front-facing attached garages and carports is the dominant character of Westhill Avenue, the addition of front-facing attached garages on this section of Westhill Avenue may lead to the streetscape gradually being dominated by an auto centric-design. New homes with attached front-facing garages do not fit in with neighbouring dwellings with the first floor being primarily comprised of liveable space, and without front-facing garages or carports visible from the street.

Staff have some concerns with the proposed reduced interior yard area. Staff understand that the purpose of the interior yard provision in the Zoning By-law is that it can be provided as an alternative to a more “typical” rear yard setback in the case of a corner lot. Rather than having to locate the entire building 25-30% of the lot depth away from the rear lot line, the encouraged L-shaped buildings allow one to only have to do so for a portion of the lot near the rear interior lot line. This allow the building to maintain smaller setbacks abutting the interior lots while still providing an open area in the corner to reduce privacy concerns on abutting property’s rear yards and allow opportunities for tree planting. Staff have illustrated in the image below (Figure 1) the conceptual shape of the permitted building envelope (not to scale).



Figure 1: Interior yard area concept building footprint



Staff appreciate that the second storey windows facing the abutting property's rear yard will be for washrooms, as identified on the floor plans, which staff believe will pose fewer potential overlooking concerns compared to primary living spaces. However, the department believes this variance will limit opportunities for appropriate large canopy tree compensation. The plans as proposed require the removal of 2 of existing City trees and retention of 2 private/ jointly-owned trees. Tree #1 is the highest priority to retain and protect, and the grading and servicing plan must be designed to ensure that the capping of existing services and installation of new services are outside of the Critical Root Zone of this tree. Further direction from the arborist should be provided on how to protect this tree with the proposed walkway and porch within the CRZ. The trees proposed for removal are large canopy trees in poor condition due to their location under hydro wires; the priority for compensation trees would be to plant a minimum of 2 new large canopy trees on site, however planting opportunities for anything but small trees are very limited on this site due to overhead hydro wires and the very limited rear yard setback. Section 4.8.2 of the Official Plan aims to grow and enhance urban canopy cover. The requested minor variance for a reduced interior rear yard setback will impact the ability to plant new large-growing trees on site to replace the lost canopy cover, and as such, this minor variance is not supported. Consideration should be made to maintaining the required interior yard depth where a large canopy tree should be planted.

Additional Forestry Comments:

1. Tree #4 borders the existing driveway. The TIR will need to be updated with more specific mitigation recommendations for this tree prior to applying for a building permit. The grading plan must show how this City tree will be retained and protected.

The Planning, Real Estate and Economic Development Department further requests that the following conditions be imposed on the minor variance if approved:

1. No Conditions.

Additional Comments

1. The Right-of-Way Management Department has no concerns with the proposed Minor Variance application. However, the Owner shall be made aware that a Private Approach permit, as well as a Road Cut permit are required for each of the newly proposed driveways. Therefore, please contact the ROW Department to obtain a permit at rowadmin@ottawa.ca
2. The **Planning, Real Estate and Economic Development Department** will do a complete review of grading and servicing during the building permit process.



3. 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.
4. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
5. In accordance with the Municipal Trees and Natural Areas Protection By-Law all road allowance trees are to be protected and compensation will be required if any tree is damaged or lost.
6. The Urban Tree Conservation By-law is in effect and a permit is required to remove any distinctive trees (greater than 30 cm) located on private property.
7. 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**.
8. A private approach permit is required for any access off of the City street.
9. Existing grading and drainage patterns must not be altered.
10. Existing services are to be blanked at the owner's expense.
11. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
12. Existing street sign to be relocated at the owner's expense.
13. Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).
14. There is an existing bus stop adjacent to the property. The owner is to contact OC Transpo. Any alterations or relocation of the stop would be at the cost of the owner, if required.
15. Dedicate a 3x3 corner triangle to the City per requirements of Schedule C16 of the Official Plan.

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