

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

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Site Address:	241 Manor Avenue
Legal Description:	Part of Lot 15, Registered Plan M-60
File No.:	D08-02-23/A-00070
Date: April 13, 2023	Hearing Date: April 19, 2023
Planner:	Cass Sclauzero
Official Plan Designation:	Inner Urban Transect, Neighbourhood
Zoning:	R1B [1259]

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## DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **requests an adjournment** of the application.

## DISCUSSION AND RATIONALE

With respect to the requested variance to regularize existing legal non-complying interior side yard and rear yard setbacks, staff have **no concerns**. The purpose of this variance is so that the owners may construct a second-storey addition. The variance will allow the proposed addition to occupy the entire area above the existing legal non-complying one-storey addition.

No additional variances related to the addition are being sought and the addition does not propose an increase to the existing non-compliant setback. Staff are of the opinion that the requested variance is minor and in keeping with the general intent of both the Zoning By-law and Official Plan.

Notwithstanding the above, during the review of the documents submitted as part of the application, and in comparing the survey to geoOttawa aerial photos and Google Streetview, staff determined that a recent alteration to the driveway does not comply with several provisions under the Zoning By-law. Although the applicant did not provide a site plan as part of the application, the survey shows that the width of the private approach exceeds the maximum 3.05 metres permitted under Exception 1259. No minor variance was granted to permit the additional width, which appears to have been undertaken between 2017 and 2019.



The driveway alteration is also non-compliant with Sections 107 (3)(a)(i), which prohibits any portion of a driveway from being located between the front wall of a residential building and the street, and 109 (3)(a)(i), which prohibits front yard parking. No variances have been granted to provide relief from S. 107 or 109.

Staff therefore request an adjournment such that the applicant may either reverse the work that was undertaken to widen the driveway and establish front yard parking, and/or request additional variances to permit a driveway to be located between the front wall of the building and the street, to permit front yard parking, and to permit a private approach in excess of 3.05 metres wide.

On April 13, staff informed the applicant of their intent to request an adjournment and requested that the applicant provide a site plan indicating the measurement of the private approach at the front lot line.

## **ADDITIONAL COMMENTS**

### **Heritage**

241 Manor Avenue is designated under Part V of the Ontario Heritage Act (OHA), in the Rockcliffe Park Heritage Conservation District (HCD). Under the OHA, alterations to properties located within an HCD require the approval of staff and a heritage permit.

The applicant has consulted with heritage staff, who have no concerns with the proposed variances. The proposed application meets the policies and guidelines of the Rockcliffe Park Heritage Conservation District Plan. Heritage staff have informed the applicant that a heritage permit will be required after variance approvals and before issuance of a building permit.

### **Forestry**

Through pre-consultation it was determined that no Tree Information Report is required for this application as all proposed construction is above the existing foundation. Any protected trees in proximity to the work and staging areas must be protected in accordance with the City's Tree Protection Specifications for the entire duration of construction.

### **Engineering**

The Planning, Real Estate and Economic Development Department will do a complete review of grading and servicing during the building permit process. 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. Existing grading and drainage patterns must not be altered.

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.

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. 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 the Planning, Real Estate and Economic Development Department.

A private approach permit is required for any access off of the City street.

Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.

### **Right of Way**

The Right-of-Way Management Department has no concerns with the proposed Minor Variance Application. However, the Department notes that the driveway has been expanded, which encroaches into the City's right-of-way. In light of this, an additional variance is required to legalize the driveway.

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Planner I, Development Review

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Planner III, Development Review,  
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