

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: 183 Forward Avenue

Legal Description: Lot 14 (East Forward Avenue), Registered Plan 35

File No.: D08-02-23/A-00064

Date: April 14, 2023

Hearing Date: April 19, 2023

Planner: Margot Linker

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

Zoning: R4UD (Residential Fourth Density, Subzone UD)

Mature Neighbourhood Bylaw: N/A

#### DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **requests an adjournment** for the above-noted application.

#### DISCUSSION AND RATIONALE

The subject property is located within the Inner Urban Transect Policy Area on Schedule A and is designated Neighbourhood in the Evolving Neighbourhood Overlay on Schedule B2 in the Official Plan. The Inner Urban Transect is planned for mid- to high-density development, and Neighbourhoods located within this policy area support a wide variety of housing types with a focus on missing-middle housing. Within the Evolving Neighbourhood Overlay, form-based regulation for setbacks, massing, and landscaped areas will have regard for local context and character of existing development and appropriate interfaces between residential buildings including provision of reasonable and appropriate soft landscaping and screening to support livability, pursuant Policy 2 in Section 6.3.2.

The subject site is designated Low-Rise Neighbourhood, up to four storeys, on Schedules A and B in the Scott Street Secondary Plan. A goal of this Plan is to reinforce and respect the character of existing neighbourhoods while encouraging low-scale infill and intensification on under-utilized sites within neighbourhoods.

Staff note that the R4UD (Residential Fourth Density, Subzone UD) zone allows a mix of residential building forms ranging from detached to low-rise apartment dwellings. This zone regulates development in a manner that is compatible with existing land use patterns so that the detached and two principal dwelling,



residential character of the neighbourhood is maintained or enhanced.

**Regarding the requested minor variances:**

Staff have some concerns with the variance requests to reduce the rear yard setback and area. Staff recognize that there does not appear to be a contiguous rear yard setback within the subject neighbourhood block bounded by Forward Avenue, Lyndale Avenue, Hinchey Avenue, and Scott Street, and that the proposed rear yard setback will not be distinct from the varied rear yard setbacks within the vicinity of the subject site. There is also a rear lane that reduces the impact of the reduced rear yard setback on the abutting properties to the rear. Staff appreciate that the north-facing windows are concentrated towards the centre of the building, and it appears that they are located within the required rear yard setback to not pose additional privacy issues on the abutting property to the north due to the reduced rear yard setback. Staff strongly encourage the applicant to remove the accessory structure and relocate the waste storage internally within the principal building to increase the amount of rear yard soft landscaping and amenity area, which was lost due to the reduced rear yard setback.

Providing suitable space for tree planting, for as large of canopy tree as possible, is a priority in meeting the city's tree canopy cover target of 40%. If the applicant will consider relocating the rear yard storage structure to inside the building, providing more space for larger canopy trees, Planning Forestry would have no issues to raise with the reduced rear yard setback and reduced rear yard area. A planting plan was provided but it only showed the planting location. Additional information related to the tree planting has been requested on what size (i.e., small, medium, or large) or species of trees would be planted.

The proposed apartment building is requiring the removal of a 72 cm Manitoba maple boundary tree in fair condition because of extensive root loss. The applicant has been asked to provide a boundary tree removal form showing that the owner of 179 Forward consents to this plan. If this form is not provided in advance of the hearing, an adjournment will be requested as the approval of this design would necessitate removal of this tree. If the neighbor does not consent to removal of this tree a retention solution must be sought.

The proximity of the development to city owned tree # 3 makes its removal unavoidable. Compensation in the form of monetary payment and tree planting will be required. The TIR references possible relocation of a small diameter (<15cm) tree from the front yard to the rear. The city has requested more information on whether the applicant plans to move forward with this suggested option.



### Regarding the adjournment request:

Planning Forestry suggests an adjournment be requested until the applicant can provide more information on the proposed removal of the boundary tree and clarify details of the tree planting plans as this relates to the rear yard minor variances being sought.


### Additional Comments:

1. The site is located within 300m of the OLRT 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.
2. Please provide a fence on the rear property line or other means to prevent encroachment into City of Ottawa lane parcel over time
3. **Planning, Real Estate and Economic Development Department** will do a complete review of grading and servicing during the building permit process.
4. 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.
5. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
6. 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.
7. 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 **Planning, Real Estate and Economic Development Department**.
8. Existing grading and drainage patterns must not be altered.
9. Existing services are to be blanked at the owner's expense.
10. Asphalt overlay would be required if three or more road-cuts proposed on City Right of way. This includes the road cut for blanking of existing services, and any other required utility cuts (ie, gas, hydro, etc.).
11. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
12. In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.
13. Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).

*Margot Linker*

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