

Committee of Adjustment

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2023-05-01

City of Ottawa | Ville d'Ottawa
Comité de dérogation



Minor Variance
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 1

Site Address: 41 Arlington Avenue

Legal Description: Part of Lot 21 North Arlington Avenue Registered Plan 30

File No.: D08-02-23/A-00081

Date: April 28, 2023

Hearing Date: May 3, 2023

Planner: Margot Linker

New Official Plan Designation: Downtown Core Transect, Neighbourhood, Evolving Neighbourhood Overlay, Central and East Downtown Core Secondary Plan

Zoning: R4UD[479] (Residential Fourth Density, Subzone UD, Urban Exception 479) – Subject to Heritage Overlay

Mature Neighbourhood Bylaw: N/A

DEPARTMENT COMMENTS

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

RELIEF REQUIRED

The Owner requires the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

- a) To permit a low-rise apartment building whereas the By-law prohibits new construction that does not maintain the same character and at the same scale, massing, volume, floor area and in the same location as existed prior to it's the removal or destruction of the building.
- b) To permit exit stairs to project **2.95 3.4 metres** into the rear yard whereas the By-law permits exit stairs to project a maximum of 2.2 metres into the required yard. **(revised)**
- c) ~~To permit exit stairs to project 2.95 3.4 metres into the rear yard whereas the By-law permits switchback stairs to project 2.2 metres into the rear yard where they are intended to provide a means of egress for dwelling units located on the second and higher storeys. (revised)~~
- d) To permit a walkway to extend from the walkway between the right-of-way and entrance to provide access to a bench in the front yard whereas the By-law permits a walkway in the front yard where it provides access between a right-of-way or driveway and an entranceway to a dwelling.



DISCUSSION AND RATIONALE

The subject property is located within the Downtown Core Transect Policy Area on Schedule A and is designated Neighbourhood in the Evolving Neighbourhood Overlay on Schedule B2 in the Official Plan. Neighbourhoods located within the Downtown Core allow and support a wide variety of housing types with a focus on missing-middle housing. 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 located within the Centretown Policy Area, designated Local Neighbourhood, and within the Neighbourhood Character Area on Schedules A, B in the Central and East Downtown Core Secondary Plan. Some objectives of this area include maintaining and respecting the character of Centretown's neighbourhoods, accommodating residential growth and a diverse population, and enhancing the public realm.

The subject site is also located within the Centretown Heritage Conservation District (HCD). This HCD is known for having a rich variety of architectural forms, the predominance of red brick as a building material, and having neighbourhood amenities that reflect its function as a residential area.

Staff note that the R4UD[479] (Residential Fourth Density, Subzone UD, Urban Exception 479) 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 low-rise, residential character of the neighbourhood is maintained or enhanced.

The subject site is located within the Heritage Overlay which, pursuant to Section 60, supersedes underlying zones to encourage the retention of existing heritage buildings by offering zoning incentives to reuse the buildings and to limit the size and location of additions to preserve the heritage character of the original building. Staff have no concerns with the variance to permit the building area to be rebuilt in a way that is not in line with the same character and at the same scale, massing, volume, floor area and in the same location as existed prior to its removal or destruction. Heritage staff reviewed an application under the Ontario Heritage Act (D09-04-23-0001) and supporting material. Considering that the subject proposal contributes to achieving the broader city goal of intensification, that the applicant has addressed the relevant criteria required for the demolition of a contributing CSR, and that the design of the proposed building is compliant and consistent with



the policies and guidelines of the HCD Plan, staff had no objections to its approval. The proposed low-rise apartment building was reviewed by Built Heritage Committee and Council and a heritage permit was issued on February 22, 2023 to demolish and build new construction according to the plans prepared by Juxta Architects, dated December 22, 2022.

Staff have no concerns with the variance to permit a walkway to extend between the right-of-way to the proposed front yard seating area, whereas walkways are only permitted in the front yard where they extend to provide access to an entranceway to a dwelling. The proposal is complying with the required amount of soft landscaping in the front yard and provides hard surfaced access to a bench which will promote interaction between the subject site and the public realm.

Staff have no concerns with the variance to permit the extended projection of the rear switchback exit stairs, as revised (stamped by Committee of Adjustment on April 28, 2023). The revised plans demonstrate that the stairs will project further than the maximum requirement to accommodate the bottom three steps, and the rest of the stairs will be compliant with the Zoning By-law. Staff do not anticipate any adverse impacts from the increased projection to accommodate the bottom steps, which facilitates the proposed design of integrating the bicycle parking and waste management within the switchback stairs. Staff have suggested the removal of variance c), as Table 65(5)(ii) and Section 161(15)(m)) are redundant provisions in the Zoning By-law.

Forestry Comments:

Through pre-consultation it was determined that no TIR is required on this site as there are no existing trees on or adjacent to the site. There are no tree-related impacts from the proposed minor variances. The Landscape Plan should include the planting of trees in the ROW and rear yard to improve the canopy cover and streetscape of the site.

Additional Comments:

1. The **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. 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**.

5. Existing grading and drainage patterns must not be altered.
6. Existing services are to be blanked at the owner's expense.
7. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
8. Existing street sign to be relocated at the owner's expense.

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