

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



Consent and Minor Variance
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 2

Site Address: 14-16 Gould Street

Legal Description: Lot 10, Registered Plan 145

File No.: D08-01-23/B-00004 & D08-01-23/B-00005; D08-02-23/A-00005 & D08-02-23/A-00006

Date: April 28, 2023

Hearing Date: May 3, 2023

Planner: Siobhan Kelly

Official Plan Designation: Inner Urban Transect; Neighbourhood

Zoning: R1MM

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns** with the consent application and **has concerns with the minor variance applications**.

DISCUSSION AND RATIONALE

The Official Plan designates the property Neighbourhood within the Inner Urban Transect. The property is also subject to the policies of the Evolving Overlay, where the City supports applications for low-rise intensification that seek to move beyond the development standards of the underlying zone where the proposal achieves the objectives of the applicable transect. If approved, the severance and minor variance applications will facilitate the development of a single detached dwelling in a neighbourhood characterized by low-rise dwellings.

With respect to the criteria for the subdivision of land listed in Section 51(24) of the Planning Act, R.S.O. 1990, c.P.13, staff has no concerns with the proposed severance. The size and shape of the resulting lots are suitable for the purposed residential use and the lots will front onto an established municipal road with municipal services.

Reduced Lot Width & Area (Variances A, B, D, E)

Staff has no concerns with variances A, B, D, and E to permit reduced lot width and lot area for the retained and severed lots. The R1MM zone requires a minimum lot width of 15 metres and a lot area of 450 square metres. The intent of the minimum lot width provision is to ensure that lots can accommodate on site uses and regulate lot pattern. The site plan submitted with the application demonstrates that the lots can accommodate an appropriately sized dwelling, amenity space, and front yard soft landscaping. Existing lots along Gould Street between Carleton Avenue and Western Avenue have lot widths between 6.98 metres and 15.24 metres and lot areas between 213 square metres and 464



square metres.

Front Yard Parking (Variance C) & Front-Facing Attached Garage (Variance J)

Staff has concerns with variance C to permit a portion of the driveway on Part 1 to be between the front wall of the dwelling and the street. Staff is also of the opinion that variance J to permit a front-facing attached garage on Part 2 (i.e., 16 Gould Street) is not desirable and does not meet the intent of the Zoning By-law. The intent of Section 140 is to ensure new development is consistent with the dominant streetscape character. The dominant character for this portion of Gould Street is no front facing attached garages. Of the 15 properties surveyed, 10 properties did not feature front-facing attached garages. As per the Official Plan, the built form characteristics for Neighbourhoods in the Inner Urban Area consists of no automobile parking or limited parking concealed from the street.

The applicant could revise the proposal to feature a permitted parking configuration, such as a shared driveway leading to rear yard parking, which would adhere to the dominant streetscape character. This revision would also reduce the relief required by eliminating the need for variance C to permit front yard parking on Part 1. Alternatively, the applicant could remove the driveways as the Zoning By-law does not require parking for the development.

Reduced Rear Yard Setback (Variance F & G)

Staff has no concerns with variances F and G to permit a reduced rear yard setback of 7 metres and reduced rear yard area of 55.27 square metres (23% of the lot area). As proposed, the development provides adequate amenity space and soft landscaping in the rear yard.

Reduced Side Yard Setbacks (Variance H & I)

Staff has no concerns with variances H & I to permit reduced interior side yard setbacks of 0.61 metres on the westerly side yard and 0.64 metres on the easterly side yard. The proposed design, which features minimal functional side yard setbacks aligns with the general built form characteristics contemplated in the Official Plan for the Inner Urban area. Staff note that the variance meets the intent of the Zoning By-law as access to the rear yard is maintained through the eastern side yard. The first floor of the dwelling is setback 1.2 metres from the interior lot line and the relief sought is for the second storey cantilevered design, which projects into the eastern side yard.

ADDITIONAL COMMENTS

Planning Forestry Comments:

There is a protected tree (# 1) in the rear yard of Part 1 (14 Gould) and 3 protected trees adjacent to the rear yard of Part 2 (16 Gould). Planning Forestry staff note that the owner shall protect Tree #1 throughout construction. Material and equipment storage is not permitted within the critical root zone of this tree. For more information, please refer to the



City of Ottawa's tree protection requirements:

https://documents.ottawa.ca/sites/documents/files/tree_protection_specification_en.pdf

Section 4.8.2 of the Official Plan provides policy direction that growth, development and intensification shall maintain the urban forest canopy. The Official Plan sets a target to reach a 40% canopy cover. Where space allows, Planning Forestry staff request that the applicant plant one tree (50 mm) on Part 2 (16 Gould) to enhance the urban canopy and contribute to the canopy cover target. Please contact Planning Forestry staff if you have questions about the requirements of a planting plan.

Engineering Comments:

- 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.
- Existing grading and drainage patterns must not be altered.
- Provide a minimum of 1.5m between the proposed driveway and the utility pole.
- Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.

Right of Way Management Comments:

The owner(s) are required to obtain a Private Approach Permit to legally establish driveway access from the Right-of-Way, Heritage, and Urban Design Department. The driveways shall be constructed in accordance with the provisions of By-law No. 2003-447 Private Approach By-law.

Furthermore, any works required to be done by the Owner(s) on the City Road allowances shall be according to the specifications and by-laws of the City. The Owner, or its contractor, shall be required to obtain a road cut permit prior to the disruption of the City Road allowance and it is further understood and agreed that the cuts shall be reinstated to the satisfaction of the Director, Infrastructure Services.

Please contact the ROW Department for any additional information at rowadmin@ottawa.ca

CONDITIONS OF APPROVAL

If approved, the Planning, Real Estate and Economic Development Department requests that following conditions be imposed on the consent application(s):



Cash in Lieu of Parkland Dedication

1. That the Owner(s) provide evidence that payment has been made to the City of Ottawa for cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-law 2022-280. Information regarding the appraisal process can be obtained by contacting the Planner.

Tree Planting

2. That the Owner(s) shall prepare and submit a tree planting plan, prepared to the satisfaction of the Development Review Manager of the Central Branch within the Planning, Real Estate and Economic Development Department, or his/her designate, showing the location of one new 50mm tree to be planted on Part 2 (16 Gould) following construction, to enhance the urban tree canopy.

Servicing

3. That the Owner(s) provide a servicing plan or other evidence, to the satisfaction of the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that each existing building and/or unit on the severed and retained parcels has its own independent water, sanitary and sewer connection, as appropriate, that are directly connected to City infrastructure and do not cross the proposed severance line. For proposed new dwelling at 16 Gould Street.

Demolition

4. That the Owner(s) provide evidence to the satisfaction of the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that the accessory structure on Part 2 has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.

Grading and Drainage

5. That the Owner(s) shall provide evidence that a grading and drainage plan, prepared by a qualified Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor, or a Certified Engineering Technologist, has been submitted to the satisfaction the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate to be



confirmed in writing from the Department to the Committee. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate.

Noise Warning Clause

6. That the Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), which is to be registered on the Title of the property, to deal with the following covenant/notice that shall run with the land and bind future owners on subsequent transfers:

“The property is located next to lands that have an active railway line now, or may have one in the future, and may therefore be subjected to noise, vibration, and other activities associated with this use.”

The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

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