

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: 1544 Kilborn Avenue

Legal Description: Lot 1, Registered Plan 296

File No.: D08-01-23/B-00102 & D08-01-23/B-00103

Date: May 12, 2023

Hearing Date: May 17, 2023

Planner: Siobhan Kelly

Official Plan Designation: Outer Urban Transect (Corridor - Minor)

Zoning: ~~R10~~ **R10**

## DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **some concerns** with the applications.

Staff note that the Committee of Adjustment should revise the public notice as the property is zoned **R10**.

## DISCUSSION AND RATIONALE

The Official Plan designates the property Minor Corridor in the Outer Urban Transect. The corridor designation applies to land along streets whose planned function combines a higher density of development, greater degree of mixed uses, and higher level of street transit service than adjacent Neighbourhoods. The property is subject to the Evolving Overlay, where the City supports applications for low-rise intensification and a gradual evolution towards a more urban built form.

The property is also within the Alta Vista / Faircrest Heights / Riverview Park Secondary Plan area. The Secondary Plan identifies Kilborn Avenue as a "Road designated for Low - Rise Neighbourhood development" and provides direction to ensure that new development gently accommodates additional density in building types and site designs that maintain the character of the neighbourhood. As proposed, the severance application will facilitate the retention of an existing single-detached dwelling and accommodate the development of a new detached dwelling in an area characterized by low-rise residential dwellings.

The property is zoned Residential First Density, Subzone O (R10). The purpose of this zone is to limit development to detached dwellings and regulate development in a manner that is compatible with existing land use patterns. As discussed below, the applicant is seeking relief from the provisions of the R10 zone to facilitate the development of a new detached dwelling shown on Part 1 on the Draft 4R Plan.



Staff is satisfied that the proposed severance meets the criteria for the subdivision of land listed in Section 51(24) of the Planning Act, R.S.O. 1990, c.P.13. The severance will facilitate the development of a detached dwelling, a permitted use in the R1O zone. The size and shape of the resulting lots are suitable for the proposed residential use and the lots will front onto an established municipal road with municipal services.

### **Reduced Lot Width & Area (Variance a, b, d, and e)**

The Alta Vista / Faircrest Heights / Riverview Park Secondary Plan provides direction that lot sizes in the *immediate surrounding blocks* will be considered representative of the typical lot size of the area. Existing lots in the immediate surrounding blocks vary in shape (i.e., rectangular and irregular lot shapes) and lots sizes are generally consistent. Existing lots range between approximately 14.56 metres and 26 metres in lot width and 451 square metres and 717 square metres in lot area. As proposed, the severed and retained lots will be the smallest lots in the immediate surrounding blocks.

Where lot sizes vary, the Secondary Plan provides direction that street trees must be provided at the same interval as established street trees. Staff note that existing street trees on Kilborn Avenue are planted at different intervals. As a condition of the severance application, staff request that the Committee of Adjustment impose conditions 3 requiring the applicant to plant one tree per lot to maintain streetscape continuity.

To ensure that new development gently accommodates additional density while maintaining the character of the existing neighbourhood, the Secondary Plan discourages new private approaches. As proposed, the development re-uses two existing private approaches maintaining an unbroken curb space for soft landscaping and tree planting. Staff is satisfied that the minor variances for reduced lot width and area conform with the general intent and purpose of the Secondary Plan.

The intent of the minimum lot size provisions is to ensure that lots can accommodate on site uses and regulate lot pattern. The site plan submitted with the application demonstrates that the severed lot can accommodate an appropriately sized dwelling, complying with the required side yard setbacks, parking and soft landscaping requirements.

### **Front-facing Garage (Variance c)**

Staff has concerns with variance c) to permit the front-facing attached garage to be closer to the front lot line than the principal entrance. The Zoning By-law prescribes that the entrance to a front-facing garage must be set back at least 0.6 metres further from the front lot line than the principal entrance. The intent of this provision is to ensure that the front façade and principal entrance is more prominent than vehicle parking.

As proposed, the principal entrance faces the interior side lot line and the attached garage faces the front lot line on Kilborn Avenue, which contributes to a dominant parking/garage configuration. Staff recognize that the design of the dwelling features a large window,

which can mimic the appearance of a principal entrance. However, it is the opinion of staff that the variance does not maintain the intent of the Zoning By-law.



Figure 1. Front Elevation facing Kilborn Avenue



Figure 2. Rendering of the proposed dwelling

### Reduced Total Interior Side Yard Setback (Variance f)

As a result of the severance, the existing dwelling on Part 2 will not comply with the total side yard setback prescribed for the R1O zone. The Zoning By-law requires a total side yard setback of 3 metres with one side yard measuring no less than 1.2 metres. As proposed, the applicant is seeking relief to permit a total side yard setback of 2.05 metres with one side yard measuring 0.85 metres. Staff note that the variance is required to legalize the existing 0.85 metre setback on the easternly side yard. The variance maintains the intent of the Zoning By-law as access to the rear yard is maintained through the westerly side yard setback. At the closest point, the existing dwelling is setback 1.2 metres from the western side lot line, which complies with the minimum side yard setback.

As a condition of the consent application, Building Code Services requests that the Committee of Adjustment impose condition 2 requiring the applicant to demonstrate that the buildings comply with limiting distances prescribed under the Ontario Building Code.

### Front Yard Parking (Variance g)

Staff has some concerns with variance g) to permit a portion of the parking space on Part 2 to be in the front yard. While staff acknowledge that the driveway is an existing condition, because of the severance, the legal parking space for the retained lot (Part 2) is partially located in the front yard and between the front wall of the dwelling and the street. The Zoning By-law prohibits parking spaces to be established in a required and provided front yard and prohibits driveways between the front wall of the dwelling and the street. The



applicant could revise the proposal by removing the front porch to accommodate the legal parking space, which would meet the intent of the Zoning By-law.

## **ADDITIONAL COMMENTS**

### Planning Forestry:

The Tree Information Report (TIR) identifies that the existing City tree in the front yard of the property is in poor condition. Forestry staff note that there are no tree-related concerns with the proposed severance or the construction of the dwelling, provided that any trees on or shared with adjacent properties are protected through construction. As a condition of the severance, staff request that the Committee of Adjustment impose Condition 3 requiring the applicant to submit a planting plan showing 1 new 50 mm tree planted on each lot following construction to improve the canopy cover and streetscape.

## **CONDITIONS OF APPROVAL**

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

### **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.

### **Limited Distance**

2. That the Owner(s) satisfies the Chief Building Official, or designate, by providing design drawings or other documentation prepared by a qualified designer, that the existing detached dwelling on Part 2 of the Draft 4R Plan complies with the Ontario Building Code, O. Reg. 332/12 as amended, regarding the limiting distance along the western side of the proposed property line. If necessary, the owner(s) shall obtain a building permit from Building Code Services for any required alterations.

### **Tree Planting**

3. That the Owner(s) prepare and submit a tree planting plan, prepared to the satisfaction of the Development Review Manager of the South Branch within the Planning, Real Estate and Economic Development Department, or his/her designate, showing the location of one new 50 mm tree to be planted on the property frontage or right-of-way of each lot following construction, to enhance the urban tree canopy and streetscape.

### **Servicing**

4. That the Owner(s) provide evidence (servicing plan), to the satisfaction of the Development Review Manager of the South 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 both the severed and retained parcels have their own independent water, sanitary and sewer connection, as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. If they do cross the proposed severance line, or they are not independent, the Owner(s) will be required to relocate or construct new services from the city sewers and/or watermain at his/her own costs.

### **Grading**

5. That the Owner(s) 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 of the Development Review Manager of the South 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.

### **Demolition**

6. That the Owner(s) provide evidence to the satisfaction of the Development Review Manager of the South 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 existing structure straddling the proposed severance line has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.



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