

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

Site Address: 1241 Kilborn Place

Legal Description: Part of Lot 18 (Junction Gore), Registered Plan 5R-4572, Former Township of Gloucester

File No.: D08-02-23/A-00092

Date: May 12, 2023

Hearing Date: May 17, 2023

Planner: Justin Grift

Official Plan Designation: Neighbourhood, Inner Urban Transect, Evolving Neighbourhood Overlay and within the Bank Street South Secondary Plan

Zoning: R5C H (122) A.S.L.

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The Official Plan (2021) designates the property as a Neighbourhood in the Inner Urban Transect. The policies pertaining to this designation support a wide variety of housing types with a focus on missing-middle housing. The property also falls within the Evolving Neighbourhood Overlay, which is an area used to signal a gradual intensification over time and allow new built forms and diverse functions of land near established corridors. In this case, the property fronts onto Bank Street, a Mainstreet Corridor, and Kilborn Place, a Minor Corridor. Further, the property is within the Bank Street South Secondary Plan which contains several policies pertaining to parking for the properties along Bank, such as: no parking shall be placed between buildings and Bank Street and existing parking lots in these areas will be phased out, as well as parking lots and ramps must provide screening from residential properties to reduce visual impacts with placement of trees, shrubs or low opaque walls. Staff note the existing parking ramp and proposed enclosure are located on the opposite end of the subject property, away from Bank Street and closer to Kilborn Place.

In addition, the Official Plan also identifies a portion of the property falls within the Natural Heritage Features Overlay (Schedule C11-A Natural Heritage System, West). Staff has communicated with the City's Environmental Planner regarding this and their comments can be examined further in this report.

The property is zoned *Residential Fifth Density Zone, Subzone C, with a height maximum of 122 above sea level* (R5C H (122) A.S.L.). The purpose of this zone is to allow a wide



mix of residential building forms including detached and mid-high rise apartment dwellings, and to regulate development in a manner that is compatible with existing land use patterns so that the mixed building form, residential character of a neighbourhood is maintained or enhanced. The Zoning By-law also permits high-rise apartment dwellings in this zone and prescribes a minimum interior side yard setback of 1.5 metres for the first 21 metres from the front lot line, and 6 metres for anything further than the 21 metres. Staff note the variance requested is required to enclose the existing parking ramp which is legal non-compliant.

The intent of the interior side yard setback is to maintain a buffer between adjacent properties and to ensure adequate distance from adjacent buildings. Staff is of the opinion the variance is minor in nature and meets the intent of the Zoning By-law, as the footprint of the existing parking ramp is to remain unchanged and will not encroach into the required interior side yard further than what is existing today. The variance is desirable for the development of the property as it will improve the functionality of the existing parking garage access, and will not have significant impacts on adjacent properties as the footprint of the ramp will remain unchanged.

Staff is of the opinion the minor variance application meets the four tests outlined in Section 45(1) of the Planning Act, and recommends that the Committee of Adjustment approve the application.

ADDITIONAL COMMENTS

Environmental Planner Comments

This application would typically require an Environmental Impact Study because there are Natural Heritage Features on site; however, the EIS Guidelines grant the environmental planner the ability to waive EIS requirements if they feel that “the risk of negative impacts occurring as a result of the proposed project is extremely low to non-existent, such that the completion of the Scoped EIS Form would not afford any useful benefit to the environment, the applicant or the City.”

I believe this to be the case, as the proposed alteration would not increase the impermeable footprint on site and would likely have no significant impacts on the health or function of the natural heritage features in the area.

Right of Way Comments

The Right-of-Way Management Department has no concerns with the proposed Consent Applications or the proposed Minor Variance Applications, as there are no requested changes to the private approaches.

Forester Comments

Although no TIR was provided with the application, there do not appear to be any protected trees affected by the proposed enclosure over the access ramp. Please note,



however, that all trees on the adjacent City property are protected, and any part of this property is anticipated to be used for staging or access, a TIR and tree protection fencing are required, in addition to access permission.

A handwritten signature in black ink, appearing to read "Justin Grift".

Justin Grift
Planner I
Development Review, South Branch
Planning, Real Estate and Economic
Development Department

A handwritten signature in black ink, appearing to read "Stream Shen".

Stream Shen, MCIP, RPP
Planner III (A)
Development Review, Central Branch
Planning, Real Estate and Economic
Development Department