

Committee of Adjustment

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2023-05-12

City of Ottawa | Ville d'Ottawa  
Comité de dérogation



Minor Variance  
**COMMENTS TO THE COMMITTEE OF ADJUSTMENT**  
Panel 1

Site Address: 255 Hinchey Avenue

Legal Description: Lot 177, Registered Plan 88291

File No.: D08-02-23/A-00088

Date: May 12, 2023

Hearing Date: May 17, 2023

Planner: Margot Linker

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

Zoning: R4UB (Residential Fourth Density, Subzone UB)

Mature Neighbourhood Bylaw: N/A

**DEPARTMENT COMMENTS**

The Planning, Real Estate and Economic Development Department has **some concerns** with the above-noted application.

**RELIEF REQUIRED**

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

- a) To permit a front-facing garage, whereas the By-law does not permit a front-facing garage where the predominate pattern is not a front facing garage based on the conclusions of a Streetscape Character Analysis.
- ~~b) To permit a balcony projection of 1.5 metres into the rear yard on a lot with a depth of 29.26 metres, whereas the By-law permits a balcony to project 1.2 metres into the rear yard on a lot with a depth of 30.5 metres or less. (as amended)~~
- c) To permit an open stairway to project to 3.71 metres into the rear yard, whereas the By-law requires that stairways must not project more than 1.5 metres into the rear yard.
- d) To permit a reduced front yard setback of 2.64 metres, whereas the By-law requires a minimum front yard setback of 3.16 metres.
- ~~e) To permit a reduced rear yard setback of 8.25 metres, whereas the Bylaw states the rear yard line that abuts the interior side lot line of an abutting lot, the minimum rear yard setback is equal to the minimum interior side yard setback of the abutting lot, in this case 8.77 metres.~~



**To permit a reduced rear yard setback of 8.25 metres (28% of the lot depth), whereas the By-law requires a minimum rear yard setback of 8.77 metres (30% of the lot depth). (as amended)**

## **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 R4UB (Residential Fourth Density, Subzone UB) 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.

Staff have concerns with the proposed front-facing attached garage. The intent of Section 140 of the Zoning By-law and the Streetscape Character Analysis is that development should be consistent with the streetscape's dominant characteristics. Since the absence of front-facing attached garages and carports is the dominant character of Hinchey Avenue, the addition of front-facing attached garages may lead to the streetscape gradually being dominated by an auto centric-design. The intention of maintaining the character of locating parking in the side or rear yard is that the first floor be primarily comprised of liveable space, and without front-facing garages or carports visible from the street.

Staff have requested the removal of variance (b), which was intended to permit the increased projection of proposed rear-facing balconies. If the reduced rear yard setback is granted, the balcony projection will be measured off of the new rear yard setback and will actually only project 0.98 metres into the new required rear yard,



which is compliant with the Zoning By-law.

Staff have no concerns with the rear exit stair projection. When reviewing the plans stamped 2023-04-04, this increased projection will not create additional balcony space or landings with any privacy issues for abutting neighbours.

Staff have no concerns with the proposed reduced front yard setback. The plans refer to this front wall as “projecting windows”, however this requires a variance as the proposed design strays from the definition of a bay window (including and recognizing bay windows) and would be viewed as a front wall addition. The required variance is specific to the area above the garage on the second and third storey, where the design reduces the dominance of the garage. Along this section of Hinchey, there are many projections into the front yard, including porches, canopies/awnings, and front stairs. Staff do not anticipate adverse impacts of reducing the front yard setback for the second and third storeys above the garage.

Staff have no concerns with the proposed reduced rear yard setback. Similar to the relief from the front yard setback, most of the rear wall is aligned with the required rear yard setback and the relief is required to accommodate the “projecting windows” on the second and third storeys which do not meet the definition of a bay window. This feature is concentrated on the north side of the rear façade and the elevations show no windows proposed facing the abutting property to the north.

#### **Forestry Comments:**

There is one city owned tree planned for retention on this property. The protection measures outlined in the TIR must be followed throughout construction. Deviation from the TIR would be a Tree Protection By-law infraction. The City’s tree protection specification can be accessed by following this link:


[https://documents.ottawa.ca/sites/documents/files/tree\\_protection\\_specification\\_en.pdf](https://documents.ottawa.ca/sites/documents/files/tree_protection_specification_en.pdf)

There are no planning forestry concerns associated with the minor variances sought. The description in the cover letter and associated plans of planting a sugar maple or tree of similar size in the front yard of the property is unrealistic. The presence of the retained city owned lilac tree, the size of the front yard, the presence of the driveway and the overhead wires greatly restricts space for tree planting in this area. This leaves the rear yard as the sole opportunity to make contributions to the city’s canopy cover. The applicant is strongly encouraged to plant at least one tree in the rear yard that’s suited for the site and can provide the maximum canopy cover possible. For reference, these are adequate soil volumes to support trees based on size:

Tree Type/Size	Single Tree Soil Volume (m <sup>3</sup> )	Multiple Tree Soil Volume (m <sup>3</sup> /tree)
Ornamental	15	9
Columnar	15	9
Small	20	12
Medium	25	15
Large	30	18
Conifer	25	15

**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.




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