

2023-06-02



Minor Variance
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 1

Site Address: 297 Clemow Avenue

Legal Description: Lot 76, Reg. Plan 4M-11

File No.: D08-02-21/A-00309

Date: June 1, 2023

Hearing Date: June 7, 2023

Planner: Margot Linker

New Official Plan Designation: Inner Urban Transect, Evolving Neighbourhood

Zoning: R1MM H(10) (Residential First Density, Subzone MM, Maximum Height 10 metres)

Heritage Conservation District: Clemow-Monkland Driveway and Linden Terrace
Heritage Conservation District

Mature Neighbourhood Bylaw: A, B, A (as per Staff's review)

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **opposes** the above-noted application.

DISCUSSION AND RATIONALE

As the Applicant's cover letter correctly states, front yard parking is prohibited according to the Zoning By-law. 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 within the 21-lot analysis. The Streetscape Character Analysis, conducted by Staff, revealed that the dominant pattern for driveways and parking on this section of Clemow Avenue is shared single-wide driveways leading to parking spaces in the rear yards (see Figure 1). As per Staff's review of the immediate context from the subject site, legally established front yard parking on this section of Clemow Avenue is not the dominant pattern and therefore, a new front yard parking space is not permitted.

Staff note that there are a few properties along Clemow Avenue between Bronson Avenue and Percy Street which appear to have hard surfaced front lawns used for the purposes of front yard parking. For example, staff note that the aerial images on GeoOttawa suggest that the hard surfacing provided for 292 and 294 Clemow Avenue was implemented during the construction of 292 Clemow in 2017. No minor variances were filed with the Committee of Adjustment for these properties and therefore these properties are not included as examples of front yard parking within

the Streetscape Character Analysis.

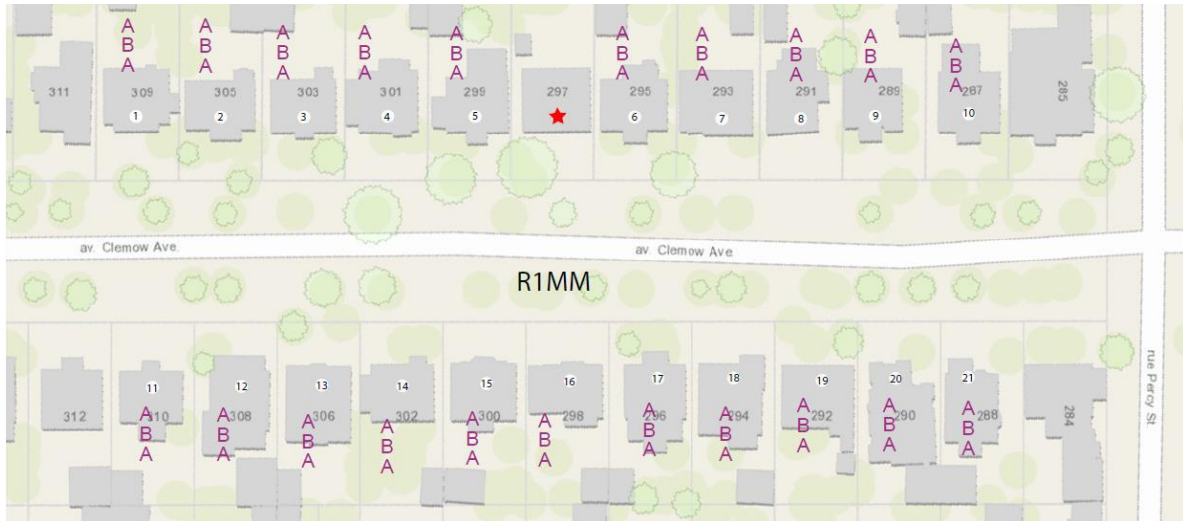


Figure 1 Staff's review of the Streetscape Character for 297 Clemow Street

Staff site visits of September, 2021 and June 1, 2023 confirmed that the parked vehicle will be visible from the street, which is contrary to the intent of the Zoning By-law. (see Figure 2).



Figure 2 Site review by Planning Staff on September 3, 2021

While the requirement for the front yard to be comprised of 40% aggregated soft landscaped area appears to be met, the relief for the front yard parking and walkways



has the effect of limiting the available soft landscaped area in the front yard. The intent of the By-law is to prioritize landscaping in the front yard before other features such as driveways and parking provisions are provided.

Section 109 in the Zoning By-law provides a redundant provision prohibiting motor vehicle parking in a required and provided front yard in residential zones. Staff note that the By-law does offer exceptions where parking in the front yard parking is permitted, **if all of the following apply:**

- a) The parking space is required for the residential use in the zone where that use is located but the use enjoys a right not to provide parking.
 - **The property is located within Area X on Schedule 1A, meaning no parking is required for the subject use.**
- b) Parking cannot be located on the lot in conformity with the provisions of this by-law.
 - **Parking is and can continue to be accommodated in the rear yard.**
- c) The space is for one vehicle only
- d) A minimum parking space length of 4.6 metres is provided
 - **A parking space of 4.4 metres is proposed.**

As the proposed front yard parking space does not meet three of the above criteria, the lot should not be considered as a special circumstance where front yard parking can be permitted.

The subject site is within the Inner Urban Transect Policy Area on Schedule A and is designated Neighbourhood within the Evolving Neighbourhood Overlay on Schedule B2. A general characteristic of urban built form and site design in Table 6 is no automobile parking, or limited parking that is concealed from the street and not forming an integral part of a building. The Inner Urban area is planned for mid- to high-density, urban development forms where either no on-site parking is provided, or where parking is arranged on a common parking area, lot or parking garage accessed by a common driveway. Form-based regulation, including requirements for landscaped areas, will have regard for local context and character of existing development as well as for appropriate interfaces with the public realm, including features that occupy both public and private land such as trees, according to Policy 2 in Section 6.3.2.

The property is part of the Clemow-Monkland Driveway and Linden Terrace Heritage Conservation District (HCD) Plan that aims to provide clear guidance on how to conserve the district's cultural heritage value. Policy 1 in Section 4.5.2 in the Official Plan ensures that proposals are compatible by respecting and conserving the cultural heritage value and attributes of the Heritage Conservation District as defined by the HCD Plan. The Plan outlines a framework for protecting and



preserving the District's significant heritage attributes, including landscaping, streetscape, and public realm, outlined in Section 3 and 9 in the Clemow-Monkland Driveway and Linden Terrace HCD Plan.

The subject site is recognized as a contributing property in the HCD. Contributing properties in the HCD include properties that have not been significantly altered as it is seen from the street and have characteristics such as open green front yards, the absence of front yard hedges or other structures, deep setbacks, regularly spaced driveways, and trees.

Specifically, the HCD recognizes uninterrupted softly landscaped front lawns as a distinctive attribute. This Plan encourages maintaining the prevalence of soft landscaping in front yards. Incursions such as decorative knee walls are not historically present in the front yards in the district. A second distinctive attribute recognized by the HCD is narrow walkways. While generally narrow walkways (approximately one metre) are common within the HCD, this Plan strongly discourages large areas of hard paving. A third distinctive attribute recognized by the HCD is linear driveways shared by owners of adjoining lots that lead to garages at the rear of the property. The HCD encourages maintaining the existing pattern and character of vehicle parking and driveways so that these elements do not detract from the front elevation of the house as viewed from the street. This Plan recognizes that the conversion of soft landscaping in front yards to hard parking surfaces negatively impacts the cultural heritage value of the district and will not be supported.

The proposed design includes aggregated area of the hard-surfaced pad for the purposes of front yard parking and additional walkways as well as a decorative knee wall, which does not meet the policies for unobstructed and unfenced softly landscaped front yards or the walkway and driveway patterns specified in HCD Plan.

The proposal varies from the existing parking and walkway patterns on the street, which is the shared driveway leading to the parking in the rear yard and narrow walkways, as it includes conversion of a part of the soft landscaping in the front to a hard parking surface and additional hard surfaced walkways, which negatively impacts the heritage value and streetscape of the district. The proposal for the front yard parking is visible from the street, detracts from the front elevation of the house, and is uncharacteristic of the HCD.

When considering the impact of the requested variances, staff are concerned about the potential cumulative impact of a design that is not compatible with the existing



context in terms of its impact on streetscape character and the heritage value for preserving historical and cultural characteristics of the district.

As such, staff are of the opinion that the requested variances do not meet the four tests under the *Planning Act*: they are not minor in terms of their potential cumulative impact, they do not maintain the intent of the Zoning By-law and the Official Plan, and the proposed design is not desirable within the site context and the Clemow-Monkland Driveway and Linden Terrace Heritage Conservation District. The department opposes the requested minor variances and suggests the reinstatement of the front yard landscaping to the previous condition, as the Clemow-Monkland Driveway and Linden Terrace Heritage Conservation District Plan encourages.

Staff note that if the minor variances are authorized, the owners are required to apply for a heritage permit to permit the altered front yard design in the Heritage Conservation District.

Infill Forester Comments:

Through pre-consultation it was determined that no Tree Information Report was necessary as the work had already been completed prior to COA application, with no impacts to protected trees.

Additional Comments:

No additional comments.

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