



**MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 1**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 182 Keyworth Avenue
Legal Description: Part of Lot 78, Registered Plan 219
File No.: D08-02-23/A-00031
Report Date: June 23, 2023
Hearing Date: July 5, 2023
Planner: Basma Alkhatib
Official Plan Designation: Inner Urban Transect, Neighbourhood Overlay
Zoning: R1P (Residential first density, subzone P)

Committee of Adjustment
Received | Reçu le
2023-06-30
City of Ottawa | Ville d'Ottawa
Comité de dérogation

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has concerns with** the application and **requests adjournment.**

REQUESTED VARIANCE:

The Owners require the Committee's authorization for a Minor Variance from the Zoning By-law as follows:

- a) To permit a covered deck to project ~~3.32~~ **2.74 metres** into the required rear yard, whereas the By-Law permits a covered deck to project up to 2 metres.
- b) To permit a reduced rear yard setback of ~~5.18 meters (17.02% of lot depth)~~, whereas the By-Law requires a minimum rear yard setback of ~~9.15 meters (30% - 25% of the lot depth)~~, but no less than 6 metres and cannot exceed 7.5 metres.

DISCUSSION AND RATIONALE

Staff have noted that the drawings provided by the applicant lack consistency. The various iterations of drawings submitted have different dimensions and the Tree Information Report does not meet City requirements. Accordingly, the forestry team **requests an adjournment.**

Staff **are not satisfied** that the requested minor variances sufficiently meet the "four tests" as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended.

The Official Plan defines the Neighbourhoods and set the stage for their function and change over the life of this Plan in section 6.3.1 as follows: The Zoning By-law will distribute permitted densities in the Neighbourhood by allowing higher densities and permitted heights, including predominantly apartment and shared accommodation forms, in areas closer to, but not limited to, rapid-transit stations, Corridors and major neighbourhood amenities; and allowing lower densities and predominantly ground-oriented dwelling forms further away from rapid-transit stations, Corridors and major neighbourhood amenities. Policy 4.6 states that urban design plays an important role in supporting the City's objectives such as building healthy 15- minute neighbourhoods, growing the urban tree canopy and developing resilience to climate change.

The proposed covered deck projects 2.74 metres into the rear yard, is elevated 1.5 metres from grade, and is in close proximity to the interior lot line at one metre. While the proposal seeks to permit a deck projection, it effectively represents the expansion of a footprint for a dwelling that already occupies a significant portion of the lot.

The Official Plan supports intensification and states that the approval of applications for intensification shall be in conformity with transect and overlay policies as applicable (section 3.2.4). This proposal does not represent intensification as there is no increase in the living space or density., The proposed deck is an amenity space that could be provided in a better design that mitigates impacts on its surroundings and meets the Official Plan's intent.

The Zoning By-law establishes separate standards as appropriate for development to produce coherent and predictable built forms and site development outcomes that contribute to well-designed blocks and street lines. The subject site is within R1P zone, a first density residential zone, where the nature of the area is wide rear yards, rear yard setbacks of 30 per cent of lot width, softscaped front yards and nice tree canopy. Contrarily, this proposal does not offer sufficient softscaping, neither in the front yard nor in the rear yard.

Moreover, the proposed deck may have negative impacts on the neighbour's privacy due to overlooking as a result of the height above grade and the proximity to the interior side lot line.

While the requested variances do not relate to the proposed interlock patio at the rear of the property, its inclusion will have a compounding effect on the overall property's soft landscaping. Staff find it difficult to justify a proposed interlock patio occupying 30 per cent of the rear yard area when it is already significantly reduced as a result of the proposed deck. Staff are of the opinion that this area should be softscaped instead of hardscaped in order to mitigate the impacts of the existing reduced rear yard. Furthermore, this would improve on site stormwater management and will better meet the direction of the Official Plan.

The Department has **concerns** and is not satisfied that **the requested minor variance sufficiently meets the four tests** as it fails to fully meet the intent of the Zoning By-law and the Official Plan. Staff are of the opinion that the applicant needs to clearly identify

the proposed addition and the related minor variances as the proposed drawings are not consistence with the applicant's cover letter, as such staff requests and adjournment.

ADDITIONAL COMMENTS

Infrastructure Engineering

1. The Planning, Real Estate and Economic Development Department will do a **complete review of grading and servicing** during the **building permit process**.
2. All trees on City property and private trees greater than 30cm in diameter in the inner urban area are protected under the Tree Protection By-law (2020-340), and plans are to be developed to allow for their retention and long-term survival. A Tree Removal Permit and compensation are required for the removal of any protected tree.

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 prop The Department has **concerns** and is not satisfied that **the requested minor variance sufficiently meets the four tests** as it fails to fully meet the intent of the Zoning By-law and the Official Plan. Staff of the opinion that the applicant needs to clearly identify the proposed addition and the related minor variances as the proposed drawings are not consistence with the applicant's cover letter, as such staff requests and adjournment.

3. erties as approved by Planning, Real Estate and Economic Development Department.
4. Existing grading and drainage patterns **must not be altered**.
5. Encroachment on or alteration to **any easement is not permitted without authorization from easement owner(s)**.

Planning Forestry

The TIR provided does not meet the requirements as the impact of the requested minor variances on the existing trees cannot be assessed. Adjournment is requested to allow time for the applicant to revise the TIR and potentially the site plan to ensure that the design allows for the existing tree(s) to be adequately protected.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Minor Variance Application, as there are no requested changes to the driveway/private approach.

Transportation Engineering

The site is within 300 m of the OLRT rail corridor. The City of Ottawa will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.



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