

2023-06-29



**MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 1970 Ruth Street
Legal Description: Lot 690, Registered Plan 643
File No.: D08-02-23/A-00119
Report Date: June 29, 2023
Hearing Date: July 4, 2023
Planner: Justin Grift
Official Plan Designation: Outer Urban Transect, Neighbourhood Designation
Zoning: R1O

PROPOSED MODIFICATION

Staff note that the *requested variance a* is not required as the minimum interior side yard setback for accessory structures located in the rear yard is 0.6 metres.

Variance requested:

- a) ~~To permit a reduced interior side yard setback of 0.7 metres for a detached garage, whereas the By-law requires a minimum interior side yard setback of 1.2 metres.~~
- b) To permit a reduced interior side yard setback of 0.45 metres for an attached carport, whereas the By-law requires a minimum interior side yard setback of 1.2 metres.

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns with** variance request b.

DISCUSSION AND RATIONALE

The subject property is on Ruth Street in Ward 18 – Alta Vista. The surrounding area is residential, consisting primarily of detached dwellings. The Official Plan (2021) designates the property as Neighbourhood in the Outer Urban Transect. The policies pertaining to this designation support a wide variety of housing types with a focus on

lower density missing-middle housing that reflects the built form context of the neighbourhood. The applicant's request would not alter the current residential use but permit a carport to be erected over the existing driveway.

The property is zoned *Residential First Density, Subzone O (R1O)*. The purpose of this zone is to restrict the building form to detached dwellings and regulate development in a manner that is compatible with existing land use patterns so that the detached dwelling and residential character for a neighbourhood is maintained or enhanced. The Zoning By-law prescribes a minimum total interior side yard setback of 3 metres, with one side having no less than 1.2 metres. According to the Zoning By-law, this setback applies to dwellings as well as accessory structures that are located within the front, interior side or corner side yards. The intent of the interior side yard setback is to maintain a buffer between adjacent properties and buildings as well as to maintain a harmonized setback in the neighbourhood.

Staff has no concerns with the requested variance looking to erect a carport at 0.4 metres from the side lot line. The plans provided demonstrate that the carport will be supported by beams as opposed to a wall, which alleviates concerns relating to maintenance as it can be done from the inside of the carport. Further, the applicant has demonstrated to the satisfaction of the City's engineer staff that the carport will not create excess drainage onto the neighbouring property (see comments below). Therefore, Staff is satisfied that the requested variance will not have adverse impacts on the adjacent properties, and it meets the '4 tests' outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended.

ADDITIONAL COMMENTS

Infrastructure Engineering

The grading portion for the carport has already been approved through the building permit process. The applicant has demonstrated there will be no excess drainage towards neighbouring properties as existing grading, paving and vegetation on lot are remaining and excess water is directed to ROW.

We note that, although the garage shown on the plans is not subject to a Committee decision, a Grading Plan prepared by a relevant professional: Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), Ontario Land Surveyor (OLS), Professional Landscape Architect (OLA), or Professional Architect (OAA) may be required as the building would be less than 1.2 metres from a property line.

Planning Forestry

Through pre-consultation it was determined that the proposed project and associated minor variance are not expected to have tree impacts. The garage will be built in generally the same location as the existing garage on helical piles which limits

excavation. The adjacent maple tree, owned by 1969 Haig Dr, is roughly 45 cm in diameter and over 6 m from the proposed garage construction.

The homeowner should consider applying to the free City of Ottawa tree planting program called Trees in Trust. Through this program the City will plant a tree in the right of way of your property. They will maintain the tree through its life. The homeowner is asked to water the tree for the first few years to help it establish. Applications are currently being accepted for spring 2024: <https://ottawa.ca/en/living-ottawa/environment-conservation-and-climate/public-spaces-and-environmental-programs/tree-planting/trees-trust>.

Right of Way Management

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



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