

2023-07-13



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 77 James Street
Legal Description: Part of Lot 31 (North James Street), Registered Plan 27904
File No.: D08-02-23/A-00148
Report Date: July 13, 2023
Hearing Date: July 19, 2023
Planner: Margot Linker
Official Plan Designation: Downtown Core Transect, Neighbourhood, Evolving
Neighborhood Overlay
Zoning: R4UD [733] (Residential Fourth Density, Subzone UD,
Exception 733)
Heritage Overlay

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

Staff have reviewed the subject minor variance application against the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended.

The subject site is within the Downtown Core Transect Area on Schedule A and is designated Neighborhood within the Evolving Neighborhood Overlay. Neighborhood designation allows for low-rise development. Section 6.3.2 of the Official Plan outlines that form-based regulation articulation, like alteration of setbacks, may be considered in regard to the local context and the character of the existing development, and appropriate interfaces between residential buildings. The subject site is also designated Local Neighbourhood within the Centretown Area as per the Central and East Downtown Core Secondary Plan. An objective in this Plan is to maintain and respect the low-rise, heritage character of Centretown’s neighbourhoods while still allowing gentle intensification. The Centretown Heritage Conservation District and Centertown Community Design Plan are further considered, in respect to the form and character of the application.

The R4UD [733] (Residential Fourth Density, Subzone UD, Exception 733) zone permits low-density residential development and comprises of development standards so that building forms are compatible and complement the surrounding low-rise neighborhood. Despite the provisions of the underlying zone, the Heritage Overlay includes provisions which limit the size and location of additions to preserve the heritage character of the site and the broader The current zonings of the subject site that conflict with requests the proposed development include: a heritage setback of 0.6 meters from the external wall of the existing structure, and a rear yard setback of 9.9 meters or 30 percent of the lot depth is required for the rear yard setback,. In section 60(3) of the zoning by-law, additions are permitted under heritage overlay areas, in which the development does not exceed height of walls and the height and slope of the roof of the existing structure, is in Area A of Schedule 1, and not located in the front yard.

Staff have no concerns with the requested minor variances. When considering the site context, Staff do not anticipate any privacy concerns related to the reduction of rear yard setback to accommodate the proposed residential addition as it appears that the abutting property to the west has a parking garage in the rear yard, and it also appears that windows were located sensitively on the east-facing façade. In addition, on a larger scale, the neighborhood block does not present a contiguous rear yard setback. Staff believe the reduction of rear yard setback would not alter the form and character of the neighborhood, as rear yard infilling is common. The reduction of the rear yard area is minimal, as the residential addition replaces, most of the site area currently occupied by an existing deck; and the removal of the existing garage improves the soft landscaping area of the site in the area between the residential addition and the east side lot line. Staff have no concerns regarding the proposed setback from the west side lot line because it is unlikely that the residential addition will be visible from the street. The residential addition is only one-storey in height and is located deep into the lot, at the rear of the existing building. Finally, the residential addition appears consistent with the character of the existing low-rise development in the area and complements the existing heritage attributes of the site. Therefore, Staff have no concerns.

ADDITIONAL COMMENTS

Heritage Planning Branch

1. The subject property is located in the Centretown Heritage Conservation District and is designated under Part V of the Ontario Heritage Act. The proposed addition appears to comply with the policies of the Centretown and Minto Park Heritage Conservation District Plan and heritage staff have no concerns with the approval of this variance. The applicant is required to receive a heritage permit issued by the City of Ottawa for the proposed addition prior to the issuance of a building permit.

Infrastructure Engineering

1. **Planning, Real Estate and Economic Development Department** will do a complete review of grading and servicing during the building permit process.

2. 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.**
3. Existing grading and drainage patterns must not be altered.

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