

2023-07-27



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

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 167 Gilmour Street  
Legal Description: Part Lot 56 (North Gilmour Street Lots) Reg Plan 15558  
File No.: D08-02-23/A-00156  
Report Date: July 27, 2023  
Hearing Date: August 2, 2023  
Planner: Margot Linker  
Official Plan Designation: Downtown Core Transect, Neighbourhood, Evolving  
Neighbourhood Overlay  
Zoning: R4UD (Residential Fourth Density, Subzone UD)  
Heritage Overlay

**REQUESTED VARIANCES**

The Applicant requires the Committee's authorization for a Minor Variance from the Zoning By-law to permit **a projection of a porch and balcony into the front yard within a heritage overlay**, whereas the By-law requires that projections are not permitted into the front yard in an area to which a heritage overlay applies, except in the case of a ramp used for handicap access. **(As amended by Planning Staff).**

**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 located within the Downtown Core Transect Policy Area, and designated Neighbourhood within the Evolving Neighbourhood Overlay on Schedules A and B1 in the Official Plan. Neighbourhoods should follow form-based regulation that has regard for local context and character of existing development as well as appropriate interfaces with the public realm.

The site is located within the Central and East Downtown Core Secondary Plan and designated Local Neighbourhood within the Centretown Character Area. Section 4.4.7 of the Plan encourages the historic buildings, streetscapes and neighbourhoods to remain and be protected while redevelopment occurs. The site is also located within the Centretown Community Design Plan, which encourages heritage assets to be preserved and maintained. Section 2.4.2 in this Plan recognizes that while the Heritage Overlay allows proposed development to be reviewed in terms of the heritage character of the area, it has previously been lifted for certain proposals that are deemed to fit the character through the Committee of Adjustment.

The subject site is also located within the Centretown and Minto Park Heritage Conservation District (HCD). When reviewing development applications affecting lands within a HCD, Section 4.5.2 of the Official Plan requires that the City ensure that the proposal is compatible by respecting and conserving the cultural heritage value and attributes of the HCD as defined by the HCD Plan.

The subject site is zoned R4UD (Residential Fourth Density, Subzone UD), which allows a wide mix of residential building forms ranging from detached to low rise apartment dwellings. The site is located within the Heritage Overlay.

Staff have no concerns with the requested variance to permit projections into the front yard within the Heritage Overlay as demonstrated on the plans stamped 2023-06-28. The intent of this provision prohibiting such projections is to preserve the heritage character of the original building rather than distracting from it. The Centretown and Minto Park Heritage Conservation District recognizes that open porches and balconies are primarily found on residential buildings throughout the HCD. There are examples within the immediate vicinity of the subject site with similar projections in the front yard (see Figure 1 and Figure 2).



*Figure 1: 161-163 Gilmour Street*

110 Laurier Avenue West, Ottawa ON K1P 1J1

Mail code: 01-14

110, av. Laurier Ouest, Ottawa (Ontario) K1P 1J1

Courrier interne : 01-14

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Figure 2: 179 & 181 Gilmour Street

Policy 1 in Porches, Balconies and Canopies within Section 7.1 of the HCD plan notes that new or alterations to existing porches or balconies must be compatible with the existing building and the street in scale, materials, design, proportions and detailing.

Staff believe that the proposed front yard projections are appropriately designed and located in a manner that is compatible with the existing building and the character of the District, and therefore have no concerns.

## **ADDITIONAL COMMENTS**

### **Heritage Planning Branch**

The subject property is located in the Minto Park Heritage Conservation District and designated under Part V of the *Ontario Heritage Act*. Heritage Planning staff have no concerns with the requested variance. The applicant is required to receive a heritage permit for the proposed alterations prior to being issued a building permit.

### **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. 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.

### **Planning Forestry**

The TIR notes that the City-owned tree in front of this residence will be retained with the mitigation measures recommended in the report, however the proposed walkway and balcony are within the Critical Root Zone and existing crown of the tree and further information is required to ensure that the design provides for its adequate protection and long term survival. At the building permit stage the TIR must address the above-ground

impacts to the canopy of the tree from the proposed 2nd storey balcony and confirm whether this amount of pruning is sustainable for the tree; the TIR must also confirm the setback distance between tree #1 and the closest area of excavation to ensure that the best management practices to maintain tree stability are met. Additionally, the proposed rearrangement of the walkway will remove a significant portion of the existing soil space supporting the City tree. Despite the ability in section 139(4)(d) for a walkway to traverse an area required for soft landscaping, the proposed design of the walkway and ramp do reduce the area of soft landscaping and soil volume available to the existing protected tree. It is strongly recommended to design the walkways to minimize excavation and hardening the landscape within the tree's Critical Root Zone.



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