

2023-08-10



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 576 McLeod Street
Legal Description: Part of Lot 40 (North McLeod Street) Registered Plan 30
File No.: D08-02-23/A-00160
Report Date: August 10, 2023
Hearing Date: August 16, 2023
Planner: Margot Linker
Official Plan Designation: Downtown Core Transect, Neighbourhood, Evolving Neighbourhood Overlay
Zoning: R4UD[478] (Residential Fourth Density, Subzone UD, Urban Exception 478)

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION:

The Owner wants to construct a three-storey, 8-unit **stacked dwelling**, as shown on the plans filed with the Committee. **(as amended)**

REQUESTED VARIANCES

The Applicant requires the Committee's authorization for minor variances from the Zoning By-law as follows:

- a) To permit a reduced lot width of 10.03 metres, whereas the By-law requires a minimum lot width of 14 metres.
- b) To permit a reduced lot area of 303.2 square metres, whereas the By-law requires a minimum lot area of 420 square metres.
- c) To permit a reduced side yard setback of 1.2 metres (west side), whereas the By-law requires a minimum side yard setback of 1.5 metres.
- d) ~~To permit the path for the movement of garbage containers to include four steps, whereas the By-law states that a path for the movement of garbage containers must be uninterrupted by any window well, depression or grade change that would impede the movement of a wheeled garbage container.~~ **(as amended by Planning Staff)**

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The agent submitted updated plans to the Committee of Adjustment on August 9, 2023. As a result of the revisions made, the proposed building complies with Section 143 in the Zoning By-law and variance (d) is no longer required.

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 Policy Area and designated Neighbourhood within the Evolving Neighbourhood Overlay. This area is planned generally for higher-density development and to become more urban, such that while there may be a range of lot sizes that will include smaller lots and higher lot coverage and floor area ratios. Neighbourhoods within the Downtown Core should allow and support a wide variety of housing types with a focus on missing-middle housing. The subject site is also located within the Central and East Downtown Core Secondary Plan within the Centretown character area and designated Local Neighbourhood. This area is planned to be primarily residential with existing low-rise neighbourhoods experiencing infill growth as a result of small-scale, low-rise redevelopment.

The subject site is zoned R4UD[478] (Residential Fourth Density, Subzone UD, Urban Exception 478), which permits a wide mix of residential building forms ranging from detached to low-rise apartment dwellings and regulates development in a manner that is compatible with existing land use patterns to maintain or enhance the mixed building form and residential character of a neighbourhood.

Larger interior side yard setback requirements for dwelling types such as low-rise apartments and stacked dwellings in this zone are necessary for providing adequate rear yard access by more residents through the interior side yard, maintenance of the walls, as well as adequate access for waste management and bicycle parking. The east side of the building meets the 1.5 metre requirement, while the west side of the building only provides 1.2 metres. Staff have no concerns with the requested reduced interior side yard setback on the west side as staff believe there is still reasonable access to the rear yard provided on this side. Specifically, the Zoning By-law requires a minimum of 1.2 metre-wide path for the movement of waste containers, which appears to be met on the updated site plan.

Staff have no concerns with the requested reduced lot width and lot area. Lot size performance standards are intended to ensure that all elements associated with introducing a stacked dwelling can be accommodated on site. It appears that sufficient soft landscaping, waste management and bicycle parking storage are provided on this undersized lot.

ADDITIONAL COMMENTS

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. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
3. 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**.
4. Existing grading and drainage patterns must not be altered.
5. Existing services are to be blanked at the owner's expense.
6. Asphalt overlay would be required if three or more road-cuts proposed on City Right of way. This includes the road cut for blanking of existing services, and any other required utility cuts (ie, gas, hydro, etc.).
7. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
8. In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.

Planning Forestry

The TIR identifies 4 trees. The two City owned trees require removal because of conflicts with the development. Due to the nature of the trees in the right of way, the applicant should consult with the Infill Forestry Inspector before submitting an infill tree removal permit.

A tree planting plan was provided showing two compensation trees. There are no overhead wires in the front yard restricting overhead growth. A species with the largest possible canopy cover potential for the soil volume available should be planted in the front and rear yards.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Minor Variance Application. However, there is no planned onsite parking as part of the redevelopment of the property. In light of this, the Applicant shall be made aware that a private approach permit is required to remove the now redundant driveway/private approach from the property.



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