

2023-08-10



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 577 Melbourne Avenue
Legal Description: Lot 32 (East Melbourne Avenue) Registered Plan 204
File No.: D08-01-23/B-00156, D08-02-23/A-00142 & A-00143
Report Date: August 10, 2023
Hearing Date: August 16, 2023
Planner: Margot Linker
Official Plan Designation: Inner Urban Transect, Neighbourhood
Zoning: R3R[2687] H(8.5) (Residential Third Density, Subzone R, Urban Exception 2687, Maximum Building Height 8.5 Metres)

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **requests an adjournment** for the applications. The Tree Information Report reviewed by Staff is incomplete and therefore does not meet the requirements outlined in the Tree Protection By-law. If the applicant submits an updated Tree Information Report with sufficient time for staff to review, the Planning, Real Estate, and Economic Development Department **has concerns with** the applications.

DISCUSSION AND RATIONALE

Regarding the requested Consent:

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c .P.13, as amended, permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted by a committee of adjustment. With respect to the criteria listed in Section 51 (24), staff have no concerns with the proposed consent.

Regarding the requested Minor Variances:

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 Inner Urban Transect Policy Area and designated Neighbourhood in Schedules A and B2 in the Official Plan, and is located approximately 650 metres from a Transit Priority Corridor and less than one kilometre from the future

Kichi Sibi O-Train Station on Schedule C2. Within the Inner Urban Transect, maintaining or enhancing unbroken curb space for short-term, visitor and permit-zone street parking and other common purposes, and front yard space for trees and intensive landscaping, is given priority over private approaches. Driveways for new development that lead to parking should be designed to minimize the impact on the public realm. Neighbourhoods are planned to maintain a low-rise character with form-based regulation having regard for local context and character of existing development as well as appropriate interfaces with the public realm. The Official Plan notes that a characteristic of urban built form is that there is either no automobile parking, or limited parking that is concealed from the street and not forming an integral part of a building, such as a front facing garage (Table 6).

The subject site is zoned R3R[2687] H(8.5) (Residential Third Density, Subzone R, Urban Exception 2687, Maximum Building Height 8.5 Metres), which permits a mix of residential building forms ranging from detached to townhouse dwellings and regulates development in a manner that is compatible with existing land use patterns.

Variations for garage, driveway and walkway:

Staff have concerns with the requested double wide driveway and attached garage. The Streetscape Character Analysis is an objective count of building elements (garages, driveways, and main entrances) within the vicinity of the subject site and is intended to encourage development to maintain the character with the existing homes on the street. The dominant character of the street is no attached front-facing garage, single-wide driveway, and main entrance facing the street. The primary consideration in whether or not a development is compatible with the streetscape character is the immediate surrounding context, as defined by the lots that are analyzed within the Streetscape Character Analysis.

A 0.6 metre soft landscaped area between the driveway and walkway is required by the Zoning By-law to ensure that the walkway is not used to be driven or parked on. Staff have concerns with the reduced soft landscaping between the driveway and walkway to 0 metres, as it appears that this will accommodate the autocentric-focused design and be used as an extension of the driveway.

Section 139, Table 139(3) in the Zoning By-law prohibits double-wide driveways on lots with street frontages of 10.06 metres. It appears that the driveway (including the part of the walkway that appears to be used for vehicle purposes) will occupy approximately half of the width of the front yard. The intent of the provisions limiting driveway width, in conjunction with the provisions requiring a minimum aggregated front yard, is to reduce the visual impact of driveways and cars parked in driveways in mature neighbourhoods within the greenbelt. Infill development within the Westboro Overlay should prioritize soft landscaping first, rather than prioritizing parking.

As noted above, the Official Plan notes that a characteristic of urban built form is limited parking that is concealed from the street and not forming an integral part of a building, such as a front facing garage (Table 6). Front-facing attached garages often push the

livable floor area of the dwelling upwards and/or towards the rear yard, resulting in a break of character for the street. These infill developments enhance the dominance of the automobile on the streetscape and render the principal entranceway less important than the car's storage in neighbourhoods where housing was predominantly built prior to the mass commercialization of the automobile. Since the dominant character of the street is no front facing attached garages, staff have concerns regarding the compatibility with the existing built form. In addition, since the direction of the Official Plan for this area is to become more urban, including prioritizing the built-form relationship with the public realm through emphasizing front entrances and windows, staff have concerns with these variances.

Another implication of granting the requested variances from the Streetscape Character Analysis requirements in support of this application is that the permission of front-facing attached garages would have an effect on future Streetscape Character Analysis results for other properties. This could have the effect of changing the dominant streetscape character, resulting in front-facing attached garages where no front-facing attached garage existed prior. Thus, this could have the effect of changing the zoning permissions on this street, which is not the intent of the Zoning By-law.

Variances for interior side yard and rear yard setbacks:

The need for interior side yard and rear yard variances appears to be to accommodate a design oriented around a front-facing attached garage, where such a feature is not a dominant pattern according to the Streetscape Character Analysis outcome. Staff are concerned about how "minor" the cumulative impact is. Staff recommend redesigning the single detached dwellings to provide a single-wide driveway that leads to parking in the interior side yard, rear yard, or detached garage in the rear yard, which will eliminate at least four variances for each proposed property.

If the Minor Variances for attached front-facing garages and double wide driveways are authorized, Staff have some concerns with the interior side yard setback variances. Larger interior side yard setbacks are normally required for larger multi-unit buildings to accommodate waste bin movement, movement to bicycle parking, and an increased access to the rear yard through the interior side yard, and 0.9 metres is generally large enough to provide access to the rear yard and maintenance of the wall for a single detached dwelling. However, the intent of the Zoning By-law requiring a 1.5 metre setback for all dwelling types is to harmonize development standards between different dwelling types within the same context. This will ensure that contextual design is the key focus of the zoning regulations. The proposed development deviates from this intent.

Staff have no concerns with the requested reduced rear yard setback. It appears on the elevations that the windows facing the interior side lot lines will be concentrated generally towards the centre of the building, causing no additional privacy issues on the abutting lots to the north and south from the reduced setback. The proposed rear yard setbacks align with the abutting lot's (571 & 573 Melbourne) rear yard setbacks. It

appears that the building depth is still appropriate and not significantly out of scale with the existing context, and that rear yard soft landscaping requirements are still met.

Staff have no concern with the land division or land development; however, when considering the requested variances, Staff are concerned about the potential cumulative impact of a design that is not compatible with the existing context.

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. A report addressing the stability of slopes, prepared by a qualified geotechnical engineer licensed in the Province of Ontario, should be provided wherever a site has slopes (existing or proposed) steeper than 5 horizontal to 1 vertical and/or more than 2 metres in height.
8. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
9. In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.
10. Existing street sign to be relocated at the owner's expense.

Planning Forestry

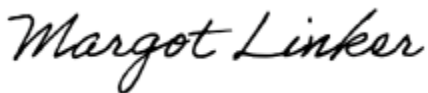
The TIR submitted lacked required information as identified under Section C of the Tree Protection By-law. A completed TIR was requested but not provided.

CONDITIONS

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following condition(s) on the application(s):

1. That the Owner(s) provide evidence that payment has been made to the City of Ottawa for cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2022-280, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.

2. That the Owner(s) provide proof to the satisfaction of **the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that the existing dwelling/building has been removed.
3. That the Owner(s) provide evidence to the satisfaction of **the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that the accessory structure has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.
4. That the Owner(s) shall provide evidence that a grading and drainage plan, prepared by a qualified Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor or a Certified Engineering Technologist, has been submitted to the satisfaction of the **Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate** to be confirmed in writing from the Department to the Committee. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of the **Development Review Manager of the Select Branch within Planning, Real Estate and Economic Development Department, or his/her designate**.
5. That the Owner(s) provide a servicing plan or other evidence, to the satisfaction of the **Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that each existing building and/or unit on the severed and retained parcels has its own independent water, sanitary and sewer connection, as appropriate, that are directly connected to City infrastructure and do not cross the proposed severance line.
6. That the Owner(s) provide plans, drawings or reports as may be required to demonstrate, to the satisfaction of the **Manager, Right-of-Way, Heritage, and Urban Design Department or his/her designate** that the private approaches conform with the Private Approach By-law (2003-447) can reasonably be established on the severed lands (**577A Melbourne Ave and 577B Melbourne Ave**), to be confirmed in writing from the Department to the Committee.



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