

2023-08-11



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 24 Lowrey Avenue
Legal Description: Part of Lot 69, Registered Plan 57
File No.: D08-02-23/A-00171
Report Date: August 8, 2023
Hearing Date: August 19, 2023
Planner: Basma Alkhatib
Official Plan Designation: Inner Urban Transect, Neighbourhood Designation
Evolving Neighbourhood Overlay, Scott Street Secondary Plan
Zoning: R4UB (Residential forth density, subzone UB)

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has some concerns with** minor variance **c and d** in the application.

DISCUSSION AND RATIONALE

Staff are satisfied that the requested minor variances meet 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 Inner Urban Transect Policy Area on Schedule A and is designated Neighbourhood with an Evolving Neighbourhood Overlay on Schedule B2 in the Official Plan. The intended pattern of development in the Inner Urban Transect is urban, exhibiting the characteristics outlined in Table 6 of the Official Plan. The Neighbourhood designation allows low-rise development in an efficient form that is compatible with existing development patterns and provides site design elements such as soft landscaped areas.

The subject site is within the Scott Street Secondary Plan. The purpose of this secondary plan is to direct greater intensification to certain areas while keeping the low-rise character in other areas. The goals and principles of this secondary plan are to reinforce and respect the character of existing neighbourhoods, by establishing a clear neighbourhood boundary; and maintaining the core of each established neighbourhood by maintaining the current zoning, while encouraging low-scale infill and intensification on under-utilized sites within neighbourhoods; and ensure the character of local streetscapes, including front yards, is maintained. The subject site is designated as Low-Rise Neighbourhood in schedule A of the

Scott Street Secondary Plan, where the intensification is allowed to a maximum of three storeys.

The requested minor variance (a) to reduce the interior side yard setback to 0.42 metres and (b) to permit a front façade to be comprised of 14% windows, are existing conditions that cannot be changed and is not a result of the proposed addition, therefore, staff have no concerns with minor variance (a) and (b).

The Zoning By-law does not permit motor vehicle parking spaces on lots less than 450 square metres. Although the subject site is within the Mature Neighbourhood Overlay, a Streetscape Character analysis is not required because there is no alteration to the existing driveway, or the front façade.

Staff noted that the proposed parking is part of the driveway that led to a rear yard parking. The parking could be kept as of right if there were no more units added, but by adding four rear units, the proposed parking will block the access to the main entrance to the added dwellings, will block bicycles mobility and will block the path for garbage containers. Section 111, of the Zoning By-law states the bicycle parking space provision it is required for a low-rise appartements to provide 0.5 bicycle parking space per unit, in this case three bicycle parking spaces. A bicycle parking space must have access from an aisle having a minimum width of 1.5 metres. The proposal includes six bicycle parking spaces, but the bicycle aisle is blocked by the proposed vehicle parking space. That being said, minor variance (d) may present difficulties with accessibility and safety when a vehicle is present in the parking space.

Waste management provision in the Zoning By-law requires a path for the movement of garbage containers between a garbage storage area and the street line. This path must not be less than 1.2 metres in width; must be unobstructed; and for that part of the path located outside a building, can be paved or finished with hard landscaping and may be on a driveway or walkway. A parking space cannot be used as a path for garbage containers, especially in this case the proposed parking is narrow (2.8 metres) which will be totally blocked when a car is parked there. Staff of the opinion that this issue will be resolved by removing the proposed parking space. That being said, minor variance (d) is concerning because it is an accumulated result of the proposed parking, and the waste container path must be unobstructed all the time.

The Department has **no concerns with minor variance (a) and (b)** to legalize an existing condition but **has concerns with minor variance (c) and (d)**. Staff of the opinion that the proposed addition is favourable because the proposed intensification is aligned with the secondary plan designation and the removal of the parking space will facilitate the accessibility and mobility of residence and maintenance of services.

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. At the time of building permit application, a **grading/servicing plan** prepared by a Professional Engineer, Ontario Land surveyor or a Certified Engineering Technologist will be required.
3. Any proposed works to be **located within the road allowance** requires prior written approval from the Infrastructure Services Department.
4. All **trees on City property and private trees greater than 30cm in diameter** in the Inner Urban area are protected under the Tree Protection By-law (2020-340), and plans are to be developed to allow for their retention and long-term survival. A Tree Removal Permit and compensation are required for the removal of any protected tree.
5. 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.
6. **Existing grading and drainage patterns** must not be altered.
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, or where construction or alteration to a retaining wall exceeding 1 meter in height is proposed.
8. This property does not have frontage on a storm sewer.
9. The Planning, Real Estate and Economic Development Department requires proof that the **Rideau Valley Conservative Authorities have granted their approval** due to development being located within the regulatory limit.
10. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
11. 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 applicants consulting arborist confirmed there are no trees protected under City of Ottawa tree by-laws on or adjacent to the property. The applicant is proposing to plant one large canopy tree in the rear yard which aligns with the City's Official Plan Policies and target to reach 40% canopy cover.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Minor Variance Application, as there are no requested changes to the driveway/private approach. However, the Applicant shall be made aware that a private approach permit is required to remove driveway/private approach.

Transportation Engineering

The site is located within 300 m of the OLRT Phase 2 rail corridor. The City of Ottawa will not be responsible for any complaints or claims arising from use of such facilities and/or

operations on, over or under the aforesaid rights-of-way.



Basma Alkhatib
Planner I, Development Review, Central
Planning, Real Estate and Economic
Development Department



Jean-Charles Renaud , RPP, MCIP
Planner III, Development Review, Central
Planning, Real Estate and Economic
Development Department