

2023-08-11



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 9 Morris Street
Legal Description: Part of Lot 19 & 39, Registered Plan 44
File No.: D08-02-23/A-00172
Report Date: August 8, 2023
Hearing Date: August 19, 2023
Planner: Basma Alkhatib
Official Plan Designation: Inner Urban Transect, Neighbourhood Overlay
Zoning: R3P [1474] (Residential third density, subzone P, exception 1474)

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has concerns with minor variance (d) and (b)** the application.

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION(S):

The Owner wants to construct a two-story addition and front facing garage on the east side of the existing detached dwelling, as shown on plans filed with the Committee.

REQUESTED VARIANCES:

The Owner/Applicant requires the Committee's authorization for Minor Variances from the Zoning By-law as follows:

- a) To permit a reduced total interior side yard of ~~4.54~~ **1.21 metres**, with the south side being 0.21 metres and the north side being ~~4.30~~ **1 metres**, whereas the By-law requires a total interior side yard of 1.8 metres with no side yard less than 0.6 metres. **(updated)**
- b) To permit a reduced parking space width of 2.36 metres, whereas the By-law requires a minimum parking space width of 2.6 metres.
- c) To permit an increased front yard setback of ~~5.27~~ **4.521 metres**, whereas the By-Law requires a maximum front yard setback of ~~3.75~~ **3 metres**. **(updated)**
- d) To permit a front facing attached garage, whereas the By-law does not permit a front facing attached garage based on the streetscape character analysis.

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 Official Plan designates the property as Neighbourhood within the Inner Urban Transect. Urban areas are described as a range of lot sizes that will include smaller lots, and higher lot coverage and floor area ratios. Policy 2.2.1 of the Official Plan states the directions of Intensification and Diversifying Housing Options, and one of them is Provide housing options for larger households, where there needs to be opportunities in residential Neighbourhoods within a short walking distance to Hubs and Corridors to build dwelling units with enough floor space to accommodate larger households within buildings typologies that increase densities on existing lots.

Policy 5.2.1 states that development shall be encouraged to move towards an urban built form pattern. These areas are encouraged to be developed with a focus on multi-modal transportation methods, particularly walking and cycling. Neighbourhoods are anticipated to maintain their low-rise nature unless otherwise stated in Zoning or applicable Secondary Plans.

Staff have **no concerns** with the reduced total interior side yard (minor variance (a)) because interior yards are intended to allow access to the rear yard. The interior side yard proposed will allow the access to the rear yard which aligns with policy intent.

Staff have **concerns** with reduced parking space width (minor variance (b)) because the zoning By-law, parking space provision section 106 (1) states a motor vehicle parking space must be at least 2.6 metres wide. section 106 (3) allows percentage of small parking space width if it is not not abutting or near a wall, column or similar surface that obstructs the opening of the doors of a parked vehicle or limits access to a parking space, in which case the minimum width is 2.6 metres. A 2.36 metre wide garage would not allow sufficient space to open the car doors, even for a compact car, and would likely not be functional.

Staff have **no concerns** with increased front yard setback (minor variance (c)), a decreased front yard is required to maintain the street look, in this case the neighbouring properties on the south side have either the same or bigger setback. Also, the front yard setback has not been changed by the new addition therefore, it is legalizing an existing situation.

The subject site is within Mature Neighbourhood Overlay. The Mature Neighbourhoods focus is on appearance from the public realm, with specific attention given to the extent that front yards and corner side yards are used for soft landscaping, driveways and on-site parking, and the orientation and visibility of the front door. The Streetscape Character Analysis (SCA) goal is to capture older neighbourhoods’ distinctive character and ensure

a continuation of the “look along the street” as these properties redevelop and intensify over time. The study includes the analysis of 21 units surrounding the subject unit.

The dominant character for the subject site is ABA. The first letter “A” means attached parking or carport that faces the street are not permitted, the study result is 19 houses does not have front facing garage and only two have front facing garage. The second letter “B” means individual single-wide driveways and shared driveway are the dominant, the study result is 19 houses have single-wide driveways and shared driveway and only two do not have driveways. The Third letter “A” means main doors faces the front lot line are the dominant, the study result is 21 houses have their front door facing the front lot line.

Staff noted that the subject site has an existing garage located in the rear yard and an existing driveway leading to it, and the proposal to attach the garage to the existing dwelling will change the appearance from the public realm. Staff have **some concerns** with the attaching the garage (minor variance (d)) because this addition will change the street look and differs from the dominant character that is required to preserve the older neighbourhoods look.

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. 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.
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.

Planning Forestry

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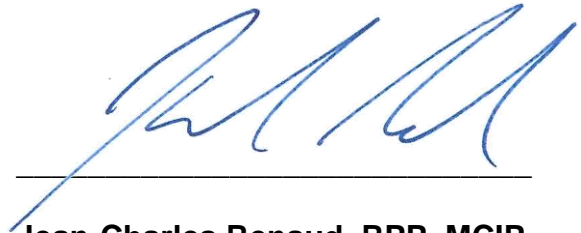
There is one protected tree identified through the TIR. The TIR provides direction on installing tree protection fencing. Material storage and equipment access are not permitted in the critical root zone of a protected tree. The tree protection fencing must be maintained throughout construction. The City of Ottawa's Tree Protection Specification can be found here: [Tree Protection Specification](#)

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 private approach.



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