

2023-09-01

City of Ottawa | Ville d'Ottawa  
Comité de dérogation



PERMISSION APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 1

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 31 Gordon Street  
Legal Description: PLAN 33446 PT LOT 5 GORDON E  
File No.: D08-02-23\_A-00152  
Report Date: August 31, 2023  
Hearing Date: September 6, 2023  
Planner: Margot Linker  
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving  
Neighborhood Overlay  
Zoning: R3P[1474] (Residential Third Density, Subzone P, Exception  
1474)

DEPARTMENT COMMENTS

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

REQUESTED PERMISSION:

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

- a) ~~To permit a corner side yard setback of 2.7 metres, whereas the By-law requires a minimum corner side yard setback of 3 metres.~~
- b) ~~To permit a northerly interior side yard setback of 0.52 metres, whereas the By-law requires a minimum interior side yard setback of 1.8 metres.~~

The Owner requires the Permission of the Committee to expand the existing legal non-complying single detached dwelling to permit the construction of a second storey addition. **(as amended by Planning staff)**

DISCUSSION AND RATIONALE

The subject site is located within the Inner Urban Transect Policy Area on Schedule A and is designated Neighborhood and within the Evolving Neighborhood Overlay on Schedule B in the Official Plan. The Inner Urban Transect within Neighborhoods intends to focus on low-rise built form up to 4 storeys and various types of housing. Policy 2 in Section 6.3.2

directs form-based regulation to have regard for local context and character of existing development as well as for appropriate interfaces between residential buildings.

Staff note that the R3P[1474] (Residential Third Density, Subzone P, Exception 1474) zone 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. Staff acknowledge that the existing single detached dwelling that occupies the subject site is legal non-complying as it appears to have existed prior to the creation of the Zoning By-law.

When considering applications for permission to expand the legal non-complying rights, case law has considered issues such as desirability for development of the property and impact on the surrounding area.

Staff have no concerns with the addition of a second storey to the existing detached dwelling as the addition is utilizing the existing exterior wall locations of the legal non-complying building. Staff do not anticipate any privacy concerns from the second storey addition as the east elevation of the addition has a blank wall condition and is facing the side wall of the property to the rear; while the north elevation that includes a small balcony is overlooking a driveway that separates the subject site and abutting side property.

## **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.

### **Planning Forestry**

The TIR identifies 4 protected trees on the subject property. The TIR does not note what extent of pruning would be required to facilitate the proposed construction. Over pruning a tree will lead to its decline and even death. Planning Forestry requested an updated version of the TIR to address this concern and is waiting to receive it.

There is a blue spruce tree also on the property. The applicant was asked to confirm whether the tree was fully or partly owned by the City. If it is, it must be protected adequately through construction by following the City of Ottawa's Tree Protection Specification. If the tree is privately owned, its advised tree protection fencing be installed around this tree to protect it from machinery access and equipment storage throughout the construction. The City of Ottawa's Tree Protection Specification can be found here: [Tree Protection Specification](#)

*Margot Linker*

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