

2023-09-28



**CONSENT & MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 56 Capilano Drive
Legal Description: Part of Lot 15 Registered Plan 353
File No.: D08-01-23/B-00208, D08-01-23/B-00219,
D08-02-23/A-00201 and D08-01 23/A-00217
Report Date: September 28, 2023
Hearing Date: October 3, 2023
Planner: Samantha Gatchene
Official Plan Designation: Outer Urban Transect, Neighbourhood
Evolving Neighbourhood Overlapp
Zoning: R4Z [2840] - h

DEPARTMENT COMMENTS

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

Note that the Notice needs to be revised as follows to reflect the correct part numbers on the Draft 4R Plan:

- A-00217: 56 Capilano Drive, **Parts 1 & 5** ~~Parts 2, 3 & 4~~ on Draft 4R Plan, townhouse block.
- A-00201: 56 Capilano Drive, **Parts 2, 3 & 4** ~~Parts 1 & 5~~ on Draft 4R Plan, apartment building.

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00208	31.86 m	Irregular 23.45 m	681 sq.m	Parts 2, 3 & 4 Parts 1 & 5	56 Capilano (apartment building)
B-00219	13.0 m	Irregular 61.58 m	2092 sq.m	Parts 1 & 5 Parts 2, 3 & 4	56 Capilano (townhouse block)

DISCUSSION AND RATIONALE

The property is designated Neighbourhood within the Outer Urban Transect of the Official Plan (OP). Section 5.3 of the OP encourages increased density in Neighbourhoods that generally reflects the built form of the neighbourhood. The OP supports the provision of missing middle housing, which refers to low-rise, multiple-unit residential infill with between three and sixteen dwelling units. The requested minor variances meet the general intent of the OP by facilitating residential development that contributes to the City's affordable housing goals while maintaining a built form that is compatible with the neighbourhood.

The property is zoned Residential Fourth Density, Subzone Z, Urban Exception [2840] with a holding symbol. Urban Exception 2840 permits a reduced westerly interior side yard setback, reduced rear yard setback and exempts affordable housing from minimum resident parking requirement. The requested minor variances are consistent with the intent of the R4Z zone, which are, among others, to "allow a wide mix of residential building forms ranging from detached to low rise apartment dwellings" and "regulate development in a manner that is compatible with existing land use patterns so that the mixed building form, residential character of a neighbourhood is maintained or enhanced".

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. The Consent will enable the properties to be legally separate while enable to the development to function together under the same ownership.

As part of the applications, easements are proposed to allow for Parts 1 and 5 (townhouse block) to have access to vehicle parking; and for Parts 2, 3 and 4 to have pedestrian access.

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. Staff are satisfied that the requested minor variance(s) meet(s) the "four tests".

Lot Dimension and Setback Variances:

Reduced Lot Area, Lot Width and Interior Side Yard Setback (Variances A, E and F)

Staff do not have concerns with the variances to reduce the minimum lot width for one of the townhouse units; to reduce the lot width for the apartment building lot; and to reduced the interior side yard setback along the eastern property line.

The variance for reduced lot area would decrease the minimum lot area for a townhouse dwelling unit from 150 square metres to 131 square metres. Across the R4 subzones, the minimum lot area for townhouse dwellings ranges from 110 square metres to 180

square metres. The proposed lot area of 131 square metres is within this range. Staff are satisfied that the variance will not impact the ability of the site to function because the variance is only to reduce the lot area of one out four dwelling units in the townhouse block; the other three units would be compliant.

The variance for reduced lot width of the apartment building from 18 metres to 13 metres is considered minor and appropriate for the site. Negative impacts are not anticipated due to the variance as it would enable the flag lot configuration which allows the driveway to provide access to a shared internal parking lot. Further, the reduced lot width enables the townhouse block to front onto the street at the front of the site while providing access to the apartment building at the rear.

The variance for a reduced interior side yard setback from 6.0 metres to 3.0 metres beyond 21 metres from the front property line would not result in negative impacts. The reduced interior side yard setback would abut the driveway of the Cityview Curling Club. The reduced side yard setback would not impact the use of the driveway while also continuing to maintain separation between the driveway and the apartment units.

Walkway Variances

Increased Number of Walkways and Increased Walkway Width (Variances B and C)

Staff do not have concerns with the variances to increase the maximum number of walkways and the maximum walkway width for the townhouse block. Staff consider the impact of these variances to be minor as they would provide for enhanced pedestrian connections to the site as well improved accessibility. Given the limited vehicle parking included on the site and expectation lower vehicle ownership, increasing the number of walkways within the front yard from one to three is considered appropriate.

Increasing the maximum width of the walkways from 1.2 metres to between 1.5 and 3.0 metres will allow for walkways that are wheelchair accessible as well as create amenity space in the form of front terraces. The increase walkway width will also not have a negative impact on the soft landscaping of the front yard as walkways are included in the soft landscaping calculation.

Landscaping Variances

Reduced Front Yard Landscaping and Reduced Landscape Buffer Width (Variances G and J)

Staff do not have concerns with the variances to reduce the percentage of soft landscaping in the front yard of the apartment building lot from 40% to 30%; and to reduce the minimum landscape buffer between the driveway and the interior side lot line from 0.15 metres to 0 metres.

The variance for a reduced landscape buffer width is considered to be appropriate because while severance would make the lots legally separate, they would remain under common ownership and operation. Therefore, negative impacts of reducing the buffer width are not anticipated.

Regarding the variance to reduce the soft landscaping, Section 11.5, Policy 9(d) of the OP allows for variances to be granted to reduce the soft landscaping of low-rise infill apartment dwellings. This is tied to more intensive plantings being provided and the purpose being to enable vehicle parking or driveways while still enabling a design that meets the intent of the OP. Staff are satisfied that these criteria have been met. Enhanced trees and landscaping are being provided through the site plan control process. The reduction would enable the driveway for the site to operate within the front yard. Finally, the resulting site design would meet the intent of the OP with a low-rise built form that is compatible with the neighbourhood while providing adequate space for site functioning within e.g amenity space, snow removal and parking.

Parking Lot Variances

Reduced Visitor Parking Space Length, Front Yard Parking and Double-Wide Driveway (Variances D, H and J)

Staff do not have concerns with the variances to permit a reduced size visitor parking space, permit front yard parking and to permit a double-wide driveway.

The variance to reduce the visitor parking space size will enable the development to meet the minimum visitor parking space requirements and will only impact one visitor space. Staff consider the impact of permitting the reduced size parking space to be minor in nature and appropriate for the parking needs of the site.

The variance for to allow for front yard parking is considered minor and appropriate for the conditions created by the flag lot shape of the lot. The flag lot shape results in a long front yard area which is proposed to be used for the driveway with access to the seven front yard parking spaces to make efficient use of the space. The visual impact on the street is expected to be minimal due to perpendicular orientation parking spaces relative to the street.

The variance to permit a double-wide driveway on a lot with a width less than 15 metres is appropriate because the narrower lot width is the result of the flag lot configuration, with the purpose of providing vehicle and waste collection vehicle access for both the townhouse block and the apartment building. Staff do not foresee negative impacts with the double-wide driveway on the site or neighbourhood.

ADDITIONAL COMMENTS

There is an active Site Plan Control application for the site (City File No. D07-12-23-0028).

Planning Forestry

- Planning Forestry does not have concerns with the minor variances for the townhouse block.
- There is a minor variance to reduce the front yard soft landscaping of the low-rise apartment building. This variance is required to accommodate the driveway

design. Section 11.5 of the Official Plan, policy 9(d) indicates that when there is a minor variance to permit low rise apartment buildings to reduce the required area of soft landscaping it may be tied to requirements for more intensive plantings such as trees or shrubs. This is so that the volume of vegetation compensates for reduced horizontal area. The applicant has confirmed they are continuing to work through the Site Plan Control review process to maximize planting opportunities on the proposed properties.

- The TCR identifies 7 trees requested for removal. Removal of a jointly owned tree will require written permission from both owners. This must be provided to the planning forester reviewing the site plan application before a permit will be issued.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent & Minor Variance Applications. However, the Owner shall be made aware that private approach permits are required to construct each of the newly created driveways/approaches. A private approach permit is not required for a private approach approved through the City's Site Plan or Subdivision approval process.

Transportation Engineering

- Recommend utilizing the drive aisle of 50 Capilano Drive (to the east) for shared access, to reduce the number of curb cuts and conflicts with the south sidewalk of Capilano Drive.
- The attention TWSI (noted as '9' on the site plan) on the southeast corner of the townhouse block should have the same radius as the driveway corner and be parallel with the corner's depressed curb. Refer to City of Ottawa standard drawing SC6.
- Please note that Capilano Drive has a protected right of way of 24m per Schedule C16 of the Official Plan.

CONDITIONS

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following conditions on the Consent application:

1. That the Owner(s) enter into Joint Use, Maintenance and Common Element, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

The Joint Use, Maintenance and Common Elements Agreement shall set forth the joint use and maintenance of all common elements including, but not limited to, the common party walls, common structural elements such as roof, footings, soffits, foundations, common areas, common driveways and common landscaping.)

The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of **the Development Review Manager of the West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate**, and City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to **the Development Review Manager of the West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate** within Planning, Infrastructure and Economic Development Department, or his/her designate, and is satisfactory to City Legal Services, as well as a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.



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