

2023-10-12



MINOR VARIANCE APPLICATION

COMMENTS TO THE COMMITTEE OF ADJUSTMENT

PANEL 1

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 540 Golden Avenue  
Legal Description: Lot 199 and Part of Lot 219, Registered Plan 283  
File No.: D08-02-23/A-00213  
Report Date: October 10, 2023  
Hearing Date: October 18, 2023  
Planner: Basma Alkhatib  
Official Plan Designation: Inner Urban Transect, Neighbourhood Overlay  
Zoning: R1K (Residential first density, subzone K)

DEPARTMENT COMMENTS

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

A main goal of the Official Plan is prioritizing softscaping over parking, while once the minimum required aggregated soft landscaped yard area is provided, the remaining front yard may be used by a driveway, walkway, porch, steps or landing, for any minor projections such as window wells and bay windows, and remaining lands may be developed with soft or hard landscaping, including the development of a patio.

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 subject site is a corner, lot faces two streets, the principal entrance is on Golden Avenue and the parking entrance is on Princeton Avenue. Section 140 (4)(d) of the Zoning By-Law states that no Streetscape Character Analysis is required where the residential use building after the addition or modification, no front-facing principal entranceway is removed and no driveways, attached garages or carports are added or expanded. Therefore, no Streetscape Character analysis is required for the subject site because the alteration is not made to the front façade and the front façade is maintaining the street look by providing adequate softscaping and nice tree canopy.

Staff have **no concern** with the reduced rear yard setback of 12.62 metres, whereas the By-law requires 13.21 metres, because the reduction is not extended parallel to the rear lot line, is not decreasing the rear yard area, and the remainder is kept softscape with mature trees retained. Therefore, the reduction is minor and has minimal impact on the surrounding context. Staff have **no concern** with the reduced corner side yard setback because although the garage will now be part of the house, there is no increased impact between from the existing condition. . Also, Staff have no concern with the reduced total interior side yard setback because it is an existing situation that is being legalized through this application.

Staff have communicated with the applicant, about the fence encroachment over the City’s Right-Of-Way and the non-compliant parking in the corner yard, and the applicant has shown on the plans that the surface parking will be removed and the fence will be relocated on the property line. Staff of the opinion that the new alteration to the existing garage will not cause unwanted impacts on the street and will not affect the street look nor the public realm, contrarily, the removal of the surface parking will improve the public realm.

## **ADDITIONAL COMMENTS**

### **Heritage Planning Branch**

The subject address is listed on the City of Ottawa Heritage Register under Section 27 of the Ontario Heritage Act. The proposal is compliant with the Ontario Heritage Act.

### **Infrastructure Engineering**

1. The Planning, Real Estate and Economic Development Department will do a complete review of grading 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. A private approach permit is required for any access off of the City street.
7. Existing grading and drainage patterns must not be altered.

### Planning Forestry

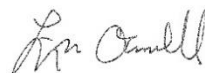
A Tree Information Report was provided with this application. There are no conflicts between the proposed garage and protected trees on the property. When removing the non-conforming parking space adjacent to the garage attention must be given to any tree roots that may be encountered.

The City of Ottawa Tree Protection specification must be in place for the partly city owned birch tree (Tree #3) to prevent any conflicts between the construction work, material storage and equipment access. The tree protection specification can be accessed here: [https://documents.ottawa.ca/sites/documents/files/tree\\_protection\\_specification\\_en.pdf](https://documents.ottawa.ca/sites/documents/files/tree_protection_specification_en.pdf)

### Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Minor Variance Application. The Owner shall be made aware that a private approach permit is required to establish the new relocated private approach and close the portion of the existing redundant private approach. No person shall construct, relocate, alter or close a private approach without first obtaining a private approach permit from the General Manager in accordance with the provisions of this by-law and a road cut permit in accordance with the provisions of By-law No. 2003-445 being the City's Road Activity By-law or a successor by-law thereto.

The fence encroaching on the Right of Way will need to be removed entirely or relocated onto private property.



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#### **Basma Alkhatib**

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

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#### **Erin O'Connell, RPP, MCIP**

Planner III, Development Review, Central Planning, Real Estate and Economic Development Department