

2023-10-12



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

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 23 Strathcona Avenue  
Legal Description: Lot 24, Registered Plan 53786  
File No.: D08-02-23/A-00209  
Report Date: October 12, 2023  
Hearing Date: October 18, 2023  
Planner: Margot Linker  
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving  
Neighbourhood Overlay  
Zoning: R3P[1474]

**DEPARTMENT COMMENTS**

The Planning, Real Estate and Economic Development Department **requests an adjournment of** the application.

**DISCUSSION AND RATIONALE**

**Regarding the Adjournment Request:**

Upon review of the application, it was identified that there was another zoning deficiency with respect to the front yard setback. The Urban Exception requires that the minimum front yard setback be 1.5 metres and the maximum front yard setback be 3 metres, whereas the applicant is proposing a front yard setback of 3.62 metres.

Through conversations with the applicant, Staff expect that the applicant anticipates to add this as a minor variance to the application. Staff anticipate no concerns regarding the requested minor variance. The intent of this urban exception is to guide development to be located very close to the street and have more uniformly small front yards. The proposed front yard setback brings the building closer to the street than the existing building, which currently has a front yard setback of 4.21 metres. The proposed front yard setback is also closer to aligning with the front yard setback of the neighbour to the west.

**Regarding the Requested Minor Variances:**

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.

The subject site is located within the Inner Urban Transect on Schedule A and designated Neighbourhood within the Evolving Neighbourhood Overlay on Schedule B2 in the Official Plan. Within the Inner Urban Transect, maintaining or enhancing unbroken curb space for short-term, visitor and permit-zone street parking and other common purposes, and front yard space for trees and intensive landscaping, is given priority over private approaches. Neighbourhoods are planned to maintain a low-rise character with form-based regulation having regard for local context and character of existing development as well as appropriate interfaces with the public realm. The Official Plan notes that a characteristic of the urban built form is that there is either no automobile parking, or limited parking that is concealed from the street and not forming an integral part of a building, such as a front-facing garage (Table 6). The site is within 130 metres of a Transit Priority Corridor along Isabella Street and within 600 metres of a Transit Priority Corridor along Bank Street.

The subject site is zoned R3P[1474] (Residential Third Density, Subzone P, Urban Exception 1474), which allows a mix of residential building forms ranging from detached to townhouse dwellings. The site is located within Area X on Schedule 1A in the Zoning By-law, meaning that no parking is required for the first 12 dwelling units on a site.

Staff reviewed the Streetscape Character Analysis of the surrounding lots fronting onto and facing Strathcona Avenue and determined that the outcome was “AAA” meaning no attached front facing garage or carport, no driveway, and main entrance facing the street.



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Many of the lots in close proximity to the subject site were not included in the analysis as they fronted onto and faced Patterson Avenue. A common characteristic of these lots was areas to provide parking, such as surface parking in their rear yard accessed by Strathcona Avenue or through an attached or detached garage in the rear yard accessed by Strathcona Avenue. Therefore, while the Streetscape Character Analysis did not include these lots, when considering the immediate context surrounding the site, there are many examples of hardscaping facing Strathcona Avenue. In addition, Staff recognize that there is a pre-existing road cut that appears to lead to non-established front yard parking. Therefore, while it is desirable to have fewer road cuts and more continuous curbs on this street to support street parking, there will not be an addition of another private approach to the street. There are many examples of illegal front yard parking that were identified as “no driveway” in Staff’s analysis. Given the existing site context, staff do not have concerns with the proposed single-wide driveway.

Staff have some concerns with respect to the proposed front facing attached garage. The Official Plan notes that a characteristic of urban built form is limited parking that is concealed from the street and not forming an integral part of a building, such as a front-facing garage (Table 6). Front-facing attached garages often push the livable floor area of the dwelling upwards and/or towards the rear yard, resulting in a break of character for the street. These infill developments enhance the dominance of the automobile on the streetscape and render the principal entranceway less importance than the car’s storage in neighbourhoods where housing was predominantly built prior to the mass commercialization of the automobile. The Official Plan guides this area to become more urban, including prioritizing the built-form relationship with the public realm through emphasizing entrances and windows. Staff do recognize that the context across the street that was not reflected in the Streetscape Character Analysis is very automobile-focused in terms of its interaction with Strathcona Avenue.

Generally, the Zoning By-law requires that an attached front-facing garage be located 0.6 metres behind the front entrance so that the front entrance is visibly more prominent. There is a provision that permits the garage to be located up to 0.6 metres in front of the main entrance, as long as the front edge of the landing or porch projects 0.6 metres in front of the garage, without falling into a required yard. The intent of this provision is to ensure that the main entrance is still visible and not completely offset from the front wall, which allows for greater interaction with the public realm. Staff recognize that the garage is still over 0.6 metres beyond the required maximum front yard setback (3 metres) and the combined porch and stair projection appears to project approximately a metre beyond the garage wall.

While staff have considered and recognized the site context when reviewing the introduction of a single-wide garage at this location, the prominence of the garage element is unfortunately exacerbated by its location proud of the front door, as well as by the cladding accents on either side of the garage door, bringing additional attention to it.

Staff note that if the minor variance application is approved, the maximum width of a driveway for a lot with a street frontage of 10.98 metres is 3 metres (Section 139, Table

139(3)) and the maximum width of the entrance to a single-wide attached garage facing the front lot line abutting a street, where permitted, is 3 metres (Section 140(8)(b)(i)).

## **ADDITIONAL COMMENTS**

### **Heritage Planning Branch**

23 Strathcona Avenue property is listed on the City of Ottawa's Heritage Register as a non-designated listing under Section 27 of the Ontario Heritage Act. The property owner has provided the required 60-day notice for demolition and is compliant with the *Ontario Heritage Act*.

### **Planning Forestry**

Planning Forestry does not have concerns with the minor variances proposed.

Between 2019 and 2022, all vegetation, including a cedar tree, was removed from the City's Right of Way on the property without authorization. Establishing and protecting canopy cover within the urban area is critical. Planting a tree on the front lawn or right of way is strongly encouraged to align with Official Plan policies as the urban forest must be maintained through growth, development, and intensification (Section 4.8.2).

The Zoning By-law requires 20% front yard soft landscaping, and a plan was provided showing a small canopy tree would be planted in this area. The restrictive front yard setbacks dictated by the zone does limit soil volume required to support a larger canopy species. It's advised that a large canopy species be considered for the rear yard as succession planning as the existing adjacent trees age.

A Tree Information Report (TIR) was not provided with this application. If there are any trees 30 cm in diameter or greater in the rear yard in proximity to the proposed dwelling, a TIR will be required when applying for a building permit.

### **Right of Way Management**

The Right-of-Way Management Department has **no concerns** with the proposed Minor Variance Application. However, the Owner shall be made aware that should the minor variance be approved, a private approach permit are required to construct or alter a newly created driveway/approach and to close the existing redundant driveway/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.

### **Transportation Engineering**

Remove existing driveway depressed curb and reinstate with full height curb to City standards.

*Margot Linker*

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