



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 814 and 820 High Street
Legal Description: Lot 19 and Part of Lot 18 Registered Plan 199 City of Ottawa
File No.: D08-01-23/B-00244, D08-02-23/A-00232 and
D08-02-23/A-00233
Report Date: November 10, 2023
Hearing Date: November 14, 2023
Planner: Samantha Gatchene
Official Plan Designation: Outer Urban Transect, Neighbourhood
Zoning: R4N

Committee of Adjustment
Received | Reçu le

Revised | Modifié le : 2023-11-10

City of Ottawa | Ville d'Ottawa
Comité de dérogation

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has some concerns with** the applications.

SYNOPSIS OF APPLICATION

A Lot Line Adjustment (via Consent application) and Minor Variances are proposed to develop two, 8 unit stacked dwellings at 814 High Street and 820 High Street.

The Owner requires the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

D08-02-23/A-00232 – 814 High Street

- a) To permit a reduced lot width of 17.81 metres, whereas the By-law requires a minimum lot width of 18 metres.
- b) To permit a reduced front yard setback of 3.0 metres, whereas the By-law requires a minimum front yard setback of 4.7 metres.
- c) To permit a reduced rear yard setback of 30% of the lot depth or 11.1 metres, whereas the By-law requires a minimum rear yard setback of 30% of the lot depth, or 11.5 metres.
- d) To permit a reduced (southerly) interior side yard setback of 0.9 metres, whereas the By-law required a minimum interior side yard setback of 1.5 metres.

- ~~e) To permit a reduced rear yard landscape area of 12% of the rear yard, whereas the By-law requires rear yard landscape area of 50% of the rear yard.~~
- f) To permit 8 resident parking spaces, whereas the By-law requires 10 parking spaces.
- g) To permit 1 visitor parking space, whereas the By-law requires a minimum of 2 visitor parking spaces.

D08-02-23/A-00233 – 820 High Street

- a) To permit a reduced lot width of 17.1 metres, whereas the By-law requires a minimum lot width of 18 metres.
- b) To permit a reduced front yard setback of 3.0 metres, whereas the By-law requires a minimum front yard setback of 4.7 metres.
- c) To permit a reduced rear yard setback of 30% of the lot depth or 11.4 metres, whereas the By-law requires a minimum rear yard setback of 30% of the lot depth, or 11.5 metres.
- d) To permit a reduced (northerly) interior side yard setback of 0.9 metres, whereas the By-law required a minimum interior side yard setback of 1.5 metres.
- ~~e) To permit a reduced rear yard landscape area of 12% of the rear yard, whereas the By-law requires a rear yard landscape area of 50% of the rear yard.~~
- f) To permit 8 resident parking spaces, whereas the By-law requires 10 parking spaces.
- g) To permit 1 visitor parking space, whereas the By-law requires a minimum of 2 visitor parking spaces.

DISCUSSION AND RATIONALE

The property is designated Neighbourhood within the Outer Urban Transect of the Official Plan (OP). Although the zoning continues to restrict new residential development to detached dwellings only, Section 5.3 of the OP encourages increased density in Neighbourhoods. Adjusting the lot line to create two more equally sized lots conforms with this policy. The OP supports lower density missing middle housing that reflects the existing built form context in Outer Urban Transect Neighbourhoods. The proposed stacked dwellings constitute such missing middle housing. The development fits in with the surrounding neighbourhood which has a diverse built form that includes townhouses and mid-rise apartments.

The Official Plan provides strong direction regarding achieving an urban forestry canopy with a target of 40 percent. Section 4.8.2 Policy 3 directs development to maintain the urban forest canopy and its ecosystem services. Furthermore, the Official Plan states that applications before the Committee of Adjustment shall consider the short and long term and cumulative impacts of development on the urban forest at the neighbourhood

and urban-wide scale and prioritize retaining and protecting large, healthy trees over replacement. Although Section 4.8.2, Policy 6 states that a tree permit would not be denied for development that conforms with the Zoning By-law or for Zoning By-law amendments, variances and consents that conform to the Official Plan. The Committee has the power to refuse an application where the proposal fails to provide sufficient soil for the retention or planting of new trees or when the loss of a tree is considered avoidable.

This application currently proposes removal of all existing trees and to pave the majority of the site excluding the Right of Way, leaving very little room to plant trees to address the Official Plan guidance as well as the significant heat island which will be created.

It is recommended that through the conditions of approval, the Applicant provide a design that provides adequate space for planting trees to adhere to the Official Plan guidance, make the site more liveable as well as to reduce impacts to neighbours.

During Staff's review it was identified that no bicycle parking spaces are proposed. If bicycle parking is not proposed then the developments would not be zoning compliant.

The property is zoned Residential Fourth Density, Subzone N. The requested minor variances are consistent with the intent of the R4N 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 lot line adjustment. The lot line adjustment will result in the creation of two more equally sized lots for development.

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.

Reduced Lot Widths (Variances A)

Staff do not have concerns with the variances to reduce the minimum lot width from 18 metres to 17.9 metres at 814 High Street and to 17.1 metres at 820 High Street. The reduced lot widths enable the creation of two more evenly sized lots that comply with the stacked dwelling minimum lot area requirement of 600 square metres. The reduced lot width variances are considered minor and appropriate for the proposed development.

Reduced Front Yard Setbacks (Variances B)

Staff do not have concerns with the variances to reduce the minimum front yard setback from 4.7 metres to 3.0 metres at both 814 and 820 High Street. The reduced setbacks are not anticipated to have negative impacts on the streetscape appearance or the

adjacent properties. The reduced front yard setbacks are considered to create a more activated street frontage along High Street, which serves as a connecting local street between the busier arterial roads of Carling Avenue to the north and Richmond Road to the south.

Further, staff note that the reduced setbacks are limit to the first storeys of the development; the upper levels are proposed to have a front yard setback of 4.0 metres. While that is still less than the minimum setback requirement, it is worth noting as it will reduce the visual impact of the buildings being located closer to the street.

Reduced Rear Yard Setbacks (Variances C)

Staff do not have concerns with the requested variances to reduce the minimum rear yard setback from 11.5 metres to 11.1 metres at 814 High Street and to 11.4 metres at 820 High Street. The variances meet the general intent of the zoning by-law provisions for minimum rear yards by continuing to provide separation between the proposed stacked dwellings the abutting properties. The requested variances are considered to be minor in nature and negative impacts on the surrounding neighbourhood are not foreseen as a result.

Reduced Interior Side Yard Setbacks (Variances D)

Staff do not have concerns with the requested variances to reduce the minimum interior side yard setbacks between the proposed stacked dwellings from 1.5 metres to 0.9 metres at 814 and 820 High Street. Due to the cantilevered design of the upper storeys, adequate space will be maintained for internal walkways providing access to the dwelling unit entrances. Minimal windows are proposed along the facades facing the reduced side yard, mitigating potential privacy impacts. The impacts of the reduced interior side yard setbacks would be limited to the new development since the proposed driveways on the other side other building would provide at least 3.0 metres of separation between the stacked dwellings and the abutting properties. Overall, staff consider the requested variances to be minor and appropriate for the development while providing for adequate separation between the two buildings.

Reduced Rear Yard Landscaped Areas (Variances E)

These variances are not required because the requirement does not apply to the R4N zone; it applies to the R4UA, R4UB, R4UC and R4UD zones. While these variances are not required, staff still have concerns that the minimal rear soft landscaping.

Reduced Resident and Visitor Parking (Variance F and G)

Staff do not have concerns with the requested variances to reduce the minimum number of required resident parking spaces from 10 spaces to 8 spaces; and to reduce the minimum number of required visitor spaces from 2 spaces to 1 space. The properties are within 5 minutes walking distance to public transit stops along Carling Avenue and Richmond Road. The properties are in proximity to recreational facilities and commercial

along Carling Avenue. Overall staff consider the variances to be minor in nature and are not forecast to have negative impacts on the surrounding neighbourhood.

ADDITIONAL COMMENTS

Planning Forestry

The TIR recommends removal of all trees from the property, only 2 of which are protected under the Tree Protection By-law (trees 1 and 2). Tree 1 is within the building footprint, but tree #2 is not, and may require changes to the proposed rear yard parking to allow for its retention. As proposed, 4 compensation trees are required, but more are recommended to improve the streetscape and provide canopy cover and screening for adjacent properties. The TIR must include the updated site plan in order to accurately assess impacts to existing trees and provide locations for planting replacement trees with adequate soil volume.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed consent/minor variance Application. However, the Owner shall be made aware that a private approach permit is required to construct the newly created driveway/approaches.

Transportation Engineering

Please provide a single shared driveway access in-between 814 High Street and 820 High Street to access the rear parking of both properties, as opposed to two separate driveway accesses.

- As per Section 4.1.4 11) of the Official Plan, surface parking lots shall minimize the number and width of vehicle entrances that interrupt pedestrian movement.
- Section 5.2.1 5) of the Official Plan discourages the privatization of curb space though increasing the number and width of private approaches and encourages combining private approaches. It is noted that this policy applies to the Inner Urban Transect, which High Street borders.

CONDITIONS

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

Lot Line Adjustment

1. That the owner(s) file with the Secretary-Treasurer of the Committee of Adjustment the following:
 - a. A copy of the reference plan and/or legal description of the severed land and the deed or instrument conveying the severed land to the owner of the abutting property, known municipally as 814 High Street, so that no new lot is being created, in accordance with paragraph (b) below

- b. A Certificate of Official attached to the deed/transfer required by paragraph (a) above containing the following endorsement:

“The lands to be severed are for the purpose of a lot addition only to the abutting lands owned by (*insert name*) described as PIN (*insert property identification number*) being Part(s) (*insert numbers*) on Plan (*insert plan number*), not for the creation of a new lot, and any subsequent transfer, charge or other transaction involving the lands to be severed shall be subject to compliance with Section 50(3) or Section 50(5) of the Planning Act, as applicable. Neither the lands to be severed nor the abutting lands are to be transferred, charged, or otherwise re-conveyed in the future without the other parcel unless a further consent is obtained.

The owner(s) shall cause the lands to be severed to be consolidated on title with the abutting lands and for this condition to be entered on the parcel register for the consolidated parcel as a restriction.”

- c. An undertaking from a solicitor authorized to practice law in the Province of Ontario, and in good standing with the Law Society of Upper Canada, as follows:

“In consideration of, and notwithstanding the issuance of the Certificate under Section 50(12) of the Planning Act in respect to the subject Application for Consent, I undertake on behalf of the Owner, within **30 days** of the registration on title of the transfer document containing the endorsement set out in the Certificate of Official issued by the Committee of Adjustment, to file an Application to Consolidate Parcels including the severed land (Part of PIN (*insert number*) and the abutting land (PIN *insert number*). This PIN consolidation is intended to reinforce the Planning Act stipulation in the condition outlined above that both parcels have merged on Title and cannot be conveyed separately in the future. I further undertake to forward a copy of the registered Application to Consolidate Parcels and a copy of the Consolidated Parcel abstract page(s) to the Committee office within 21 days of the registration of the Application to Consolidate Parcels”.

- d. Where the parcel consolidation stipulated in paragraph (b) and the solicitor’s undertaking in paragraph (c) above cannot be completed because the parcels of land to be merged have different estate qualifiers, an application to annex restrictive covenant under Section 118 of the *Land Titles Act* must be registered on the title of both the severed lands and on the abutting parcel that is to be merged. The covenant, which is to be to the satisfaction of the

Secretary-Treasurer of the Committee of Adjustment, shall advise all future purchasers that the parcels must be dealt with together and not separately, and contain wording set out below or similar wording acceptable to the Secretary-Treasurer of the Committee of Adjustment:

“These lands have been merged and may not be dealt with separately, without applying for a consent of the Committee of Adjustment.”

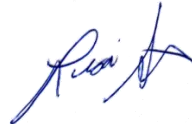
In lieu of the undertaking provided in paragraph (c), a replacement undertaking by the solicitor must be filed undertaking on behalf of the owner(s) to register the restrictive covenant on both property titles within 30 days of the registration of the transfer document containing the endorsement of the Certificate of Official issued by the Committee of Adjustment for this application and to file a copy of the registered restrictive covenant with the Committee of Adjustment within 21 days of the registration of the document.

Planning Forestry

2. The owners agree to provide a revised site and/or grading plan with the driveways, services, retaining walls, and grading situated to reduce any excavation within the Critical Root Zones of protected trees and/or to provide sufficient soil volume to plant new trees, to the satisfaction of the Development Review Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or his/her designate. The Tree Information Report must be revised to reflect any changes to the site plan, to show the tree protection areas, mitigation measures, and tree planting locations with adequate soil volume for large-growing trees.
3. The Owner/Applicant(s) shall prepare and submit a tree planting plan, prepared to the satisfaction of the Development Review Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or his/her designate, showing the location(s) of the specified number of compensation trees (50mm caliper) required under the Tree Protection By-law, assuming that all proposed tree removals are permitted.



Samantha Gatchene, MCIP RPP
Planner I, Development Review, West
Planning, Real Estate and Economic
Development Department



Lisa Stern, MCIP RPP
Planner III, Development Review, West
Planning, Real Estate and Economic
Development Department