

2023-11-09



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 41E and 41F Stirling Avenue
Legal Description: Part of Lot 25, Registered Plan 43
File No.: D08-02-23/A-00245
Report Date: November 6, 2023
Hearing Date: November 15, 2023
Planner: Basma Alkhatib
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving
Neighbourhood Overlay, Scott Street Secondary Plan
Zoning: R4UB (Residential fourth density, subzone UB)

DEPARTMENT COMMENTS

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

Brief history:

The subject property is parts E and F from the main address of 41 Stirling Avenue. 41 Stirling Avenue was severed to six parts in 2011 with the intention to create three long semi-detached dwellings. In 2013, part A, B, C and D received construction permits for two long semi-detached dwellings.

On June 10, 2022, the Committee of Adjustment refused the application for minor variance to construct a four-storey long-semi detached dwelling on the property, which differs from the subject proposal today.

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 with a Neighbourhood Overlay 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. Policy 3.2 states the directions towards supporting Intensification, by increasing the target amount of dwelling growth in the urban area and residential density.

The subject site is within the Evolving overlay, these are the areas in close proximity to Hubs and Corridors, these are areas for gradual evolution over time that is encouraged to change in character to support intensification, and to allow new built forms and more diverse functions of land. The subject property is located within the Scott Street Secondary Plan, within Hintonburg area, a stable, low-rise area with predominantly residential uses.

The proposed infill is a two-storey detached dwelling unit with an additional unit in the basement that has access from the rear yard. A detached dwelling is the least dense permitted use in the R4UB zone, and it requires a lot of area 225 square meters and a minimum lot width of 7.5 meters. Staff have no concern with the reduction of the lot area to 171 square meters and the reduction of lot width to be 5.77 meters, because the lot area and width are the result of the severance made in 2011 and the proposed residential use is appropriate, and in keeping with Official Plan intent described above. Staff recognize the efforts of the applicant to satisfy most of the Zoning By-law requirements by providing the appropriate rear yard setback, rear yard area, front yard setback and the required softscaping in the rear yard.

Staff have no concern with the reduced interior side yard setback because the intent of the Zoning By-Law requirement is to ensure access, which has been maintained at grade.

The Streetscape Character Analysis for this property is ABA, which means no attached garage or carport facing the street is permitted, in this case the proposed cantilever surface parking complies with the neighbourhood dominant character.

After discussion with the applicant, they decided to update plans to mitigate impacts of surface parking, therefore staff requests an adjournment to have enough time to review.

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. 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.
8. The **Planning, Real Estate and Economic Development Department** requires proof that the Rideau Valley Conservative Authorities have granted their approval due to development being located within the regulatory limit.
9. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
10. In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.
11. A geotechnical memo addressing the spacing for adequate access for repair and maintenance of the services will be requested.
12. Existing street sign to be relocated at the owner's expense.
13. Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).

Planning Forestry

The Official Plan section 11.5 provides direction to Committee of Adjustment process. Under policy 9(a), when evaluating minor variance applications to permit low-rise infill apartment dwellings, variances to reduce lot size may only be considered when intensive soft landscaping, among other requirements are provided. Although this application does not relate to a low-rise apartment building, there is substantial intensification associated with the new single dwelling proposed. The intent of this Official Plan policy can be applied to this degree of intensification. The applicant has agreed to plant a large canopy tree in the rear yard and a small canopy tree in the front yard. These plantings will contribute valuable canopy cover in a part of the City that is severely lacking and improve the streetscape.

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 is required to construct the newly created driveway/approach. As well a 0.3 meters setback is required from the neighboring property line. This is not shown on the plans from the neighboring property line, unless written consent is provided from the neighboring property owner allowing no setback.

Transportation Engineering

The site is located within 300 m of the OLRT rail corridor. The City of Ottawa will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.

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