



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 516 Tweedsmuir Avenue
Legal Description: Lot 57, Registered Plan 272
File No.: D08-02-23/A-00127 to A-00128
Report Date: December 7, 2023
Hearing Date: December 13, 2023
Planner: Margot Linker
Official Plan Designation: Inner Urban Transect, Neighbourhood
Zoning: R3R[2687] H(8.5) (Residential Third Density, Subzone R,
Urban Exception 2687, Maximum Building Height 8.5 metres)

Committee of Adjustment
Received | Reçu le
2023-12-07
City of Ottawa | Ville d'Ottawa
Comité de dérogation

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

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 on Schedule B2 in the Official Plan. This policy area is planned for mid- to high-density, urban development forms, including focusing an emphasis on the built-form relationship with the public realm, and limiting parking while ensuring that where it is provided, it is concealed from the street (Table 6). There is no parking required for the proposed development, and the subject site is rated high for access to amenities and services in the City’s 15-Minute Neighbourhoods study.

The subject site is within the R3R[2687] H(8.5) (Residential Third Density, Subzone R, Urban Exception 2687, Maximum Building Height 8.5 Metres) zone, which allows for a mix of residential building forms ranging from detached to townhouse dwellings.

Staff have no concerns regarding the rear yard setback. Directly to the south of the subject site, the City right-of-way jogs and so the lots to the south have different rear yard setback requirements than the lots to the north. The proposed rear yard setback would be more aligned with the lots to the south. To the north, it doesn’t appear that

there is a clear established rear yard setback across those properties. The north and south elevations appear to demonstrate that there are no windows provided close to the rear façade, allowing the proposed rear yard setback to not create privacy concerns.

Staff also have no concerns with variances c) and h), which request a basement level entrance for an additional dwelling unit. A recent Zoning By-law Amendment initiated by the City to align the Zoning By-law with the new provincial legislation resulted in this provision being removed from the Zoning By-law. Therefore, relief is no longer required to allow these entrances.

Staff have concerns with the introduction of a front-yard parking space where the Zoning By-law does not allow front yard parking according to the Streetscape Character Analysis (SCA). The submitted SCA has found that the dominant character of the street consists of residential dwellings lacking front-facing garages and legal front yard parking spaces.

Front yard parking has been prohibited throughout the urban area since 1980. The Urban Design Guidelines for Low-rise Infill Development encourage reflecting the desirable aspects of the established streetscape character and enriching the pedestrian experience. These guidelines encourage limiting the area occupied by driveways and parking spaces to allow for greater amounts of aggregated soft landscaping in the front yard and to minimize the visual impacts of hard surfaced areas. The guidelines suggest that where parking is proposed, providing driveways to the interior side yard or rear yard would provide a larger aggregated area of soft landscaping, keep with the neighbourhood character and minimize the impact of car storage on the public realm (Section 4). In addition, front yard parking can create limited sight lines for pedestrians and vehicles. Therefore, staff have concerns regarding the proposed front yard parking and the adverse impacts to the public realm.

If the front yard parking request is refused by the Committee of Adjustment, there would not be a requirement for variances b), f) and g). Typically, a walkway should not be provided on a lot less than 10 metres in width where a driveway is also provided as the narrow frontage would be largely occupied by hardscaping rather than benefitting the public realm with soft landscaping and tree planting. In addition, the driveway can typically be used to traverse over instead of providing a separate walkway; however, if the front yard parking is approved, then the legal front yard parking space will interrupt the walking path which gives the need for a separate walkway.

That being said, if front yard parking is approved by the Committee of Adjustment, staff have no concerns regarding the walkway on Unit 2. The walkway will likely not act as an extension of the driveway as it is the main route to access the two rear units and should therefore be unobstructed. Staff appreciate that the walkway on Unit 1 serves four entrances rather than providing an individual walkway for each entrance. However, staff would prefer an option to have walkways rather than front yard parking.

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.
 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**.
 7. Existing grading and drainage patterns must not be altered.
 8. Existing services are to be blanked at the owner's expense.
 9. Asphalt overlay would be required if three or more road-cuts proposed on City Right of way. This includes the road cut for blanking of existing services, and any other required utility cuts (ie, gas, hydro, etc.).
 10. Provide a minimum of 1.5m between the proposed driveway and the utility pole.
 11. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
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Planning Forestry

The plans as proposed allow for the retention of both existing trees on site. The existing and future services must be capped and installed outside of the Critical Root Zone of the City tree, and protection fencing installed and maintained throughout construction. From a tree perspective there are concerns with the requested minor variances for pathways extending to the ROW for each unit. The pathways should be placed as far from the Critical Root Zone of tree #1 as possible and be directed to the driveways to reduce impacts to this existing tree. It is strongly recommend to plant 2 new large-growing trees in rear yard to replace the protected bur oak that was removed without a permit in 2022.

Right of Way Management

The Right-of-Way Management Department has **concerns** with the proposed Minor Variance Application. 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.

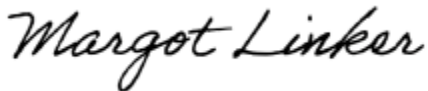
Transportation Engineering

1. Front yard parking is in violation of section 109 (3) of the Zoning Bylaw which states:
"No parking space may be established and no person may park a motor

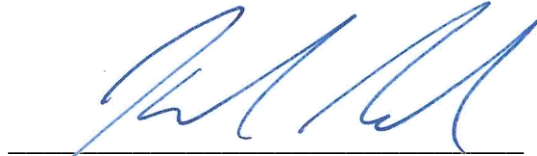
vehicle:

In a required and provided front yard”

2. TES would advise that further efforts be made to accommodate parking elsewhere on the property.
3. 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.



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