

2023-12-07



**MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 250 Alfred Street
Legal Description: Lot D, Registered Plan 225
File No.: D08-02-22/A-00131
Report Date: December 7, 2023
Hearing Date: December 12, 2023
Planner: Jerrica Gilbert
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving
Neighbourhood Overlay
Zoning: R4UA

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no 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. Staff are satisfied that the requested minor variance(s) meet(s) the “four tests”.

The proposed addition meets the intent of the Official Plan’s Inner Urban Transect policy goal of contributing to enhancing an urban pattern of built form and site design. The proposed variance also meets the general intent of the Zoning By-law. Setbacks from the rear lot line for principal structures help to ensure that there is an adequate amenity space for the residents of the lot as well as buffering between residential uses. The design of the proposed addition has been chosen to maximize soft landscaping and amenity area of the backyard. The property also backs onto a parking lot of a mixed-used commercial zone (TM3H(30)), and no compatibility issues are anticipated between these two properties.

Consideration of whether a variance is minor is not a simple numerical calculation. While the proposed variance from 7.5 m to 1.88 m appears large, the impact will be limited. The portion of the lot for the addition is already covered by hard landscaping (an asphalt driveway and walkway) and two accessory structures (a detached shed and a temporary car structure that is not shown on the concept plan). The current accessory structure is

also 1.88 m from the property line. The addition has been designed to be set back so to not impact the windows of the adjacent multi-residential dwelling to the south. The height of the back portion of the addition is lower and will have a similar massing to the existing accessory structures on the property. The landowner has chosen to extend the addition further back into the rear yard instead of building wider within the building envelope to attempt to preserve an existing oak tree on the property. The tree will still likely be adversely affected by the development as detailed below by Planning Forestry, but there is a chance that it could be retained through this development proposal. Assuming that the addition is built as shown by the plans to the Committee, the variance request can be seen as minor in nature.

The development appears compatible with the surrounding neighbourhood, which is characterized by oversized dwellings and low- to mid-rise apartments. The proposed addition will allow greater enjoyment of the lot for the landowner. The addition can be seen as desirable development.

If this minor variance request is approved, the Committee's decision should reference the drawings as submitted to ensure that the variance only applies to a portion of the rear yard setback.

ADDITIONAL COMMENTS

Planning staff have discussed the changes between the previous minor variance application presented to the Committee on July 6, 2022 and the amendment application. Initially, the applicants requested three variances related to a proposed accessory structure. The variances in 2022 were requesting increased total floor area, increased height, and to permit a home-based business to operate in an accessory structure. Discussions at the time involved a metal fabrication and welding business (Grindstone 250). The applicant was informed in 2022 that this type of business falls under the definition of a light industrial use and did not meet the qualifications for a home-based business.

With the current minor variance request, the applicant has stated that it is no longer the intention of the homeowner to conduct their business within the proposed structure and the addition is for personal use and storage. Metal fabrication takes place off-site through a mobile unit. Although it is understood that this is not the owner's expressed intent, Planning staff want to emphasize again that a metal fabrication shop is not an appropriate land use for this site and the proposed addition would exceed the floor area maximums for a home-based business should it be used for that purpose.

Planning Forestry

Planning Forestry does not have concerns with the reduced rear yard setback from 7.5 m to 1.88 m.

There is a healthy protected red oak ("Tree 1" in the Tree Information Report) in the rear yard of the subject property. To facilitate the proposed addition, the crown of Tree 1 will need to be pruned substantially. The applicant has agreed to explore options to mitigate impacts to this tree. These options include establishing a foundation that minimizes excavation in proximity to the tree, having an ISA-standard arborist prune the tree, having City of Ottawa Forestry Services on site to oversee the pruning, using equipment to install the shipping containers that does not require overhead clearance (decreasing the amount of pruning required), and incorporating a watering plan to reduce stress on the tree as it recovers. These details have been incorporated into the Tree Information Report prepared by Dendron Forestry Services, dated December 5th, 2023.

Pruning may be required for the Norway maple ("Tree 7") located in the front yard of the property as there likely will be conflicts with the tree branches and clearance needed for installation of the storage containers. This tree can be pruned at the same time as the rear yard tree, under the supervision of the Infill Forestry Inspector.

No equipment storage, access, or materials can enter the critical root zone of a protected tree. The tree projection fencing detailed in the Tree Information Report must be maintained for the extent of the construction.

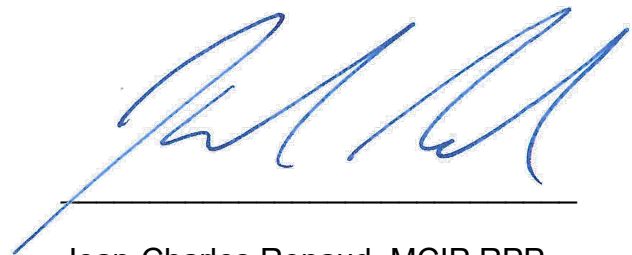
The City of Ottawa Tree Protection Specification can be found here for reference: https://documents.ottawa.ca/sites/documents/files/tree_protection_specification_en.pdf. The City of Ottawa Forestry Services Department and Infill Forestry Inspector can be contacted by email at forestry@ottawa.ca.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the Minor Variance Application as there are no requested changes to private approach.



Jerrica Gilbert, MCIP RPP
Planner I, Development Review, East
Planning, Real Estate and Economic
Development Department



Jean-Charles Renaud, MCIP RPP
Planner III, Development Review, Central
Planning, Real Estate and Economic
Development Department