

2024-01-11

City of Ottawa | Ville d'Ottawa

Comité de dérogation



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 124 Granton Avenue
Legal Description: Lots 2263, 2264 & 2265, Registered Plan 375
File No.: D08-02-23/A-00283, D08-01-23/B-00305 and
D08-01-23/B-00306
Report Date: January 11, 2024
Hearing Date: January 16, 2024
Planner: Samantha Gatchene
Official Plan Designation: Outer Urban Transect, Neighbourhood
Zoning: R1FF[632]

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns with** the applications.

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. Creating two new lots from one large lot supports this policy. Infill development within the built-up urban area is in keeping with the growth management strategy under Section 2.2.1 that includes a 60 per cent intensification target by 2046.

The property is zoned Residential First Density, subzone FF. The requested minor variances are consistent with the intent of the R1FF zone, which are, among others, to “restrict building form to detached dwellings” and “regulate development in a manner that is compatible with existing land use patterns so that the detached dwelling, residential character of a neighbourhood is maintained or enhanced”. A variance to permit reduced lot width and area is indeed minor in nature and would still provide for appropriate development of one detached dwelling on each lot.

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 do not have concerns with the requested variance to permit a driveway to be located between the front wall of a building and the street, whereas the Zoning By-law does not permit a part of the driveway to be located between the front wall and the street. The intent of this zoning provision is to prevent illegal front yard parking on the driveway. Due to the 3.0 metre shared driveway and the proposed easements, it is highly unlikely that front yard parking would be possible. Therefore, staff are satisfied that the variance will maintain the general intent of the Zoning By-law by creating front yard parking.

Staff do not have concerns with the requested easements for vehicle access along the shared driveway. As a shared driveway was not contemplated at the time of the original consent application, staff request that a Joint Use and Maintenance Agreement (JUMA) be added as condition.

ADDITIONAL COMMENTS

Planning Forestry

The minor variance requested is related directly to the ability to retain the existing City tree, by curving the shared driveway partially in front of one unit. Planning Forestry is supportive of the minor variance, provided that tree protection fencing is installed and maintained around the City tree for the full duration of construction.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Application. However, the Owner shall be made aware that private approach permits are required to construct the newly created driveway/approaches and close redundant approaches.

CONDITIONS

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

1. That the Owner(s) enter into a Joint Use, Maintenance and Operating Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and is satisfactory

to City Legal Services, as well as a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.



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