



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

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

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Site Address:	577 Melbourne Avenue
Legal Description:	Lot 32 (East Melbourne Avenue) Reg Plan 204
File No.:	D08-02-23/A-00302 & D08-02-23/A-00202
Report Date:	February 6, 2024
Hearing Date:	February 7, 2024
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)

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**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 Policy Area and designated Neighbourhood on Schedule A and B2 in the Official Plan, and is located approximately 650 metres from a Transit Priority Corridor and less than one kilometre from the future Kichi Sibi O-Train Station on Schedule C2. Within this policy area, Neighbourhoods are planned to maintain a low-rise character with form-based regulation having regard for local context and character of existing development as well as appropriate interfaces with the public realm. The Official Plan notes that a characteristic of urban built form is that there is either no automobile parking, or limited parking that is concealed from the street and not forming an integral part of a building, such as a front-facing garage (Table 6).

The subject site is zoned R3R[2687] H(8.5), which permits a mix of residential building forms ranging from detached to townhouse dwellings and regulates development in a manner that is compatible with existing land use patterns.

Staff have concerns with the requested attached front facing garages. The Streetscape Character Analysis is an objective count of building elements within the vicinity of the subject site and is intended to encourage development to maintain the character with the existing homes on the street. The dominant character of the street is no attached front-facing garage, single-wide driveway, and main entrance facing the street. Front-facing garages often push the livable floor area of the dwelling upwards and/or towards the rear yard, resulting in a break of character for the street. These infill developments enhance the dominance of the automobile on the streetscape and render the principle entrance of less importance than the car's storage in neighbourhoods where housing was predominantly built prior to the mass commercialization of the automobile. Since the dominant character of the street is no front-facing attached garages, staff have concerns regarding the compatibility with the existing built form. In addition, since the direction of the Official Plan for this area is to become more urban, including prioritizing the built-form relationship with the public realm through emphasizing front entrances and windows, staff have concerns with these variances.

Another implication of granting the requested variances from the Streetscape Character Analysis requirements in support of this application is that the permission of front-facing attached garages would have an affect on future Streetscape Character Analysis results for other properties. This could have the effect of changing the dominant streetscape character, resulting in front-facing attached garages where no front-facing attached garages existed prior. Thus, this could have the effect of changing the zoning permissions on this street, which is not the intent of the Zoning By-law.

The need for interior side yard and rear yard variances appears to be to accommodate a design oriented around a front-facing attached garage, where such a feature is not a dominant pattern according to the Streetscape Character Analysis outcome. Staff recommend redesigning the single detached dwellings to provide a single-wide driveway that leads to parking in the interior side yard, rear yard, or detached garage in the rear yard, which would likely eliminate the need for all of the minor variances.

If the Minor Variances for attached front-facing garages ~~and double-wide driveways~~ are authorized, Staff have no concerns with the reduced interior side yard setback variances. Larger interior side yard setbacks are normally required for larger multi-unit buildings to accommodate waste bin movement, movement to bicycle parking, and an increased access to the rear yard. A 1.2 metre side yard setback is sufficient for access to the rear yard and maintenance of the wall for a single-detached dwelling. The Westboro Overlay intends to harmonize development standards between different dwelling types within the same context and ensure that contextual design is the key focus of the zoning regulations. There appears to be other examples of smaller interior side yard setbacks along the street, so Staff do not believe that the proposed interior side yard setbacks will deviate from this intent.

Staff have no concerns with the requested reduced rear yard setback. It appears on the elevations that the windows facing the interior side lot lines will be concentrated generally towards the centre of the building, causing no additional privacy issues on the

abutting lots to the north and south from a reduced setback. The proposed rear yard setback aligns with the abutting lots (571 & 573 Melbourne). It appears that the building depth is still appropriate and not significantly out of scale with the existing context, and that the rear yard soft landscaping requirements are still met.

## **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. Any proposed works to be located within the road allowance requires prior written approval from the **Infrastructure Services Department**.
3. 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**.
4. Existing grading and drainage patterns must not be altered.
5. Existing services are to be blanked at the owner's expense.
6. 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.).
7. A report addressing the stability of slopes, prepared by a qualified geotechnical engineer licensed in the Province of Ontario, may be provided wherever a site has slopes (existing or proposed) steeper than 5 horizontal to 1 vertical and/or more than 2 meters in height.
8. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
9. Existing street sign to be relocated at the owner's expense.

### **Planning Forestry**

The site plan has been improved since the previous hearing, removing walkway adjacent to tree #2, providing adequate space for protection. The grading plan must be designed to align with the tree protection requirements in the TIR. Tree #1 has been removed by the City due to its condition. Large-growing replacement trees must be planted in the Right of Way following construction, and larger trees in the rear yard are preferred over additional small trees in the front. A revised planting plan will be required with the tree permit application. There are no tree-related concerns with the requested variances.

### **Right of Way Management**

Private approach permits are required to construct newly created entrances on Melbourne Avenue. Please ensure that the planter/retaining wall does not encroach into the City's ROW.

*Margot Linker*

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