

2024-03-01



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 1756 Scott Street
Legal Description: Part of Lot 10, South Scott Street Lots and Part of Lots B & C
Reg Plan 145
File No.: D08-02-24/A-00020
Report Date: February 29, 2024
Hearing Date: March 6, 2024
Planner: Margot Linker
Official Plan Designation: Inner Urban Transect, Mainstreet Corridor, Evolving Overlay
Zoning: R1MM

It is staff's understanding that the subject building is conforming in terms of use, but is legal non-complying in terms of lot width and interior side yard setback. An application involving additional construction which would contravene a different performance standard, such as rear yard setback and rear yard area, would not be covered under the legal non-complying right. Therefore, staff believe that this request should be for minor variance rather than permission.

RELIEF REQUIRED:

The Owners/Applicants require the Committee's authorization to permit the following minor variances:

- a) To permit a reduced rear yard setback of 4.02 metres, whereas the By-law requires a minimum rear yard setback of 6.125 metres.
- b) To permit a reduced rear yard area of 30.8 square metres (16.3% of lot area), whereas the By-law requires a rear yard area of 47.25 square metres (25% of lot area).

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has some 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 and designated Mainstreet Corridor within the Evolving Overlay on Schedules A and B2 in the Official Plan. The site is zoned R1MM (Residential First Density, Subzone MM), which restricts building typologies to single detached dwellings.

Staff have concerns regarding the proposed rear yard addition. The elevations show a new window being added to the east (left) elevation, and it is unclear if this window location would be permitted within the allowable building footprint or if it is located beyond the minimum required rear yard setback and posing privacy concerns to the abutting property. Staff have concerns about the addition's compatibility with the existing massing in the immediate area. It appears that there is a defined contiguous rear wall pattern along this section of Scott Street, which the proposed rear yard setback and area will deviate greatly from. A larger rear yard area would allow for more space for tree planting, soft landscaping, and outdoor area.



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.

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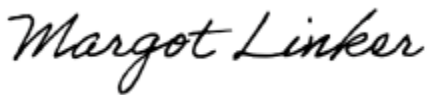
2. The surface storm water runoff including the roof water must be self-contained and directed to the City Right-of-Way, not onto abutting private properties as approved by **Planning, Real Estate and Economic Development Department**.
3. Existing grading and drainage patterns must not be altered.
4. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.

Planning Forestry

There are no tree-related concerns with the proposed addition. The existing trees must be protected throughout construction in accordance with the TIR and Tree Protection Specifications.

Transportation Engineering

1. 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.
2. Please note that Scott Street is designated as a protected right of way and requires a 26m ROW be maintained as per Schedule C16 of the Official Plan.
3. Please note that Scott Street is designated as a Crosstown Bikeway



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