

2023-09-28



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

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

Site Address: 286 Arlington Avenue  
Legal Description: Part of Lot 41 (South Arlington Avenue) Registered Plan 30  
File No.: D08-02-23/A-00219  
Report Date: September 19, 2023  
Hearing Date: October 4, 2023  
Planner: Basma Alkhatib  
Official Plan Designation: Downtown Core Transect, Neighbourhood Overlay,  
Evolving Neighbourhood, Secondary Plan Central and East  
Downtown Core  
Zoning: R4UD [478] (Residential forth density, subzone UD,  
exception 478)

**DEPARTMENT COMMENTS**

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

- a) To permit a reduced interior side yard setback of 1.11 metres (West), whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
- b) To permit a reduced interior side yard setback of 0.19 metres (East), whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
- c) To permit a reduction of soft landscaping in the front yard to ~~41.2%~~ 23%, whereas the By-law requires 40% of the front yard setback to be soft landscaping.
- d) To permit 14% of the front façade to be comprised of windows, whereas the By-law requires that 25% of the front façade be comprised of windows.

**DISCUSSION AND RATIONALE**

Staff are satisfied that the requested minor variances meet 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 within the Inner Urban Transect Policy Area on Schedule A and is designated Neighbourhood with a Neighbourhood Overlay on Schedule B2 in the Official Plan. The intended pattern of development in the Inner Urban Transect is urban, exhibiting the characteristics outlined in Table 6 of the Official Plan. The Neighbourhood designation allows low-rise development in an efficient form that is compatible with existing

development patterns and provides site design elements such as soft landscaped areas. Policy 3.2 states the directions towards supporting Intensification, by increasing the target amount of dwelling growth in the urban area and residential density.

The Central and East Downtown Core Secondary Plan's principles and objectives include maintaining and respecting the character of Centertown's neighbourhoods, by planning gentle intensification in these areas, through new developments, adaptive re-use or modifications to existing buildings. Existing low-rise neighbourhoods may experience a sensitive level of infill growth as a result of small-scale, low-rise redevelopment, secondary suites and converted houses.

The proposal represents an appropriate built form and site infill, while keeping consistent with the policies of the Central and East Downtown Core Secondary Plan.

Staff have **no concern** with minor variances a, b, and d, because it is an existing situation that is not created by changing the use from a semi-detached to low-rise apartments.

The initial proposal included bike racks in the front yard, reducing softscaping. After discussion with the agent, plans were updated and the bike racks were moved to the rear yard, providing more softscaping in the front yard.

Therefore, staff have **no concern** with minor variance (c), staff of the opinion that there are no more opportunities to increase the softscaping and that this reduction is a result of the existing entrance and walkway. Also, this proposal is offering more softscaping than the existing situation which include hard surfaced area and less softscaping.

## **ADDITIONAL COMMENTS**

### **Planning Forestry**

It has been confirmed that all proposed construction is interior to the existing building, and there are no anticipated tree impacts associated with the minor variances. Tree protection fencing must be installed and maintained around all protected trees for the full duration of construction in accordance with the TIR.

### **Right of Way Management**

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



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### **Basma Alkhatib**

Planner I, Development Review, Central Planning, Real Estate and Economic Development Department

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### **Erin O'Connell, RPP, MCIP**

Planner III, Development Review, Central Planning, Real Estate and Economic Development Department



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