

2023-12-07



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

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

Site Address: 505 Dawson Street  
Legal Description: Part of Lot 9, Registered Plan 448  
File No.: D08-02-23/A-00264 and D08-02-23/A-00265  
Report Date: December 7, 2023  
Hearing Date: December 13, 2023  
Planner: Margot Linker  
Official Plan Designation: Minor Corridor, Evolving Overlay  
Zoning: R2G (Residential Second Density, Subzone G), Mature Neighbourhoods Overlay

**DEPARTMENT COMMENTS**

During staff's review, it was recognized that there is a zoning deficiency related to interior side yard setback. Staff have asked the applicant to either revise the plans to be zoning compliant or to request an adjournment to add this as a minor variance. The Planning, Real Estate and Economic Development Department **has some concerns with the applications.**

**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 is designated Minor Corridor with an Evolving Neighbourhoods Overlay (Schedules A and B2). Minor Corridors are intended to develop as mixed-use areas with increased density and transit access. The privatization of curb space through increasing private approaches is generally discouraged. The Official Plan provides direction to maintain unbroken curb space for street parking and front yard space for trees and intensive landscaping (5.2.1). Where parking is provided, it should be concealed from the street and not forming an integral part of a building, such as in a front facing garage (Table 6).

The property is zoned Residential Second Density, Subzone G. This zone permits lower-density residential uses ranging from detached to semi-detached dwellings, as well as a limited number of non-residential uses. Additionally, the site is located within the Mature Neighbourhoods Overlay, which seeks to ensure consistency with the existing

appearance of a street based on the dominant character of the 21 units surrounding the subject property. As determined in the Streetscape Character Analysis (“SCA”), front-facing garages are not a dominant characteristic of the area immediately surrounding the subject site, and are thus prohibited in the subject application.

Staff have some concerns with the application, as the minor variances seek to add two new front-facing garages in a location where this does not reflect the street’s dominant character. Permitting the addition of new front-facing garages could alter the characteristic of this streetscape, thus changing the outcome of future SCAs to permit further garages. As such, staff have concerns that these minor variances may undermine the intent of this zoning by-law mechanism. Furthermore, permitting the construction of new front-facing garages would enhance the prominence of vehicle storage in the streetscape and render the principal entrance as secondary. Given that the site is subject to the Evolving Neighbourhoods Overlay, which calls for a transition towards a more urban rather than suburban built form, enhancing the predominance of automobiles would contravene the policy applicable to this location.

Moreover, no off-street vehicle parking spaces are required for required for this development. The subject site is also located approximately 520 metres from the Richmond Road Transit Priority Corridor (Schedule C2) and within 300 metres of the Byron Avenue Major Cycling Pathway (Schedule C3). The policy and zoning framework for this area demonstrates a transition away from vehicle use, given its walkability and proximity to active transportation routes. The addition of front-facing garages would undermine this policy and zoning direction by facilitating the construction of automobile-focused infrastructure.

However, staff acknowledge that the immediate context surrounding the subject site does feature garages as a dominant characteristic, as five of the six neighbouring properties contain front-facing garages. Additionally, this site is in a unique position with frontage onto three public streets and the SCA only regulates private approaches and attached garages/carports on the street which the principal entrance faces (in this case, Dawson Avenue). Therefore, if the principal entrances remain facing Dawson, the applicant could design the other two street frontages with driveways and attached garages/carports without the need for a minor variance. Staff recognize that three of the properties within the SCA study boundary contain rear-facing garages, fronting onto Kirkwood Avenue rather than Dawson Avenue. Kirkwood Avenue is classified as an Arterial Street (Schedule C4) and a Minor Corridor; consequently, the Official Plan discourages adding private approaches off this road.

Staff have discussed alternate design options with the applicant. In accordance with the policy and zoning framework, the most desirable approach would be to not include attached front-facing garages and to either provide no vehicle parking or to provide parking in the interior side yard of this lot. In all cases, the introduction of new private approaches off Kirkwood Avenue should be avoided.

## 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. All trees on City property and private trees greater than 30cm in diameter in the inner urban area are protected under the Tree Protection By-law (2020-340), and plans are to be developed to allow for their retention and long-term survival. A Tree Removal Permit and compensation are required for the removal of any protected tree.
4. 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**.
5. Existing grading and drainage patterns must not be altered.
6. Existing services are to be blanked at the owner's expense.
7. 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.).
8. This property does not have frontage on a storm sewer.
9. Existing street sign to be relocated at the owner's expense.

### Planning Forestry

Any redevelopment of this site will have impacts on tree #1 (City-owned) due to its condition, in early stages of decline. As such, there are no tree-related concerns with the variance, provided that the tree planting plan (to be approved through the Building Permit stage) will be prepared to plant the required number of compensation trees, with the recommendation of planting a tree larger than the 50mm minimum size to replace the City-owned maple. It is a high priority to plant large-growing trees within the 3 Right of Ways surrounding the site, to improve the canopy cover and streetscape on each frontage.

### Right of Way Management

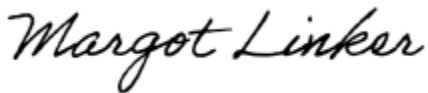
The Right-of-Way Management Department has **no concerns** with the proposed Minor Variance Application. However, the Owner shall be made aware that should the minor variance be approved, private approach permits are required to construct or alter newly created driveways/approaches and to close the existing redundant driveway/approach facing Kirkwood Ave.

### Transportation Engineering

1. Please note that Kirkwood Avenue has a protected ROW of 26m per Schedule C16 of the Official Plan, or 13m as measured from the centreline of the road

surface. There might be a requirement in the future for lands that fall within the Kirkwood Avenue ROW protection to be dedicated to the City of Ottawa.

2. In addition, per Policy 2.1.1 (e) of Schedule C16:
  - a. A 5x5 corner triangle is required at the corner of Kirkwood Avenue and Iona Street.
  - b. A 3x3 corner triangle is required at the corner of Dawson Avenue and Iona Street.



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