

2023-12-08



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

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

---

Site Address: 79 Lyndale Avenue  
Legal Description: Part of Lot 11, West Forward Avenue, Registered Plan 35  
File No.: D08-02-23/A-00262  
Report Date: November 23, 2023  
Hearing Date: December 13, 2023  
Planner: Basma Alkhatib  
Official Plan Designation: Inner Urban Transect, Evolving Neighbourhood Overlay  
Zoning: R4UD (Residential fourth density, subzone UD)

---

**DEPARTMENT COMMENTS**

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

**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 Residential Fourth Density Zone, Subzone UD. This zone allows a range of residential uses, ranging from detached to low-rise apartment dwellings, plus a limited number of non-residential uses.

The subject site is also within the Inner Urban Transect Policy Area (Schedule A) and is designated Neighbourhood with an Evolving Neighbourhood Overlay (Schedule B2). The intended pattern of development in the Inner Urban Transect is urban, exhibiting the characteristics outlined in Table 6 of the Official Plan; the transition toward a more urban built form is further supported through the Evolving Neighbourhood Overlay. The Neighbourhood designation allows low-rise development in an efficient form that is compatible with existing development patterns.

Additionally, the site is within the Scott Street Secondary Plan and is designated Low-Rise Neighbourhood by Schedule A. The site also falls within the boundaries of the Secondary Plan’s Neighbourhood Line, which delineates an area intended to maintain its stable, low-rise development pattern.

Staff have no concerns with the proposed minor variances and recognize that the lot has an existing non-complying single detached dwelling with similar or smaller setbacks than the proposed single detached dwelling. It is not anticipated that the requested minor variances will cause negative impacts on adjacent properties. Overall, the proposal to construct a new dwelling upholds the policy intent of the Secondary Plan while contributing to the streetscape, public realm, and uses the abutting laneway rather than creating another private approach.

In staff's opinion, the reduced lot area still provides sufficient space for necessary site elements, and the site's location near a Mainstreet Corridor and Hub supports the greater level of density resulting from the smaller lot area, which is a supportive urban characteristic (Official Plan Table 6).

With respect to the variance to permit a reduced front yard setback, the Official Plan emphasizes regulation of the built form envelope that frames the public right of way (5.2.4(1)(d)). The survey demonstrates that the existing single detached dwelling has a front yard setback of 1.53m, which is smaller than what is proposed. The proposal also demonstrates regard for the public frontage by locating the garage at the side of the building rather than on the Lyndale frontage. Lastly, considering rear yard variances, staff note that the proposed area and setback does represent an improvement from the lot's existing conditions. Additionally, the proposal provides sizeable outdoor terraces at both the second and third storeys to mitigate the small rear yard area. This design is supported by Official Plan Policy 6.3.2(5), which permits outdoor amenity area for low-rise residential development to be limited to balconies, terraces, or rooftops to achieve the City's density targets.

## **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.
3. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
4. 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.
5. 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**.
6. A private approach permit is required for any access off of the City street.

7. Existing grading and drainage patterns must not be altered.
  8. Existing services are to be blanked at the owner's expense.
  9. 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.).
  13. Provide a minimum of 1.5m between the proposed driveway and the utility pole.
  15. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
- 

## Planning Forestry

Through pre-consultation it was determined that there are no existing trees on or adjacent to this site, and as such, no TIR was required. The requested setback reductions, while similar to the existing non-complying condition, do impact the area of soft landscaping on site and the ability to plant trees to improve the canopy cover and streetscape character of the site. Staff recognize that the existing site is undersized and the existing conditions are high lot coverage of building and asphalt. Staff encourage the applicant to plant a tree in the front yard or to consider reducing the building footprint to increase soil volume to address the Official Plan's goals of maintaining and increasing the urban forest canopy during intensification.

## 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 a private approach permit is required to construct the new entrance to the garage off the lane and to close the existing redundant driveway/approach facing Lyndale Ave. No person shall construct, relocate, alter or close a private approach without first obtaining a private approach permit from the General Manager in accordance with the provisions of this By-law (No. 2003-447) and a road cut permit in accordance with the provisions of By-law No. 2003-445 being the City's Road Activity By-law or a successor by-law thereto.

The Lane is not City Maintained (Lane Classification 6) which means the applicant may need to reach out to the new development sharing the lane to figure out usage.

## Transportation Engineering

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.



---

**Basma Alkhatib**

---

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

110 Laurier Avenue West, Ottawa ON K1P 1J1

Mail code: 01-14

110, av. Laurier Ouest, Ottawa (Ontario) K1P 1J1

Courrier interne : 01-14

Visit us: [Ottawa.ca/planning](http://Ottawa.ca/planning)

Visitez-nous : [Ottawa.ca/urbanisme](http://Ottawa.ca/urbanisme)

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

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

110 Laurier Avenue West, Ottawa ON K1P 1J1  
110, av. Laurier Ouest, Ottawa (Ontario) K1P 1J1

Mail code: 01-14  
Courrier interne : 01-14

Visit us: [Ottawa.ca/planning](http://Ottawa.ca/planning)  
Visitez-nous : [Ottawa.ca/urbanisme](http://Ottawa.ca/urbanisme)