

2024-05-09



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 113 Northwestern Avenue
Legal Description: Part of Lot 45, Registered Plan 331
File No.: D08-02-24/A-00094
Report Date: May 9, 2024
Hearing Date: May 15, 2024
Planner: Penelope Horn
Official Plan Designation: Inner Urban, Neighbourhood, Evolving Neighbourhood Overlay
Zoning: R2D [2159]

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. Staff are not satisfied that the requested minor variances meet the “four tests”.

The subject site is located within the Inner Urban Transect Policy Area and designated Neighbourhood in Schedules A and B2 in the Official Plan. Staff have some concerns regarding the proposed variances. Driveways for new development that lead to parking should be designed to minimize the impact on the public realm. 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 no parking, or limited parking that is concealed from the street, is a characteristic of the urban built form (Table 6).

Variations for garage and driveway

Staff have concerns with the requested flared double wide driveway and attached garage. The Streetscape Character Analysis is an objective count of building elements (garages, driveways, and main entrances) within the vicinity of the subject site in order to encourage development to reflect the built form of the surrounding area. Since the

dominant character of the street features single driveways, a flared double driveway and double-wide garage will increase the dominance of the automobile from the street. The Official Plan prioritizes the built-form relationship with the public realm by emphasizing front entrances and windows in areas that are becoming more urban. The proposed double wide driveway and garage would result in a principal entrance that is less prominent. By granting the proposed variances, these changes could be reflected in future developments that are subject to Streetscape Character Analysis, eventually changing the dominant streetscape character towards a more auto-centric landscape.

Variance for the balcony

Staff have no concerns with the proposal to not include a 1.5 metre opaque wall. The variance is minor in nature, the proposed balcony is located primarily outside of the required interior yard. Given the location of the balcony, the proposal will not create adverse impacts on surrounding properties.

ADDITIONAL COMMENTS

Infrastructure Engineering

- The Planning, Development and Building Services Department will do a complete review of grading and servicing during the building permit process.
- At the time of building permit application, a grading/servicing plan prepared by a Professional Engineer, Ontario Land surveyor or a Certified Engineering Technologist will be required.
- Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
- 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, Development and Building Services Department.
- Existing grading and drainage patterns must not be altered.
- Existing services are to be blanked at the owner's expense.
- 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.).
- Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
- In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.

Planning Forestry

A building permit was issued for this site in 2023, and construction is well underway. While there are no concerns with the proposed minor variances, the proposed plans for the rear yard are not in keeping with the Tree Protection By-law or

the objectives of the Official Plan which prioritize tree retention, and the plans must be revised prior to work in the rear yard. It is recommended that the COA decision be tied to the variances rather than the plans to allow for changes to address tree protection.

The site plan and TIR must be revised to allow for the adequate protection of trees #3, 4, and 5, which are outside of the allowable building footprint and proposed for removal for a pool and hardscaping; this removal is avoidable. Please note that tree #4 and the oak trees at 115 Northwestern are not on the subject property, and the owners' written permission is required for excavation or impacts within the Critical Root Zone(s) of their tree(s).

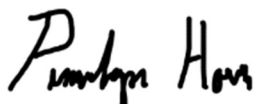
Tree permits are required prior to the removal of any protected trees (excluding those listed as hazardous in the TIR). A planting plan (based on the revised site plan) with all required compensation trees must be submitted with the permit application.

Most importantly, all construction materials and structures must be immediately removed from the Critical Root Zones of all protected trees, including those on the adjacent property, with tree protection fencing installed as per the Tree Protection Specifications.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Minor Variance Application, however, as there are requested changes to the private approach/driveway on the property, the Owner shall be made aware that a private approach permit is required to construct a newly created entrance. There is an approved grading plan (A23-004294) which requires and outlines a Private Approach permit is required to establish the new entrance.

Please contact the ROW Department for any additional information at rowadmin@ottawa.ca or visit the City webpage [Driveways | City of Ottawa](#) to submit a Private Approach application.



Penelope Horn
Planner I, Development Review All Wards
Planning, Development and Building
Services Department



Jean-Charles Renaud
Planner III, Development Review Central
Planning, Development and Building
Services Department