

2023-06-16



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

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

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Site Address:	26 Willard Street
Legal Description:	Part of Lots 9 and 10, West Willard Street, Plan 116
File No.:	D08-02-23/A-00113
Report Date:	June 9, 2023
Hearing Date:	June 21, 2023
Planner:	Basma Alkhatib
Official Plan Designation:	Inner Urban Transect, Evolving Neighbourhood
Zoning:	R3P [487] (Residential third density zone, subzone P, exception 487)

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**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 Inner Urban Transect Policy Area on Schedule A and Evolving Neighbourhood designated on Schedule B2 in the Official Plan. Section 6.3.2 outlines that new development should respect the character of existing areas and development. The intended pattern of development in the Inner Urban Transect is urban including a minimum of two functional storeys, buildings attached or with minimal functional side yard setbacks and small areas of formal landscape. Policy 5.2.1 states that this development shall encourage moving towards an urban built form pattern, encouraging these areas to develop with a focus on multi-modal transportation methods, particularly walking and cycling. It also should include space for soft landscape, trees, and hard surfacing.

The subject site is within zone R3P [487], the performance standards for this zone is three metres for the front yard setback, 1.8 metres as a total of the interior yard setback or 0.6 metres for each side of the interior yard setback, 9.2 metres or 30 per cent of the lot depth is required as a rear yard setback. Staff noted that the proposed addition to adding one storey to the rear corner of the house does not change the existing southern interior yard setback nor the front yard setback. The required minor variances therefore represent a

recognition of a legal non-complying situation.

Staff noted that the front yard parking was not created with a permit, and the owners have mentioned that they are communicating with the city to obtain the appropriate documents to demonstrate its non-compliance. The requested variances have no impact on the existing parking situation.

The Department has **no concerns** with the applicant's request because the two minor variances have no impact on the surrounding context, and it is to legalise legal non-conforming setbacks. Forestry staff have confirmed that the proposed infill has no direct impact on the existing trees.

## 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. 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.
3. Any proposed works to be **located within the road allowance requires prior written approval** from the Infrastructure Services Department.
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. The Planning, Real Estate and Economic Development Department **requires proof that the Rideau Valley Conservative Authorities** have granted their approval due to development being located within the regulatory limit.
7. **Encroachment on or alteration to any easement is not permitted** without authorization from easement owner(s).

### Planning Forestry

There are no protected trees impacted by this minor variance application.

### Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Minor Variance Application. However, the Department would like to point out that the owner has established illegal front yard parking on the property. Conversely, Geo Ottawa aerial photos show that the parking space was established prior to 1991. Considering this, the applicant should be required to obtain a Legal Non-Conforming Right to legalize the parking space. If it cannot be legalized than it should be removed from the front of the property. The Department would like to further point out that, there is a right-of-way easement between 26 Willard and 28 Willard to provide parking in the rear of the

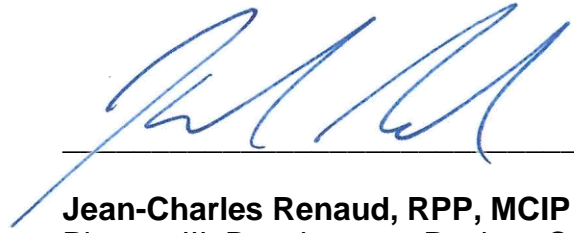
properties.



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