

2024-05-30



MINOR VARIANCE APPLICATION

COMMENTS TO THE COMMITTEE OF ADJUSTMENT

PANEL 1

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 6 Oak Street
Legal Description: Part of Lots 1, 2 and 3 on Registered Plan 82974
File No.: D07-02-24/A-00031
Report Date: May 30, 2024
Hearing Date: June 5, 2024
Planner: Margot Linker
Official Plan Designation: Downtown Core, Neighbourhood, Evolving Overlay
Zoning: R4UB (Residential Fourth Density, Subzone UB)

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has concerns with** the application.

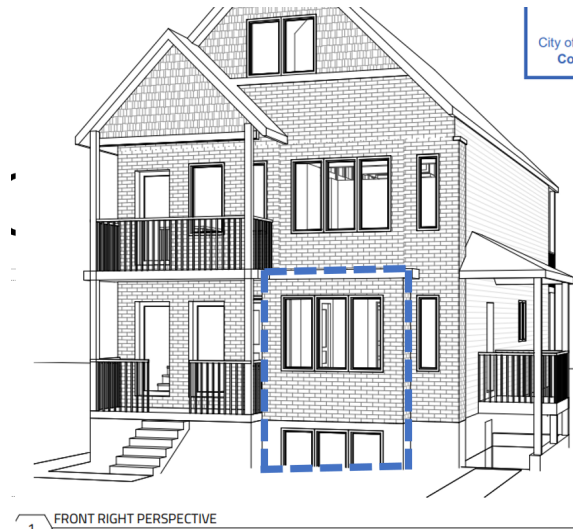
DISCUSSION AND RATIONALE

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.

The subject site is located within the Downtown Core Transect and designated Neighbourhood within the Evolving Overlay on Schedules A and B1 in the Official Plan. This area is planned for higher-density development with an intended urban built form, which acknowledges a range of lot sizes, including smaller lots, and higher lot coverages, and emphasizes the built form relationship with the public realm. Form-based regulation should account for local context and character of existing development as well as appropriate interfaces between residential buildings, including provision of reasonable and appropriate soft landscaping to support livability. The policies of the Official Plan indicate goals of balancing encouraging intensification and missing middle housing and ensuring development is functional including prioritizing soft landscaping and space for tree planting.

The site is zoned R4UB (Residential Fourth Density, Subzone UB), which permits a wide variety of housing typologies, ranging from detached dwellings to low-rise apartment dwellings.

Staff have no concerns with the front yard setback as proposed on the plans stamped 2024-02-23. There is a contiguous front yard setback for every dwelling on Oak Street and many have balconies and porches projecting into the front yard. There are also many dwellings that have bay windows and other large architectural projections. It is staff's understanding that the relief required is only for the area outlined in blue on the image below, and that the rest of the wall is set back 4.45 metres. While this wall does not qualify as a projection, like a bay window, staff don't believe that it breaks the established massing pattern on this street.



Staff have no concerns with the reduced interior side yard setbacks. The lot shape is irregular and about half of the westerly lot line abuts a section of the City's right-of-way, which acts as an additional 3.51-metre-wide buffer between the subject site and 8 Oak Street to the west. This City property can also be used to maintain this side of the house. The balcony on the west side of the house faces an interior side yard of 8 Oak Street and will not have privacy impacts on any private outdoor amenity area. Much of the proposed building envelope is similar to the existing duplex dwelling footprint.

Staff have no concerns with the proposed 1.22 metre balcony/landing projection into the rear yard.

Staff have concerns regarding the cumulative impact on the functions of the site caused by the reduced lot size. It is apparent that, due to the undersized lot, the proposed development is not able to meet the rear yard setback, rear yard area, and rear yard soft landscaping requirements. While the proposed footprint appears to be very similar to the existing duplex dwelling's footprint and might not have new impacts on the abutting properties, a stacked dwelling does have different required functions than a duplex dwelling that should be met. In other zones amenity area may be required for such a proposal, however, in this particular zone, there is a requirement for a certain amount of green space, which is intended to provide space for outdoor amenity, infiltration, and tree

planting. The proposed rear yard includes bicycle parking, stairs, and a balcony which, while permitted in the landscaped area, does take away from its functionality. Staff believe that a larger lot could better accommodate a more functional rear yard, and that a lot of this size might be more suitable for a lower density development.

ADDITIONAL COMMENTS

Planning Forestry


From a tree-perspective the main concerns with this application are the reduced setbacks and landscaping areas, though it does not appear that the reductions affect the ability to plant trees. Please ensure that sufficient soil volume is provided to plant large-growing trees to improve the streetscape and canopy cover of the site, toward the Official Plan target of 40%. Since the original application a revised planting plan has been provided showing 3 trees to be planted, including one in the ROW.

Transportation Engineering

- The site is located within 300 m of the O-Train Line 2 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.
- Remove existing driveway depressed curb and reinstate with full height curb and sidewalk to City standards.



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