

2024-03-01



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 169 Clemow Avenue
Legal Description: Lot 41, Registered Plan M-8
File No.: D08-02-24/A-00015
Report Date: February 29, 2024
Hearing Date: March 6, 2024
Planner: Craig Hamilton
Official Plan Designation: Neighbourhood (Evolving Overlay), Inner Urban Transect
Zoning: R1MM H(10)

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no 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 satisfied that the requested minor variance(s) meet(s) the “four tests”.

The Official Plan designates the subject property as Neighbourhood in the Inner Urban Transect. The policies pertaining to this designation support a variety of housing types with a focus on mid- to high-density development and the creation of 15-minute neighbourhoods.

The property is zoned Residential First Density, Subzone MM with Height Maximum 10m (R1MM H(10)). The purpose of this zone is to restrict the building form to detached dwellings and to allow various other residential uses to provide additional housing typologies, while regulating development in a manner that is compatible with existing land use patterns. The direction of the zone is to ensure that the residential character of a neighbourhood is maintained or enhanced.

As shown on the submitted site plan, the applicant is proposing to create an addition to the rear of the existing detached dwelling along a portion of the rear wall of the home. The application seeks relief to reduce the required minimum rear yard setback from 30% of the lot depth (or 10.06m) to 27.8% of the lot depth (or 9.35m) to enhance the interior function of the dwelling. The intent of the minimum rear yard setback provision of s.156 & s.144 is to ensure adequate soft landscaped area in the rear yard, amenity area and physical buffering between dwellings in an established neighbourhood. Staff note that the subject addition to the rear portion of the home will only be constructed on a portion of the home and will not extend further into the rear yard than the existing rear-most wall of the dwelling. The proposed reduction to the minimum rear yard setback will allow the addition to align with existing rear wall of the home, creating a continuous wall and massing. Additionally, the proposed addition provides adequate separation from nearby trees, the rear lot line and maintains the minimum required interior side yard setback from the adjacent property to the west.

For the abovementioned reasons, Staff is the opinion the proposed variances are minor and will not result in undue impacts. Staff note that the applicant is maintaining some appropriate rear yard buffering and interior side yard setbacks through the creation of the addition. Staff are satisfied the applications meet the “four tests” outlined in Section 45 (1) of the Planning Act, R.S.O. 1990 c. P.13, as amended.

ADDITIONAL COMMENTS

Heritage Planning Branch

1. Clemow is designated under Part V of the Ontario Heritage Act as part of the Clemow-Monkland Driveway and Linden Terrace Heritage Conservation District (HCD). 169 Clemow was evaluated and determined to be a property that contributes to the cultural heritage value of the district.
2. The Clemow-Monkland Driveway and Linden Terrace HCD Plan aims to provide clear guidance on how to protect and conserve the cultural heritage value of the HCD. Section 7.5, Additions to Existing Properties, ensures that proposals meet the objectives of the Plan.
3. Heritage Planning staff reviewed the application and found that it generally respects the policies and guidelines in Section 7.5 of the HCD Plan. If the variance is granted, the Ontario Heritage Act and the HCD Plan require the applicant to obtain a heritage permit prior to undertaking alterations at the property.

Infrastructure Engineering

1. Planning, Real Estate and Economic Development Department will do a complete review of grading and servicing during the building permit process.

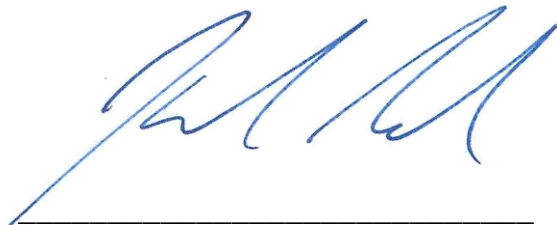
2. At the time of building permit application, a grading/servicing plan prepared by a Professional Engineer, Ontario Land surveyor or a Certified Engineering Technologist will be required.
3. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
4. 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. Existing grading and drainage patterns must not be altered.
7. Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).

Planning Forestry

1. There are no tree-related impacts associated with the requested minor variance.
2. The existing trees on site in the rear yard must be protected through construction by implementing the Tree Protection Specifications, to ensure no encroachment into the Critical Root Zone. The Specifications can be found online at https://documents.ottawa.ca/sites/documents/files/tree_protection_specification_en.pdf



Craig Hamilton
Planner I, Development Review, South
Planning, Real Estate and Economic
Development Department



Jean-Charles Renaud
Planner III, Development Review, Central
Planning, Real Estate and Economic
Development Department