

Committee of Adjustment  
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City of Ottawa | Ville d'Ottawa  
Comité de dérogation



**MINOR VARIANCE APPLICATION**  
**COMMENTS TO THE COMMITTEE OF ADJUSTMENT**  
**PANEL 1**  
**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 248-250 Bayswater Avenue  
Legal Description: Part of Lot 67 & 68, West Bayswater Ave, Registered Plan 171960  
File No.: D08-02-23/A-00105 & D08-02-23/A-00130  
Report Date: June 23, 2023  
Hearing Date: July 5, 2023  
Planner: Basma Alkhatib  
Official Plan Designation: Inner Urban Transect, Neighbourhood Overlay  
Zoning: R2R (Residential second density, subzone R)

### DEPARTMENT COMMENTS

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

### DISCUSSION AND RATIONALE

Staff are satisfied that most of 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 Neighbourhood designated on Schedule B2 in the Official Plan. The aimed pattern of development in the Inner Urban Transect is urban, exhibiting the characteristics outlined in Table 6 of the Official Plan. This pattern includes a minimum of two functional storeys, attached buildings and small areas of formal landscape and a range of lot sizes that will include smaller lots, and higher lot coverage and floor area ratios.

The proposed addition in the rear yard is divided into three parts: deck, two storey addition and entrance to basement. The deck and the two-storey addition are aligned with the existing one storey rear part of the semi-detached which is an existing situation, and the addition of a second storey has a minimal impact. For the proposed basement entrance (third part), Although it is resulting in the reduction of the rear yard setback, it is a small addition to the building footprint, not extending parallel to the building rear line, and it is functional oriented (only doorway) therefore, the proposed allover design has mitigated the possible impact. In addition, the proposed basement entrance (third part) is set in the

middle of the rear yard of the semi-detached which makes the reduced rear yard setback is not affecting the rear yard area.

Staff recognize the applicant's efforts in providing more softscaping to their property in the front and rear yards. The reduction in the interior side yard is an existing condition. Therefore, staff have no concerns with minor variances a, b, and d.

Although the proposal provides adequate softscaping in the front yard and the front yard setback exceeds the required by the By-law, and the applicant does not have a suitable interior side yard setback to accommodate an interior side yard parking or to give access to a rear yard parking, The R2R zoning By-law provision does not require a parking for semi-detached dwellings, and Section 109 of the Zoning By-law prohibits establishing parking spaces in a required and provided front yard.

The Department has **no concerns** with minor variance a, b and d, while **minor variance c is concerning** because the proposed parking space is totally contained in the front yard, contrary to the intent of the Zoning By-law.

## ADDITIONAL COMMENTS

### Infrastructure Engineering

1. The 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. A **private approach permit** is required for any access off of the City street.
6. **Existing grading and drainage patterns must not be altered.**

### Planning Forestry

The TIR notes two City trees on adjacent properties, both of which will be retained and protected through construction. There are no tree impacts related to the proposed additions in the rear yard. There is one walnut tree in the rear yard which is shown on the plan but not the TIR - the arborist has confirmed that this tree is not protected under the by-law but is not anticipated to be impacted by the development. It is strongly recommended to plant one new tree per lot within the Right of Way to improve the streetscape and canopy cover of the site; an application may be made to the City's Trees in Trust program following construction.

### Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Minor Variance Application for 250 Bayswater Ave. However, the Department has **concerns** with the proposed Minor Variance Application for 248 Bayswater, as front yard parking contravenes the 2008-250, as amended Zoning By-law. However, if the committee were inclined to approve the applications, the owner shall be made aware that a private approach permit is required to establish a driveway/approach for 248 Bayswater, as well as for the modification to the driveway/approach for 250 Bayswater.

### **Transportation Engineering**

Front yard parking is in violation of section 109(3) of the Zoning By-law, Transportation Engineering Services would advise that further efforts be made to accommodate parking elsewhere on the property.



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#### **Basma Alkhatib**

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

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

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