

2023-10-12



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address:	284 Churchill Avenue North
Legal Description:	Lot 345, Plan 4M-28
File No.:	D08-02-23/A-00224
Report Date:	October 12, 2023
Hearing Date:	October 18, 2023
Planner:	Margot Linker
Official Plan Designation:	Inner Urban Transect, Neighbourhood, Evolving Neighbourhood Overlay
Zoning:	R3E (Residential Third Density Zone, Subzone E), Mature Neighbourhoods Overlay

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.

The subject site, located within the Inner Urban Transect area, is designated as Neighbourhood and is subject to the Evolving Neighbourhood Overlay on Schedule A and B1 in the Official Plan. This site is also situated within the Richmond Road / Westboro Secondary Plan. In addition to being in close proximity to the Scott Street Mainstreet Corridor and the Churchill Avenue Minor Corridor, the site falls within the 600 metre radius for both the future Westboro and Dominion O-Train stations. Policies 3.2 and 5.2.4 (1) of the Official Plan both state that portions of Neighbourhoods close to Hubs and Corridors are intended to absorb residential intensification to support the City’s density targets established in Section 3.

With regard to the Richmond Road / Westboro Secondary Plan, Section 2.1 calls for a range of housing types and choices, emphasizing compact and inclusive development. Policy 2.2(1) directs development to preserve the scale and character of established neighbourhoods while minimizing adverse impacts of intensification. The associated

Richmond Road / Westboro Community Design Plan includes similar support for a range of housing types and compact development (Section 4.1).

The R3 zone seeks to regulate development in a manner which is compatible with existing land use patterns so as to maintain the residential character of a neighbourhood. The Mature Neighbourhoods Overlay, which applies to this site, regulates zoning requirements for driveways, garages, and principal entranceways based on a street's existing character.

Staff have no concerns regarding the requested variances to lot width, lot area, front entrances, maximum number of secondary dwelling units, and gross floor area. The proposal maintains the existing scale of the neighbourhood by respecting the maximum building height and all required setbacks. Staff do not expect that these variances will compromise the functionality of the site, and the proposal will comply with all other zoning provisions.

Staff have concerns with the compatibility of the variance sought to permit front-facing garages. The subject site is located within the Mature Neighbourhoods Overlay, which seeks to ensure consistency with the existing appearance of a street based on the dominant character of the 21 units surrounding the subject property. As determined in the Streetscape Character Analysis, front-facing garages are not a dominant characteristic of the area immediately surrounding the subject site. Consequently, an increase in the presence of front-facing garages would enhance the prominence of the automobile on the streetscape, which would be out of keeping with the street's character. Another consideration is that the addition of new front-facing garages could alter future Streetscape Character Analysis results, tipping the scales in favour of front-facing garages. This may have the effect of changing the zoning permissions on this street, which is not the intent of the Zoning By-law. Not only would this shift be inconsistent with the area's policy direction, which emphasizes a transition away from automobile predominance, but it is also undesirable given the subject site's proximity to transit and its location within a walkable area. According to the City's 15-minute neighbourhood study, the subject site received the highest rating of access to services and amenities.

The Official Plan notes that an urban characteristic includes limited parking, and not parking which forms an integral part of the building, such as a front facing garage (Table 6). It is worth noting that the subject site is located within Area X, which does not require any vehicular parking spaces to be provided for the first 12 dwelling units. In addition, given its location within 450 metres of the Richmond Road Transit Priority Corridor and 350 metres of the Westboro Transit Station, the subject site is well connected to transit. In light of the direction to reduce the predominance of the automobile in urban areas, and considering the site's proximity to transit, staff have concerns with the desirability of this variance and its alignment with the Official Plan.

Staff appreciate the evolution to the design to retain the City-owned tree and the existing retaining wall. Staff note that the modifications to the retaining wall, including a new

portion of the wall, will necessitate an encroachment permit and utility circulation at building permit.

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. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
3. 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**.
4. A private approach permit is required for any access off of the City street.
5. Existing grading and drainage patterns must not be altered.
6. Existing services are to be blanked at the owner's expense.
7. 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.).
8. A report addressing the stability of slopes, prepared by a qualified geotechnical engineer licensed in the Province of Ontario, should be provided wherever a site has slopes (existing or proposed) steeper than 5 horizontal to 1 vertical and/or more than 2 metres in height.
9. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
10. 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

1. There has been extensive discussion between the Planning Forester and the applicants Agent around site design to retain the City owned Oak in front of this property. The design provides space to retain the City oak while meeting the applicant's site development objectives. This aligns with section 4.8.2 of the Official Plan which aims to preserve and provide space for mature healthy trees and gives priority to retention and protection of healthy tree over replacement planting.
2. Two conditions are being proposed for this minor variance. The first is an updated Tree Information Report that reflects the current site plan (dated September 10, 2023). The TIR provided is out of date and doesn't reflect the current plan. The Planning Forestry department supports the proposed site plan as adequately retaining the City tree. The TIR must also detail and provide direction on the site grading. The second proposed condition is the collection of securities for the City tree. There is extensive work being proposed on this property. Retention of this healthy oak is critical, and all efforts must be applied to properly protect this tree

Right of Way Management

1. The Owner shall be made aware that private approach permit is required to construct each of the newly created driveways/approaches and reinstate the existing redundant private approach.
2. The retaining wall is encroaching in the City road allowance and should be removed completely or if permitted will require a permanent encroachment agreement.

Transportation Engineering

1. The site is located within 300 m of the O-Train 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.
2. Please consider redevelopment scenario that allows for both properties to be served by a single curb cut. Official plan policy 5.1.1 5) c) recommends the number of curb cuts is reduced or remains the same for re-development of properties in the Inner Urban Transect.

CONDITIONS

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following condition on the application:

1. Prior to the issuance of a building permit, the Owner/Applicant(s) shall enter into a Development Agreement or a Letter of Undertaking (LOU) with the City of Ottawa, at the expense of the Owner/Applicant(s), and to the satisfaction of the Development Review Manager of the Planning, Real Estate, and Economic Development Department, or his/her designate. A development agreement is to be registered on Title of the property (where applicable) and shall include the following:
 - a. the Owner/Applicant agrees to provide a revised Tree Information Report, to the satisfaction of the Development Review Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or his/her designate, updated to reflect the most recent site and grading plans, and providing mitigation measures for the protection and retention of the City-owned oak tree (#1).
 - b. The Owner(s) agree to provide securities for a period of 3 years following the final occupancy permit, which is equivalent to the value of the tree(s) to be protected (tree #1). The Owner(s) agree that the security shall be returned to the owner only upon the City having received a report from an arborist or appropriate professional confirming that tree #1 remains in good health, condition, and is structurally stable. The Owner(s) acknowledge and agree that if, in the opinion of the City Forester and/or the General Manager, Planning, Infrastructure, and Economic Development, the report indicates that tree #1 is declining and must be removed, the Security, in its entirety, will be forfeited.

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