

2023-10-12



MINOR VARIANCE APPLICATION

COMMENTS TO THE COMMITTEE OF ADJUSTMENT

PANEL 1

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 138 Forward Avenue  
Legal Description: Part 4, West Forward Avenue Lots, Registered Plan 35  
File No.: D08-02-23/A-00231  
Report Date: October 12, 2023  
Hearing Date: October 18, 2023  
Planner: Margot Linker  
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving Neighbourhood Overlay  
Zoning: R4UD (Residential Fourth Density, Subzone UD)

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns with** the application.

DISCUSSION AND RATIONALE

The subject site has an associated approved Site Plan Control application (D07-12-21-0237) for a four-storey apartment building containing 18 units. The applicant has been in communication with the City regarding changes to the plans to accommodate a 20 unit building. If the subject minor variance application is approved, the Site Plan Control application will be revised through redline changes.

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 property is located within the Inner Urban Transect Policy Area on Schedule A and is designed Neighbourhood within the Evolving Neighbourhood Overlay on Schedule B2 in the Official Plan. The Inner Urban Transect is planned for mid- to high-density development, and Neighbourhoods located within this policy area support a wide variety of housing types with a focus on missing-middle housing. Within the Evolving Neighbourhood Overlay, form-based regulation for setbacks, massing, and landscaped areas will have regard for local context and character of existing development and appropriate interfaces between residential buildings including provision of reasonable and appropriate soft landscaping and screening to support livability, pursuant Policy 2 in Section 6.3.2.

The subject site is designated Low-Rise Neighbourhood, up to four storeys, on Schedules A and B in the Scott Street Secondary Plan. A goal of this Plan is to reinforce and respect the character of existing neighbourhoods while encouraging low-scale infill and intensification on under-utilized sites within neighbourhoods.

Staff note that the R4UD (Residential Fourth Density, Subzone UD) zone allows for a mix of residential building forms ranging from detached to low-rise apartment dwellings. This zone regulates development in a manner that is compatible with existing land use patterns so that the low-rise residential character of the neighbourhood is maintained or enhanced.

Staff have no concerns with the proposed rear yard setback. The elevations demonstrate that no windows are provided in the additional 1.5 metre setback, resulting in no exacerbated privacy concerns caused by this relief on the properties to the North and South. There is a lane to the rear of the property that provides an additional buffer between the abutting property to the west and the subject development. Staff note that the proposed rear facing balconies should have a 1.5 metre high opaque screen facing the interior side yard setback to reduce potential overlook onto the abutting properties to the north and south. Through internalizing the bicycle parking and waste management in the main building, the entire rear yard is softly landscaped (except for window wells) and exceeds the minimum rear yard soft landscaping requirements.

## **ADDITIONAL COMMENTS**

### **Right of Way Management**

1. The Owner shall be made aware that a private approach permit is required to remove the redundant approach and reinstate to soft landscaping. No person shall construct, relocate, alter or close a private approach without first obtaining a private approach permit from the General Manager in accordance with the provisions of this by-law and a road cut permit in accordance with the provisions of By-law No. 2003-445 being the City's Road Activity By-law or a successor by-law thereto.

### **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. Ensure a fence is installed at the rear property line. A new fence must be installed on the property line between the lane and 138 Forward lot to prevent future encroachment into the lane.

*Margot Linker*



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