

2023-09-14



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

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

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Site Address: 9 Morris Street  
Legal Description: Part of Lot 19 &39, Registered Plan 44  
File No.: D08-02-23/A-00172  
Report Date: September 14, 2023  
Hearing Date: September 20, 2023  
Planner: Margot Linker  
Official Plan Designation: Inner Urban Transect, Neighbourhood Overlay  
Zoning: R3P [1474] (Residential third density, subzone P, exception 1474)

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**DEPARTMENT COMMENTS**

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

**REQUESTED VARIANCES:**

The Owner/Applicant requires the Committee's authorization for Minor Variances from the Zoning By-law as follows:

- a) To permit a reduced total interior side yard of ~~4.54~~ **1.21 metres**, with the south side being 0.21 metres and the north side being ~~4.30~~ **1 metres**, whereas the By-law requires a total interior side yard of 1.8 metres with no side yard less than 0.6 metres. **(As amended)**
- b) To permit an increased front yard setback of ~~5.27~~ **4.52 metres**, whereas the By-Law requires a maximum front yard setback of 3.75 metres. **(As amended)**
- c) To permit a front facing attached garage, whereas the By-law does not permit a front facing attached garage based on the streetscape character analysis.

**DISCUSSION AND RATIONALE**

Since the previous hearing, the application has been revised to comply with the minimum parking space width. Staff are of the understanding that the full 2.6-metre-wide driveway and 2.6 metre wide parking space will be provided.

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 Official Plan designates the property as Neighbourhood within the Inner Urban Transect. Policy 5.2.1 states that development within this transect policy area shall be encouraged to move towards an urban built form pattern, which has a general characteristic of providing no automobile parking, or limited parking that is concealed from the street and not forming an integral part of a building, such as a front facing garage (Table 6). These areas are encouraged to be developed with a focus on multi-modal transportation methods, particularly walking and cycling.

The subject site is zoned R3P[1474] (Residential Third Density, Subzone P, Urban Exception 1474), which allows for a mix of residential building forms ranging from detached to townhouse dwellings. This urban exception requires a minimum front yard setback of 1.5m and a maximum front yard setback of 3m so that the front yards in this area are relatively shallow with an emphasis on built-form relationship with the public realm.

Staff have no concerns with increased front yard setback. The front yard setback is not proposed to change so staff believe that the minor variance was applied for to regularize the existing situation.

Staff have no concerns with the reduced total interior side yard. Staff recognize that the provided 0.21 metre side yard is an existing condition that is not changing as a result of the proposed development.

The subject site is within Mature Neighbourhood Overlay. The Mature Neighbourhoods focus is on appearance from the public realm, with specific attention given to the extent that front yards and corner side yards are used for soft landscaping, driveways and on-site parking, and the orientation and visibility of the front door. The Streetscape Character Analysis (SCA) goal is to capture older neighbourhoods’ distinctive character and ensure a continuation of the “look along the street” as these properties redevelop and intensify over time. The study includes the analysis of 21 units surrounding the subject unit.

The dominant character for the subject site is ABA. The first letter “A” means attached parking or carport that faces the street are not permitted, the study result is 19 houses does not have front facing garage and only two have front facing garage. The second letter “B” means individual single-wide driveways and shared driveway are the dominant, the study result is 19 houses have single-wide driveways and shared driveway and only two do not have driveways. The Third letter “A” means main doors faces the front lot line are the dominant, the study result is 21 houses have their front door facing the front lot line.

Staff noted that the subject site currently has an existing detached garage located in the rear yard that is proposed to be retained. The proposal to attach a new garage to the existing dwelling will impact the appearance from the public realm by dominating the front

facade by the car's storage in a neighbourhood where housing was predominantly built prior to the mass commercialization of the automobile. Also, it appears that the reason for the interior side yard setback variance for the north side is to accommodate a design oriented around a front-facing attached garage, which is not in keeping with the dominant character of this section of Morris Avenue according to the SCA outcome. Since the direction of the Official Plan for this area is to become more urban, including prioritizing the built-form relationship with the public realm through emphasizing front doors and windows, Staff have concerns with the attaching the garage and its compatibility with the existing built form.

## **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. Existing grading and drainage patterns must not be altered.

### **Planning Forestry**

There is one protected tree identified through the TIR. The TIR provides direction on installing tree protection fencing. Material storage and equipment access are not permitted in the critical root zone of a protected tree. The tree protection fencing must be maintained throughout construction. The City of Ottawa's Tree Protection Specification can be found here: [Tree Protection Specification](#)

The applicant's agent confirmed on August 8<sup>th</sup>, 2023, that no construction or modification is planned to the driveway at this time. If there were, roots from the protected tree would need to be severed according to International Society of Arboriculture best management practices if present in conflict with the driveway.

### **Right of Way Management**

The Right-of-Way Management Department has **no concerns** with the proposed Minor Variance Application, as there are no requested changes to the private approach.

*Margot Linker*

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**Margot Linker**

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

A handwritten signature in blue ink, appearing to read "J. Renaud", written over a horizontal line.

**Jean-Charles Renaud, RPP, MCIP**

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