

2024-07-31



MINOR VARIANCE APPLICATION

COMMENTS TO THE COMMITTEE OF ADJUSTMENT

PANEL 1

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 18 Elliot Avenue
Legal Description: Lot 36, Registered Plan 261322
File No.: D08-02-24/A-00139
Report Date: August 1, 2024
Hearing Date: August 7, 2024
Planner: Samantha Gatchene
Official Plan Designation: Inner Urban Transect, Neighbourhood
Evolving Neighbourhood Overlay
Zoning: Residential First Density, Subzone TT (R1TT)
Mature Neighbourhood Overlay

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has 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 site is zoned R1TT and is designated Neighbourhood with the Evolving Neighbourhood Overlay. This site is also located within the Old Ottawa East Secondary Plan, where it is designated Low-rise Neighbourhood. Neighbourhoods are intended for low-rise development that surrounds to its surrounding context and includes soft landscaping. The Secondary Plan section 3.4 Policy Area 4 mandates maintaining the general character of neighbourhoods, and the Official Plan section 5.2.1-part 5a prohibits onsite front yard parking to preserve space intensive landscaping in the Inner Urban Transect.

Staff do not have concerns with variances (c), (d) and (e) to enable the construction of the carport. Access is maintained, the rear yard setback is legalizing an existing condition, and the carport is setback from the principal entranceway such that it does not interfere with the neighborhood streetscape.

Staff have concerns with variances (a) and (b) to permit front yard parking.

The Zoning By-law does not require parking at this location. The proposed front yard parking space will result in a loss of soft landscaping on the site which is the intended priority in of Official Plan Policy 5.2.1(5)(b) over the provision of parking.

Front yard parking is not desirable as it increases the prominence of automobiles, making the principal entrance less noticeable and detracting from the aesthetic appeal of elements such as the front door and windows.

ADDITIONAL COMMENTS

Forestry

The reduction in softscape within the municipal right-of-way runs counter to the Official Plan's section 4.8.2 Policy 3) a) to preserve and provide space for mature, healthy trees on private and public property. This additional parking space within the right-of-way represents a loss of planting space on municipal property and reduces opportunities for future tree planting. This work has already resulted in injury of the street tree, as outlined by the TIR provided, and constitutes a contravention of the tree by-law.

Forestry has no objections to the requested variances to provide accessible and sheltered parking in the rear yard, however the creation of additional parking at the front of the building appears to be unnecessary, considering that there is available street parking.

As per the Official Plan's section 4.8.2 Policy 3) c): Planning and development decisions, including Committee of Adjustment decisions, shall have regard for short-term, long-term, and cumulative impacts on the urban forest at the neighbourhood and urban-wide scale.

Infrastructure Engineering

- The Planning, Development and Building Services Department will do a complete review of grading and servicing during the building permit process.
- 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.
- 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, Development and Building Services Department.
- Existing grading and drainage patterns must not be altered.

Transportation Engineering

- As per Section 11 (1) of the private approach by-law, no private approach width shall exceed 50% of the site frontage (proposed 54% of frontage is hardscaped).

- No comments regarding proposed carport.

Right-of-Way Management

The Right-of-Way Management Department has concerns with the proposed application. Front yard parking area would be over the 50% and a violation of the private approach Bylaw Section 11.

Section 11

1. a private approach shall have a minimum width of 2.4 metres and a maximum width of 9.0 metres, and in no case shall the width exceed 50% of the frontage on which the approach or approaches are located. (2015-107)

In addition, with only 4.4m of parking space in the front yard and not the required 5.2 m, no parking is permitted in the ROW through 2 other municipal Bylaws. Use and Care of roads Bylaw and the Parking and Traffic Bylaw. Average car length is around 4.5m to 4.8m

If changes are made to comply and a variance is granted, Private approach permits are required to construct any newly created or modified driveway/approaches and/or close redundant approaches.

Please contact the ROW Department for any additional information at rowadmin@ottawa.ca and visit the City webpage [Driveways | City of Ottawa](http://Ottawa.ca/Driveways) to submit a Private Approach application.



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