

2024-08-01



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 946 Colonel By Drive
Legal Description: Part of Lot 2, Registered Plan 189366
File No.: D08-02-24/A-00167
Report Date: August 1, 2024
Hearing Date: August 6, 2024
Planner: Margot Linker
Official Plan Designation: Inner Urban Transect, Rideau Canal Special District
Zoning: R3Q [2118] H(9) (Residential Third Density, Subzone Q, Urban Exception 2118, Maximum Height of 9 Metres)

REQUESTED VARIANCES

The Applicant requires the Committee's authorization for minor variances from the Zoning By-law as follows:

a) To permit an increased building height of 11.74 metres, whereas the Zoning Bylaw permits a maximum building height of 9 metres.

b) To permit a rooftop patio or deck, whereas the Zoning By-law prohibits rooftop patio and decks on this site. (as amended by Planning Staff)

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 subject site is located within the Inner Urban Transect and designated Rideau Canal Special District in Schedules A and B2 in the Official Plan. This area is intended to encourage new sensitive development while respecting and reinforcing the existing physical character of the first row of properties along the Rideau Canal in terms of building footprint, height, massing, scale, setback and landscape character.

The first row of properties along the Rideau Canal were rezoned based on a Focused Zoning Study in response to concerns regarding the nature of infill along Colonel By Dr. Along with an urban exception and maximum height suffix, the heritage overlay was placed over the properties to maintain the primacy of the original buildings. The subject site is zoned R3Q[2118] H(9), which is site-specific zoning resulting from an Ontario Municipal Board Decision that recognized the site was smaller to others in the scope of the Focused Zoning Study. The site is not subject to the heritage overlay, but the site-specific zoning does introduce similar restrictions.

Staff have concerns regarding the proposed addition. The intent of the maximum building height is to ensure that existing dwellings on the street are not dominated by infill development. Staff do appreciate fourth storey step backs from front and rear, but remain concerned regarding visual impacts of the massing from the sides.

The heritage overlay on surrounding sites prohibits additions above the existing building, such as rooftop terraces above an existing building. The urban exception on the subject property prohibits rooftop terraces to maintain the intent from the Focused Zoning Study onto this site. The proposed rooftop patio, which is not located on the uppermost storey, is above the maximum 9 metre building height, the maximum permitted size, and will still be visible from the street and canal according to the plans submitted. Staff have some concerns regarding the proposed rooftop terrace in this context.



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