

2024-08-28



**MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 81 Burland Street
Legal Description: 1000377383 Ontario Inc.
File No.: D08-02-24/A-00203
Report Date: August 28, 2024
Hearing Date: September 3, 2024
Planner: Elizabeth King
Official Plan Designation: Outer Urban Transect, Neighbourhood, Evolving
Neighbourhood Overlay
Zoning: AM [2181] H(11)

DEPARTMENT COMMENTS

The Planning, Development and Building Services 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. Staff are satisfied that the requested minor variance(s) meet(s) the “four tests”.

81 Burland is zoned Arterial Mainstreet Urban Exception 2181, the intent of this zone is to accommodate a range uses including residential uses and retail and commercial uses and imposing development standards that promote intensification while ensuring compatibility.

The proposed 7-unit low-rise apartment dwelling is a permitted use within the AM zone. The requested variance (a) to reduce the interior side yard to the north to 3 metres, whereas the Zoning By-law required 7.5 metres, which is meant to buffer non-residential uses from abutting residential properties. Staff consider this variance minor since the proposal is a new residential use that abuts existing residential use.

Staff also consider variance (b) to reduce the residential parking to 3 spaces whereas the Zoning By-law requires 8 spaces also to be minor as the proposal is providing alternatives such as 7 bicycle parking spaces and the site is in proximity to transit

services along Carling Avenue and major transit areas such as Bayshore and Pinecrest stations.

However, Staff have **some concerns** with variance (c) to reduce the visitor parking to 0 spaces whereas the Zoning By-law requires 1 space. As per the Zoning By-law Section 102 Table 102, a low-rise apartment is a land use that is required to provide off-street visitor parking. While the variance is a small reduction, it may be difficult mitigate the impacts of no designated off-street parking space for visitors.

ADDITIONAL COMMENTS

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.
- Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
- 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**.
- A private approach permit is required for any access off of the City street.
- Existing grading and drainage patterns must not be altered.
- Existing services are to be blanked at the owner's expense.
- 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 (i.e., gas, hydro, etc.).
- Provide a minimum of 3m between the proposed driveway and the fire hydrant.
- Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
- In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.
- Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).

Planning Forestry

There is one tree identified for removal in the TIR, due to construction impacts as well as its current fair/poor condition. The outcome for this tree is not affected by the requested variances, however, with the increased density proposed on site (1-7 units), it is not considered possible to retain this tree. 3 compensation trees are proposed, as required; species and location on site must be determined in accordance with Hydro Ottawa guidelines and appropriate setbacks from structures.

There are a number of other trees on the subject and adjacent properties which are not protected under the tree by-law but should be retained where possible.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Application. However, the Owner shall be made aware that private approach permits are required to construct or modify any newly created driveway/approaches in the Right-of-way. In addition, gravel is not a permitted material in the ROW. Lastly, the private approach Bylaw requires a 0.3m setback from the neighboring property line or written permission from the neighboring property owner allowing less.

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

Transportation Engineering

The proposed low-rise apartment building, comprising 7 residential units, is situated in Area C (Suburban) under the Consolidated Zoning By-law 2008-250, as amended by By-law 2016-249. The current development proposal includes 3 residential parking spaces. However, the zoning by-law mandates a minimum provision of 8 resident parking spaces and 1 visitor parking space.

Any additional residential or visitor parking demand will need to be accommodated by surrounding on-street parking spaces. The east side of Burland Street is signed as 'No Parking,' and there are no on-street residential parking permit zones or municipally operated off-street parking facilities in the vicinity of this development.



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