

2024-10-10



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 290 Montfort Street
Legal Description: Part of Lot 76, Reg. Plan 246
File No.: D08-02-22-A-00125
Report Date: October 09, 2024
Hearing Date: October 15, 2024
Planner: Nivethini Jekku Einkaran
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving
Neighbourhood Overlay
Zoning: R4UA

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **requests an adjournment of** the application for staff to further discuss with the applicant about the rear yard access and the proposal.

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 property is zoned as R4UA – Residential Fourth Density Zone, Subzone UA. The property is located in the Inner Urban Transect and designated as Neighbourhood, as per Schedules A and B2 of the Official Plan. This area allows for a wide range of residential building types from detached to townhouses and low-rise apartment dwellings not more than four storeys in height.

Staff have concerns about the requested variance for front yard setback as it seeks a fifty percent reduction, in contravention to the Official Plan policy to maintain front yard area for trees and intensive landscaping. Staff have concerns about the reduced side yard setbacks as it would create inadequate access to the rear yards of 292 and 294 Montfort Street as the side yard setback of 292 Montfort is currently at 0.29 m and there is no side setback along the property line between 294 and 296 Montfort. Staff have concerns about the minimal to no rear yard areas, no space for tree planting, soft landscaping and amenity areas created as an outcome of the proposed development.

Although the Official Plan policies support the type of gradual intensification that could occur from the conversion of the existing semi-detached dwelling to a townhouse dwelling, it results in overdevelopment of the already undersized lot at this site. The proposed development is also not in keeping with the Official Plan policies to increase tree cover in the urban areas as there is no space for tree planting on the site through a combination of existing conditions and new development.

While the units are unsevered at present, the requested variances could create issues during future severance process as additional minor variances may be required to meet the Zoning By-law requirements. Staff believe that most of the requested minor variances arise from regularizing an existing non-confirming situation.

ADDITIONAL COMMENTS

The front yard of the subject property is mostly comprised of driveway at present. While part of the driveway along 292 Montfort Street enjoys Legally Non-Conforming Rights, the remaining driveway along 290 Montfort Street must be removed, and soft landscaping must be reinstated if the minor variance application is approved.

Infrastructure Engineering

1. The **Planning, Development and Building Services 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, Development and Building Services Department**.
4. A private approach permit is required for any access off of the city street.
5. Existing grading and drainage patterns must not be altered.
6. Existing services are to be blanked at the owner's expense.
7. 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 (ie, gas, hydro, etc.).
8. Existing Catch Basin is not to be located within the driveway.
9. Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).

Planning Forestry

The two City-owned trees along Montfort must be retained through construction. The layout of tree protection fencing shown in the TIR is in very close proximity to the existing dwelling and appears to conflict with the proposed location of the front entrance stairs.

The plans should be redesigned to avoid impacts to the permeable space in the right-of-way.

The tree protection fencing must be maintained through decommissioning of services and demolition of the dwelling. Removing or moving the fencing would be a contravention of the by-law and may result in stop work orders and fines.

The applicant should consider planting a tree in the rear yard, to contribute to the urban tree canopy target of 40%.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Minor Variance Application, however, the Owner shall be made aware that a private approach permit is required to construct any new entrance, as well as to close an existing entrance that becomes redundant. **Please contact the ROW Department for further information at rowadmin@ottawa.ca.**

Transportation Engineering

- Montfort Street along the site frontage is anticipated to undergo integrated road, sewer, and water renewal within the next 1-2 years. Construction coordination may be required with the City of Ottawa infrastructure project manager. Contact vanessa.black@ottawa.ca to discuss road renewal plans and coordination.
- Reduce the width of the existing depressed curb such that the existing front yard parking is retained in front of 292 Montfort Street only. The space in front of the 290 Montfort Street addition will be too short to serve as parking. Therefore, replace the depressed curb in front of 290 Montfort Street with full height curb and sidewalk to City standards.



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