

2024-10-09



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 37 Tower Road
Legal Description: Lots 917 and 916, Registered Plan 375
File No.: D08-02-24/A-00222
Report Date: October 9, 2024
Hearing Date: October 15, 2024
Planner: Elizabeth King
Official Plan Designation: Outer Urban Transect, Neighbourhood
Zoning: R1FF [632]

At the September 16, 2024 hearing, the Committee of Adjustment adjourned the application to allow the applicant additional time to address concerns with the application, have discussion with residents and City Staff since variances were being amended and/or removed from the original application.

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **requests an adjournment of** the application until the updated plans and confirmation on the amended variances are submitted to the Committee of Adjustment and can be reviewed by Staff. Staff received a revised site plan dated September 11, 2024 and confirmation of the revised variances.

- a. To permit 2 vehicle parking spaces in the corner side yard, whereas the By-law prohibits parking abutting a street in a required and provide corner side yard.
- b. To permit a reduced soft landscape area of **21.9%** ~~40.7%~~ of the corner side yard fronting on Pender Street, whereas the By-law requires a minimum soft landscape area of 40%.
- c. ~~To permit a reduced soft landscape area of 32.3% of the front yard fronting on Tower Road, whereas the By-law requires a minimum soft landscape area of 40%.~~
- d. ~~To permit a driveway width of 7.60m fronting on Tower Road, whereas the By-law permits a maximum driveway width of 5.5 metres.~~

- e. ~~To permit a driveway width of 6.71m fronting on Pender Street, whereas the By-law permits a maximum driveway width of 6.0 metres.~~
- f. ~~To permit the walkways fronting on Pender Street to have no separation from the driveway, whereas the By-law requires the walkway to be separated by at least 0.6m of soft landscaping.~~
- g. To permit a 2.50m wide walkway fronting on Pender Street, whereas the By-law permits a maximum width of 1.2m.
- h. ~~To permit a 7.47m wide walkway fronting on Pender Street, whereas the By-law permits a maximum width of 1.2m.~~
- i. ~~To permit a 2.44m wide walkway facing Tower Road, whereas the By-law permits a maximum width of 1.2m.~~

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 not satisfied that the requested minor variances meet the “four tests” and are recommending the refusal of the application because of cumulative impacts of the requested minor variances.

37 Tower Road is zoned Residential First Density Subzone FF Exception 632, the requested variances seek relief from Section 109 and Section 139 of the Zoning By-law which are the residential development standards for driveways, walkways, parking, and landscaped space. The intent of these development standards is to ensure consistent development standards throughout the neighbourhood (i.e., similar driveways and walkway widths) and ensuring that any land not occupied by buildings or hardscaping, is soft landscaped to encourage infiltration and stormwater management, and to provide opportunities for tree-plantings to meet the tree canopy policies in the Official Plan.

Staff reviewed the revised Site Plan dated September 11 and noted the concerns expressed by Staff have not been addressed as no justification was submitted that the proposed variances satisfy the “four tests”. Staff also noted that the interlock walkway along Pender Street was labelled “interlock ramp” and Staff require further details on this change.

The proposal results in the loss of soft landscaping and potential of tree planting, a common characteristic of corner lots. The majority of the driveway and walkways on Pender at this site on 37 Tower are located on the city-owned portion, which is intended to include a ditch to assist with stormwater management for the neighbourhood.

Staff have reviewed the requested variances individually and cumulatively and have concerns about the proposed variances, particularly with the variances associated with Pender Street. Staff are not satisfied that the variances to permit parking in the corner yard and associated walkways and driveways meet the intent of the Zoning By-law, are appropriate development within the neighbourhood, and are minor.

ADDITIONAL COMMENTS

Infrastructure Engineering

- A grading 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 Catch Basin is not to be located within the driveway.

Planning Forestry

The proposed variances would significantly increase the area of hard landscaping on a corner lot compared to what is allowable through zoning. One of the purposes of soft landscaping requirements is to provide sufficient greenspace to plant trees to meet the Official Plan goals for 40% canopy cover and to improve the streetscape conditions of the site. It is considered that other designs could allow for both accessibility and greenspace for water infiltration, tree planting, and come closer to meeting the zoning for the site. These variances are not supported from a tree planting standpoint. A revised design should be provided along with a planting plan showing a minimum of one new 50mm of a large-growing species in each ROW.

Right of Way Management

The Right-of-Way Management Department has **concerns** with the proposed Minor Variances and have provided the comments for the following variances:

(a) The ROW **will not support** this parking space in the road allowance. The parking space located completely in the right of way is a violation against the Use and Care of Roads By-law as well as the Traffic and Parking By-law. In brief, an improved surface entirely within the Right of Way is not a Private Approach and can instead be dealt with under: Use & Care of Roads as encumbering/damaging a highway and/or under Traffic and Parking By-law (for example, for parking on a boulevard). Additionally, Section 7. No person shall park a vehicle or permit a vehicle to remain parked on any highway.

~~(d) The ROW only supports the private approach to be as wide as the approved~~

~~garage width. So even if the minor variance is granted for the 7.6m driveway on private property, the private approach would be limited to 5.4m as outlined on the plan.~~

~~(e) Refer to variance (a) comment.~~

(g) The ROW **does not support** the walkway to extend into the ROW.

~~(h) The ROW **does not support** the walkway to extend into the ROW.~~

(j) The ROW **does not support** any of these walkways, driveway in the ROW because they do not lead to legal parking spaces. This width is not considered a 16.68m private approach for this reason.

Private approach permit is required to construct any newly created or modified driveway/approaches or close redundant approaches. The private approach on Tower Road frontage would need to be formalized with a PA permit. Please contact the ROW Department for any additional information at rowadmin@ottawa.ca or visit the City webpage [Driveways | City of Ottawa](#) to submit a Private Approach application.

Transportation Engineering

Transportation Engineering Services cannot support the multiple variances related to the driveways and adjacent walkways. It is recommended that the proponent demonstrate that the walkways and driveways have been minimized to accommodate a single accessible vehicle on Pender Street and the required ancillary walkways. All excess hardscaping should be removed.



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