

Committee of Adjustment
Application for Minor Variance
City of Ottawa
101 Centerpointe Drive
Ottawa, ON K2G 5K7

February 16th, 2023

Cover Letter

Dear Committee Member,

Reference: Application for Minor Variance
241 Hillcrest Road, Ottawa, ON K1M 0J4

This is an application filed by the owners, ChuQi Liang and Xiaobei LI, to facilitate the second-floor addition on an existing non-conforming 1st floor building at 241 Hillcrest Rd, Ottawa, ON. The subject property is known municipally as 241 Hillcrest Rd. and is legally described as part of Lot 10 Hillcrest Road. The property is located on the corner lot between Hillcrest Road and Montagu Place.

The subject property has a total lot area of 1120m², a frontage of 36.58m along Hillcrest Rd, and a property depth of 30.48m. The property is designated as General Urban Area on Schedule B of the City of Ottawa Official Plan and is zoned R1BB9[1258] (Residential First Density Zone, Subzone BB, urban exception 1258) in the City of Ottawa Comprehensive Zoning By-law No. 2008-250. A two-story detached dwelling is presently constructed on the subject property.

Project Description

As the property owner, we have submitted building permit applications to construct an addition to an existing building located in the R1BB [1258] zone, where the minimum required rear yard setback is 12m. Despite the front entrance of the house being located on Hillcrest Road, the lot line abutting Montagu Place is considered as the front lot line. Using Montagu Place as the front lot line, the existing building is currently located at 9.67m from the rear yard setback and is considered non-compliant.

It has been proposed by Zoning plan examiner to move towards compliance with the zoning regulations such that the proposed addition falls at least halfway between required provision and existing non-complying situation. In this situation, the halfway point between the minimum required rear yard setback (12m) and the existing rear yard setback (9.67m) is 10.83m. However, after consultation with Heritage Planning Branch, they have suggested that the addition to west side of the building extend the existing building footprint.

To proceed with the proposed addition, we will need to obtain a minor variance from the Committee of Adjustment to seek relief as the expansion of the non-complying building envelope will not meet the minimum required rear yard setback.

Minor Variance Application

The purpose of this application is to see relief from Provisions of Zoning By-law No. 2008- 250, as it relates to the proposed addition on an existing non-complying building with respect to rear yard setback:

Zoning By-Law No. 2008-250 Bylaw Requirement: Part 6 Section 156, Table 156A, Subzone R1BB, Column VII – to permit an addition to an existing building on a reduced rear yard setback of 9.67m, whereas the By-law requires a minimum rear yard set back of 12m for permitted additions to non-complying buildings.

The subject property is designated as Inner Urban Area by the City of Ottawa's Official Plan under the Volume 2A Urban Secondary Plans for Rockcliffe Park. Through consultation with City's Heritage Planner, the proposed addition would follow the goals and objectives set out about in the secondary plan specifically pertaining to the intent in maintaining the neighborhood and heritage character and continued conservation of the existing building envelope, as the proposal seeks to enlarge but maintain a uniformity of the visual characteristics of building and how it characterizes the community. This would also go hand in hand with continuing the quality design and consistency within Rockcliffe Park, rather than having an addition that is not flush with the existing building footprint.

The proposed addition to the existing building will be built upon the footprint of the existing 1st floor building located on the west side of the building and would be accessed by the existing building through the second floor of the building. The proposed addition would not add to or affect the current total building footprint or area.

As part of the application, an analysis of the four tests of Minor Variance was conducted.

Four tests of Minor Variance:

1. The variance is minor: The requested variance is considered minor as it does not substantially deviate from the existing zoning by-laws and is in line with other similar variances previously approved in the same neighborhood.
2. The variance is desirable for the appropriate development or use of the property: The proposed variance is essential for the appropriate development or use of the property, as it will enable the property owner to make necessary improvements or alterations that will enhance the functionality and usability of the property.
3. The general intent and purpose of the Zoning By-law is maintained: Despite the requested variance, the general intent and purpose of the Zoning By-law is maintained. The variance does not undermine the basic principles of the Zoning By-law and will not lead to any negative impact on the surrounding area, especially as the building area will not expand on the total lot area.
4. The general intent and purpose of the Official Plan is maintained: The proposed variance is in line with the general intent and purpose of the Official Plan, as it will not impede the planned development or growth of the area. The variance is consistent with the objectives and policies of the Official Plan, and it does not conflict with any long-term plans for the area.

The second storey addition flush with the main floor addition does not seek any more relief from the existing non-compliant situation and is, in my opinion, minor in nature.

In Support of the minor variance applications, please find the following enclosed:

- A completed Application Form (1 copy)
- Cover Letter (1 copy)
- An up-to-date Survey Plan of the entire subject property (1 full-sized copy and 1 letter sized copy)
- Site Plan (1 full-sized copy and 1 letter sized copy)
- Elevation drawings (1 full-sized copy and 1 letter sized copy)
- Ontario Heritage Act Heritage Permit (1 copy)
- A copy of an email from Planning Forester releasing TIR Requirement (1 copy)
- A cheque in the amount of \$2,671 for Minor Variance Application Fee

Thank you for your consideration,

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