

Committee of Adjustment
101 Centrepointe Drive
Ottawa, ON K2G 5K7

March 28, 2023

Attention: Mr. Michel Bellemare
Committee of Adjustment, Secretary-Treasurer

Dear Mr. Bellemare,

Re: Application for Minor Variances
314 Queen Elizabeth Driveway, Ottawa ON

Committee of Adjustment
Received | Reçu le
2023-03-30
City of Ottawa | Ville d'Ottawa
Comité de dérogation

JD Planning has been retained by Michelle Sample (the 'Owner') to submit an Application for Minor Variances for the property municipally known as 314 Queen Elizabeth Driveway (the 'Site'). The proposal is to retain, renovate, and slightly expand the existing three-storey dwelling to create a more functional and accessible home. The dwelling presently enjoys some legally non-complying conditions under the zoning by-law, and to facilitate the renovation and expansion, minor variances to the zoning by-law are required.



Figure 1. Rendering of proposed renovations prepared by FNDA Architecture Inc.

The requested variances are as follows:

- a) To permit a lot area of 193.9 square metres whereas the by-law requires 195.0 square metres (Table 160A);
- b) To permit a front yard setback of 0.5 metres at the closest point whereas Section 3(3)(b) of the by-law requires that an addition or expansion to a non-complying building must move towards compliance such that the addition falls between halfway of the required and existing non-complying situation, or 1.0 metres in this case;
- c) To permit a rear yard setback of 0.0 metres or 0% of the lot depth whereas Section 3(3)(b) of the by-law requires 3.94 metres or 22% of the lot depth in this case;
- d) To permit a rear yard area of 0.0 square metres or 0% of the lot area whereas Section 3(3)(b) of the by-law requires a rear yard area of 36.04 square metres or 18% of the lot area in this case;
- e) To permit an interior side yard setback of 0.0 metres at the closest point whereas the by-law requires an interior side yard setback of combined 1.8 metres with one no less than 0.6 metres (Table 160A);
- f) To permit an exterior wall setback of 0.25 metres for a rooftop terrace whereas the by-law requires 1.5 metres (Table 55(8)(a));
- g) To permit a rooftop terrace access setback of 0.0 metres along the rear exterior building wall whereas the by-law requires a setback equal to its height or 2.90 metres in this case (Table 55(8)(d)(i));
- h) To permit steps leading to the principal entrance to be located 0.0 metres to the front lot line whereas the by-law requires steps located at or below the floor level of the first floor to project no closer than 0.6 metres to a lot line in a front yard (Table 65(5));
- i) To permit a porch/deck in the front yard where the walking surface is not higher than 0.6 m above adjacent grade to be located 0.28 metres from the front lot line whereas the by-law requires the projection be located no closer than 1.0 m to the property line (Table 65(6)).

SITE & SURROUNDING CONTEXT

The site is a small, irregularly-shaped interior lot with its technical road frontage on the west side of Queen Elizabeth Driveway, located in the Glebe – Dows Lake neighbourhood in Ward 17 – Capital. The Glebe is a vibrant urban neighbourhood primarily characterized by low-density residential development including single-detached, semi-detached and townhouse dwellings in a range of sizes and ages, with various mid-density condo and apartment buildings throughout. The neighbourhood is generally located south of Highway 417, west and north of the Rideau Canal, and east of Dows Lake and Lebreton Street South. The neighbourhood is bordered by the Rideau Canal and Queen Elizabeth Driveway, which is the National Capital Commission-owned multi-use pathway system offering recreational opportunities for the residents in all seasons and offers greenspace and a pathway network throughout the city. The neighbourhood also features low-rise commercial and retail uses along Bank Street which serves as a hub of community activity and connects to the downtown core to the north, and Old Ottawa South and Billings Bridge to the south, then further south to the rural area. Lansdowne Stadium is located to the south which features a sports and entertainment facility as well as retail, restaurant and community uses. Within the immediate area are several schools: First Avenue Public School, Ottawa Montessori School, Glebe Montessori School, Glebe Collegiate Institute, Corpus Christi School, and Mutchmor Public School. Parks in the area include Chamberlain Park, Central Park and Patterson’s Creek Park to the northwest, Glebe Community Centre and St James Tennis Courts to the southwest, Lionel Britton Park and Sylvia Holden Park Annex to the south, and Lansdowne Park to the south.

Figure 2 below demonstrates a 3D aerial image of the immediately surrounding context including low-rise dwellings and mid-rise apartments, with the subject site indicated in red.



Figure 2. 3D aerial imagery of subject site and surrounding context (Google Maps)

More specifically, the site is located within the block bounded by Queen Elizabeth Driveway to the east, First Avenue to the north, O'Connor Street to the west, and Second Street to the south. The property is an irregularly shaped interior lot with its technical frontage on the west side of Queen Elizabeth Driveway, however, its driveway access is from the north side of Second Avenue.

The following residential building types are directly adjacent to the site:

- **North (side yard)** Two-and-a-half- storey townhouse dwellings
- **East (front yard)** NCC Parkway (Queen Elizabeth Driveway); Rideau Canal
- **South (side yard)** Two-and-a-half storey single-detached dwelling
- **West (rear yard)** Two-and-a-half storey single-detached dwelling

The site presently contains a three-storey white stucco dwelling which occupies a high percentage of the lot area, and enjoys non-complying lot area, front yard setback, height, and accessory building setbacks. The dwelling presently features a unique design with irregular building wall articulations and rooflines. The second and third storeys angle closer towards the front lot line than the principal entrance, with a curved roofline, as shown in Images 1, 2 and 3 below. The front yard presently features tiered stone planting beds which traverse the front lot line onto NCC property, and stone steps leading to the NCC pathway. There is a wooden deck along the south interior side yard. In the rear yard, there is a one-storey flat roof detached single car garage which is accessed by the driveway along the west interior side lot line of 1 Second

Avenue via an easement for access. The garage presently overhangs the lot lines, which will be corrected in the property renovations. The garage is currently separated from the principal building and is technically detached, however the distance between the garage and the dwelling is insufficient for access between. The proposal is to expand the garage slightly to attach it to the principal dwelling, which will be further detailed in this report. Figure 3 below shows the subject site and property lines highlighted in blue, with the approximate garage location shown in gold solid lines and the easement indicated in gold hatched lines. There is no direct vehicular access from Queen Elizabeth Driveway or the front yard, with pedestrian access only from the NCC pathway, and vehicular access over the easement from Second Avenue.



Figure 3. Site showing existing property lines in blue (GeoOttawa, 2021)

The site consists of the following specifications and legal description:

Area	193.9 m ²
Frontage	13.10 m
Depth	18.10 m
Legal Description	Part of Lot E, West of Driveway, Registered Plan 35085
PIN	04132-0271

Images 1 through 3 below represent the existing site conditions, while Images 4 through 8 represent the immediately surrounding context and built form.



Image 1. Subject site looking west from NCC multi-use pathway along Queen Elizabeth Driveway (2023)



Image 2. Subject site looking northwest from NCC multi-use pathway along Queen Elizabeth Driveway (2023)



Image 3. Subject site looking north from NCC multi-use pathway along Queen Elizabeth Driveway (2023)



Image 4. Subject site and adjacent properties looking northwest from Second Avenue (Google Maps, 2021)



Image 5. Adjacent properties and easement access to site looking northwest from Second Avenue (Google Maps, 2021)



Image 6. Adjacent properties looking northwest from Queen Elizabeth Driveway (Google Maps, 2022)



Image 7. Subject site and adjacent properties looking west from Queen Elizabeth Driveway (Google Maps, 2022)



Image 8. Aerial imagery of subject site looking north (Google Maps, 2022)

PROPOSED DEVELOPMENT

The Owner is proposing to renovate and slightly expand the existing three-storey single-detached dwelling to make it more functional and for their family, in addition to adding an elevator to make the home fully wheelchair accessible. The site enjoys non-complying site conditions, including rear yard setback and area, front yard setback, front yard stair projections, accessory building (detached garage) size and area, garage interior side yard and rear yard setbacks, and, garage setback from principal dwelling. Figure 4 provides an extract of the survey plan showing existing site conditions.

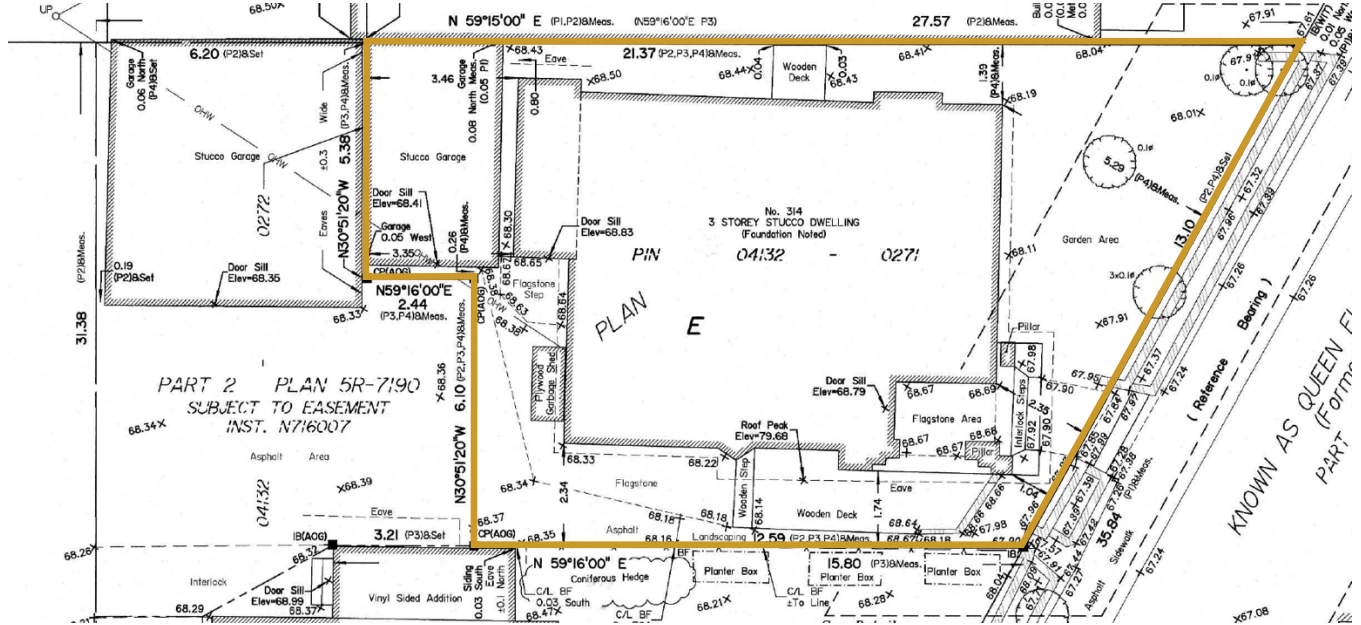


Figure 4. Extract of plan of survey prepared by Annis O'Sullivan Vollebakk Ltd.

The proposal is to renovate the dwelling, as shown in the enclosed site plan, existing conditions elevations, and proposed elevations. The development details are presented in Table 1 below.

Table 1. Development details

Lot Area	139.9 m ²	Building Height	10.0 m
Lot Width	11.47 m	Rear Yard Setback	0.0 m
Front Yard Setback (Ground Level)	1.04 m	Rear Yard Area	0.0 m ²
Front Yard Setback (3 rd Storey)	0.5 m	Rooftop Terrace Access Height	2.9 m
Interior Side Yard Setback (Min.)	0.0 m	Rooftop Terrace Access Size (Elevator)	7.25 m ²
Interior Side Yard Setback (Max.)	1.42 m	Rooftop Terrace Access Size (Stair)	8.75 m ²

The notable site alterations and development details are summarized as follows and shown in Figure 5 below:

- Retain most existing building setbacks as-is and renovate to create a more functional and appropriate home for the family;
- Replace the existing curved and irregular roofline with a full flat-roof with compliant height, and provide a rooftop terrace which serves as the proposed outdoor amenity space for the dwelling;

- Expand the ground level building envelope at the front of the dwelling slightly within the permitted building envelope and add a small patio area accessed from the second storey above the first floor living space, facing Queen Elizabeth Driveway (refer to purple overlay on Figure 5);
- Expand the ground level building envelope at the most rear wall of the dwelling to install an elevator which extends from ground level to the rooftop terrace to create a wheelchair accessible home (refer to purple overlay on Figure 5);
- Shift the garage walls slightly along the rear and most northerly interior side lot lines to ensure they are fully within the property boundaries, as they presently cross property lines;
- Expand the garage slightly towards the rear wall of the principal dwelling to create an attached garage rather than detached accessory building, eliminating the non-complying distance between the two buildings while also creating a sufficiently wide garage for modern vehicles (refer to yellow overlay on Figure 5);
- Expand the garage slightly towards the southerly interior side lot line to create enough depth for a modern vehicle (refer to yellow overlay on Figure 5);
- Enlarge existing deck within interior side yard and wrap along front façade to create at-grade outdoor amenity space and interaction with parkway; and,
- Rebuild existing stone steps to front lot line for pedestrian connectivity to the NCC multi-use pathway.

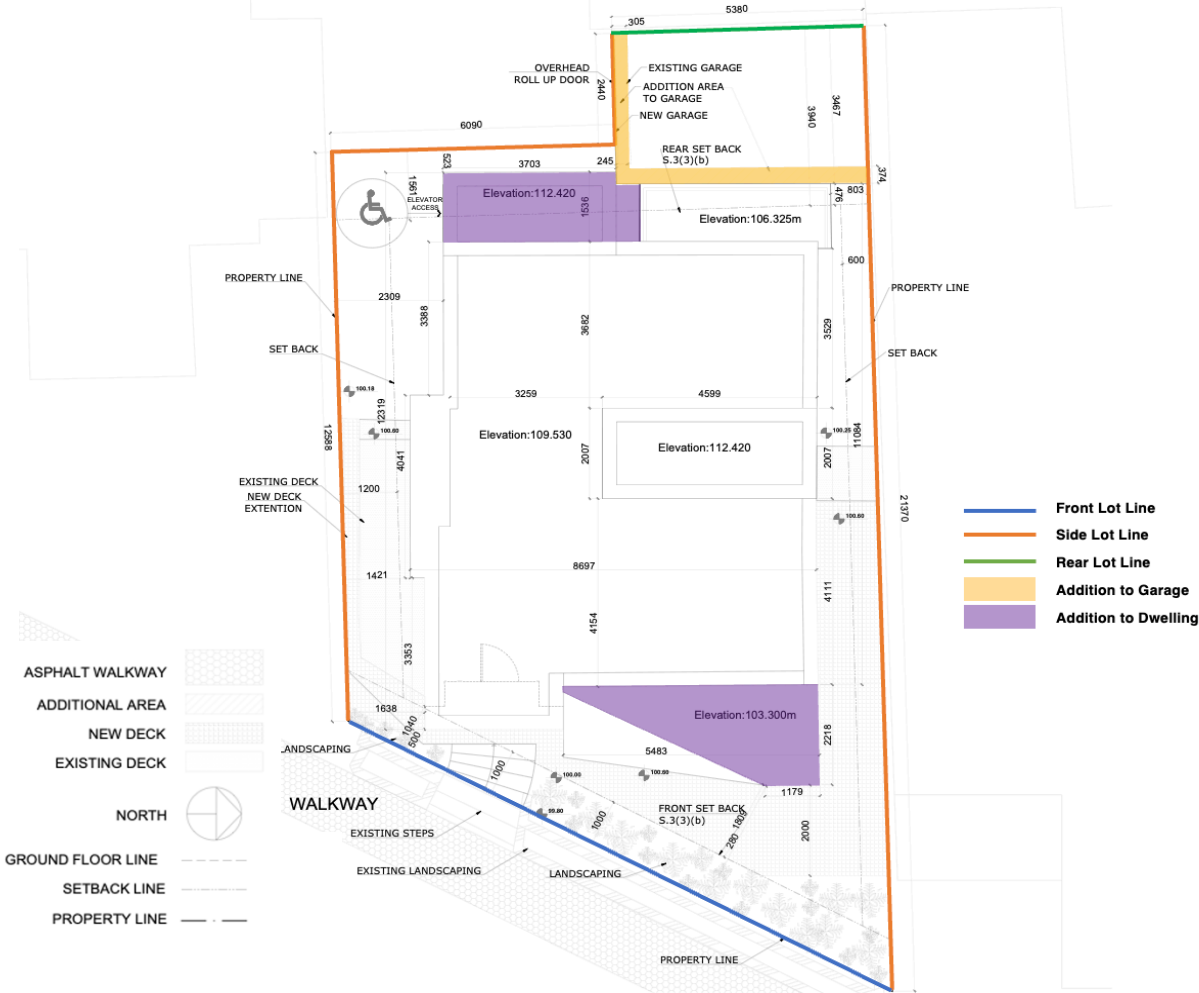


Figure 5. Site plan extract prepared by FNDA Architecture with added mark-up by JD Planning

PROVINCIAL POLICY STATEMENT 2020

The Provincial Policy Statement 2020 (PPS) provides policy direction on planning matters for the Province of Ontario. Decisions affecting all planning matters shall be consistent with the Provincial Planning Policies. The proposed residential development is consistent with the applicable policies of the PPS, as demonstrated below.

Section 1.1.1 of the PPS states that healthy, livable, and safe communities are sustained by:

- a) “promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial) [...] to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;”...

Section 1.4.1 of the PPS states that “to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a) “maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans”.

→ In the above PPS policies, there is a significant emphasis on efficient development that is safe, respects the natural environmental, uses available infrastructure, and provides for the needs of the community in both the short- and long-term. The proposed renovation and slight expansion of the existing non-complying single-detached dwelling has been designed in a context-appropriate and desirable manner that is both accessible and of its time. The slight addition to the garage footprint to create a functional attached garage and addition to the principal building to create an accessible elevator access to the home will minimally increase the overall footprint of the existing dwelling. Several of the homes in the surrounding area feature non-complying setbacks, and the proposal is in keeping with the existing character of the neighbourhood while responding to the unique lot shape and orientation. The development complies with the required building height under the zoning and

adds usable and accessible outdoor amenity space for the homeowners in a rooftop terrace that will not be visible from the street (QED or Second Avenue), or impactful to surrounding neighbours. The interior side yard setbacks for the principal building along the most northerly and southerly lot lines are zoning compliant. The required rear yard setback and interior side yard setback reductions are largely influenced by both the existing non-complying conditions and the need to expand the garage slightly to attach it to the principal dwelling, thereby triggering zoning provisions related to the principal dwelling setbacks rather than accessory building.

- The site is serviced by municipal water, sewer and storm which have the capacity to support the renovations and slight expansion to the existing single-family home. The use of existing municipal roads and services is an appropriate and efficient use of resources. Further, the retention of an existing building and its renovation to create a functional and accessible home for a growing family in the urban area is a sustainable approach to redevelopment. The proposed development and minor variances represent a form of development that fits and functions well within the City’s Urban Area.

OFFICIAL PLAN

The City of Ottawa’s New Official Plan was adopted by Council on November 24th, 2021 (By-law 2021-386) and approved (with modifications) by the Ministry of Municipal Affairs and Housing on November 4th, 2022. The subject site is designated Special District – Rideau Canal within the Inner Urban Transect Policy Area in the New Official Plan, as shown in Figure 6 below.

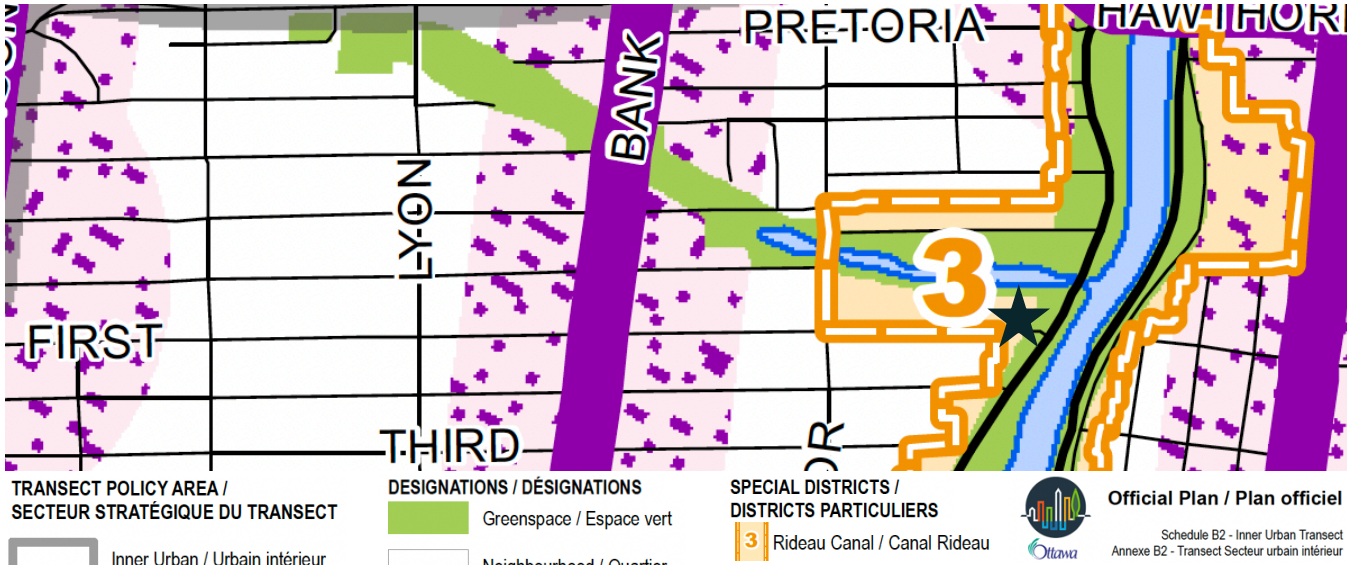


Figure 6. Extract of Official Plan – Schedule B2 – Inner Urban Transect

Section 4: City-Wide Policies sets out policy intent that is to be applied throughout the City. **Section 4.2 Housing** provides for policies specific to the provision of housing. The OP states that “[a]dequate, safe and affordable housing makes Ottawa a good place to live and do business. Housing that meets needs across ages, incomes and backgrounds and supports accessibility needs is a key requirement for health and well-being as well as attracting and retaining highly skilled labour and new businesses. Healthy communities include a variety of housing types.” The OP supports a diversity of housing types, which also includes larger ground-oriented family homes with higher bedroom counts. **Section 4.2**

Urban Design states that “[n]ew development should be designed to make healthier, more environmentally sustainable living accessible for people of all ages, genders and social statuses”. **Section 4.6.5** states that “[d]evelopment shall demonstrate universal accessibility, in accordance with the City’s Accessibility Design Standards. Designing universally accessible places ensure that the built environment addresses the needs of diverse users and provides a healthy, equitable and inclusive environment.

Section 5: Transects sets out policies for the City’s six transects areas which represent the evolution of built form and planned function of the areas. The Urban Transects feature various built form characteristics that are typical for the urban area, including “shallow front yard setbacks and in some contexts zero front yards with an emphasis on built-form relationships with the public realm, ranges of lot sizes that will include smaller lots, and higher lot coverage and floor area ratios, buildings attached or with minimal functional side yard setbacks, small areas of formal landscape that should include space for soft landscape, trees and hard surfacing, and limited parking that is concealed from the street.”

Section 6.6.2.2 The Rideau Canal Special District sets out policies related to the first row of properties along the Rideau Canal, which is a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Site and National Historic Site. New development is intended to respect and reinforce the existing physical character of the area. The OP states that a Secondary Plan may be drafted in the future for these areas. The following policies applies to the first row of properties along the Canal:

- i) “Development will respect the existing patterns of building footprints, height, massing, scale, setback and landscape character within the associated streetscape...
- iii) Carefully consider the visual relationship between the site and the Canal, including the adjacent or nearby federal parkways and the preservation of mature trees by ensuring the continuity of the existing landscape patterns, orientation of buildings and preserving views to and from the Canal”...

→ The subject site is a permitted use in the Official Plan which supports residential use buildings in the urban area that are sufficiently large to accommodate families in a diversity of housing type and choice. The OP recognizes that existing built form is typically on smaller, narrower lots with tight yard setbacks and fewer areas for open space. The existing dwelling and reduced setbacks on the property is typical for this neighbourhood and the formalization of these conditions to permit the renovation and enlargement of the existing home to create a more appropriate and desirable home for the Owners is supported in the applicable policies as set out above. The proposed three-storey height is permitted in the Rideau Canal Special District designation and the overall building design is appropriate for and in keeping with its time. The building design sensitively responds to the natural characteristics of the surrounding parkway and Canal by providing soft landscaping and shrubbery in the front yard, as well as protecting adjacent trees, with continued pedestrian access to the NCC pathways. The rooftop terrace creates usable outdoor amenity space that is fully wheelchair accessible and will be enclosed with opaque privacy screens for buffering from the parkway and the neighbouring properties. There are no overlook concerns anticipated by the introduction of the terrace given the location of windows and rooflines for the adjacent properties. Finally, the renovation

supports the accessibility policies of the OP by introducing an elevator to create a fully wheelchair accessible home for the occupants of the home.

ZONING BY-LAW 2008-250

The site is zoned R3Q[1474] Residential Third Density, Subzone Q, Urban Exception 1474 in the City of Ottawa Zoning By-law 2008-250, as demonstrated in Figure 7 below. The Residential Fourth Density zone permits low-rise residential development in the format of detached, semi-detached, linked-detached, and townhouse dwellings.

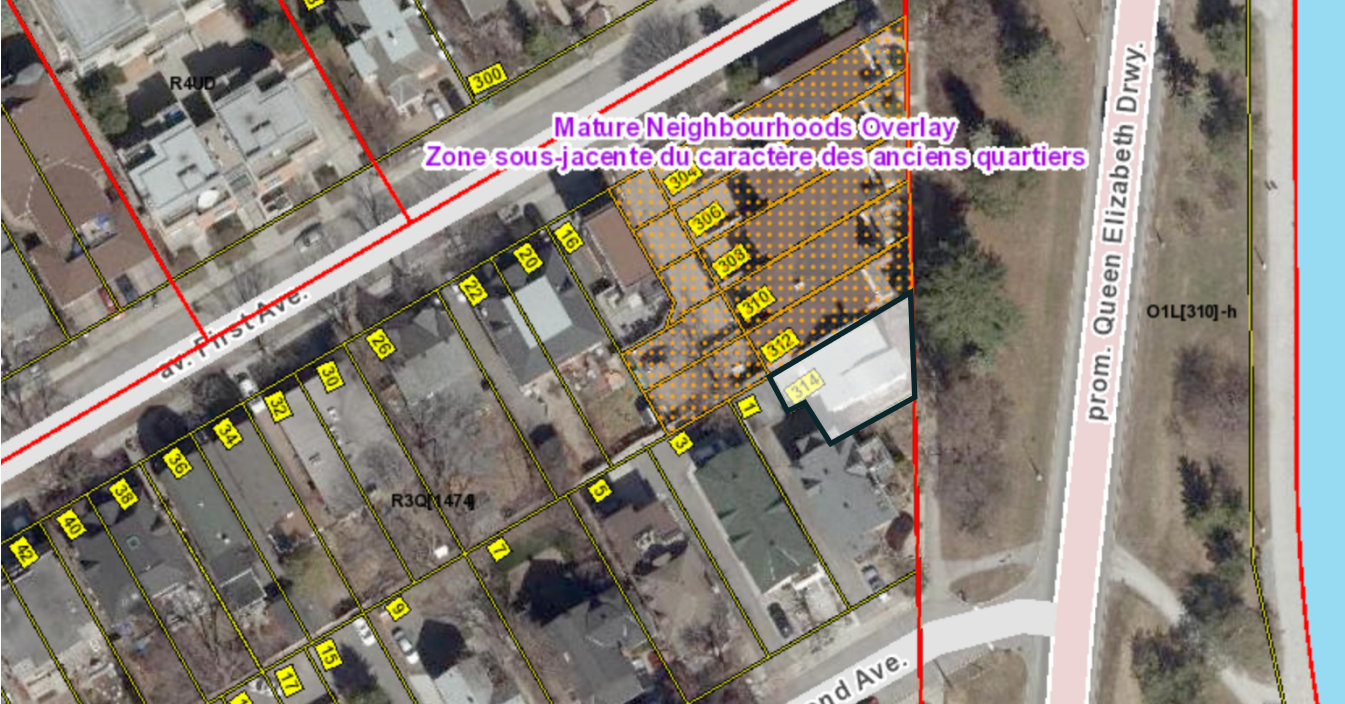


Figure 7. Map showing R3Q zoning and subject site outlined white (GeoOttawa, 2021)

Section 3 of the Zoning By-law addresses non-conformity and non-compliance, and the following provision applies to buildings that are legally non-complying with the by-law. Section 3(3) states: *The construction of an addition to a building or a permitted projection into a yard of a building that does not comply with the provisions of this by-law is permitted without the need for a minor variance from the Committee of Adjustment, provided that:*

- (b) *any addition or a permitted projection into a yard to a non-complying building that proposes to expand the existing non-complying building envelope must move towards compliance with the zoning regulations such that the extent of the proposed addition falls at least halfway between the required provision and the existing non-complying situation...*

The subject site is an existing non-complying dwelling, and the setbacks and any non-complying ground level conditions are to remain unchanged except for a minor addition in the rear to create an attached rather than detached garage, and to add a wheelchair access. Because the renovation and expansion do not move at least halfway toward compliance between the required provision and exiting situation, some variances to Section 3(3)(b) are required. Table 2 below represents the provisions of the R3Q[1474] zone and sets out required zoning provisions under the subzone and/or Sections 139 and

144, in addition to the requirements per Section 3(3)(b), with required variances shown in red and existing non-complying conditions shown in gold.

Table 2. Zoning provisions (existing non-complying conditions indicated in gold; proposed minor variances indicated in red)

R3Q[1474]					
Provisions	Required		Existing	Required Per s.3(3)(b)	Proposed
Minimum Lot Width (Table 160A)	7.5		11.47		
Minimum Lot Area (Table 160A)	195.0		193.9		
Maximum Building Height (Table 160A)	10.0		10.15		10.0
Minimum Front Yard Setback (s.144(1)(a)&(d) Urban Exception [1474])	Must align with average of abutting lots' front yard setback, need not exceed 3.0 m, not less than 1.5 m	1.50	0.50 m (top level) 1.04 m (ground level)	1.0	0.5 (top level) 1.04 m (ground level)
Minimum Rear Yard Setback (Table 144A(i))	25% lot depth	4.52	3.35 19% lot depth	3.94 22% lot depth	0.0 0% depth
Minimum Rear Yard Area (s.144(3)(a))	25% lot area	48.48 m ²	23.60 m ² 12% lot area	36.04 m ² 18% lot area	0 m ² 0% area
Minimum Interior Side Yard Setback	1.8 m total, 0.6 m for one side yard	1.2 / 0.6	1.74 / 0.80		0.0 / 0.52 1.42 / 0.80
Minimum Front Yard Soft Landscaping (s.139(1)) (1.5 to less than 3m)	20% front yard, aggregated (total front yard area: 6.55m ²)	3.92 m ²	5.64 m ²		5.50 m ²
Maximum Walkway Width (m)	1.2		Walkway on NCC lands		
Rooftop Terrace					
Minimum Rooftop Terrace Setback (m) (Table 55(8)(a))	1.5				0.25
Minimum Required Height of Opaque Screen Along Interior Side Yard or Lot Line (when located adjacent to rear yard and within 1.5 m of exterior side wall / lot line) (Table 55(8)(b))	1.5				1.50
Minimum Rooftop Terrace Access Setback from Exterior Front & Rear Walls (m) (Table 55(8)(d(i)))	2.90 (a distance equal to its height)				Stair: 4.10 / 3.75 Elevator: 10.54 / 0.0
Maximum Rooftop Terrace Access Area (m ²) (Table 55(8)(d)(ii))	10.5 m Where an elevator is proposed to provide access, maximum				Stair: 9.2 m ²

	area needed for the rooftop access may be larger than required under (d)(ii) to allow for the proper functioning of the elevator including the minimum landing area necessary to provide proper egress between the elevator and the rooftop terrace, and an elevator landing may be sized as necessary to provide reasonable access to a provided elevator, with a clear interior area of 1.5 m ²			Elevator: 6.80 m ²
Maximum Eaves Projection of Exterior Access (Table 55(8)(d)(iii))	0.6 m			No eaves projection
Maximum Roof Top Access Height (Table 55(8)(d)(iii))	3.0 m			2.90
Permitted Projections				
Maximum Extent of Eaves Projection (Table 65(2))	1 m but not closer than 0.3 m to a lot line			No proposed eaves projection
Fire escapes, open stairways, stoop, landing, steps and ramps (Table 65(5))	Where at or below the floor level of the first floor, in the front yard	No closer than 0.6 metres to a lot line	0.76 m to the front lot line	0.0 to the front lot line
Covered or uncovered balcony, porch, deck, platform and verandah with maximum of two enclosed sides (Table 65(6))	(a) Where the walking surface is not higher than 0.6 m above adjacent grade	(i) Interior side yard / rear yard: no limit	0.0 0.77 0.0	0.60 1.20 0.0
		(ii) Front yard: greater of 2.0 m or 50% of required front yard, but no closer than 1.0 m to property line		0.28 to property line 2.0 m wide front yard deck
	(b)(iii) on a lot with a depth of 23.5 m or less, max. projection is 0.0 above the first floor			
	(b)(iv) where a deck or balcony occurs above the first floor and is within 1.5 m of an exterior side wall or interior side lot line of residential lot, 1.5 m high opaque screen is to be provided facing the interior side lot line			1.5 m opaque screen provided on front 2 nd storey porch

Accessory Uses (Garage)

Setback from rear lot line & interior side lot line	0.6 metres	0.09 m over north interior side lot line	N/A – garage now part of principal building
		0.05 m over rear lot line	
		0.26 m to south interior side lot line	
Required distance from any other building	1.2 m	0.37	
Maximum permitted size	Not to exceed lot coverage of 50% of the yard in which they are located, or 55 m ²	16.07 m ² 68% rear yard	

PROPOSED MINOR VARIANCES

The proposed development retains and slightly expands the existing non-conforming building footprint. Based on a review of the zoning by-law, the proposed development requires nine variances to the performance standards of the zoning (indicated in Table 2) which will require an Application for Minor Variances through the Committee of Adjustment, as follows:

- a) To permit a lot area of 193.9 square metres whereas the by-law requires 195.0 square metres (Table 160A);
- b) To permit a front yard setback of 0.5 metres at the closest point whereas Section 3(3)(b) of the by-law requires that an addition or expansion to a non-complying building must move towards compliance such that the addition falls between halfway of the required and existing non-complying situation, or 1.0 metres in this case;
- c) To permit a rear yard setback of 0.0 metres or 0% of the lot depth whereas Section 3(3)(b) of the by-law requires 3.94 metres or 22% of the lot depth in this case;
- d) To permit a rear yard area of 0.0 square metres or 0% of the lot area whereas Section 3(3)(b) of the by-law requires a rear yard area of 36.04 square metres or 18% of the lot area in this case;
- e) To permit an interior side yard setback of 0.0 metres at the closest point whereas the by-law requires an interior side yard setback of combined 1.8 metres with one no less than 0.6 metres (Table 160A);
- f) To permit an exterior wall setback of 0.25 metres for a rooftop terrace whereas the by-law requires 1.5 metres (Table 55(8)(a));
- g) To permit a rooftop terrace access setback of 0.0 metres along the rear exterior building wall whereas the by-law requires a setback equal to its height or 2.90 metres in this case (Table 55(8)(d)(i)) ;
- h) To permit steps leading to the principal entrance to be located 0.0 metres to the front lot line whereas the by-law requires steps located at or below the floor level of the first floor to project no closer than 0.6 metres to a lot line in a front yard (Table 65(5));
- i) To permit a porch/deck in the front yard where the walking surface is not higher than 0.6 m above adjacent grade to be located 0.28 metres from the front lot line whereas the by-law requires the projection be located no closer than 1.0 m to the property line. To permit a porch/deck in the front yard where the walking surface is not higher than 0.6 m above adjacent grade to be located 0.28

metres from the front lot line whereas the by-law requires the projection be located no closer than 1.0 m to the property line (Table 65).

RATIONALE FOR MINOR VARIANCES

The following reviews the variance against the four tests as presented in Section 45(1) of the Planning Act. Note that the relevant variances and policies are grouped together for ease of explanation.

IS THE VARIANCE MINOR?

Variance A: Reduced lot area

The proposed reduction in lot area of 193.90 m² from the required 195.0 m² to permit the continued use of a single-detached dwelling on this site is minor. This is an existing lot of record with non-complying lot area conditions, that has functioned as-is since its construction. The site is a uniquely shaped non-complying situation with no technical street frontage or access, and the reduced lot area is a product of that condition. As an existing non-complying situation and existing lot of record, the intent of the lot area variance is to regularize this condition with the proposed development application for the renovation an expansion of the existing single-detached dwelling, and the existing area is sufficient to support the development. When considered in the context of the existing building footprint and proposed renovation and additions, the regularization of the existing non-complying reduced lot area is minor.

Variance B, H & I: Reduced front yard setback, Increased step & deck projections

The proposed reduction in required front yard setback and increased step and deck projections in this case is minor. The zoning by-law requires a setback for the development to be halfway between the zoning requirements and the provided condition. The required front yard setback given the existing situation under Section 3(3)(b) is 1.0 metres whereas 0.5 metres is provided. The existing front yard setback on this site is 0.5 metres at the most restrictive point at the third storey due to the angled building wall which projects closer at the third storey than at the ground level. This design feature is being maintained with the proposed renovations, and therefore the proposed front yard setback matches the existing condition. At ground level, the front yard setback at the most restrictive point at the most easterly corner of the principal entrance is 1.04 metres, which exceeds the zoning requirement under the policies of Section 3(3)(b) and is only 0.46 metres less than the required 1.5 metre minimum front yard setback in this zone. The front yard will otherwise be fully softly landscaped save for the deck projection, most of which is within the bounds of a permitted projection. The renovation will have no impacts on the existing NCC-owned trees along the parkway, as demonstrated in the enclosed Tree Information Report. Given the front yard setback variance is effectively a regularization of the existing non-complying conditions, the request is minor in nature.

Further, the steps leading to the principal entrance project to a 0.0 metre setback to the lot line. They will be rebuilt and match the existing conditions, to connect to the NCC pathway as is presently the case. Finally, the proposed deck on the front of the front façade projects to 0.28 metres from the lot line whereas 1.0 metre is required at the closest point and represents a very small section of the overall deck, which otherwise complies with the zoning by-law. The 0.28 metre setback is at the closest corner of the principal entrance and allows for the deck to wraps along the front façade. The closer deck projection is a reflection

of the existing reduced front yard setback condition of the dwelling. The deck creates at-grade amenity space and interaction with the NCC parkway and greenspace at ground level. It will also be screened from views with the existing trees serving as landscape buffering, and the front yard will otherwise be softly landscaped. Overall, the requested variances respond to the existing reduced front yard setback conditions and are minor.

Variance C, D & E: Reduced rear yard setback & area, reduced interior side yard setback

The proposed reductions in rear yard setback from the required 3.94 metres or 22% of the lot depth to the proposed 0.0 metres or 0% of the lot depth, and rear yard area from the required 36.04 square metres or 18% of the lot area to proposed 0 square metres or 0% of the lot area are minor in this case. Further, the proposed reduced interior side yard setback to 0.0 metres whereas 0.6 metres is required to permit the garage to be located closer to the lot lines is also minor. The existing principal dwelling features non-complying rear yard setbacks and a renovation to the building would typically trigger a variance to Section 3(3)(b); however, this is a unique situation as the proposal will convert the existing detached accessory building (garage) into an attached garage, thereby becoming part of the principal building envelope. The existing garage features non-complying rear yard and interior side yard setbacks and crosses two of the property lines, whereas a setback of 0.6 metres is required. A building separation of 1.2 metres is also required between the garage and the dwelling. None of the required setbacks are presently being met for the garage, and the garage occupies nearly the entirety of the rear yard area, as demonstrated in Table 2 above and the enclosed survey. However, the provided rear yard setback and area appears to be more generous in the existing conditions than with the proposed 0.0 metre setback and 0.0 square metre area due to the measurement of the setback and area from the principal building envelope without including the detached accessory building. To make the existing garage more functional to properly fit a vehicle in both length and width, the proposal is to expand its footprint by 0.37 metres towards the principal building (now attached), and 0.25 metres towards the interior side lot line at the overhead door. The resulting footprint is only slightly expanded, and the overall site conditions will remain largely unchanged; however, due to the technical zoning requirements and the existing non-complying conditions, the requested variances result in 0 metre setbacks and areas. The interior side yard setbacks for the principal building exceed zoning requirements otherwise. In terms of impact, because the site conditions largely remain unchanged, and the garage will simply be rebuilt to be within the full property boundaries and an appropriate length and width to park a vehicle, the requested minor variances are minor.

Variance F & G: Reduced terrace setback & Reduced terrace access exterior rear wall setback

The minor variances to permit a reduced terrace setback and reduced terrace access exterior wall setback are minor in this case. The reduced terrace setback is required to create a viable and usable amenity area on the rooftop that compensates for the lack of at-grade amenity space on the site due to the existing non-complying building conditions. The terrace will be enclosed with a 1.5 metre high opaque privacy screen to create both visual and noise buffering between the dwelling and adjacent residential properties to the north and south. There will be no impacts to neighbouring properties with the 0.25 metre terrace setback in this situation considering the property is adjacent to NCC greenspace that offers plentiful landscape screening with three large trees near the front property line, acting as a visual buffer

between the street. To the north and south, the terrace is adjacent to the rooflines of the adjacent residential properties and therefore no impacts are anticipated to their respective privacy. The terrace only extends towards the rear of the principal dwelling, and the 1-storey garage offers additional buffering between the at-grade amenity space of the adjacent property to the north. Finally, the proposed rooftop access reduced setback only applies to the access along the most rear wall of the dwelling and is required so the elevator can extend from grade to the rooftop terrace, making the proposed outdoor amenity space fully wheelchair accessible. There is only one proposed window for the terrace access at the second level, and the access is in line with the parking area of the neighbouring property to the south therefore no visual or privacy impacts are anticipated. Finally, the rooftop access is less than the permitted 3.0 metre height and is sized only as necessary to accommodate the accessible elevator. Overall, when considering the location of this lot, the existing natural privacy buffering with the NCC-owned trees towards the front and the orientation of the terrace adjacent to the rooflines of adjacent residential properties, the proposed reduced access and terrace setbacks are minor in this case.

DOES THE VARIANCE MEET THE INTENT AND PURPOSE OF THE OFFICIAL PLAN?

The existing single-detached dwelling is a permitted use in the Official Plan which supports residential use buildings in the urban area that are large enough to accommodate larger families, and universally accessible places. The proposed materiality, design, and massing of the three-storey flat roof home is compatible with surrounding context and is permitted in the Rideau Canal Special District designation. This is an urban dwelling that has existed in some capacity since at least 1958 (per GeoOttawa mapping) and enjoys non-complying rights to the existing setbacks. The proposed renovation design is of its own time and is complementary and sympathetic to the surrounding context. The existing dwelling and reduced setbacks on the property is typical for this neighbourhood lot fabric and the formalization of these conditions to permit the renovation and enlargement of the existing home and garage to create a more appropriate and desirable home for the Owners is supported in the applicable policies as set out above. The building design sensitively responds to the natural characteristics of the surrounding parkway and Canal by providing soft landscaping and shrubbery in the front yard, as well as protecting adjacent trees, with continued pedestrian access to the NCC pathways. The rooftop terrace creates usable outdoor amenity space that is fully wheelchair accessible and will be enclosed with opaque privacy screens for buffering from the parkway and the neighbouring properties. There are no overlook concerns created by the introduction of the terrace given the location of windows and rooflines for the adjacent properties.

The Official Plan emphasizes a need for a diversity of housing typology and choice and prioritizes development of singles that are appropriately sized for larger families in the urban area. The Official Plan also prioritizes tree retention, soft landscaping where possible, as well as parking that is not the focal point of a building. Finally, the OP sets out policies for the improvement of quality of life through built form for residents of Ottawa. The existing non-complying setbacks are typical for the urban area and this neighbourhood’s lot fabrics. The proposed renovation and addition creates a more functional and accessible single-family home and attached garage in an existing urban area, and will allow for the continued use and enjoyment of the home by the owners. Overall, the proposal meets the intent and purpose of the Official Plan.

DOES THE VARIANCE MEET THE INTENT AND PURPOSE OF THE ZONING BY-LAW?

Variance A: Reduced lot area

The intent and purpose of the lot area provision of the zoning by-law is to ensure that appropriate land area is available for a functional dwelling and open space on the lot, including building separation, to mitigate overdevelopment of the site. As noted, the zoning requires 195 m² of lot area width for a single-detached dwellings in this subzone, and this site is non-compliant by only 1.1 m². These provisions are typically applicable to new development and consents in the urban area. There is no proposed change of use for the site, and the existing non-complying single-detached dwelling will continue. This variance is simply to regularize an existing non-complying situation. This is an existing lot within the urban area located in a neighbourhood where the tighter lot fabric and building setbacks are typical for other dwellings in the area. Given these factors, the proposed variance meets the intent and purpose of the zoning by-law.

Variance B, H & I: Reduced front yard setback, Increased step & Deck projections

The intent and purpose of the required setbacks for front yard, interior side yard, and maximum extent of projections are to ensure that dwellings have a consistent setback and built form pattern from the streetscape, to ensure there is adequate opportunity for landscaping and trees, and to ensure there is appropriate separation between a lot line and projection. This is a unique lot situation whereby the property is not a standard rectangular shape with drive access from its technical road frontage and is smaller and irregularly shaped compared to the surrounding lots. The proposed reductions in front yard setback is simply a regularization of the existing condition and the non-complying building footprint at ground level or at the third storey will not change compared to what presently exists. The step projection is also an existing condition and largely responds to the need to rebuild the existing steps and connect to the NCC pathway, since there is no actual road or drive aisle connection to the street otherwise. A 0.0 metre setback to the lot line for the step allows for that continued connectivity. Finally, the deck projection increase is a result of the reduced front yard setback and is only 0.28 metres to the closest “pinch point” where the front façade is closer to the street, whereas the remaining deck complies with the permitted projection policies under the zoning. Overall, the proposed variances meet the intent of the by-law considering two of the requests are to regularize existing conditions, and there is still appropriate separation between the front lot line and Queen Elizabeth Driveway, a connection to the NCC pathway will continue to be maintained, and there is sufficient space for soft landscaping and screening.

Variance C, D & E: Reduced rear yard setback & area, reduced interior side yard setback

The intent and purpose of the rear yard setback, rear yard area, and interior side yard setback provisions of the zoning by-law are to ensure there is adequate separation between buildings, sufficient amenity and open space on site, and appropriate rear yard amenity area. The intent is to also maintain a consistent lot and building fabric within urban areas with the blocks maintaining an open interior rear yard area. The proposed reduction in the rear yard setback and area meets the intent and purpose of the zoning by-law in that this is an existing site condition that has persisted since the original development of the home on this existing non-complying lot. The site benefits from an easement for access to the rear of the dwelling and garage from Second Avenue that have been in place since at least 1983. The existing garage is currently detached however occupies approximately 68% of the rear yard area, with the most

northerly and westerly garage walls crossing over the property lines. This situation will be rectified, and the garage will be renovated to a 0.0 metre setback on those property lines, and slightly extended towards the southerly interior lot line to make a longer garage that is adequately sized for parking a vehicle. The garage will also be extended slightly towards the principal dwelling to rectify the non-complying building separation and join the two buildings, making the garage attached and part of the principal dwelling. These very minor site changes are the triggers for a 0.0 metre setback and 0.0 square metre area request under the zoning by-law. The garage will continue to be a flat roof, one-storey building and therefore the visual impacts to surrounding dwellings will not change.

The design responds to the existing non-complying conditions and fits and functions well with the surroundings. The proposal will improve the existing conditions overall by ensuring the non-complying garage is fully within the property boundaries, creating a compliant parking space within the garage, and attaching to the building to create a more functional build that no longer requires building separation between the accessory building and dwelling. The footprint of the principal dwelling will not change save for a small addition to create an elevator access at the rear so the dwelling is fully wheelchair accessible; however, the addition will feature only one window to ensure there is no overlook or privacy concerns created by the slight increase to building footprint. There is still sufficient space on site for continued light and air filtration as has functioned since the building's original construction, and soft landscaping will be provided in the front yard. The proposed rooftop terrace will offer outdoor amenity and open space without impacting the ground-level site conditions and is setback from the most rear property line with the one-storey garage offering additional buffering between adjacent dwellings. Given the existing non-complying conditions and the site improvements such, the proposed rear yard setback and area, as well as terrace rear yard setbacks meet the intent and purpose of the zoning by-law.

Variance F & G: Reduced terrace setback & Reduced terrace access exterior rear wall setback

The intent and purpose of the rooftop terrace setback and rooftop terrace access setback requirements under the zoning by-law are to ensure there is adequate separation of the terrace from adjacent dwellings for privacy, noise, and visual buffering, and to ensure the rooftop terrace and access do not overwhelm the building façade. As previously noted, this is a unique lot with development challenges due to the existing non-complying built form conditions. The result is effectively no outdoor private amenity space in the rear yard. The proposal is to create a fully accessible rooftop amenity space that is functional and usable for the homeowners. The reduced terrace setback in this case meets the intent of the zoning by-law considering there is a proposed 1.5 metre opaque privacy screen that complies with the zoning by-law to serve as visual buffering, and the rooftop amenity space is in line with the rooflines of adjacent properties. The property also benefits from screening along the NCC parkway and will not be visible from Queen Elizabeth Driveway or any other streetscape.

The reduced access setback from the rear exterior wall is required so the rooftop access can be fully wheelchair accessible. The elevator must be located at the rear wall of the principal dwelling for access from ground level considering the only vehicular access to the site is from the easement in the rear. As such, the rooftop elevator access cannot be located a distance equal to its height from that wall of the building. To mitigate any overlook or privacy concerns, there is only one window proposed within the

elevator at the second storey, and no windows at the rooftop level. Further, the access is as small as possible while remaining fully accessible and is located towards the interior of the development block away from the adjacent residential dwellings, thereby mitigating any potential view, overlook or compatibility concerns due to the height of the projection. The proposed height is also less than permitted under the zoning. The secondary staircase access is fully zoning compliant and located towards the interior of the dwelling. Overall, the proposed reductions to permit the rooftop amenity space in this case respond to the unique and non-complying existing development conditions of the site and meet the intent and purpose of the zoning by-law.

IS THE VARIANCE DESIRABLE FOR THE APPROPRIATE DEVELOPMENT OR USE OF THE LAND?

Overall, the existing residential use is a permitted use of this land, and the variances are collectively desirable for the appropriate development of the site. The existing land use is a three-storey single-detached residential dwelling, and the proposed renovation and addition will retain this existing use. Each of the required variances are required to permit existing site setback, areas, and projections. This is an existing non-complying dwelling that enjoys rights to those setbacks. Though the addition to the accessory building to create an attached garage does not meet the requirements set out under Section 3(3)(b) of the Zoning By-law, the modest addition will be minimally impactful and meets the intent and purpose of both the zoning by-law and Official Plan as described throughout this report. The addition to the principal dwelling to add an elevator for wheelchair accessibility is appropriate and desirable to create a functional and accessible home. The proposed rooftop terrace creates outdoor amenity space on a lot with non-complying yard setbacks due to the existing garage situation, that otherwise would have effectively no outdoor living space. The terrace, though requiring variances, is sufficiently setback from the street considering the house is buffered by the NCC parkway and paths and is aligned with the rooflines of adjacent homes. The terrace will be fully screened from view otherwise, and the elevator access towards the rear will feature only one window to ensure no overlook or privacy concerns. The stair projection allows for continued direct access to the NCC pathway and interaction with the at-grade greenspace, and the deck projection variance allows for the deck to wrap along the front façade of the building to create a cohesive at-grade outdoor amenity area.

The intent of the proposed building alterations is to adapt and revitalize an existing single-detached dwelling to meet the current needs of the present owner and residents, while largely retaining the existing footprint and structure on site. The dwelling has been designed to be of its own character and time, while providing adequate landscaping and open space in the front yards as well as with the proposed rooftop terrace. The other existing site conditions will remain unchanged as they have since the home was originally built and the continuation of the non-complying setbacks demonstrate that the existing site conditions have functioned well within the context for the years. Overall, the proposed development and associated variances are desirable for the appropriate development and use of the land, which is a permitted use under the zoning and Official Plan.

CONCLUSION

The subject site is comprised of a three-storey single-detached residential dwelling and detached garage situated on a small irregular lot in the City of Ottawa’s Glebe neighbourhood. The owner is seeking to renovate and slightly expand the existing single-detached dwelling to create a more functional and livable home for the owners, as well as adding a wheelchair accessible elevator and accessible terrace. To facilitate the development, nine minor variances to the zoning by-law are required, some of which are to permit an addition to the legally non-complying setbacks on site which do not move halfway toward compliance under Section 3(3)(b) of the by-law, in addition converting the exiting detached garage into an attached garage, as well as adding a rooftop terrace and front deck projection.

The ground level conditions and building footprint will remain unchanged save for a small expansion of the existing garage to attach it to the principal dwelling, the addition of an accessible elevator, and a small front yard addition (within the permitted building envelope). The variance to permit the rooftop access at the exterior of the building is to allow the elevator to extend from the ground level to the terrace, while the setback of the terrace is to create a functional outdoor space for the home, which presently has very little outdoor amenity area due to the existing lot coverage. The development meets the required maximum height, and trees on adjacent lands will be protected through construction. When considered collectively and in the context of the site and neighbourhood context, the requested variances are minor in nature and will have minimal impact on surrounding properties and the streetscape. The existing lot and municipal servicing have the capacity to support this modest residential addition to an existing dwelling. Careful consideration has been placed into the design of the building to create a design that is in keeping with its time while also appropriate for the neighbourhood.

The proposal is consistent with the Provincial Policy Statement 2020, conforms to the policies of the City’s Official Plan, and complies with the City of Ottawa’s Zoning By-law 2008-250 save and except the variances requested, largely triggered by the existing non-complying setback conditions. The requested minor variances meet the four tests as required in Section 45(1) of the Planning Act. The proposed development represents good land use planning and is recommended for approval.

Respectfully submitted,



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