

Committee of Adjustment
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1544 COMMITTEE OF ADJUSTMENT
PLANNING RATIONALE
KILBORN AVENUE

1. APPLICATION OVERVIEW

- DEALS WITH THE DIVISION OF THE PROPERTY AT 1544 KILBORN AVE INTO 2 LOTS TO ACCOMMODATE THE RETENTION OF THE EXISTING SINGLE FAMILY DWELLING & THE CONSTRUCTION OF A NEW SINGLE FAMILY DWELLING
- OP DESIGNATION OF THE PROPERTY IS:
 - OUTER URBAN TRANSECT - CORRIDOR MINOR
 - ALTA VISTA/ FAIRCREST HEIGHTS/ RIVERVIEW PARK SECONDARY PLAN
- PROPERTY ZONING IS R10
- THE PROPOSED DEVELOPMENT REQUIRES:
 - AUTHORITY OF THE COMMITTEE FOR VARIANCES FROM THE ZONING BY-LAW
 - THE CONSENT OF THE COMMITTEE FOR SEVERANCE



STREET VIEW FROM KILBORN AVENUE

1544

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KILBORN AVENUE

2. LOCATION AND PHYSICAL CONTEXT

- THE SITE IS LOCATED ON THE SOUTH SIDE OF KILBORN AVENUE BETWEEN REEVES CRESCENT TO THE WEST & WEBSTER AVENUE TO THE EAST
- THE SITE IS WITHIN 1.5 KM FROM BANK STREET & BILLINGS BRIDGE AND IS WELL SERVED BY SCHOOLS, COMMUNITY CENTRES, SHOPPING CENTRES AND PUBLIC TRANSPORTATION
- THE KILBORN STREETScape IS GENERALLY:
 - 1 & 2 STOREY SINGLE DETACHED HOMES
 - INTERSPERSED WITH SOME APARTMENT BUILDINGS, TOWNHOUSES, COMMERCIAL & INSTITUTIONAL
 - CHARACTERIZED BY LARGE, MATURE TREES LINING THE STREET



STREET VIEW OF SITE FROM KILBORN AVENUE



PROPERTY ACROSS THE STREET



LOCATION PLAN



PROPERTY TO THE EAST (KILBORN AVE)



PROPERTY TO THE WEST (REEVES CRES)

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PLANNING RATIONALE
KILBORN AVENUE



VIEW WEST DOWN KILBORN



COMMERCIAL BUILDING ON KILBORN



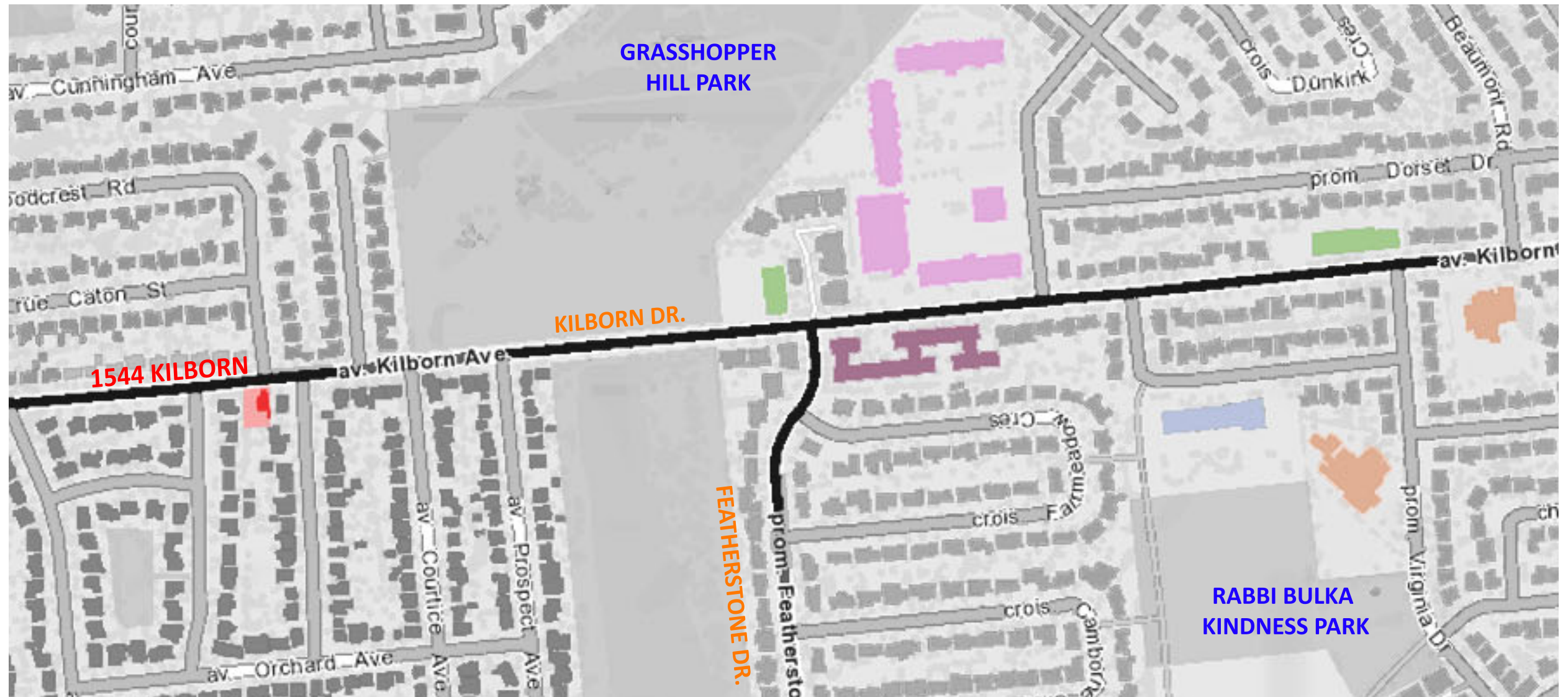
HIGHRISE MULTI-UNIT APARTMENTS ON KILBORN



TOWNHOUSES ON KILBORN

LEGEND

- 1544 KILBORN
- HIGH-RISE APARTMENTS
- TOWNHOUSES
- COMMERCIAL BUILDING
- ASSEMBLY BUILDING
- INSTITUTIONAL BUILDING



CONTEXT MAP

1544

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PLANNING RATIONALE
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CONTEXT PLAN



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3. SITE PLAN

SITE ORGANIZING INFLUENCES

THE BUILDING'S CONFIGURATION AND LOCATION WAS INFLUENCED BY THE FOLLOWING FACTORS:

- DESIRE TO RETAIN THE EXISTING HOME
- LOCATION OF THE HYDRO LINE ALONG THE SIDE (WEST) OF THE PROPERTY LINE WHICH IMPOSES A LARGER INTERIOR SIDEYARD
- EXISTING PRIVATE APPROACHES

FUNCTIONAL ASPECTS

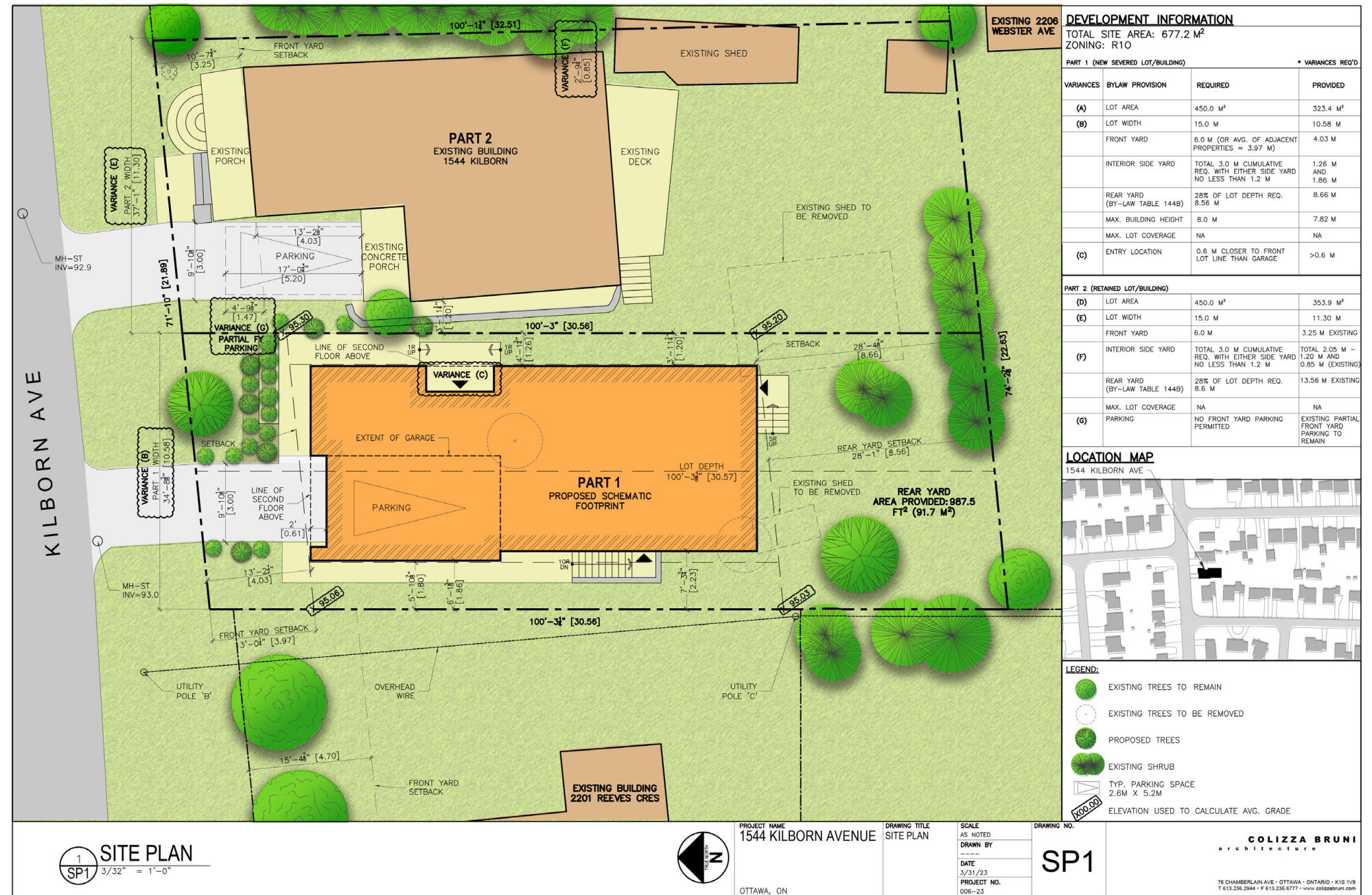
- THE EXISTING HOME CAN BE RETAINED & RENOVATED
- THE 2 EXISTING FRONT PORCHES WHICH ARE PART OF THE CHARACTER OF THE EXISTING HOUSE CAN BE RETAINED & REFURBISHED
- THE EAST FACING ENTRY OF THE NEW HOME ALLOWS FOR A LIVING SPACE TO BE AT THE FRONT OF THE HOME TO ANIMATE THE STREET

TREES, SOFT LANDSCAPING AND OUTDOOR AMENITY SPACE

- THE PRIVATE APPROACHES ARE SEPARATED TO ALLOW FOR NEW TREES TO BE PLANTED TO CONTINUE THE RHYTHM OF MATURE STREET TREES
- BOTH DWELLINGS HAVE PRIVATE OUTDOOR AMENITY SPACES AT GRADE IN THE REAR YARD
- FRONT YARD SOFT LANDSCAPING EXCEEDS THE BY-LAW REQUIREMENTS

PARCEL DESCRIPTION

- PART 1 - SEVERED LOT
- PART 2 - RETAINED LOT



STREET VIEW FROM KILBORN AVE



STREET VIEW FROM KILBORN AVE



AERIAL VIEW FROM KILBORN AVE

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4. VARIANCES REQUESTED

NOTE THE FOLLOWING:

- THE FRONT YARD PARKING ON THE RETAINED LOT IS EXISTING
- THERE ARE 2 EXISTING PRIVATE APPROACHES ON THE EXISTING LOT

PART 1

- A. TO PERMIT A REDUCED LOT AREA OF 323.4 M², WHEREAS THE BY-LAW REQUIRES A LOT AREA OF 450.0 M² (BY-LAW SECTION 156, TABLE 156A)
- B. TO PERMIT A REDUCED LOT WIDTH OF 10.6 M, WHEREAS THE BY-LAW REQUIRES A LOT WIDTH OF 15.0 M (BY-LAW SECTION 156, TABLE 156A)
- C. TO PERMIT A GARAGE TO BE MORE THAN 0.6 M CLOSER TO THE FRONT LOT LINE THAN IS THE PRINCIPAL ENTRANCE TO THE DWELLING, WHEREAS THE BY-LAW REQUIRES THAT A GARAGE MAY NOT BE MORE THAN 0.6 M CLOSER TO THE FRONT LOT LINE THAN IS THE PRINCIPAL ENTRANCE TO THE DWELLING (BY-LAW SECTION 139(3))

PART 2

- D. TO PERMIT A REDUCED LOT AREA OF 354.0 M², WHEREAS THE BY-LAW REQUIRES A LOT AREA OF 450.0 M² (BY-LAW SECTION 156, TABLE 156A)
- E. TO PERMIT A REDUCED LOT WIDTH OF 11.3 M, WHEREAS THE BY-LAW REQUIRES A LOT WIDTH OF 15.0 M (BY-LAW SECTION 156, TABLE 156A)
- F. TO PERMIT A REDUCED CUMULATIVE INTERIOR SIDE YARD SETBACK TOTAL OF 2.05 M, WHERE ONE SETBACK IS NO LESS THAN 0.85 M (EXISTING SETBACK), WHEREAS BY-LAW REQUIRES A CUMULATIVE INTERIOR SIDE YARD SETBACK TOTAL OF 2.1 M, WHERE ONE SETBACK IS NO LESS THAN 0.9 M.
- G. TO PERMIT AN EXISTING PARKING SPACE TO REMAIN PARTIALLY INTO A REQUIRED & PROVIDED FRONT YARD, WHEREAS THE BY-LAW PERMITS NO PARKING SPACE TO BE ESTABLISHED IN A REQUIRED & PROVIDED FRONT YARD (BY-LAW SECTION 109 (3)(A)(I))

5. URBAN DESIGN CONSIDERATIONS

- THE PROPOSED DEVELOPMENT ACHIEVES A “STREETSCAPE FIT” BY:
 - MAINTAINING MOST OF THE SOFT LANDSCAPING ON KILBORN. WE HAVE KEPT THE EXISTING PRIVATE APPROACH FOR THE RETAINED HOME AND LOCATED THE PRIVATE APPROACH FOR THE NEW HOME IN THE SAME LOCATION AS THE EXISTING SECOND PRIVATE APPROACH ON THIS LOT
 - PROVIDING STREET TREES ON EACH PROPERTY TO CONTINUE THE RHYTHM OF MATURE TREES ALONG KILBORN (CURRENTLY THIS IS ONE OF THE ONLY PROPERTIES WITHOUT 1 OR 2 MATURE TREES ON THE STREET)
 - PROVIDING A DEVELOPMENT WITH 2 SMALLER HOMES THAT FIT THE SCALE AND CHARACTER OF THE STREET INSTEAD OF DEMOLISHING AND CONSTRUCTING 1 LARGE HOME THAT WOULD BE OUT OF CHARACTER WITH THE STREET
- FROM A SUSTAINABILITY POINT OF VIEW, THE PROPOSED DEVELOPMENT RETAINS AND REFURBISHES AN EXISTING HOME.



AERIAL VIEW FROM KILBORN AVENUE



STREET VIEW FROM KILBORN AVENUE

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6. CONSULTATION WITH STAKEHOLDERS

- CITY PLANNING STAFF – MET WITH CITY STAFF ON 2 OCCASIONS ALONG WITH CORRESPONDENCE VIA EMAIL. STAFF HAD NO MAJOR CONCERN EXCEPT FOR VARIANCE C AND G. SEE 7. **PLANNING EVIDENCE** FOR DISCUSSION RELATED TO THESE VARIANCES.
- ABUTTING/ADJACENT NEIGHBOURS – THE OWNER MET WITH ABUTTING NEIGHBOURS AND THE NEIGHBORS ACROSS KILBORN. THERE WERE NO MAJOR CONCERNS NOTED IN THE MEETINGS AND MOST WERE HAPPY THE EXISTING HOME WAS BEING RETAINED
- CANTERBURY COMMUNITY ASSOCIATION (CCA) – CBA REACHED OUT TO CCA VIA EMAIL. AT THE TIME OF THIS SUBMISSION WE HAD NOT RECEIVED A RESPONSE FROM THE CCA



STREET VIEW FROM KILBORN AVENUE LOOKING EAST

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7. PLANNING EVIDENCE

VARIANCES A, B, D & E

- THE PROPOSAL IS SEEKING A REDUCTION IN LOT AREA AND WIDTH FOR BOTH THE RETAINED AND SEVERED LOTS. THE LOTS ON KILBORN AVE AND IN THIS NEIGHBOURHOOD VARY IN SIZE AND THE REDUCED LOT WIDTH AND AREA WOULD NOT BE OUT OF CHARACTER WITH THE NEIGHBOURHOOD. THE IMAGES BELOW DEMONSTRATE LOTS WITHIN THIS NEIGHBOURHOOD THAT DO NOT MEET THE BY-LAW REQUIREMENTS FOR LOT SIZES AND/OR WIDTHS.



LEGEND

- - - - **ZONE R10**
MINIMUM LOT WIDTH - 15.0 M
MINIMUM LOT AREA - 450.0 M²
- **SITE (1544 KILBORN)**
PROPOSED SEVERED LOT WIDTH - 10.6 M
PROPOSED SEVERED LOT AREA - 323.4 M²
- **ADJACENT PROPERTIES NOT CONFORMING TO R10 ZONING REQUIREMENTS**

PROPERTY FOOTNOTE

1. LOT WIDTH - 14.6 M
2. LOT WIDTH - 13.7 M; LOT AREA - 418.0 M²
3. LOT WIDTH - 14.3 M; LOT AREA - 436.0 M²
4. LOT WIDTH - 14.0 M; LOT AREA - 418.0 M²
5. LOT WIDTH - 13.0 M
6. LOT AREA - 358.0 M²

ZONING & LOT ANALYSIS

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VARIANCE C

- TO PERMIT A GARAGE OR CARPORT TO BE MORE THAN 0.6M CLOSER TO THE FRONT LOT LINE THAN IS THE PRINCIPAL ENTRANCE TO THE DWELLING. IN THIS CASE, THE PRINCIPAL ENTRANCE IS LOCATED TOWARDS THE EAST SIDE OF THE HOUSE TO ALLOW FOR A STUDY/HOME OFFICE AT THE FRONT OF THE HOUSE IN LIEU OF AN EMPTY FOYER. THE STUDY/HOME OFFICE WOULD BE OCCUPIED MOST DAYS, WOULD ANIMATE THE STREET WITH LARGE WINDOWS, AND ALLOWS FOR “EYES ON THE STREET”. IT SHOULD ALSO BE NOTED THAT THE NATURE OF THE STREETScape ON KILBORN IS THAT SEVERAL HOUSES HAVE THEIR PRINCIPAL ENTRANCE ON THE SIDE STREET AND NOT FACING KILBORN.



PROPERTIES WITHOUT KILBORN FACING FRONT DOORS MAP

LEGEND - ADDRESS

1. 2195 PROSPECT STREET
2. 2188 PROSPECT STREET
3. 2205 COURTICE AVENUE
4. 1500 KILBORN AVENUE
5. 1475 KILBORN AVENUE



1. 2195 PROSPECT STREET



2. 2188 PROSPECT STREET



3. 2205 COURTICE AVENUE



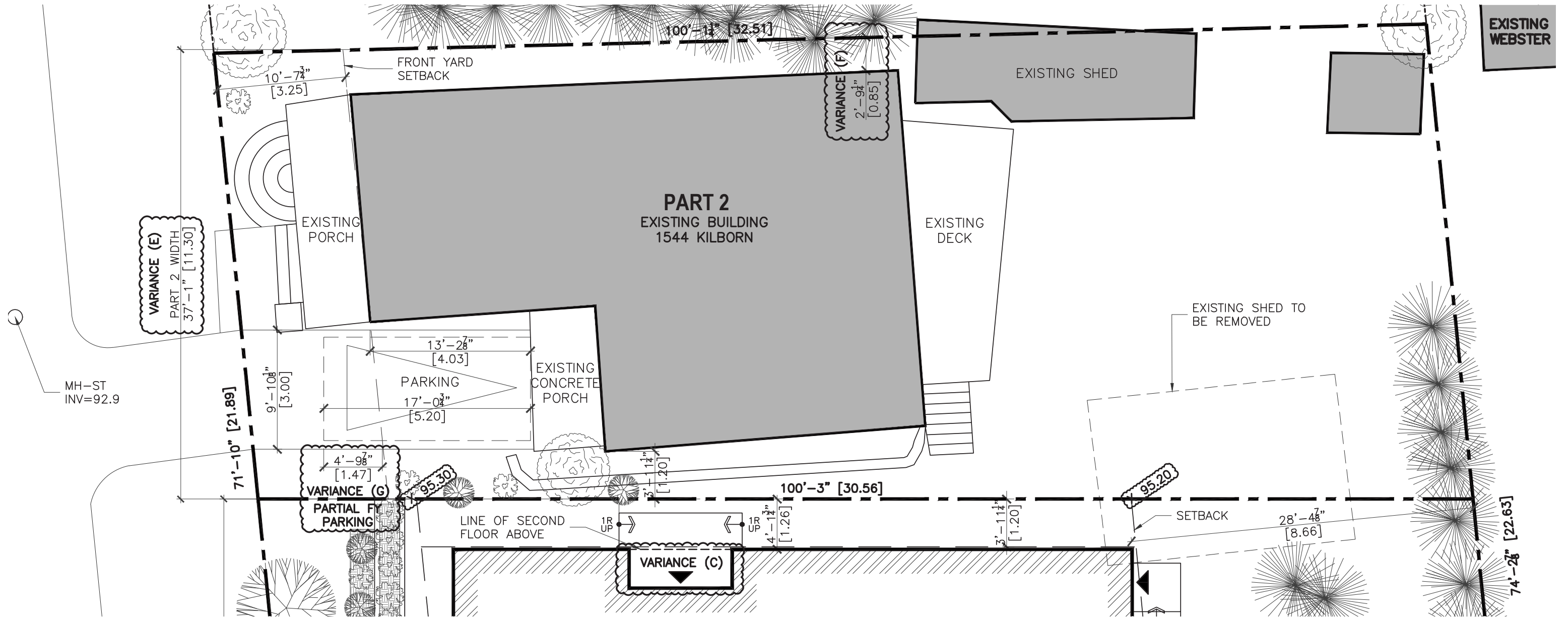
4. 1500 KILBORN AVENUE



5. 1475 KILBORN AVENUE

VARIANCE F

- REDUCED CUMULATIVE SIDE YARD SETBACK FOR THE EXISTING HOUSE.
- THE REDUCED CUMULATIVE SETBACK IS REQUIRED DUE TO THE EXISTING NON-CONFORMING SETBACK OF 0.85M IN THE EASTERLY SIDE YARD OF THE EXISTING HOME. THE NEW WESTERLY SIDE YARD SETBACK MEETS THE MINIMUM 1.2M MINIMUM SETBACK REQUIREMENT.



SITE PLAN - RETAINED LOT

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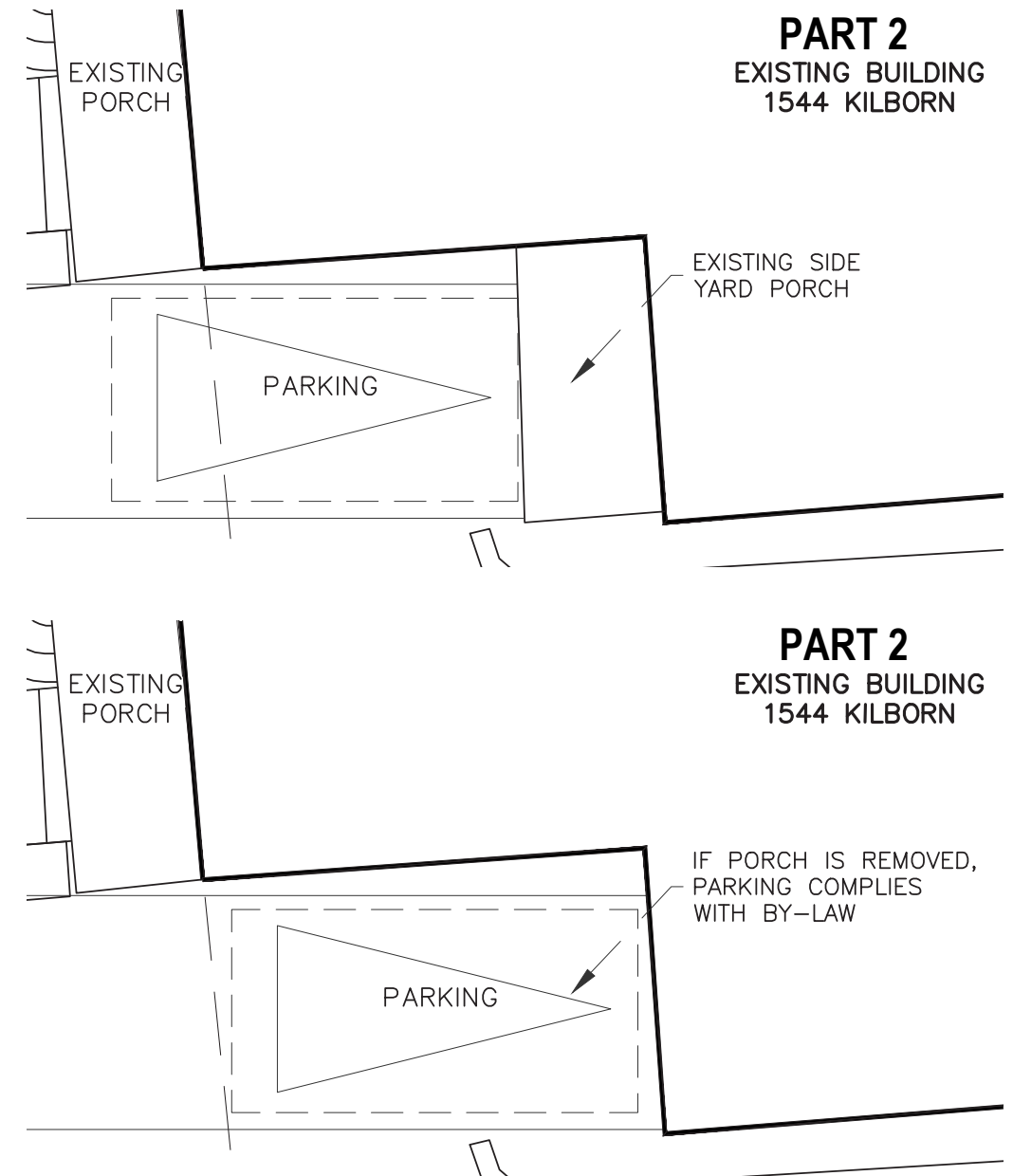
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VARIANCE G

- TO PERMIT THE EXISTING PARTIAL FRONT YARD PARKING TO REMAIN.
- THE PARTIAL FRONT YARD PARKING ON THE RETAINED LOT IS AN EXISTING CONDITION ON THIS LOT FOR THE PAST +30 YEARS. WE ARE UNABLE TO DETERMINE IF THIS WOULD HAVE A NONCONFORMING RIGHT. WE CAN PROVIDE A CONFORMING PARKING SPACE IF WE REMOVE THE EXISTING SIDE YARD PORCH, HOWEVER, THE OWNER'S PREFERENCE IS TO KEEP THE PORCH AND REFURBISH IT AS IT IS PART OF THE CHARACTER OF THE EXISTING HOME.



1544 KILBORN - RETAINED LOT



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8. THE FOUR TESTS FOR MINOR VARIANCES

1) THE VARIANCES ARE MINOR IN NATURE

WHEN APPLYING THE “IMPACT TEST”, THE VARIANCES ARE CONSIDERED MINOR AS THEY DO NOT CREATE UNDUE ADVERSE IMPACTS ON ITS SURROUNDINGS

2) THE VARIANCES MAINTAIN THE GENERAL INTENT AND PURPOSE OF THE ZONING BY-LAW

THE GENERAL INTENT AND PURPOSE OF THE ZONING BY-LAW IS MAINTAINED AS THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH THE RESIDENTIAL CHARACTER OF THE NEIGHBOURHOOD.

TO NOTE:

- THE GENERAL INTENT AND PURPOSE OF THE PERFORMANCE STANDARDS IN ZONING BY-LAW ARE EFFECTIVELY TO ENSURE PROPER FUNCTIONALITY OF DEVELOPMENT WHILE MITIGATING IMPACT ON ADJACENT PROPERTIES. THE PROPOSED DEVELOPMENT AND THE EXISTING HOME (THAT IS TO BE RETAINED) MEET ALL THE PERFORMANCE STANDARDS OF THE ZONING BY-LAW FOR SETBACKS AND HEIGHT.
- THE PROPERTY IS ZONED **R10**. THE STATED PURPOSE OF THIS ZONING BY-LAW IS TO:
 - RESTRICT THE BUILDING FORM TO DETACHED DWELLINGS IN AREAS DESIGNATED AS GENERAL URBAN AREA IN THE OFFICIAL PLAN;
 - ALLOW A NUMBER OF OTHER RESIDENTIAL USES TO PROVIDE ADDITIONAL HOUSING CHOICES WITHIN DETACHED DWELLING RESIDENTIAL AREAS;
 - PERMIT ANCILLARY USES TO THE PRINCIPAL RESIDENTIAL USE TO ALLOW RESIDENTS TO WORK AT HOME
 - REGULATE DEVELOPMENT IN A MANNER THAT IS COMPATIBLE WITH EXISTING LAND USE PATTERNS SO THAT THE DETACHED DWELLING, RESIDENTIAL CHARACTER OF A NEIGHBOURHOOD IS MAINTAINED OR ENHANCED

3) THE VARIANCES MAINTAIN THE GENERAL INTENT AND PURPOSE OF THE OFFICIAL PLAN

THE VARIANCES MAINTAIN THE INTENT OF THE POLICIES STATED IN BOTH THE NEW OFFICIAL PLAN

TO NOTE:

- THE PROPOSED DEVELOPMENT REPRESENTS AN OPPORTUNITY TO MEET PROVINCIAL POLICY, OP POLICIES AND THE GOALS OF INTENSIFICATION IN ORDER TO TAKE ADVANTAGE OF EXISTING MUNICIPAL SERVICES AND INFRASTRUCTURE
- THE CITY SUPPORTS INTENSIFICATION IN THE OUTER URBAN TRANSECT AND THE ALTA VISTA/ FAIRCREST HEIGHTS/ RIVERVIEW PARK SECONDARY PLANS WHERE NEIGHBOURHOOD DEVELOPMENT GENTLY ACCOMMODATE ADDITIONAL DENSITY IN BUILDING TYPES THAT COMPLEMENT THE SCALE AND FORM OF THE EXISTING BUILDINGS, EMPLOYING SITE DESIGNS THAT MAINTAIN THE CHARACTER OF THE EXISTING NEIGHBOURHOOD, WHICH IS DEFINED BY LOW-RISE BUILDINGS, GREEN FRONT YARDS AND TALL TREES ALONG THE STREETS
- THE ALTA VISTA/ FAIRCREST HEIGHTS/ RIVERVIEW PARK SECONDARY PLAN NOTES THAT THIS PORTION OF KILBORN AVENUE IS DESIGNATED FOR LOW RISE DEVELOPMENT

4) THE VARIANCES ARE DESIRABLE FOR THE APPROPRIATE DEVELOPMENT OR USE OF THE LAND

THE TEST FOR APPROPRIATENESS IS MEASURED BY HOW WELL A DEVELOPMENT “FITS” INTO ITS PHYSICAL CONTEXT... ITS COMPATIBILITY. THE PROPOSED DEVELOPMENT DOES “FIT WELL” INTO ITS PHYSICAL ENVIRONMENT AND THEREFORE IS DESIRABLE FOR THE APPROPRIATE DEVELOPMENT OR USE OF THE SUBJECT LAND.

TO NOTE:

- THE PROPOSED DESIGN CONSIDERS THE DESIGN SUGGESTIONS IN THE CITY’S “URBAN DESIGN GUIDELINES FOR LOW-RISE INFILL HOUSING”
- THE VARIANCES ARE DESIRABLE FOR APPROPRIATE DEVELOPMENT AND USE OF THE LAND BECAUSE THEY WILL ACCOMMODATE A MODEST AMOUNT OF INTENSIFICATION IN A MANNER THAT WILL BE COMPATIBLE TO THE EXISTING BUILT FABRIC
- THE PROPOSED DEVELOPMENT, ALTHOUGH NOT EXACTLY THE SAME AS THE EXISTING BUILDINGS IN THE VICINITY, IT “FITS WELL” WITHIN ITS PHYSICAL CONTEXT AND “WORKS WELL” WITH THOSE FUNCTIONS THAT SURROUND IT

9. CONSENT APPLICATION

THE CONSENT APPLICATIONS MEET THE CRITERIA IN SECTION 51(24) OF THE ONTARIO PLANNING ACT FOR ORDERLY DEVELOPMENT, INCLUDING, BUT NOT LIMITED TO:

- THROUGH INTENSIFICATION THE CONSENT APPLICATIONS ARE ALLOWING FOR THE EFFICIENT USE OF COMMUNICATION, TRANSPORTATION, SEWAGE AND WATER SERVICES & WASTE MANAGEMENT SYSTEMS
- PROVINCIAL POLICIES GENERALLY IDENTIFY INFILL DEVELOPMENT AS APPROPRIATE FOR GROWTH AND DEVELOPMENT
- INFILL DEVELOPMENT BY ITS NATURE PROMOTES SUSTAINABLE PRINCIPLES AND LOCATIONS LIKE THIS THAT ARE CLOSE TO PUBLIC TRANSIT, SUPPORT PUBLIC TRANSIT AND ARE ORIENTED TO PEDESTRIANS
- THE PROPOSED DEVELOPMENT IS NOT PREMATURE, AS IT IS DESIGNED TO INTEGRATE INTO THE EXISTING LOT FABRIC, WHICH HAS AVAILABLE MUNICIPAL ROADS, LIGHTS AND SERVICES
- THE CONSENT APPLICATIONS ARE IN THE PUBLIC INTEREST, AS THEY ARE CONSISTENT WITH PROVINCIAL AND MUNICIPAL POLICIES, PARTICULARLY POLICIES ENCOURAGING INTENSIFICATION AND AN EFFICIENT USE OF LAND PUBLIC SERVICES
- THE PROPOSED PARCELS WILL ENJOY FRONTAGE AND FRONTAGE AND DIRECT ACCESS TO A PUBLIC STREET



STREET VIEW FROM KILBORN AVENUE - EXISTING



STREET VIEW FROM KILBORN AVENUE - PROPOSED

1544

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