

1) Introduction

The application is a request to grant approval of 4 variances to permit the construction of a duplex on an existing lot. The request consists of

- a) a variance where the predominate pattern is not a front facing garage or carport, permit a front facing garage
- b) a variance to permit a balcony to project 1.5m into the rear yard of a lot with a lot depth of 30.5 m or less
- c) a variance to permit a stairway to project 3.76m into the rear yard where a must not project more than 1.5m into the rear yard
- d) a variance to permit a reduced front yard setback of 2.64m to permit a square bay window on the 2cd and 3rd floor
- e) a variance to permit a reduced rear yard setback of 8.25m to permit a square window bay on the 2cd and 3rd floor

The application for variance was partially refused (front facing garage) (D08-02-21/A-00181).

The zoning for the property is R4UB. It is in a neighbourhood that has been characterized by smaller homes built in the 20's and 30's. These homes are being replaced by multi family units on both existing single lots and larger combined lots. The proposed building is a duplex with the first and second floor being one unit. The third floor is the second unit. The combined units are designed to accommodate a multi generational family.

The existing lot has a single-family home that will be demolished. There are no significant trees with a critical root zone on the property or on neighbouring properties that could be affected by the construction of the new building.

The applicant has gone to considerable lengths to ensure that the proposed building will be a sensitive infill project. The preliminary plans were circulated to the Hindenburg Community Association, Councillor and planner. A zoom meeting was held with the community association on April 13th, 2022. Subsequently to that meeting the community association made several comments and suggestions. As a result, of the denial of the front facing garage the client has decided to further consult with the Community association and move the garage face further back as suggested by the community association. It is now 1.5m set back from the required front yard and 2.02m back from the variance from front yard requested in this application.

City of Ottawa Staff suggested that the Box Bay windows do not qualify as a permitted projection so there are 2 further variances requested, for a reduction in front yard and rear yard setback of 0.52m for the 2cd and 3rd floor box bay window.

The building is specifically designed for a multi generational family, children, parents and grandparents. The 1st and 2cd floor are intended for the parents and children. The 3rd floor is designed for the grandparents and has an elevator. Due to the requirement to push the garage further back from the previous proposal, the bedroom spaces have been located on the ground floor and the living spaces on the second floor. As a result a staircase is proposed from the second floor deck. The 2 decks (2cd and 3rd floor) are screened on the south side and setback from the north and south sides of the building. The deck on the third floor is a refuge for the 3rd floor unit as required by the Ontario Building Code and brought out an additional 0.3m from the original proposal of 1.2m (approved in the previous decision).

The 2cd floor balcony serves as outdoor space for the 2cd floor living spaces.

1. The Community Association presented a preferred garage location example.



The design continues to include a full width porch to place the front entrance access closer to the street and to have a more predominate place in the front façade. The new proposed setback from the front façade is the same as the example above, the design calls for a bay window projection above the garage that is 0.52m closer to the street.

2. The owner proposes a min 50mm sugar maple tree (or similar native tree) at the front of the property and 2 other native trees that would grow to a mature max height of around 9m
3. The owner appreciates the advice and will consult with his geotechnical engineer and neighbours to ensure any work done complies with City of Ottawa requirements

2) The five variances requested are:

- a) a variance where the predominate pattern is not a front facing garage or carport, permit a front facing garage. The predominate pattern also tends to create considerably less soft landscaping deemed desirable by the neighbourhood as it reduces the heat island effect.

While the streetscape analysis does not support a front facing garage the designer of the building has decided to incorporate several design features to enhance the character of the proposed duplex. These features are typical to the characteristics of older homes in the neighbourhood in contrast to many of the modern new builds that do not incorporate that type of detailing. the proposed details include:

- 1) 2 front facing balconies with both over the entrance to the building
- 2) a single door entrance to the duplex
- 3) a wide porch facing the street
- 4) a modern cornice detail at the rooftop
- 5) masonry siding material
- 6) The garage will be recessed and have a darker appearance to reduce its visual effect
- 7) modifications made above from the Community Associations recommendations

- b) a variance to permit a balcony to project 1.5m into the rear yard of a lot with a lot depth of 30.5 m or less

The rear yard 2cd and 3rd floor balconies is quite small with a depth of just 1.5 m and are primarily intended as a refuge as defined in the Ontario Building Code and second exit from the 2cd floor. The 3rd floor unit has only one exit.

- c) a variance to permit a stairway to project 3.76m into the rear yard where a must not project more than 1.5m into the rear yard wraps the 1st floor patio at grade to provide some privacy for the ground floor and will have a privacy screen on the north and east side of the stairs
- d) a variance to permit a reduced front yard setback of 2.64m to permit a square bay window on the 2nd and 3rd floor and a variance to permit a reduced rear yard setback of 8.25m to permit a square window bay on the 2nd and 3rd floor is only to permit a modern interpretation of a standard bay window

3) The variances requested meet the four tests as follows:

a) they are minor in that the design of the building incorporated multi characteristics of older buildings to provide significant animation for the street reducing the effect of the front facing garage and the rear yard 3rd floor balcony is primarily for Ontario Building Code Compliance, the driveway width meets the bylaw requirements if it were permitted

b) it is desirable for the development of this property in that it introduces a modern take on existing community building characteristics and increases the amount of greenspace protected when compared to a lane to a garage in the rear

c) it is in keeping with the intent of the bylaw in that it incorporates design features characteristic of a neighbourhood (these are not required), and there is a positive aspect to a proposal that offsets the variance as in this case

d) The general intent and purpose of the Official Plan is maintained; To permit gentle intensification of land uses compatible with the current urban fabric.

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