

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

June 14, 2023

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

Dear Mr. Bellemare,

Re: Application for Minor Variances
176 Holmwood Avenue, Ottawa ON

Committee of Adjustment
Received | Reçu le

2023-06-15

City of Ottawa | Ville d'Ottawa
Comité de dérogation

JD Planning has been retained by Penelope Simons and Hilary Patton (the 'Owners') to submit an Application for Minor Variances for the property municipally known as 176 Holmwood Avenue (the 'site'). The subject site presently contains a single-detached dwelling and detached accessory building (garage) in the rear yard, accessed by a City-owned and maintained laneway, Tackaberry Lane. The proposal is to replace the existing accessory building with a new, slightly larger garage in approximately the same location. To facilitate the new garage, the following minor variances to the zoning by-law are required:

- a) To permit an accessory building to be setback 0.40 metres from the interior side lot line whereas the by-law requires a setback of 0.60 metres (Table 65(3)(e)(ii));
- b) To permit an accessory building to be setback 0.20 metres from the second storey projection of the single-detached dwelling whereas the by-law requires that any buildings on site be separated by a distance of at least 1.20 metres (Table 65(4)).



Figure 1. Aerial mapping of subject site and immediately surrounding context (Google Maps, 2021 mapping)

SITE & SURROUNDING CONTEXT

The site is a rectangularly shaped interior lot fronting onto the south side of Holmwood Avenue, 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 low- to high-rise 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 provides a 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 east of the site which features a sports and entertainment facility as well as retail, restaurant and community uses. Within the immediate area are several schools: Mutchmor Public School, Corpus Christi School, Glebe Collegiate Institute, and Glebe Montessori School to the north and northwest; Ottawa Montessori School and First Avenue Public School to the northeast; and, Hopewell Avenue Public School to the south.



Figure 1. Aerial mapping of subject site and immediately surrounding context (GeoOttawa, 2021 mapping)

More specifically, the site is located within the block bounded by Holmwood Avenue to the north, Monk Street to the east, Ralph Street to the west, and Tackaberry Lane to the south. Bank Street and Lansdowne Park are two blocks to the east, and the Rideau Canal is located approximately six blocks to the south.

The following building types and uses abut the site, with the property parcels and configuration shown in Figure 3.

- **North (front yard)** Two-and-a-half storey single-detached dwellings
- **East (side yard)** Two-storey single-detached dwelling
- **South (rear yard)** Tackaberry Lane; Two-and-a-half storey single-detached dwelling (fronting onto Woodlawn Avenue)
- **West (side yard)** Two-and-a-half storey multi-unit dwelling



Figure 3. Aerial mapping of subject site and immediately surrounding context (GeoOttawa, 2021)

The site presently contains a two-and-a-half storey red brick single-detached dwelling and detached garage located in the rear yard, which is accessed from Tackaberry Lane. There is no driveway access from Holmwood Avenue. Tackaberry Lane is a City-owned and maintained laneway which serves the dwellings along Holmwood Avenue from Monk Street to the east, to Ralph Street to the west. The rear yard presently contains the garage, an attached deck, and a porch projection which has a small living space at the second storey. The garage is oriented towards the most easterly interior side lot line, and the remaining rear yard is fully fenced with a gate to the laneway. There are no distinctive trees in the rear yard of the site. The existing single-detached dwelling is proposed to remain unchanged with no proposed new development and will continue its enjoyment of legal non-complying setbacks. The proposal is to demolish the existing garage, rectify the existing site grading challenges which currently

results in pooling at the base of the garage in spring and fall, and rebuild the garage within roughly the same location.

The site consists of the following specifications and legal description:

Area	287.76 m ²
Frontage	9.95 m on Holmwood Avenue & 9.95 m on Tackaberry Lane
Depth	28.96 m
Legal Description	Part of Lot 18, South Holmwood Avenue, Registered Plan 78373
PIN	All of 04140 – 0123

The existing site survey extract is presented in Figure 4 below.

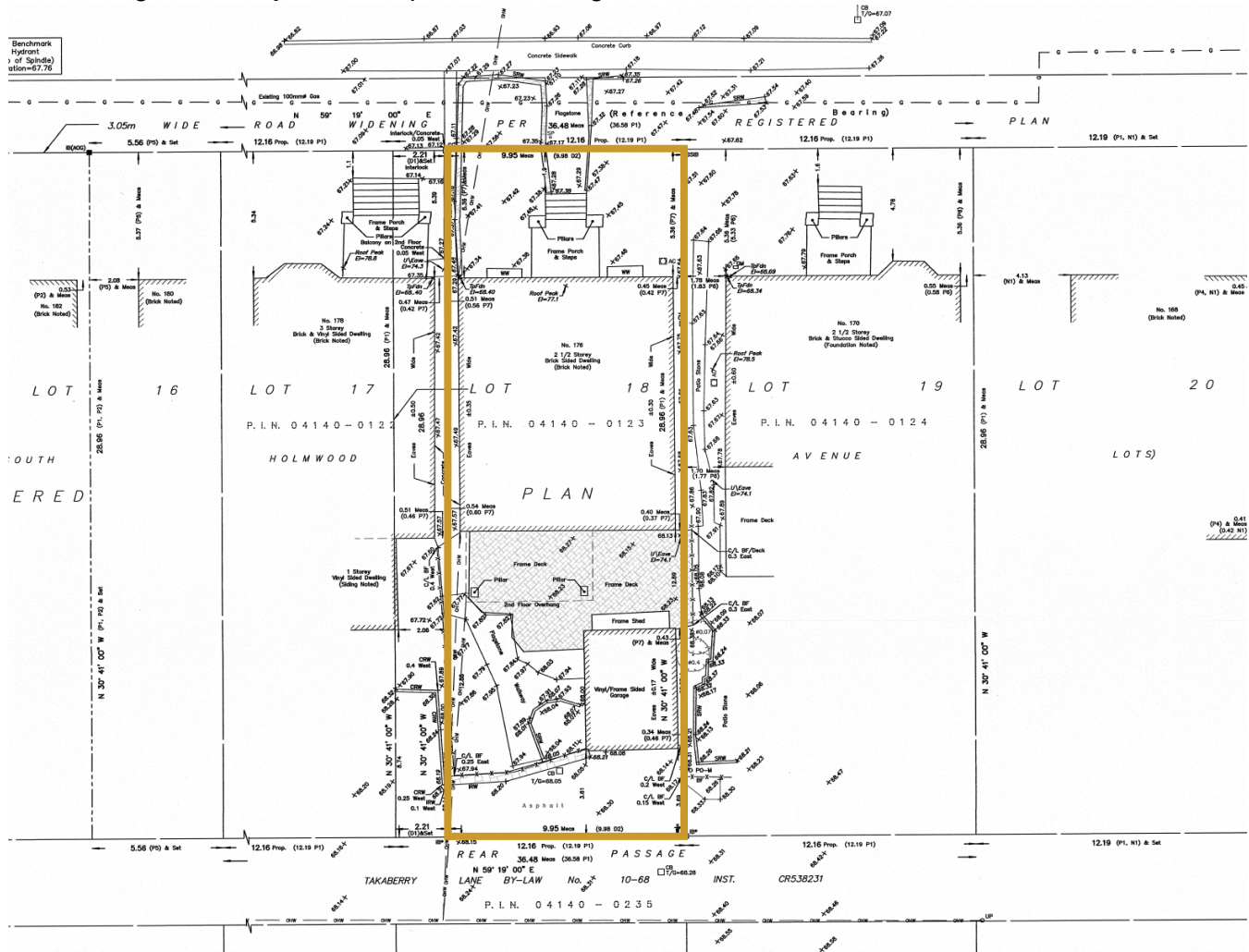


Figure 4. Extract of Plan of Survey prepared by Farley, Smith & Denis Surveying Ltd.

Image 1 below represents a Google Streetview image (May 2021) of the front façade of the subject site and immediately surrounding context along Holmwood Avenue showing a variety of housing forms including two-and-a-half-storey single-detached and three-unit buildings. The dwellings are typically red brick with a pitched roof with front yard soft landscaping and street trees. There are no proposed changes to the dwelling on site.



Image 1. Front façade of existing single-detached looking south from Holmwood Avenue (Google Streetview, May 2021)

Figures 2 and 3 below show the existing garage conditions looking north and northwest from Tackaberry Lane. Image 3 shows the adjacent property’s garage and fence to the west and the interior side yard conditions. Images 4 through 8 represent various angles of the existing rear yard conditions and Tackaberry Lane. The proposal is to construct a slightly larger garage in generally the same location and raise the grade to resolve the existing grading issues. A grading and drainage plan has been prepared by a civil engineer to be submitted at building permit stage.



Image 2. Rear yard conditions showing laneway and existing garage looking north from Tackaberry Lane



Image 3. Rear yard conditions showing laneway, existing garage, and adjacent garage to the west looking northwest from Tackaberry Lane



Image 4. Rear yard conditions showing laneway and existing garage looking northeast from Tackaberry Lane



Image 5. Rear yard conditions looking east towards the side façade of existing garage



Image 6. Tackaberry Lane looking west opposite subject site



Image 7. Rear laneway, existing garage, and second storey porch projection looking north from Tackaberry Lane



Image 8. Tackaberry Lane and existing garage looking east from laneway at subject site

PROPOSED DEVELOPMENT

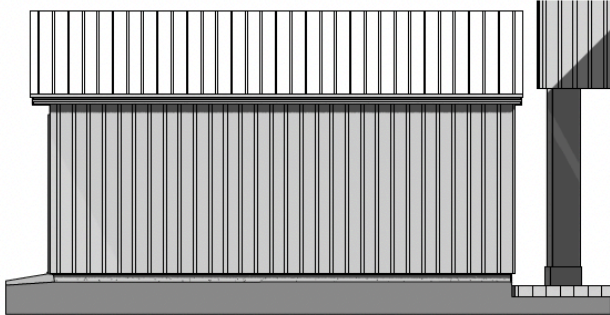
The site presently contains a single-family home and detached accessory building (garage) in the rear yard. The proposal is to retain the existing single-detached dwelling exactly as-is with no new development impacting the footprint. The existing garage is accessed from the rear City-owned Tackaberry Lane and enjoys legal non-complying setback conditions along the most easterly interior side lot line. The garage has reached the end of its lifestyle and must be rebuilt. There are also grading and drainage issues that must be rectified with the rebuild. The only proposed site changes are to demolish the existing garage and replace it with a new, slightly larger garage to continue to provide parking for the site. The area will be regraded, and the garage will be raised to appropriately manage the drainage patterns on site, and a grading and drainage plan has been completed by a Professional Engineer. To facilitate the garage reconstruction, two minor variances to the zoning by-law are required, to permit the continued reduced interior side yard setback, and reduced setback to the principal building. It is important to note that the reduced setback to the principal building is a condition only at the second storey of the house. There is a porch projection over the existing deck with living space at the second level supported by the pillars. The proposed reduced setback is from the second level condition at the most restrictive point. The garage details are presented in Table 1 below and a render of the building in Figure 5.

Table 1. Garage details

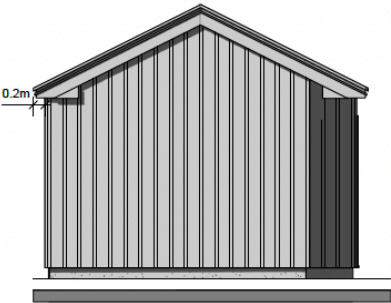
Development Details – Proposed Garage (Accessory Building)			
Interior Side Lot Line Setback (Eaves)	0.40 m	Height (Total)	3.40 m
Rear Lot Line Setback	3.40 m	Height (Building Wall)	3.20 m
Rear Yard Area	127.20	Garage Area	25.40 m ²



1 Tackaberry View
2 Scale: 1/4" = 1'-0"



2 East Side
2 Scale: 1/4" = 1'-0"



3 From House
2 Scale: 1/4" = 1'-0"



4 West Side
2 Scale: 1/4" = 1'-0"

Figure 5. Proposed garage elevations prepared by e.jane wilson architect

PROVINCIAL POLICY STATEMENT 2020

The Provincial Policy Statement 2020 (PPS) provides policy direction on planning matters for the Province of Ontario, and decisions affecting all planning matters shall be consistent with the PPS policies. The proposed 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;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;”...

Section 1.1.3.2 of the PPS states that “[l]and use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) “efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency
- e) support active transportation...”

→ In the above PPS policies, there is 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 redevelopment of the existing non-complying garage allows for continued provision of a permitted parking space in the rear yard, accessed by an open and travelable rear laneway. The proposed new garage will be in keeping with the existing character of the laneway conditions along Tackaberry Lane. The new garage replaces the existing structure with only a slight enlargement to provide sufficient space to park a car and for access and egress. There will be no impacts to the adjacent distinctive tree to the east with the proposed rebuild, and there will continue to be ample rear yard area and soft landscaping that is fully compliant with the zoning by-law.

→ The site is serviced by municipal water, sewer, and storm services. The use of the existing City-owned and maintained laneway is appropriate and desirable as this continues the focus and prioritization of the pedestrian realm along Holmwood Avenue, while providing a permitted parking space accessed from the rear. The proposed rebuild of the garage allows for resolution of existing grading and drainage issues, while retaining the existing non-complying footprint for the easterly interior side yard and the existing second storey principal building setbacks. Overall, 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 Neighbourhood, Evolving Overlay within the Inner Urban Transect Policy Area in the New Official Plan as shown in Figure 6.

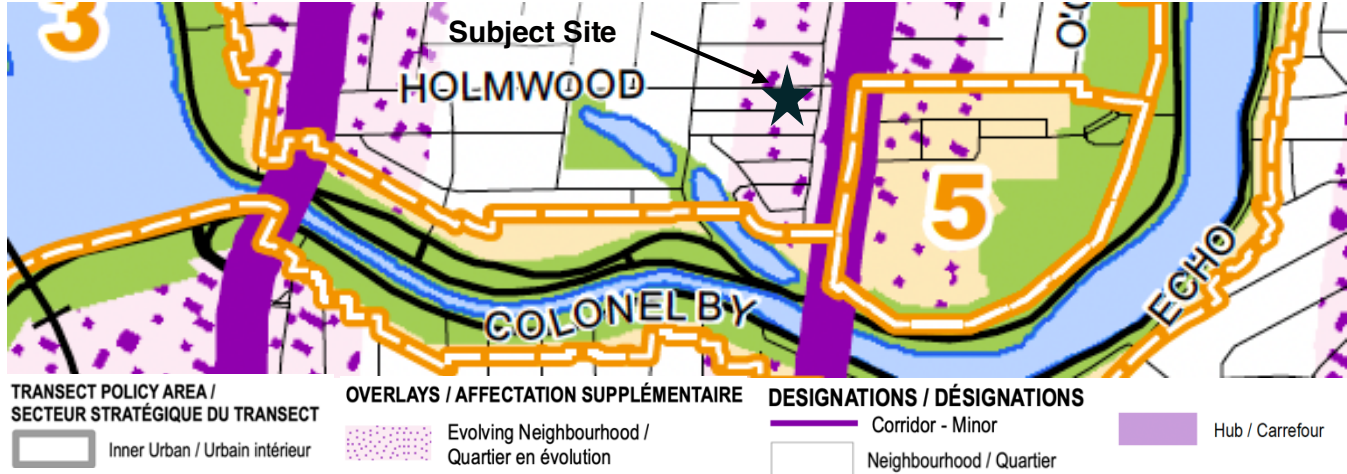


Figure 6. Extract of New Official Plan - Inner Urban Transect Policy Area

While no new intensification or residential development is proposed on site, the **Inner Urban Transect** policies in **Section 5.2** of the Official Plan support the maintenance of unbroken curb space for short-term, visitor and permit-zone street parking, and front yard space for trees and landscaping for residential development. The provision of motor vehicle access and movement is encouraged to be accommodated in such a way that it does not erode the public realm or impact pedestrian, cyclist, and transit movement. The proposed rebuilding of the existing garage facilitates the continued provision of a permitted parking space located in the rear yard accessed from an open and travelable City laneway. The application does not detract from any outdoor rear yard amenity or open space considering a garage already exists in this location and is proposed to be minimally enlarged to be only as wide as required to fit a modern vehicle and some household storage. There are no trees impacted with the proposed rebuild. The proposed development is in line with the policies set out in the New Official Plan.

ZONING BY-LAW 2008-250

The site is zoned Residential Third Density, Subzone L, Urban Exception 1474 – R3L[1474] in the City of Ottawa Zoning By-law 2008-250, as demonstrated in Figure 7 below. The Residential Third Density zone permits low-rise residential development in the format of detached, semi-detached, linked-detached and townhouse dwellings. The performance standards of the Zoning By-law are set out in Table 2 below, with the required variances highlighted in red and existing non-complying conditions in gold. Applicable provisions for the existing single-detached dwelling are shown for references purposes, however there is no proposed new development for the dwelling and as such, any legal non-complying conditions enjoyed by the home will continue unaltered. Of note and for consideration when comparing the existing and proposed conditions, the surveyed measurements for the existing garage were taken from building wall to the interior side lot line and building wall to the existing eaves of the principal building, whereas the proposed new garage is measured from the eaves per Section 65 of the Zoning By-law.



Figure 7. Map showing R3L[1474] zoning and subject site outlined blue (GeoOttawa 2021)

Table 2. Zoning provisions and required variances

Residential Third Density, Subzone L with Urban Exception – R3L[1474]					
Provisions (single-detached)		Required	Existing	Proposed	Section
Minimum lot width (m)		12.0	10.0	-	160
Minimum lot area (m ²)		360.0	287.76	-	160
Maximum building height (m)		10.0 (11.0 w 4/12 pitch)	No change	-	160
Front yard setback (m)	Minimum	1.5	5.5 (House)	-	[1474]
	Maximum	3.0	2.7 (Porch)		
Minimum interior side yard setback (m)		1.2	0.40	-	
Minimum rear yard setback (m)		30% lot depth / 8.69	12.8 Ground 9.8 2 nd Floor	-	144(3)(iii)
Minimum rear yard area (m ²)		25% lot area 71.94 m ²	44.2% 127.20 m ²	-	144(3)(a)
Provisions (Garage)		Required	Existing	Proposed	Section
Minimum rear yard setback (m)		0.6	3.61	3.40	65(3)(e)
Interior side yard setback (m)		0.6	0.34	0.40	65(3)(e)(ii)
Minimum distance from other buildings (m)		1.2	0.8 *building wall to eaves*	0.20 *2nd floor eaves*	65(4)
Maximum height (m)		3.6 with the height of the exterior walls not to exceed 3.2	2.7 Height 2.5 Walls	3.2 Height 2.6 Walls	65(5)
Maximum size, aggregated (m ²)		No greater than 50% of the rear yard, cumulative max. floor area of 55 m ² from exterior walls	17%	20%	65(6)
Maximum number on a lot		2	1	1	65()

RATIONALE FOR MINOR VARIANCES

To facilitate the development, two minor variances to the Zoning By-law are required and have been reviewed against the four tests as presented in Section 45(1) of the Planning Act.

- a) To permit an accessory building to be setback 0.40 metres from the interior side lot line whereas the by-law requires a setback of 0.60 metres (Table 65(3)(e)(ii));
- b) To permit an accessory building to be setback 0.20 metres from the second storey of the single-detached dwelling whereas the by-law requires that any buildings on site be separated by a distance of at least 1.20 metres (Table 65(4)).

IS THE VARIANCE MINOR?

The requested variances to permit a reduced interior side yard setback and reduced setback between the principal dwelling and the proposed garage are minor in this case. The proposed reduction in interior side yard setback is along the easterly side lot line only and offers an improvement on the existing non-complying setback condition. At the most restrictive point, the existing garage is setback 0.34 metres to the side lot line along the most south-easterly building corner, which is measured from the building wall to the lot line rather than the eaves projection. Given existing zoning requirements per Section 65 where eaves projections do not apply to accessory buildings, the proposed new garage setback is measured from the eaves at 0.40 metres to the side lot line, with the building wall being located at 0.70 metres from the side lot line. The rebuilt garage moves closer towards compliance along the side lot line than the existing situation while allowing for continued usable rear yard amenity space and soft landscaping.

The proposed reduction of setback between the proposed garage and the existing single-detached dwelling of 0.2 metres whereas 1.2 metres is required is minor in this case. The requested reduction represents a setback applicable only to the second level living space which is situated as a projection above an at-grade deck, supported by two pillars. The existing situation is also non-complying under the current by-law. The proposed reduction is also measured to the furthest extent of the eaves projection of the second level dwelling projection, and the eaves projection of the garage in an abundance of caution at the most restrictive points. The ground level conditions exceed zoning setback requirements between the buildings, and there is no proposed interference between the roofline of the proposed garage and the second storey living space. There is adequate light and air filtration between the buildings, and appropriate space between for access and maintenance of both structures.

The proposed reductions allow for a garage to be enlarged slightly to accommodate a modern vehicle and replace an existing non-complying garage that has reached the end of its lifecycle. By rebuilding the garage in a similar location with slightly improved side yard setbacks, the owners can retain the functional open and amenity space in their rear yard, while improving the grading issues that result from the current garage having been constructed too low compared to the adjacent laneway. The proposed garage rebuild will have no impacts on surrounding neighbours who each also have existing garages accessed by the rear laneway, there is no loss of greenspace, and there are no impacts to the adjacent neighbour-owned tree. As such, the requested variances are minor.

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

The intent and purpose of the Official Plan, specifically related to parking, trees and landscaping, is to ensure that the primary focus of the public realm is on soft landscaping and trees, rather than parking and curb cuts. Further, existing distinctive trees should be preserved and protected with all new development. The proposed garage is a permitted use accessory to an existing single-detached dwelling. The existing home features generous soft landscaping and tree coverage in the front yard, which is uninterrupted by any driveways or parking due to the existing rear access to the garage from Tackaberry Lane. The rebuilding of the garage allows for continued provision of one permitted parking space and household storage which is fully screened from the public realm, allowing for retained soft landscaping and urban tree canopy along Holmwood Avenue. By rebuilding the garage which has reached the end of its lifecycle, the usable amenity and open space in the rear yard of the home will be retained, and there will be no adverse impacts to surrounding neighbours introduced by the proposed rebuilt and slightly expanded garage in a similar footprint. The rebuilt garage also allows for improvement of existing grading and drainage challenges with seasonal pooling, and easier vehicular access and egress from the garage to the laneway. There are no proposed impacts to surrounding trees with the adjacent distinctive tree to be protected during construction, with any pruning if required to be monitored by an arborist with permission by the adjacent owners (per the TIR recommendations). The proposed development is desirable for the context as the surrounding neighbours also have garages which have tight lot line setbacks accessed from the City-owned laneway. The proposed minor variances still allow for sufficient and appropriate rear yard area, soft landscaping, amenity space, and building separation. There is no loss of greenspace or soft landscaping with the proposed new garage, and overall improves the existing non-complying site conditions. As such, the proposed minor variances meet the intent and purpose of the Official Plan.

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

The intent and purpose of the interior side yard setback and building separation provisions of the zoning by-law for accessory buildings are to ensure there is adequate space between an accessory building a side lot line and neighbouring property boundaries, and between the principal dwelling. These zoning provisions are intended to allow for light and air filtration, windows, and building separation. The existing garage was built pre-dating zoning standards and therefore enjoys legally non-complying building setbacks. The existing structure is setback 0.37 metres from the lot line at the closest point, and 0.8 metres to the principal building, measured from the building wall for each. The proposed interior side yard setback is 0.40 metres to the interior side lot line measured from the eaves projection, and 0.7 metres from the building wall, which is an improvement on the existing conditions. Though the permitted projection provisions of the zoning by-law do not apply to accessory buildings and therefore must be measured to the eaves, the proposed side yard setback allows 0.70 metres at ground level between the side façade and the lot line, which is ample space for access and light and air filtration. The existing tree to the east of the garage is to be protected throughout construction, as per the recommendations set out in the enclosed Tree Information Report. Given the improved setbacks along the easterly side lot line and the provision of sufficient space between the building and lot line for access and building separation, the proposed

The proposed setback between the existing second storey projection with living space supported by two pillars located over a ground-level deck, as shown on the enclosed survey and site plan. There is no living space on the ground level in this area. As such, the proposed setback between buildings is measured from the most restrictive point in an abundance of caution, between the garage eaves and the principal building eaves and is a second level condition only. The ground level setback conditions between the main portion of the principal dwelling excluding the second storey projection area otherwise exceeds the required setback of 1.2 metres to the proposed garage. As such, there is appropriate separation between the buildings for access, maintenance, and light and air filtration in the rear yard. Therefore, the intent of the zoning by-law is met with the requested reduced setback.

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

The variances are desirable for the appropriate development and use of the land. The proposed variances will allow for the replacement and slight enlargement of an existing non-complying garage which is accessory to a permitted residential use on site. Accessed by an open and travelled City-owned laneway, the garage provides a permitted parking space for the owners of the property which is not visible from the public realm along Holmwood Avenue and requires no loss of greenspace, trees or amenity area. The proposed redevelopment of the garage will result in an improved grading and drainage situation in the rear yard and will resolve seasonal pooling issues caused by the existing garage being too low in relation to the grade of the laneway. Further, the proposed setback along the interior side lot line improves the existing condition by locating the building wall further than what presently exists, while still providing appropriate space for separation, access, and maintenance along the east building wall. Given the requested reduced setback between the principal dwelling and the garage is at a second level condition only, there will continue to be adequate separation for maintenance and access between the two buildings on site. The requested variances have no impacts on the neighbourhood conditions considering most other properties that have rear access along Tackaberry Lane also feature rear lane garages with narrow or non-complying yard setbacks, and the proposed garage will be in keeping with the existing surrounding character. The request to permit continued reduced setbacks for the accessory building on this site allow the owners to enjoy continued use of the rear yard amenity area and landscaping without creating any undue impacts on the surrounding context. The proposal complies with all zoning provisions save and except the two minor variances detailed in this report, which reflect previously existing non-complying conditions. When considered in this context, the requested variances are minor and desirable for the appropriate development of the site.

CONCLUSION

The subject site is a rectangular lot, municipally known as 176 Holmwood Avenue, which presently contains a single-detached dwelling and detached garage in the rear yard, accessed via City-owned Tackaberry Lane. The Owners are proposing to demolish the existing non-complying garage and replace it with a new garage in generally the same location, with a greater interior side yard setback than existing. To facilitate the development, two minor variances to the zoning by-law are required, including reduced interior side yard setback and reduced setback between the existing second storey projection of the single-detached dwelling.

The redevelopment of an accessory building on the site is a permitted and appropriate use of the site as the garage replaces an existing non-complying structure which has reached the end of its lifecycle due to its age and requires replacement. By rebuilding the garage, the Owners are also intending to rectify existing grading and drainage issues along the rear lane, which presently is too low and causes seasonal pooling and flooding. By rebuilding the garage and raising the grade according to the completed grading and drainage plan by a professional engineer, the Owners are improving the existing site conditions while making a functional garage for a modern car for access and egress to the lane. The variances are required to ensure the garage does not encroach into the existing usable amenity space in the rear yard, generally matching the existing setback conditions while having no impacts on the adjacent neighbour to the east. The garage is also sufficiently far from the existing single-detached dwelling given the setback is measured from the second level condition and there is sufficient access, separation, and light and air filtration between the buildings.

The proposed development and minor variances are consistent with the Provincial Policy Statement, 2020 conform to the policies of the City of Ottawa Official Plan and comply with the City of Ottawa’s Zoning By-law 2008-250 save and except the minor variances detailed in this report. The minor variances meet the four tests under Section 45(1) of the Planning Act. The proposed development represents good land use planning and is recommended for approval.

Respectfully submitted,



Jessica D’Aoust, MCIP RPP M.PI
Principal + Senior Planner