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June 28, 2023

**Mr. Michel Bellemare**  
Secretary-Treasurer  
Committee of Adjustment  
101 Centrepointe Drive, Fourth Floor  
Ottawa, ON K2G 5K7

**RE: Application for Minor Variance**  
**167 Gilmour, Ottawa (Ward 14, DR Central)**

**Committee of Adjustment**  
Received | Reçu le

**Revised | Modifié le : 2023-06-30**

City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

Dear Mr. Bellemare,

Fotenn Planning + Design ("Fotenn") has been retained by Eric R. Williams of 1963981 Ontario Inc., ("the Owner") to prepare a Planning Rationale for a Minor Variance application to permit a second floor balcony and modify the entry into the principal dwelling at the municipal address of 167 Gilmour Street ("the subject site") in the Centretown neighbourhood of the City of Ottawa.

The subject site contains a two storey, detached dwelling. The enclosed minor variance application seeks relief from the Zoning by-law to permit a new accessible walkway and two storey porch.

Please find enclosed the following material in support of the application:

- / This cover letter explaining the nature of the application;
- / Minor Variance Application form;
- / Survey Plan;
- / Site Plan and Elevation drawings, prepared by O'Keefe Fiorenza Design Group dated June 9<sup>th</sup>, 2023 and revised June 12<sup>th</sup> 2023; and
- / Tree Information Report Prepared by IFS Associates and dated June 9<sup>th</sup>, 2023

Please contact the undersigned at [sayah@fotenn.com](mailto:sayah@fotenn.com) with any questions or requests for additional information.

Sincerely,



Saide Sayah

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**FOTENN**

## Background and Context

Fotenn Planning + Design ('Fotenn') has been retained by 1963981 Ontario Incorporated ('the Owner') to prepare a Planning Rationale for a Minor Variance application at the municipal address of 167 Gilmour Street ("the subject site") in the City of Ottawa.

The enclosed Minor Variance application seeks relief from the Zoning By-law to permit an open second floor porch in the front yard of the existing detached dwelling and reduced front yard landscaping requirements to accommodate accessible ramp and entrance into the primary dwelling. The subject site is relatively small in area with a total area of 153 square metres and a frontage of 8.46 metres as shown in figure1 below.



Figure 1: Subject Site

### 1.1 Area Context

The subject property is located in the Centretown Neighbourhood of the City of Ottawa, approximately 80 metres east of Bank street. The surrounding uses are characterized by the following:

**North:** Immediately north of the subject site is a three-storey low-rise apartment (169 Gilmour Street) which abuts the rear of 167 Gilmour Street. Gilmour Street is characterized by low rise residential uses including detached, semi-detached and converted dwellings which often display substantial 2 and 3 storey wood verandas with elaborate trim.

**East:** Immediately east of the subject site is a detached dwelling fronting Gilmour Street are converted single detached dwellings also conveying the rich heritage character of the district.

**South:** Minto Park is located to the south of the site, separates Gilmour from Louis Street and stretches east west from Elgin Street through to Cartier Street.

**West:** Immediately west of the subject property is a two and half storey semi-detached dwelling converted into an apartment fronting onto Gilmour Street.

# Overview of Application

The owner of the subject property is currently renovating the building from office back to residential and wishes to make modifications to rebuild the front porch entry with a second level, add a wheelchair accessible ramp, new entry stairs and landscaping in the front yard. To accommodate the addition of porch the following minor variance to the Zoning By-law is required:

1. Section 60 (4) – despite Section 65, projections are not permitted into the front yard in an area to which a heritage overlay overlaps, except in the case of a ramp used for handicap access as long as that ramp does not exceed the minimal dimensions mentioned in the Building Code for a ramp in a barrier-free path of travel.

The proposed open two storey porch is designed to be consistent with the vernacular pattern along this section of Gilmour Street (refer to figures 3 and 4). The neighbouring residence to the west, located at 161 Gilmour Street incorporates a 3-storey open porch with another four examples along this section of Gilmour Street (see figure 5).

A Tree Information Report (TIR) was prepared by IFS Associates Inc. (IFS) in support of the minor variance application for 167 Gilmour Street. The need for this report is related to trees protected under the City of Ottawa’s Tree Protection By-law (By-law No. 2020-340). The report outlines specific tree preservation and protection measures that will be implemented throughout construction.



Figure 2: Location of interior side yard adjacent to porch (red) and landscaped area in front yard (green).



Figure 3: Illustration of Two Storey Porch



Figure 4: Photograph of 169 and 167 Gilmour Street.

## 3.0 Policy and Regulatory Context

### 3.1 City of Ottawa Official Plan (2022)

The subject site is designated Neighbourhood per schedule B2 – Inner Urban Transect, figure 3 below.

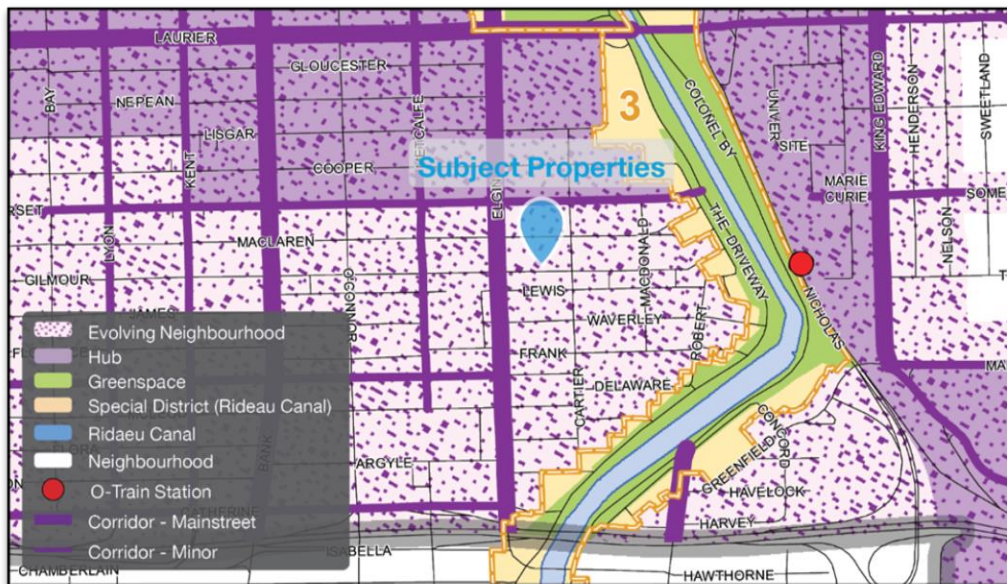


Figure 5: Schedule B2 - Inner Urban Transect

Neighborhoods are contiguous urban areas that constitute the heart of communities. They are planned for ongoing gradual, integrated, sustainable, and internally compatible development. Neighbourhood policies will allow for the development of a full range and choice of housing, with complementary small-scale non-residential land uses to support the creation of 15-minute neighbourhoods.

Permitted building heights in Neighbourhoods shall be Low-rise.

A range of residential and non-residential built forms are permitted in the Neighbourhood designation, including low rise housing options sufficient to meet and exceed the residential intensification targets.

The City may establish form-based regulations through the Zoning by-law, Site Plan Control and other regulatory tools as appropriate, consistent with Transect direction. Such form based-based regulations may include requirements for articulation, height, setback, massing, floor area, roofline, materiality and landscaping areas having regard for:

- a) Local context and Character of existing development;
- b) Appropriate interfaces with the public realm, including features that occupy both public and private land such as trees;
- c) Appropriate interfaces between residential buildings, including provision of reasonable and appropriate soft landscaping and screening to support livability;

- d) Proximity to Hubs, Corridors and rapid transit stations;
- e) Transition in building form to a form abutting designations; and
- f) The intended density to be accommodated within the permitted building envelope.

Section 4.2 of the Official Plan states that, “Housing that meets needs across ages, incomes and backgrounds and supports accessibility needs is a key requirement for health and well-being...”. In addition, the preservation and protection of heritage structures is a primary direction in Section 4 and while the exterior improvements to 167 Gilmour Street may appear to be modest, they represent active responsibility towards maintaining the heritage character of the property.

**The proposed Minor Variance complies with the overall intent of the Neighbourhood Designation as well as the objectives for the Inner Urban Transect and Heritage policies.**

### 3.2 City of Ottawa Zoning By-law (2008-250)

The subject site is zoned Residential Fourth Density, Subzone UD within a Mature Neighbourhood Overlay and the Centretown Heritage Conservation District, as shown on Table 1 below. The Residential Fourth Density zone is intended to:

- / allow a wide mix of residential building forms ranging from detached to low rise apartment dwellings, in some cases limited to four units, and in no case more than four storeys, in areas designated as General Urban Area in the Official Plan;
- / allow a number of other residential uses to provide additional housing choices within the fourth density 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 mixed building form, residential character of a neighbourhood is maintained or enhanced: and

Permitted uses in the R4 zone include a range of residential dwelling types from detached dwellings to low rise apartment buildings. An evaluation of the Zoning By-law with the subject site’s existing development are shown in Table 1 below.

Table 1: R4 UD Zone Requirements from Table 139 of Zoning By-law

Performance Standard	Required	Provided	Compliance
<b>Minimum lot area</b>	195 m <sup>2</sup>	225 m <sup>2</sup>	<b>Yes</b>
<b>Minimum lot width</b>	7.5 m	8.5 m	<b>Yes</b>
<b>Minimum front yard setback</b>	4.5 m	4.92 m	<b>Yes</b>
<b>Minimum rear yard setback</b>	25 percent of lot depth	0 m	Legal non-complying structure
<b>Minimum interior yard setback</b>	1.2 m total, 0.6 for one side	0.74 m west side 0.7 m east side	Legal non-complying structure
<b>Maximum building height</b>	11 m	9.5 m	<b>Yes</b>
<b>Maximum width of proposed walkway</b> Section 139 4) c) ii)	1.2 m	1.2 m	<b>Yes</b>

<b>Section 60 – Heritage Overlay</b>	
Despite Section 65, projections are not permitted into the front, corner side yard or side yard in an area to which a heritage overlay applies, except in the case of a ramp used for handicap access as long as that ramp does not exceed the minimal dimensions mentioned in the Building Code for a ramp in a barrier-free path of travel.	<b>Minor Variance Requested</b>
<b>Minimum Required Aggregated Soft Land Landscaping</b>	
Table 139 - In the case of any lot with a width between 8.25 m but less than 12 m – 35% Requirement	<b>Yes</b>

## 4.0

### Minor Variance Application: The Four Tests

It is our professional opinion that the proposed development constitutes good planning and meets the four (4) tests outlined in the Planning Act as discussed below.

#### 4.1 Does the Proposal Maintain the General Intent and Purpose of the Official Plan?

The subject site is designated Neighbourhood within the Inner Urban Transect of the City of Ottawa Official Plan. The proposed minor variance does not contravene the general intent and purpose of the Official Plan. Neighborhoods are contiguous urban areas that constitute the heart of communities. They are planned for ongoing gradual, integrated, sustainable, and internally compatible development. Neighbourhood policies will allow for the development of a full range and choice of housing, with complementary small-scale non-residential land uses to support the creation of 15-minute neighbourhoods. Furthermore, the proposed renovations are advancing the accessibility policies of the Official Plan while respecting and enhancing the neighbourhood's heritage character.

**The proposed minor variance maintains the general intent and purpose of the Official Plan.**

#### 4.2 Does the Proposal Maintain the General Intent and Purpose of the Zoning By-law?

The subject site is zoned Residential Fourth Density, Subzone UD in the City of Ottawa Comprehensive Zoning By-law 2008-250. The intent of the R4 zone is to permit a range of residential built forms including detached dwellings.

A zoning compliance table has been provided in section 3.2 of this rationale and summarizes the provisions of the zone. The proposed Minor Variance seeks relief to allow a two storey porch to be constructed in the front yard of the subject property.

The applicant has proposed an open porch vernacular designed to match the existing street context and the ornamental nature of facades found in the Centertown Heritage Conservation District. The porch will be constructed closer to Gilmour Street than that of the neighbouring property, and as a result will not have a direct view into any windows or interior spaces of the building at 161 Gilmour Street, which also has a three-storey open porch. In addition, the open porch pattern is established with several 2 and 3 storey "open" porches along this section of Gilmour Street. The photograph below shows the existing property in relation to 169 Gilmour Street.

**The minor variance requested meets the general intent and purpose of the zoning by-law.**

### 4.3 Is the Proposal Minor in Nature?

The proposed variance is minor as the variance does not result in any tangible undue adverse impact on any abutting lands. The nature of the overall renovations will improve the existing condition for persons with disabilities while strengthening the vernacular heritage of the street. In addition, measures will be taken to protect the existing tree in the City Right of Way.

**The proposed variance is minor in nature.**

### 4.4 Is the Proposal Desirable for the Appropriate Development or Use of the Land?

The proposed variance has no negative impact on the front yard character of the subject site and will not impact the nearby residents.

**Allowing the two storey open porch will have no negative impact on the character of the existing neighbourhood and results from renovations that will improve existing conditions. Therefore, the Minor Variance is considered desirable and appropriate development and use of the land.**



## 5.0 Conclusion

The proposed variance represent appropriate, orderly development, and function of 167 Gilmour Street. It is our professional planning opinion that the proposed Minor Variance constitutes good planning as:

- / The proposal conforms to the Provincial Policy Statement (2020);
- / The proposal conforms to the policies and objectives of the Neighbourhood designation of the Official Plan;
- / The proposal meets the intent of the City of Ottawa Comprehensive Zoning By-law; and
- / The proposed minor variance meet the four tests, as set out in the Planning Act.

Sincerely,



Saide Sayah, RPP  
Principal