

2023-10-12



**PERMISSION APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 3**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 6 White Cedar
Legal Description: Part of Lot 3, Registered Plan 528
File No.: D08-02-23/A-00207
Report Date: October 12, 2023
Hearing Date: October 17, 2023
Planner: Jack Graham
Official Plan Designation: Neighbourhood, Evolving Neighbourhood Overlay
Zoning: R1D – Residential, First Density Zone

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **requests an adjournment of** the application.

DISCUSSION AND RATIONALE

Staff have reviewed the subject application. Due to concerns with the requested variance, staff recommend an adjournment *sine die*.

The subject site is designated as Neighbourhood, with the Evolving Neighbourhood Overlay, in the Official Plan and zoned as R1D - Residential, First Density Zone. The applicant is seeking permission to expand the garage, maintaining the existing building height of 6.4 metres. The existing garage has legal non-conforming rights.

The proposed expansion would also increase the height of the northern exterior wall. Zoning By-law Table 55 (5) states that the maximum height of the exterior walls is not to exceed 3.2 metres. The applicant requires a secondary Minor Variance to permit the increased height. The proposed addition raises the height of the walls of one side of the garage. As the proposed addition extends to the full width of the lower wall, it is not a dormer (see Figures 1 and 2, below). Therefore, the application must address the wall height provision in the above-noted Table.



Figure 1. Example photo of a dormer. The dormer is secondary to the main roof line, and does not meet the lower wall.

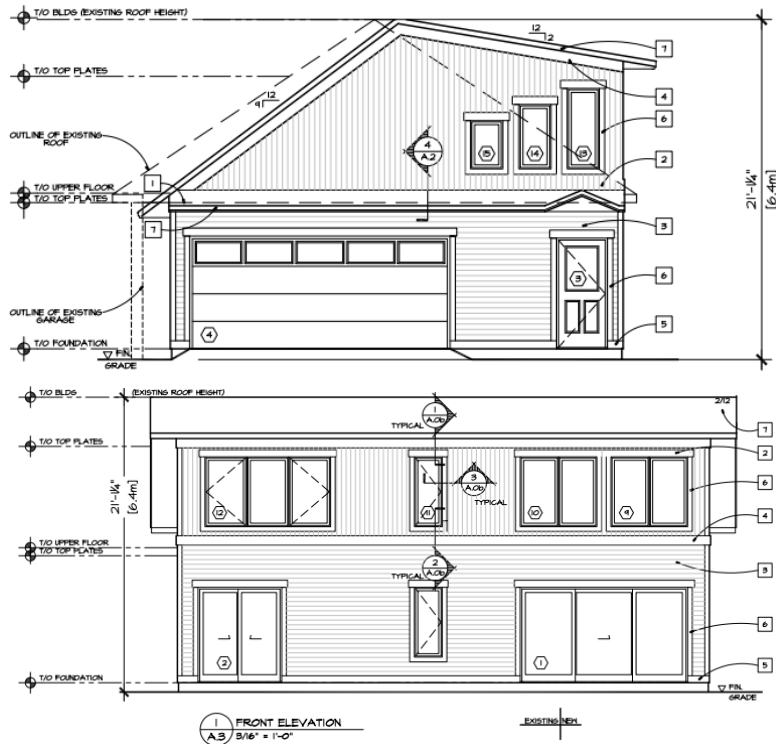


Figure 2. Applicant's proposal. Upper wall extends the full width of the lower wall, and is the main roof line.

Further discussion with Zoning Plan Examiners has raised concerns about the use of the building after the addition. The inclusion of the enclosed area and full bathroom suggest

that this is intended to be converted to a coach house. Section 142(16)(a) of the Zoning By-law states:

16. Where not located entirely in the rear yard, all or part of an accessory building existing as of September 14, 2015 may be altered to contain a coach house in accordance with the following:

- a) the building may not be enlarged beyond the building envelope of the accessory building as it existed on September 14, 2015;

As the proposal enlarges the envelope of the building, and this appears to be a conversion to a coach house, planning staff recommend that the application be adjourned *sine die* to clarify the use of the project, and to address Table 55 of the Zoning By-law, exterior wall height.

ADDITIONAL COMMENTS

Right of Way Management

In reviewing aerial photos of the property, the entrance way has been expanded without the appropriate approvals. In addition, front yard parking has been established in front of the dwelling which is not permitted. As part of the front yard parking, asphalt has been placed on the city right-of-way. **In light of these issues, the Right-of-Way of Management Department requests a condition that the building permit not be issued until these contraventions of the By-laws have been rectified.**

CONDITIONS

1. That the Owner(s) reinstate the private approach and remove the illegal front yard parking to the satisfaction of the **Right-of-Way Management Department** and the **Development Review Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department**, or their designate before receiving a building permit.



Jack Graham



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