

August 24, 2023

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

**RE: Application for Minor Variance
121 James Cummings Ave., Ottawa**



Dear Mr. Bellemare,

Fotenn Planning + Design (“Fotenn”) has been retained by the property owner to prepare this Cover Letter in support of a Minor Variance application for the property known municipally as 121 James Cummings Ave. (the “subject property”) in the City of Ottawa.

The purpose of the application is to request variances to the Zoning By-law, following comments by the zoning plans examiner reviewing the existing building permit application for the construction of a new single detached dwelling. Several identified issues have been resolved through revisions to the Site Plan, as submitted, but variances are still required for the following items:

1. To permit a septic system to be set back 15 metres from the normal high-water mark of a watercourse or body, whereas Section 69(a) of the by-law requires a setback of 30 metres; and,
2. To permit a garage to be located equal with the portion of a projecting porch that is not within the required setback, and 3.05 metres closer to the front lot line than the principal entrance of a building, whereas Section 139(3) of the by-law requires the garage be set back at least 0.6 metres further from the applicable lot line than the principal entrance.

For your consideration, please find below an analysis of the “four tests” under the *Planning Act*.

1. Does the requested variance maintain the general intent and purpose of the Official Plan?

The subject property is located within the Outer Urban Transect and is designated “Neighbourhood”, as shown on Schedule B3 of the Official Plan. The Neighbourhood designation represented the core of the communities found in the urban and suburban areas of the City. As per section 3.2.3 of the Official Plan, the role of Neighbourhood is to support a large portion of the intensification projected by the Official Plan and per the policies under section 6, a full range of low-rise housing options are permitted.

The proposal seeks to redevelop the existing lot with a new single-detached dwelling, replacing an existing single-detached dwelling. The new footprint is compliant with all required setbacks and is generally of a similar size and footprint to newer houses built in the area, including the property immediately to the west, being 123 James Cummings Ave., developed circa 2017.



Figure 1: Schedule B3, Outer Urban Transect.

The proposed septic system is located in the rear yard of the proposed lot, set back 15 metres from the shoreline of the Ottawa river. Section 4.9.3, Policy 2 of the Official Plan establishes a minimum setback from surface water features, being the greater of:

- a) Development limits as established by the conservation authority's hazard limit, which includes the regulatory flood line, geotechnical hazard limit and meander belt;
- b) Development limits as established by the geotechnical hazard limit in keeping with Council approved Slope Stability Guidelines for Development Applications;
- c) 30 metres from the top of bank, or the maximum point to which water can rise within the channel before spilling across the adjacent land; and
- d) 15 metres from the existing stable top of slope, where there is a defined valley slope or ravine.

Policy 4 then specifies that the setbacks referenced above will be implemented through the Zoning By-law, and any change in the setback shall require a Zoning By-law amendment or variance that conforms with the policies in this section of the Plan. Policy 9 of this same section states that "where development is proposed on private services, no septic tank or distribution piping may be located within the minimum setback from surface water features unless an alternative setback has been permitted by the City in consultation with the conservation authority."

The proposed septic location, being 15 metres from the normal highwater mark of the Ottawa river, has been reviewed by the Rideau Valley Conservation Authority and a permit was issued on August 15, 2023, and is included as part of the application submission package.

With respect to the proposed garage being located closer to the front property line than front entrance to the dwelling, Section 6.3.2, Policy 2 states that within neighbourhoods, form-based regulation through the Zoning By-law, Site Plan Control and other regulatory tools as appropriate, may include requirements for articulation, height, setbacks, and other factors, having regard for local context and character of existing development, as well as appropriate interfaces with the public realm.



Figure 2: Rendering of the proposed dwelling, showing the projecting porch from the principal entrance, and the location of the garage.

The proposed dwelling includes a projecting porch into the front yard setback, which is situated closer to the street than the proposed garage. This is generally consistent and compatible with the garage/door pattern on this portion of James Cummings Avenue, where as shown on the image below, a number of existing houses, both older and newer, have garages set closer to the street than the principal entrance. In many cases, the full garage is set closer to the street, which is not the case with the proposed development.

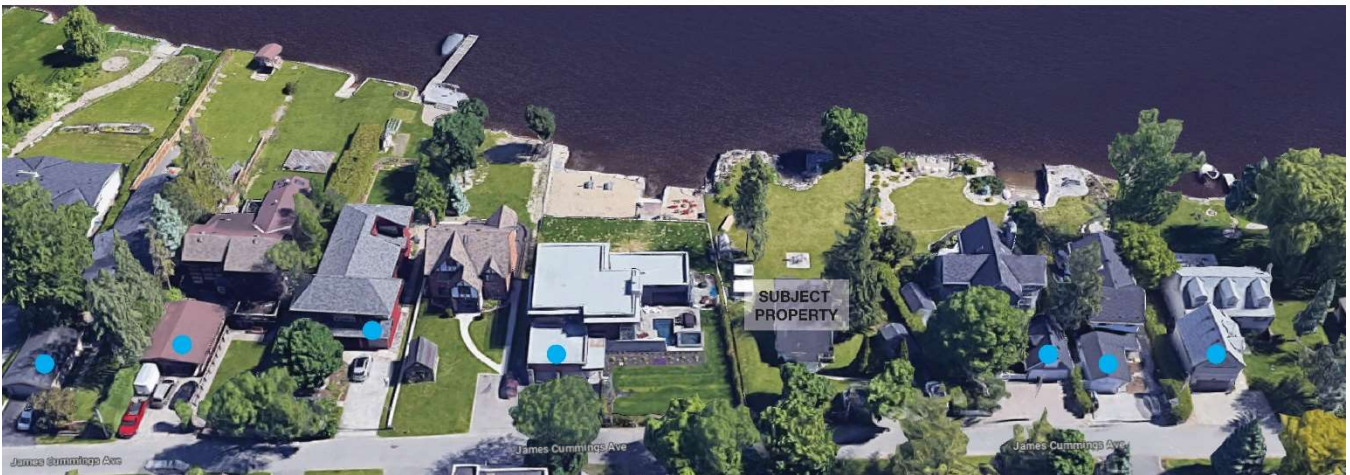


Figure 3: Aerial image showing houses where garages are located closer to the street than the principal entrance, marked with a blue dot.

As the RVCA has reviewed the application package and approved a permit for the development, the variance for the septic system meets the general intent and purpose of the Official Plan. The proposed garage is consistent with character along the street and is generally compatible with existing development, both old and more recent. As such, the garage variance meets the general intent of the Official Plan.

2. Does the requested variance maintain the general intent and purpose of the Zoning By-law?

The lands are zoned “Residential First Density Zone, Subzone E” (R1E) in the City of Ottawa Comprehensive Zoning By-law 2008-250.

Continuing from the discussion above on the Official Plan, the setback from a watercourse is implemented through Section 69 of the Zoning By-law, which reads in part:

Except for flood or erosion control works, or a public bridge or a marine facility, no building or structure, including any part of a sewage system, which does not require plan of subdivision, or site plan control approval, shall be located closer than:

- (a) 30 m to the normal high-water mark of any watercourse or water body, or
 - (b) 15 m to the top of the bank of any watercourse or water body,
- whichever is the greater.

As per the discussion under the Official Plan above, the plan for the septic system has been reviewed by the RVCA and a permit has been recently issued, approving of the 15 metre setback from the normal high-water mark of the river. As such, the proposal meets the general intent of the Zoning By-law.

With respect to the garage, it is noted that the intent of the provision is to minimize forward-facing garages set closer to the street with principal entrances located far behind the garage, a common type of auto-centric development found in suburban areas of the City. Section 139(3) of the Zoning By-law states:

Any garage facing the front lot line abutting a street is subject to the following:

- (a) the entrance to the garage or carport must be set back at least 0.6m further from the applicable lot line than either:
 - (i) the principal entrance; or
 - (ii) The front edge of a landing or porch, giving access to the principal entrance, or the portion of a projecting landing or porch that does not fall within a required yard.
- (b) Despite 139(3)(a)(ii), the garage or carport may not be more than 0.6m closer to the front lot line or side lot line abutting a street than is the principal entrance to the dwelling.

The proposed garage is set back 7.57 metres from the front lot line, and the entrance is set back a further 3.06 metres, as shown on the submitted Site Plan, also below. The request for a variance proposes that the garage be permitted to be equal to the portion of the porch that does not project into the required setback, and also 3.08 metres (rounding up from 3.06 to account for margin of error) closer to the front lot line than the principal entrance, whereas the by-law only permits the garage to be 0.6 metres closer to the front lot line.

As demonstrated in figure 3 above, there is a pattern of garages being set closer to the street than the principal entrance on James Cummings Avenue, including the neighbouring property at 123 James Cummings Avenue. The proposed development includes a porch at the principal entrance which projects closer to the street than the garage, emphasizing the principal entrance and creating a welcoming, inviting condition. The proposed garage does not substantially project towards the street like some neighbouring houses, and proposed a much more modest condition, while being in character with other houses on the street.



Figure 4: The neighbouring property to the west, being 123 James Cummings Ave., was developed in 2017 and has a garage set forward from the principal entrance.

Given the proposed development is more modest than and consistent with the neighbourhood character with respect to garages, and as the front porch is the element which projects closest to the street to emphasize the main entrance, the proposed development maintains the general intent and purpose of the Zoning By-law.

3. Is the requested variance desirable and appropriate for the use of the land, building, or structure?

The proposed variances will facilitate the development of a new single-detached dwelling on the subject lands, replacing an existing dwelling, for no net increase in dwelling units. As the lands are zoned R1E, only single-detached dwellings are permitted as the principal dwelling type, and therefore the replacement of an existing dwelling is desirable and appropriate.

The new septic system is located as per the permit issued by the RVCA and minimizes any potential issues arising from the proximity to the Ottawa River. The proposed garage is to be considered alongside the prominent front porch condition at the principal entrance, which provides for an inviting streetscape condition in line with other older and newer developments in the surrounding area. The variances seek to permit a new single-detached dwelling in an area characterized by this dwelling typology, and proposes an architectural character which is consistent with the neighbourhood. Therefore, the variances are desirable and appropriate.

4. Is the requested variance minor in nature?

This test typically considers the impacts on adjacent properties and the surrounding community to determine if a variance is minor in nature. With respect to the septic system, the other properties on James Cummings Ave. are also on private septic systems as there are no services other than municipal water on this street. The proposal is not introducing a new, undesirable condition and the merits of the

proposal have already been evaluated by the RVCA, which has awarded a permit for the system, including a reduced setback.

The proposed garage is not anticipated to generate any undue adverse impacts on the streetscape character, as the building is designed with a garage that respects the front yard setback and a projecting porch which emphasizes the main entrance of the dwelling over the garage.



Figure 5: Rendering showing the front door of the proposed dwelling, as it relates to the garage on the right.

Therefore, the proposed variances are minor in nature, as they do not create any undue adverse impacts on adjacent properties or the surrounding area.

Sincerely,

Jacob Bolduc, MCIP RPP
Associate Planner
Fotenn Planning + Design







