

City of Ottawa
Committee of Adjustment
2 Constellation Crescent
Nepean Ontario
K2G 5J9

November 03, 2023

Dear Committee Member,

Reference: Minor Variance Application
102 Lower Charlotte St, Ottawa
Permit File No: A22-005845

We are writing you as the home owners, on the enclosure of our porch at 102 Lower Charlotte St. We have been instructed by Marissa Hatherall, Zoning Plan Examiner to ask for this minor variance.

We are asking the Committee of Adjustment to re-consider the amended application with additional comments incorporated by Basma Alkhatiba, Planning I for this minor variance.

The area in question is located in Part Lot 11 Registered Plan 43586 City of Ottawa. The application is to enclose the porch which has been existing since we purchased the house in 2005. We have provided a survey of the porch dated August 25, 1989 by EF Lyn Cole O.L.S.

Project Description:

Since our house originally did not have a vestibule, we created two walls and door on the existing porch for several reasons.

- 1) It is environmentally better for energy savings. Less cold or warm air leaving the home.
- 2) It is safer for myself and my husband in our advance years (60+ senior) to open the door as there is more pressure at certain times of year (winter and summer).
- 3) It beautifies the home. It is in character with other houses in the neighbourhood. We have used sustainable sustainable materials like pine.

The current R4UD minimum front yard setback of 4.5m is not meet by any of our neighbours or the neighbourhood in general. The Zoning plan examiner proposed us to apply for this variance to move towards compliance with the zoning regulations that the existing house and proposed enclosure falls, between the required provision of a permit and the existing non-complying situation (since 1908). This enclosure does not expand the existing porch area, it only creates a greener and safer option for us in our advanced years.

In regards to the minor variance test:

Committee of Adjustment
Received | Reçu le

Revised | Modifié le : 2023-11-06

City of Ottawa | Ville d'Ottawa
Comité de dérogation

1. The variance is minor.

The request is to make the setback 4.5m to 0 m since existing house and porch does not comply. The house has existed since 1908. This house was constructed prior to the by-law and zoning as established by the City of Ottawa consolidated 2008. It is our understanding that the By-Law is not retro active.

2. The variance is desirable for the appropriate development or use of the property;

The request is to maintain the front entrance of the building and to keep the existing use of the building as a residence.

3. The general intent and purpose of the zoning by law is maintained:

As per 2008-250 – Section 55-75 we feel this project is in-line with the intent of the Zoning By-Law:

*Part 2 – General Provisions (Sections 55-75) In this part you will find provisions that apply to all land uses (e.g. adequate municipal services, frontage on a public street). **Accessory Uses, Buildings and Structures (Section 55) 55.** (1) An accessory use is permitted in any zone if: (a) it is on the same lot as the principal use to which it is accessory; and (b) it exists to aid and contribute to the principal use to carry out the function of that principal use.*

The existing porch was built prior to 1989 and this enclosure is not changing the use of the space. The setback 0m was established by this porch area which we believe to be original to the house in 1908. The Zoning By-Law does not retroactively apply for existing structures.

4. The general intent and purpose of the Official Plan is maintained:

Under 4.2.1

- 1) *A diverse range of flexible and context-sensitive housing options in all areas of the city shall be provided through the Zoning By-law.*

We are maintaining a semi detached dwelling. This is home is in a fifteen minute neighbourhood which we can afford.

Under 6.3.2 Guide the evolution of neighbourhoods based on their context, location, age, maturity and needs

- 2) *The City will establish form-based regulation through the Zoning By-law, Site Plan Control and other regulatory tools as appropriate, consistent with Transect direction. Such form-based regulation may include requirements for articulation, height, setbacks, massing, floor area, roofline, materiality and landscaped areas having regard for: a) Local context and character of existing development;*

We are enclosing the porch with sustainable and materials in keeping with the neighbourhood character. This is also going to make the building more green from an energy conservation and help meet accessible requirements as per AODA. The ADA standard: ***The ADA requires that operable parts of door hardware a maximum required force of 5 pounds. That means the door closer resistance must be 5 pounds or less to accommodate users' various upper extremity abilities.***

We are seeking to obtain a minor variance from the Committee of Adjustment to seek relief as the current house and enclosure of the porch do not currently meet the minimum required front yard setback. It is our opinion that the minor variance should be approved because it fits the neighbourhood and it does not affect anyone adversely. It also respects the original intent and footprint of the house with existing porch area.

In addition to two copies of this letter and supporting documents, enclosed is a cheque in the amount of \$2600 made payable to the City of Ottawa for this application.

Sincerely

Ching Fun Lam

Homeowner