

Greg Carter
4120 I Riverside Drive
Ottawa ON
K1V 1C4

Committee of Adjustment
Minor Variance
101 Centrepointe Drive
Ottawa ON
K2G 5K7

To Whom It May Concern,

Please find attached an application for minor variance for property:

Address - 4120 I Riverside Drive Ottawa
Part of Lot 6, Concession 1 (Rideau Front)
Geographic Township of Gloucester, now in the City of Ottawa
P.I.N. 04589-0786
Owner Greg Carter

Included is a brief summary report, Application for Minor Variance Form, and all required drawings. The application concerns the building of a detached garage. A variance is required for permitted size; Requesting total of 278.4 m² for permitted size for all accessory use buildings: Existing shed 10.4 m², new garage 268 m². As well as a variance for height: The proposed height is 7.25m. I may be contacted by phone 613-299-0450 or email greg9504@gmail.com

Thank You,

Greg Carter



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2 SUMMARY

The application concerns the height and maximum gross floor area restrictions of a new (replacement) outbuilding (garage). A Development Information Officer, AJ Mohmmand, was consulted and after he reviewed the plans indicated that a variance was needed. Mr. Mohmmand explained the by-law restricts the height to 6m. The proposed height is 7.25m. Mr. Mohmmand also explained that the gross floor area for accessory buildings not to exceed 55 m², the proposed garage would need a variance for this as well. Requesting total of 278.4 m² for permitted size for all accessory use buildings: Existing shed 10.4 m², new garage 268 m².

Some history, in January of 2005 I applied for and received a minor variance (for height only) to build a garage in the exact same location, with size of 184 m² and height of 5.72m. I did receive the minor variance (File No: D08-02-04/A-00472) and building permit. For various reasons, the garage was not built.

3 PROPERTY AND AREA INFORMATION

4120 Riverside Drive is located on a private right of way off of Riverside Drive just south of Hunt Club, immediately west of the airport. It is made up of properties A through L, the subject of this minor variance request is property I. All properties enjoy large lots, the subject lot is just under 1 acre at 2915.35 m². There is not one specific architectural style. Homes range from new modern to seventy-year-old part time cottages. However, the overall atmosphere is that of a rural setting, as the lots are fronted on one side by the Rideau River, and on the other by a wooded area. Homes are not visible from Riverside Drive.

There is a homeowner's association, Uplands on the Rideau, which all property owners at 4120 Riverside belong to. A copy of this application has been forwarded to the association executive and to every property owner. Submitted with this application is a letter from the association president acknowledging my plans and supporting the planned garage.



Figure 1 Ariel view of 4120, subject property is indicated with arrow



Figure 2 Entrance to 4120 Riverside Drive from Riverside Drive



Figure 3 Private right of way

3.1 GARAGES OF 4120 RIVERSIDE DRIVE

Below are pictures of the various garages of the other homes at 4120 Riverside Drive



Figure 4 4120A Detached, Note height.



Figure 5 4120B



Figure 6 4120C Detached



Figure 7 4120E Length and width similar to proposed garage.



Figure 8 4120F



Figure 9 4120 H



Figure 10 4120i Existing garage to be replaced, new garage SW corner at red stake.



Figure 11 4120K garage 1 of 2



Figure 12 4120K garage 2 of 2



Figure 13 4120L

4 NEW BUILDING

The proposed building has a gross floor area of 268m² with 4.15m eaves and a roof pitch of 12:12 with overall height of 9.75m, height to midpoint of gable is 7.25m. Please see attached site plan and elevations. The building will be steel framed, with standing seam metal roof, and a mix of metal and wood siding. The overall esthetic is that of a modern building vs what one might think of when picturing a traditional metal building. The building will be purchased from and installed by a reputable builder. As shown on the site plan the garage is to the rear of the yard.

4.1 12:12 ROOF PITCH – SOLAR PANELS

Most of the height is due to the 12:12 pitch, chosen for aesthetic reasons as well as being the ideal angle for solar panels. The garage will face almost due south, the ideal orientation for solar panels.

5 TREES

It is not anticipated that any trees meeting the distinctive tree designation would need to be removed or disturbed in the CRZ. The proposed location of the new building is currently a gravel drive. The city's Planning Forrester (Hayley Murray) was contacted via cofa_trees@ottawa.ca and provided with a report done by an Arborist (Hackett & Hill Tree Specialists). After some clarification, it was determined that no TIR was needed:

“As a result of determining this trees size, you do not need to provide a Tree Information Report with your COA application. Please pass this email chain onto the COA coordinator you're working with as confirmation”

Hayley Murray, Planning Forester (T), Natural Systems and Rural Affairs.

The email chain is provided electronically in the file named: [emailsTocofa_trees.Hayley Murray.Gmail.pdf](#). For the record, I've planted about 30 trees on my property since taking ownership in 1998.

6 RVCA

The RVCA was consulted, despite the location noting being in a flood plain and the proposed building site being 54m from the slope, RVCA insisted on a slope stability report. This was done by the Paterson Group, see electronic document: [PG6706-MEMO.01-Slope Stability Assessment-May 23, 2023.pdf](#). No surprise, there were no problems found. I've also simultaneously submitted the forms for Section 28 Permit with RVCA.

7 ZONING

EP3[362] H(10.7) S219

The current zoning of 4120 Riverside Drive is a mess, created in 1998 when the lots were erroneously zoned ES (EP in today's nomenclature). At the time our community association worked with our councillor and planning to correct the mistake. 1999 Letter to our Community Association from then Director of Planning for the city of Ottawa, John L. Moser:

Proposed Action

- The Planning Branch will propose a zoning amendment to restore the existing houses as a permitted use on the basis that:
 - It will conform to the Regional Official Plan Airport noise policies outlined above.
 - **The properties are no longer considered to be an Environmentally Sensitive Area.**
- The proposed zoning amendment will be included as part of the Hunt Club Neighbourhood Plan study, targeted for approval by City Council in January 2000
- **This study has determined that the City of Ottawa Official Plan designation of the properties should be changed from the existing Environmentally Sensitive Area (ESA) to Waterway Corridor because the manicured landscaped yards do not meet the criteria established for ESAs by the Natural and Open Spaces Study (NOSS).**
- The zoning is proposed to be changed from ES-Environmentally Sensitive Area to EW-Waterway Corridor. An exception, will recognize the existing houses as permitted uses. Additions to or replacement of the existing houses will be permitted

Figure 14 1999 Letter from Director of Planning, John L. Moser to community association. Taken from: <https://app06.ottawa.ca/calendar/ottawa/archives/ottawa/city/web/a/a1/AGEXPPED8.pdf>

Note the properties were never supposed to be zoned ES [EP]. The eventual solution to the zoning was the creation of what is now known as Exception 362. It is important to realize the intent of the creation of Exception 362, from the 2002 Report to Council:

The proposed Zoning By-law amendment:

1. Will reinstate the property rights that the owners of the existing lots of record enjoyed prior to the approval of the former City of Ottawa's new Zoning By-law, 1998.

The full report to council is available online

<https://app06.ottawa.ca/calendar/ottawa/citycouncil/pdc/2002/06-27/ACS2002-DEV-APR-0120.htm>

Exception 362 was supposed to alleviate the property owners of 4120 Riverside Drive from the ES (now EP) restrictions. This worked for a while; however since 2005, Planning has added additional EP restrictions: Site Plan Control (SPC) for Residential properties in EP zones, and maximum accessory building size of 55m².

I prepared a lengthy document about the history of zoning of 4120 Riverside Drive and contacted our Councillor (Jessica Bradley) with the hope of having the zoning for 4120 moved

from EP3 to RU4 (electronic document 4120RiversideDriveZoningChangeRequest.pdf). Our councillor forwarded the document and the request to City Planning. After a bit of back and forth, the City has informed us that they will zone the properties Residential in the 2025 Official Plan overhaul.

“With the approval of the new Official Plan, I would also like to note that the properties at 4120 Riverside are located in the Outer Urban Transect and are in the Neighbourhood Designation, please see Schedule B9 of the Official Plan. I can confirm that the EP zoning you currently have will be changed to a residential zone in the new Zoning By-law.”

Mitchell LeSage, By-Law Writer and Interpretations Officer II.

See electronic document emailstoMitchell LeSage.Gmail.4120 Riverside Zoning.pdf for emails exchanged with Mitchell LeSage By-Law Writer and Interpretations Officer II.

SPC is not required due to the passage of Provincial Bill C-23, this was also confirmed by Mr. LeSage.

7.1 GROSS FLOOR AREA

In an EP zone, if accessory to residential use, aggregate of all accessory buildings not to exceed 55m² or if accessory to other uses, aggregate of all accessory buildings not to exceed 150m². (By-law 2009-164)

The current text of Exception 362 has no restriction for accessory use size, only maximum gross floor area and Maximum lot coverage:

maximum gross floor area: 279 m², except in case of lot 20 (4120L Riverside Drive), which is 372 m²

maximum lot coverage : 20%.

Currently all but one existing detached garage are now nonconforming, even those built prior to 1998 and those built after 2008, when the change was apparently made. The detached garage at 4120H is greater than the 55m² allowed under current EP zoning, however it was built (along with a new home) in 2011 with proper permitting, no minor variance was needed at the time.

The proposed building is 268m² + 10.4 m²(existing shed), **total requested: 278.4 m².**

7.2 HEIGHT

Zoning Mechanism 5 - Maximum Permitted Height (see also Section 64) - -R1, R2, R3, R4 and R5 Zones : 3.6 m, with the height of the exterior walls not to exceed 3.2 m-V1, V2 and V3 Zones; 4.5 m(By-law 2016-351) RU1 to RU4 subzones and all other zones – 6 m.

From “Part 1 – Administration, Interpretation and Definitions (Sections 1-54)” document, the height is measured to the midpoint of a gable roof (see below). On the proposed building the measurement is **7.25m**.

Building height means the vertical distance between the average **grade** at the base of a main wall of the **building** and

- (a) the highest point of the roof surface, if a flat roof,
- (b) the deck line, if a mansard roof,
- (c) the mid point between the ridge if a hip, gable, shed, or gambrel roof, and the eaves of the building, excluding the eaves of any projections, or (By-law 2013-224)
- (d) the highest point of the **building** or **structure** in all other cases,

and **height** has a corresponding meaning unless otherwise defined elsewhere in this By-law. (hauteur de bâtiment)

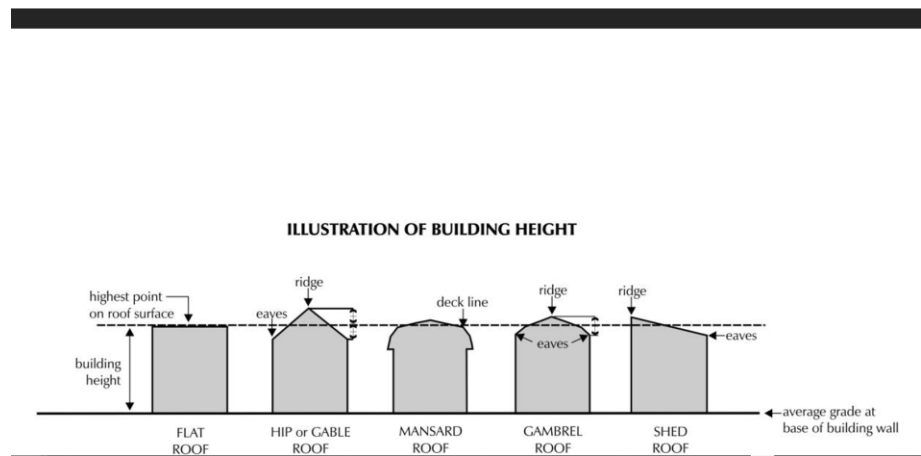


Figure 15 Part 1 – Administration, Interpretation and Definitions (Sections 1-54)
https://documents.ottawa.ca/sites/documents/files/documents/zoning_bylaw_part1_en.pdf

7.3 ZONING ERRORS

Planning updated the zoning map for 4120 Riverside Drive in 2008, unfortunately they did it without consulting the community association and it is currently in error. The updated map does not include 4120L Riverside Drive, despite the Report to Council indicating so:

			side yard.
10	4120 A-L Riverside Drive	Schedule reference 86 is incorrect. The correct Schedule is 219	Amend the zoning map to replace the schedule reference S86 with S219 at 4120 A-L Riverside Drive as shown on Document 3.
11	Area along Carp Road and	There are a number of errors in	1. Amend the zoning map to

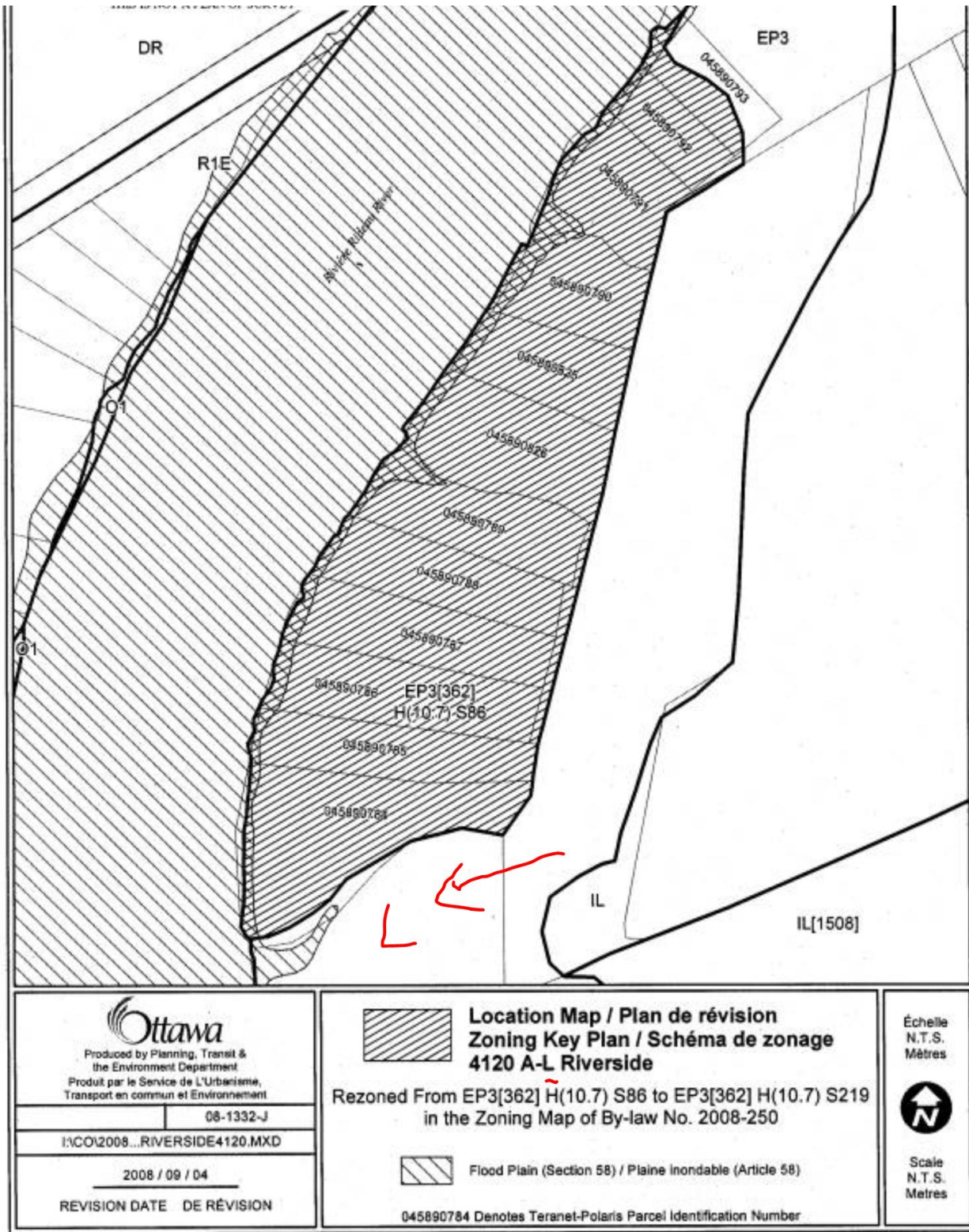


Figure 16 2008 Report to Council <https://app06.ottawa.ca/calendar/ottawa/citycouncil/ec/2008/09-23/ACS2008-PTE-PLA-0203.htm>

This error persists today, if you look up the zoning for 4120L on geoOttawa it does not show the proper zoning, the Exception 362 is missing. Note this “correction” was to replace Schedule 86 with Schedule 219.

Exception 362 still references the old Schedule 86 that the above Schedule 219 was too “correct”.

362	EP3[362] H(10.7) <u>S86</u>	<ul style="list-style-type: none"> • park • detached dwelling 	<p>with all necessary modifications</p> <ul style="list-style-type: none"> • maximum lot coverage : 20% • minimum rear yard setback of 4 m between face of any garage and rear lot line and minimum rear yard setback of 10 m in all other cases • any garage located within 4 m of rear lot line deemed conforming if in existence on December 18th, 2002 • minimum side yard setback: 1.6 m
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Figure 17 Current Exception 363 <https://ottawa.ca/en/living-ottawa/laws-licences-and-permits/laws/laws-z/zoning-law-no-2008-250/zoning-law-2008-250-consolidation/part-15-exceptions/urban-exceptions/exceptions-301-400#section-b7175aaa-8ae5-45aa-8c2b-5cc5d2fafa14>

Schedule 86 is a map of Sparks and Bay Street.

The point of documenting these errors is the hope that committee members will view the minor variance request in context to the original wording of Exception 362 and the proposed 2025 move to Residential.

These errors were reported to planning and we have been informed they will be corrected as part of the 2025 Official Plan by-law update.

8 PRIOR PLANNING PERMISSION

In 2005 I received a minor variance (File No: D08-02-04/A-00472) and building permit for a garage with gross floor area of 184 m² and height of 5.8m. The minor variance was for height, none was required for gross floor area. Unfortunately, I was unable to proceed with building the garage at that time.

9 THE FOUR TESTS

9.1 THE VARIANCE IS MINOR

How do you quantify minor? The increase in height mostly comes from the 12/12 peak, done so the building is more aesthetically pleasing. The height restriction is 6m, the proposed building height is 7.25m. Within the scope of the property a building with the height and size is not over bearing. The lot size is 2915.35 m². The proposed building representing 9% of the property size. The proposed building location is to the rear of the lot, out of sight of neighbouring

properties whose main focus is to the front (the river). The north side will face another garage on property 4120H.

Is the variance minor?

The building will have no impact on surrounding properties, no negative impact on quality of life for other residents of 4120 Riverside, and have no impact to the general public as it is located on a private road not visible to passersby. The variance is minor.

9.2 THE VARIANCE IS DESIRABLE FOR THE APPROPRIATE DEVELOPMENT OR USE OF THE PROPERTY

The property is a single-family dwelling covering almost an acre in size. The existing garage is in poor condition. Almost all single-family dwellings include a garage of one sort or another. While not written in stone, the more rural a property, the larger the garage. The property at 4120I Riverside is rural in every aspect: It's on a well, it's on septic, the road is not serviced by the city, it is large, it is surrounded by other like properties and wooded areas. A large garage on such a property would not be consider out of place in any other rural area. Several other properties at 4120 Riverside Drive have large detached garages.

The alternative, a small garage, while fitting the existing bylaws would under utilize the property, and invariably lead to the current state/use of the property. That is, many things stored outdoors and under temporary tarps. Presenting an untidy disorderly property.

The eve height was chosen so as to be able to store a large tractor, used to maintain the private road for all residents of 4120 A-L. This might not resonate with people who live on a road serviced by the city, but there are multiple times a year where our private road can become blocked due to a variety of reasons (fallen trees, rutting from heavy rainfall, heavy snowfalls, ice storms). There's no calling 311 and waiting for a city crew to show up. Having access to a piece of equipment to maintain the road is ideal (some would argue essential), and having a place to store and maintain the tractor goes a long way to extending its useful service life. Several implements used to maintain the road, such as a sander/salter, grader etc. are currently stored outside, it would be nice to move these indoors to prolong their lifespan.

The 12/12 pitch was chosen so that the building would look less industrial and more residential. The 12/12 pitch, while aesthetically pleasing, does increase the height, necessitating the variance. It will also allow the future addition of solar panels to take full advantage of the south facing orientation.

Is the variance desirable for the appropriate use of the property? Yes.

9.3 THE GENERAL INTENT AND PURPOSE OF THE ZONING BY-LAW IS MAINTAINED *TABLE 55 – PROVISIONS FOR ACCESSORY USES, BUILDINGS OR STRUCTURES-*

*Zoning Mechanism 5 - Maximum Permitted Height (see also Section 64) - -R1, R2, R3, R4 and R5 Zones : 3.6 m, with the height of the exterior walls not to exceed 3.2 m-V1, V2 and V3 Zones; 4.5 m(By-law 2016-351) **RU1 to RU4 subzones and all other zones – 6 m***

Is the general intent and purpose of the height zoning bylaw maintained?

It is reasonable to concluded that the rural aspect of the dwelling, combined with the lot size and building location on the lot, that allowing a variance in this case would still maintain the intent and purpose of the zoning bylaw.

The maximum gross floor area restriction under:

TABLE 55 – PROVISIONS FOR ACCESSORY USES, BUILDINGS OR STRUCTURES-

Zoning Mechanism 6 - Maximum Permitted Size. In an EP zone, if accessory to residential use, aggregate of all accessory buildings not to exceed 55m² or if accessory to other uses, aggregate of all accessory buildings not to exceed 150m². (By-law 2009-164)

As stated in a previous section the EP zoning should not apply as the properties were granted an exception to EP and were never supposed be zoned EP. Therefore, using the exception 362 wording:

Detached garage size restrictions would fall under:

EP3[362] H(10.7) S86 applies and under V Exception Provisions – Provisions - maximum lot coverage : 20%.

Total lot coverage would be well under the 20%:

Home: 4.5% + Shed: 0.35% + Proposed Garage: 9% = 13.85%

Total m²: Proposed Garage: 268 m² + Existing Shed: 10.4 m² = 278.4 m²

Previous planning permission was given for 184 m² garage.

Is the general intent and purpose of the maximum lot coverage maintained? Yes.

9.4 THE GENERAL INTENT AND PURPOSE OF THE OFFICIAL PLAN IS MAINTAINED

I could not find mention of the properties in the current Official Plan, previous (2002) versions stated:

Volume III, Site Specific Policies, Chapter 3.0 Uplands/Riverside South, policy 3.1.2 states that "Notwithstanding the Environmentally Sensitive Area designations on Schedule A – ...The single detached residential uses of those properties fronting onto the Rideau River as described on Document 4 of this chapter shall be deemed to be permitted uses."

9.4.1 2025 Official Plan

As mentioned previously, our community association worked with our Councillor to request a zoning change to Residential. City planning has confirmed this will happen.

Is the general intent and purpose of the Official Plan maintained?

Yes, as the proposed building is accessory to residential use.

10 CONCLUSION

It's rare to have 10 individuals agree on the same subject, let alone 10 households agree. As seen in letter from the homeowner's association, the responses from the other residents of 4120

Riverside Drive are all positive. Given that these are the only residences who will ever see the building, if there is any doubt in a committee members mind about the “minorness” of this request I think this fact alone should sway their decision.

11 REVISIONS

- 10/30/2023 Add shed (10.4 m²) to calculation of requested variance for permitted size.