

2023-12-07



**MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 4120i Riverside Drive
Legal Description: Part Lot 6, Concession 1
File No.: D08-02-23/A-00254
Report Date: December 7, 2023
Hearing Date: December 12, 2023
Planner: Justin Grift
Official Plan Designation: Neighbourhood in the Outer Urban Transect
Zoning: EP3 [362] H (10.7) S219

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has some concerns** with proposed **Variance A** regarding increasing the permitted building height for an accessory structure from 6 metres to 7.25 metres, and **recommends refusal of** proposed **Variance B** to increase the aggregate floor area for all accessory buildings from 55 square metres to 278.4 square metres.

DISCUSSION AND RATIONALE

The Official Plan designates the subject property as Neighbourhood in the Outer Urban Transect. The policies pertaining to this designation support a wide variety of housing types with a focus on lower density missing-middle housing that reflects the built form context of the neighbourhood. The property falls within the Airport Operating Influence Zone and the 25 Line. The Official Plan also identifies a large portion of the property to fall within the Natural Heritage Features Overlay. Staff has communicated with the City's Environmental Planner regarding this and their comments can be examined further in this report.

The property is currently zoned Environmental Protected, Subzone 3, with Exception 326, a height maximum of 10.7 metres for the principal building, and Schedule 219 (EP3 [362] H(10.7) S219). The purpose of this zone is to regulate development to minimize the impact of any buildings or structures within these environmental areas and permit only those uses which are compatible with and assist in the protection of the environmental attributes of these lands.

Increase permitted height (Variance A)

As seen in the submitted plans, the applicant is proposing to construct an accessory building with a height of 7.25 metres from the midpoint of the gable roof. Section 55 in the Zoning By-law prescribes a maximum height for accessory buildings in the EP Zone of 6 metres. The intent of the height limit is to ensure that accessory buildings remain below the height of the principal building on a property and does not create adverse impacts on neighbouring lots and uses.

Staff have some concerns with the proposed height, the building is placed within 6 metres from the rear lot line, abutting the lot's access, and within 3 metres from the interior side lot line abutting the neighbour. Although the setbacks from the rear lot line and interior side yard line comply with the zoning by-law, Staff is of the opinion that the increased height may have adverse impacts on the neighbour at 4120 H Riverside Drive with windows shown on the north elevations and that the accessory building will become the predominant feature on the lot. Staff acknowledge that the applicant has obtained a letter of support from the Uplands on the Rideau association.

Increase aggregate floor area for all accessory buildings on a lot (Variance B)

The proposed accessory building is 268 square metres in floor area, bringing the total aggregate floor area to 278.4 square metres. Section 55 of the Zoning By-law prescribes a maximum aggregate of all accessory buildings on a lot in the EP Zone not to exceed 55 square metres. The intent of this provision for this property is two-fold: (1) it is to ensure that accessory buildings remain accessory to the principal building on a lot, and it does not become the dominant feature or use on the lot, and (2) it is meant to mitigate the impacts of structures within environmental areas. Staff have communicated with the city's Environmental Planner on the latter, who confirmed the proposed structure would likely not have any environmental impacts (see Additional Comments).

Although staff acknowledge that the applicant intends to use the building for the storage of a boat, tractor and their own personal workshop, staff have serious concerns with the size of the structure and it meeting the intent of the Zoning By-law. As detailed in the Cover Letter, the proposed garage will be close to double the size of the existing principal dwelling, with it contributing 9% of the lot coverage and the dwelling only contributing 4.5 %. Staff are of the opinion the discrepancy between the principal and proposed accessory structure is not minor in nature and it would become the predominant building on the lot.

Staff have also conducted an aerial mapping exercise to determine whether other accessory structures along the riverfront lots are similar size:

- Detached garage at 4120 A: approx. 77 square metres
- Detached garage at 4120 C: approx. 85 square metres
- Detached garage at 4120 H: approx. 78 square metres
- Detached garage at 4120 K: approx. 94 square metres

It was determined that the largest accessory structure was at 4120 K Riverside Drive with an approximate floor area of 94 square metres. Therefore, the proposed 268 square metres structure would not be in keeping with those in the surrounding area.

Ultimately, staff are not satisfied that Variance B meets the “four tests” outlined in Section 45 (1) of the Planning Act, R.S.O. 1990 c. P.13, and recommend the Committee **refuse** the application. If the applicant wishes to proceed with a similar-sized building, Staff recommend either constructing an addition onto the existing dwelling to provide more space for personal storage and a workshop, OR if the applicant wishes to add an additional use to the residential use that they proceed with a Zoning By-law Amendment.

ADDITIONAL COMMENTS

Forestry

The applicant hired an arborist (Joel Hackett of Hackett & Hill Tree Specialists, Inc) to confirm whether there were protected trees on the site. The applicant confirmed there is a cedar tree on site, north of the proposed building, just under 30 cm in diameter. This tree is therefore not protected under the Tree Protection By-law. The City of Ottawa’s Tree Protection Specification was provided for the applicant to understand what should not occur around this tree as their intent is to retain it through construction. All other trees on or adjacent to the site are not in proximity of the proposed development. All equipment, access and material storage should be kept away from trees (outside of the critical root zone, diam. x 10) on site to avoid any injuries.

Environment

As this site is already well-developed, and the Planning Forester has no concerns about impacts to distinctive trees, it is acceptable to waive the need for an EIS for this location. The EIS Guidelines specifically mention that waivers may be justified for “Minor changes in existing land use that will not result in any significant physical changes to the property.”

While the increase in square footage is usually a concern, the fact that this area is already cleared goes a long way towards reducing any potential environmental impacts that might arise from such expansions.

Engineering

If successful with the Minor Variance application and as the proposed accessory building is to exceed 55 square metres, the applicant will be required to provide a Grading Plan at time of building permit, prepared by a relevant professional: Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), Ontario Land Surveyor (OLS), Professional Landscape Architect (OLA), or Professional Architect (OAA).



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