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Committee of Adjustment
101 Centrepointe Drive
Ottawa, ON K2G 5K7

January 25, 2024

Committee of Adjustment
JAN 30 2024
City of Ottawa

Attention: Mr. Michel Bellemare, Secretary-Treasurer
Committee of Adjustment

Dear Mr. Bellemare,

Re: Application for Minor Variance
4408 Tranquility Lane, Woodlawn ON

JD Planning has been retained by Tyler Baigent (the 'Owner') to submit an Application for Minor Variance for the property municipally known as 4408 Tranquility Lane (the 'site'). The site is an interior rural lot with frontage on the north side of Tranquility Lane, fronting onto Buckham's Bay, which is part of the Ottawa River. The site presently contains a small single-detached dwelling which is non-complying with the required setback from the watercourse. The proposal is to retain the existing building footprint and construct a two-storey addition onto the east side of the dwelling. The dwelling will be in line with the existing foundation and cantilevered at the second storey.

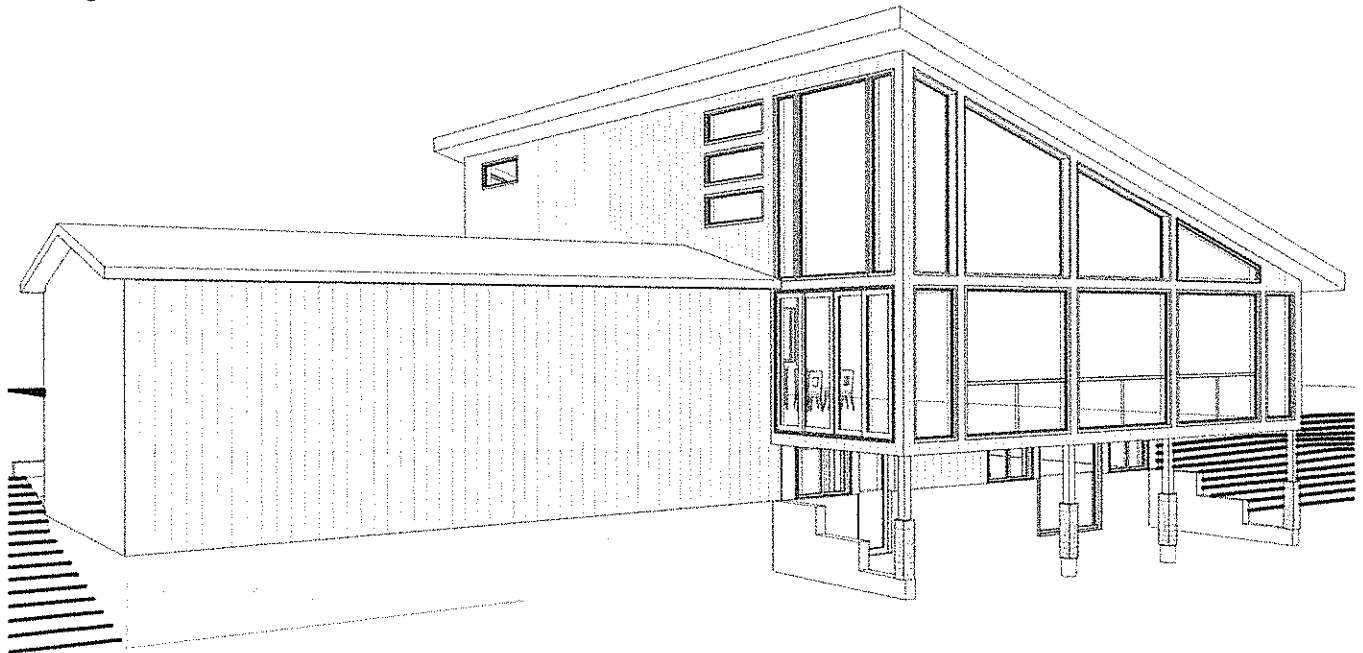


Figure 1. Rendering of proposed new addition prepared by Evolution Design & Drafting

To facilitate the development, authority of the Committee of Adjustment is required for the following minor variances:

VARIANCE A: To permit a building located 25.10 metres to the normal highwater mark of a watercourse/waterbody whereas the by-law requires a setback of 30.0 metres (Section 69(2)(a));

EXPLANATORY NOTE: *The existing dwelling is non-complying to the watercourse setback and the variance is measured from most restrictive point of principal building at second storey, which is cantilevered and supported by beams. At ground level, the addition foundation is setback 3.35 m further from the watercourse. Both Variance A and B have been included in an abundance of caution.*

VARIANCE B: To permit a building located 6.8 metres from the top of bank of a watercourse/waterbody whereas the by-law requires a setback of 15.0 metres (Section 69(2)(b));

EXPLANATORY NOTE: *The existing dwelling is non-complying, and the variance is measured from most restrictive point of principal building at second storey, which is cantilevered and supported by beams. At ground level, the addition foundation is setback 3.35 m further from the top of bank. The By-law wording requires the setback to be measured from the greater of either the watercourse or top of bank, which in this case is the top of bank. However, both Variance A and B have been included in an abundance of caution.*

VARIANCE C: To permit an addition greater than 24 square metres in floor area within 30 metres of a watercourse/waterbody and setback closer than the principal building to the water whereas the by-law permits additions with a maximum 24 square metres in floor area within 30 metres setback of the watercourse/waterbody as long as it is no closer than the principal building to the water (Exception 343r);

EXPLANATORY NOTE: *To facilitate the construction of an appropriately sized home, an addition exceeding 24 m² is required within setback.*

VARIANCE D: To permit a deck with a walking surface higher than 0.6 metres above adjacent grade to project a maximum of 4.91 metres from the principal building within the 30.0 metre watercourse setback whereas the by-law requires a deck to project a maximum of 3.0 m from a principal building located within the 30 metre setback (Exception 343r).

EXPLANATORY NOTE: *This an existing non-complying condition to be regularized as part of this application an abundance of caution, though the new development does not impact the deck.*

EXECUTIVE SUMMARY

The existing single-detached dwelling on site is non-complying with the watercourse setback and will remain as is. The proposal is to construct an addition on the north side façade that follows the existing foundation line to create a more livable and appropriately sized home for the Owners' family. The proposed foundation of the new addition will generally match the existing setback from the watercourse, increasing only slightly to follow the existing angled foundation line. The portion of the building which encroaches closer to the watercourse setback than the existing building is restricted to a second storey cantilever which is supported by pillars at ground level, and therefore will have minimal impacts to the watercourse and top of bank. There is an existing deck projection that is also non-complying with the by-

law but has existed in its current format for at least 30 years and will remain as-is. The dwelling has been sensitively designed to be the least impactful as possible to the watercourse and top of bank, while providing a reasonably sized home for the Owner. A Slope Stability Evaluation was completed by Kollaard Associates dated October 4, 2023, and confirms “the slope at the site is stable from a long-term perspective in static and seismic conditions. There are no conditions which would prevent the construction of the addition provided that the foundation of the proposed addition is in line with the foundation of the existing single-family dwelling”. A consultation meeting was held with City planning and MVCA staff, and both commenting authorities confirmed they foresee no issues with the proposed design and cantilevered addition. Finally, the Owner has consulted with immediate neighbours, and it is our understanding that no concerns have been identified, with letters of support pending.

SITE & SURROUNDING CONTEXT

The site is a large rectangular rural lot located on the east side of Tranquility Lane, fronting onto Buckham’s Bay of the Ottawa River. The site presently contains a small, one-storey single-detached dwelling on roughly the centre of the lot, which is presently non-complying with the required watercourse and top of bank setbacks. There is an existing garage located towards the south corner and a driveway along the south side lot line. The existing single-detached dwelling and detached garage are to remain. The site is immediately surrounded by single-detached dwellings with the properties on the northeast side of Tranquility Lane having water frontage, and interior lots on the southwest side of the road. Tranquility Lane is a dead-end road that runs generally northwest-southeast, following the waterline of Buckham’s Bay, and connects to Buckham’s Bay Road to the northwest. Just to the south of the strip of residential dwellings along Tranquility Lane, the area is generally characterized by large, treed lots and farmland. Constance Bay is located to the northeast, Fitzroy Harbour is approximately 12 kilometers to the southwest, and Dunrobin is approximately 12 kilometers to the south.



Figure 2. Aerial imagery of subject site and surrounding conditions (Google Earth, 2022)

The site is comprised of the following specifications and legal description:

Area	1900 m ²	Depth	~ 61.73 m
Frontage	30.48 m on Tranquility Lane ~ 30.48 m on Buckham’s Bay	Legal	Lot 17, Registered Plan 690
		Description	Former Township of West-Carleton



Image 1. Streetview of subject site (Google Streetview, 2021)



Image 2. Streetview of subject site and neighbouring property to the southeast (Google Streetview, 2021)



Image 3. Streetview of subject site and neighbouring property to the northwest (Google Streetview, 2021)



Image 4. Aerial image of subject site and immediately surrounding dwellings abutting Buckham's Bay (Google Earth)

PROPOSED DEVELOPMENT

The proposal is to retain the existing single-detached dwelling and construct an addition to expand the building envelope and create a more appropriately sized home for the Owner. The existing dwelling is 60.0 square metres and setback 29.56 metres to the normal high-water mark, and 12.33 metres from the top of bank at the closest points. There is an existing deck which projects from the front of the building by 4.91 metres. Both the existing building and deck are to remain. The proposal is to construct an addition along the north façade of the building which will be 1.5 storeys with a sloped roofline and finished lower level. The proposed new foundation follows the existing foundation line which is angled towards the lake. The closest point of the proposed new building footprint to the watercourse is 28.45 metres, and 10.15 metres to the top of bank. The proposed setback to the watercourse and top of bank at the most restrictive point is 25.10 metres, measured from the second storey which is cantilevered over the ground level an additional 2.55 metres closer to the water and top of bank. By providing a cantilever option supported by pillars, this allows for a modest amount of additional floor space without impacting the ground-level site conditions. The majority of the new 172 square metre addition is situated in line with and behind the existing dwelling, to have the least impact as possible to the watercourse and top of bank conditions.

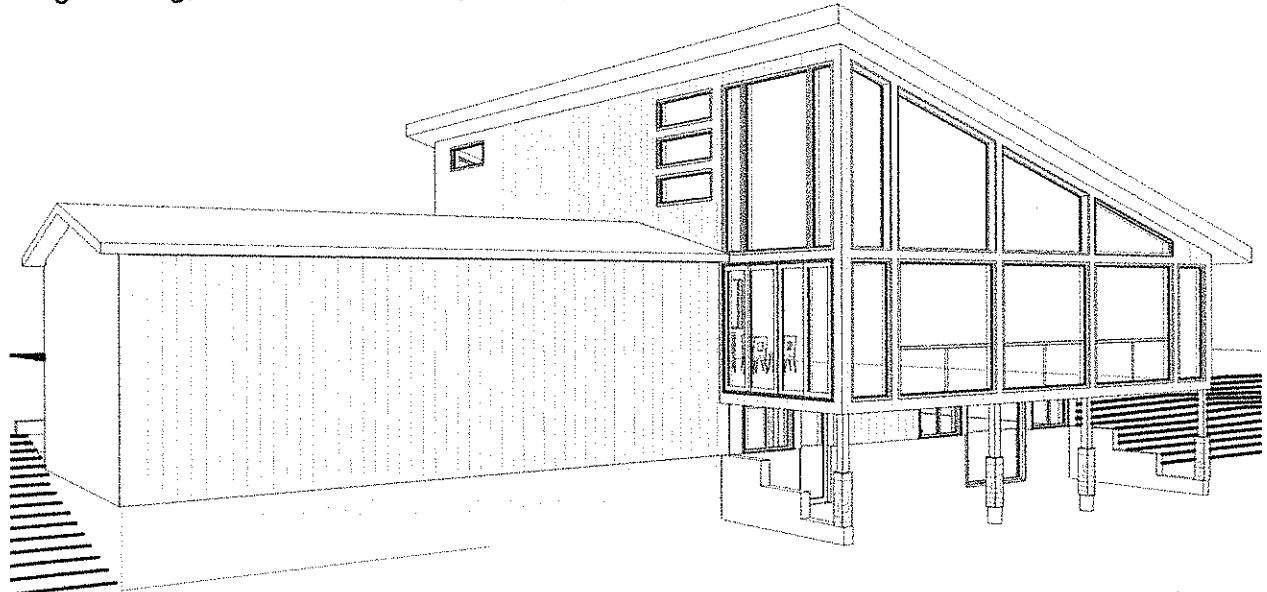


Figure 3. Rear left perspective of development (waterfront frontage side) prepared by Evolution Design & Drafting

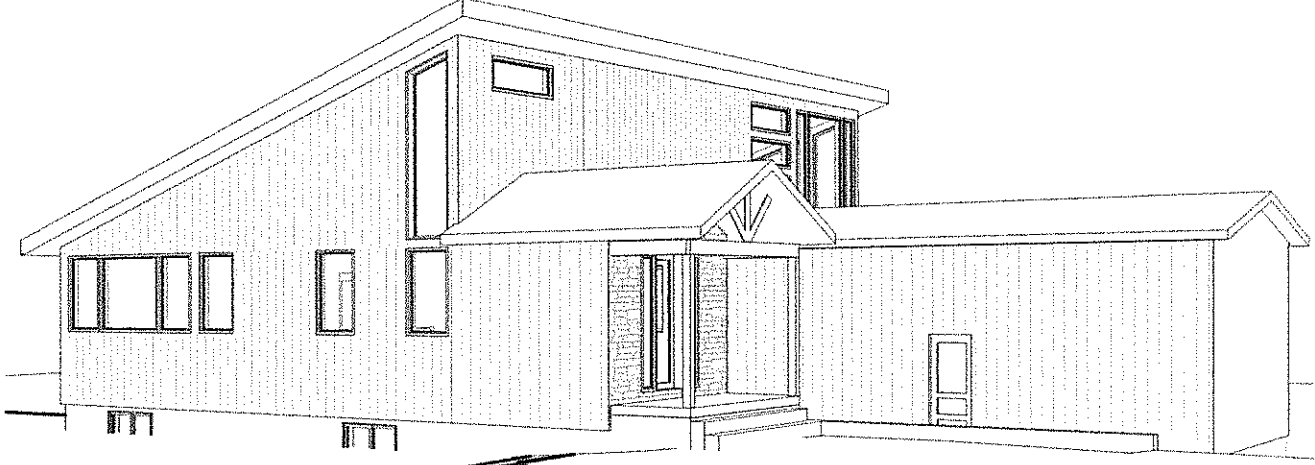


Figure 4. Front right perspective of development (road frontage side) prepared by Evolution Design & Drafting

PROVINCIAL POLICY STATEMENT 2020

The Provincial Policy Statement 2020 (PPS) provides policy direction on planning matters for the Province of Ontario, and decisions affecting all planning matters shall be consistent with the PPS policies. The proposed development and consents are consistent with the applicable policies of the PPS, as demonstrated below.

Section 1.1.1 of the PPS states that healthy, livable, and safe communities are sustained by:

- a) "promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial) [...] to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate".

Section 1.1.4.1 of the PPS states that "[h]ealthy, integrated and viable rural areas should be supported by:

- a) "building upon rural character, and leveraging rural amenities and assets;
- c) accommodating an appropriate range and mix of housing in rural settlement areas;
- d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;
- h) conserving biodiversity and considering the ecological benefits provided by nature"

The PPS permits various housing types and forms to meet the social, health and economic and well-being requirements of current and future residents. The PPS also emphasizes the need for promoting healthy and livable communities, as well as the protection and preservation of the environment, biodiversity, and character of the rural area. The PPS sets out policies to encourage conservation and redevelopment of existing rural housing stock on rural lands. The proposed development allows for the conservation of existing rural housing stock in the rural lands, while respecting the existing character of the area. The development allows for the conservation of resources with maintaining the existing dwelling footprint and adding an addition to create a more livable and appropriately sized home for the Owner. The proposed development protects the natural environment by following the existing non-complying building footprint and orienting the majority of the new addition away from the water, with a cantilever at the second storey only closer to the watercourse to minimize ground-level impacts to the watercourse. The proposed residential addition to the exiting dwelling meets the intent of the PPS.

OFFICIAL PLAN

The subject site is designated Rural Countryside within the Rural Transect Policy Area in the New Official Plan as shown in Figure 5 below. The Rural Countryside designation includes low-density residential uses which pre-date the OP. The intention of the Rural Countryside designation is to “protect and enhance the rural character and limit fragmentation of rural lands and ensure the preservation of health”. The OP permits a variety of land uses that are appropriate for the rural location, as well as a limited amount of residential uses.

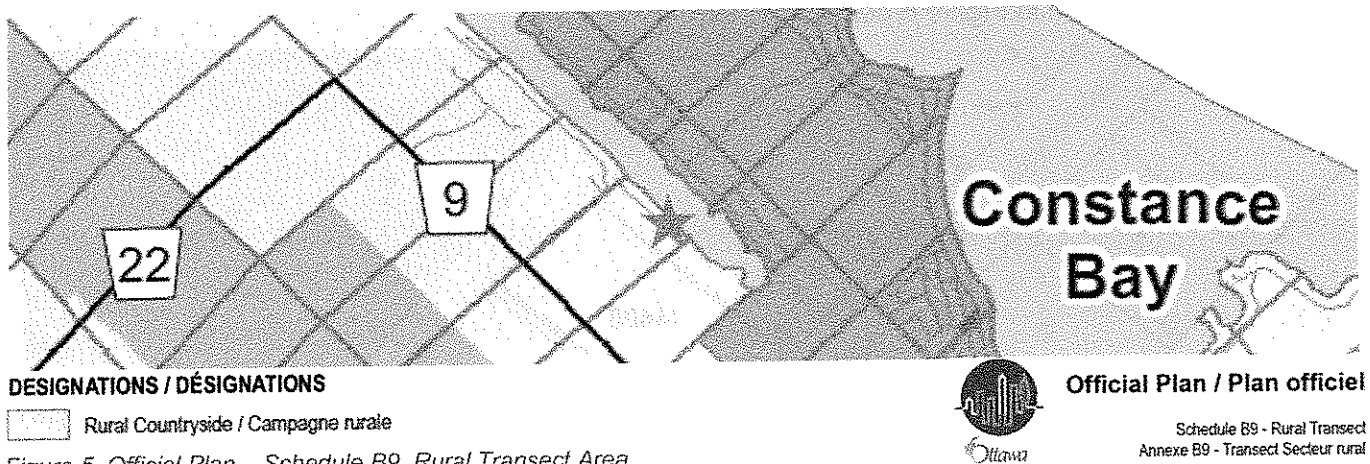


Figure 5. Official Plan – Schedule B9, Rural Transect Area

Section 4.9 Water Resources identifies the need to “(1) protect, improve or restore the quality and quantity of surface water features and ground water features, (2) keep watercourses in a natural state while managing erosion, slope stability and flooding concerns, (3) restrict or limit development and site alteration near surface water features”. The Official Plan sets out setback requirements for development adjacent to surface water features and encourages that lands remain in a naturally vegetated condition to protect the surface water features. Exceptions to permit redevelopment adjacent to water features can be considered on development on existing lots where it is impossible to achieve the minimum setback because of the size or location of the lot, existing use on the lot, providing the ecological function of the site is restored to the greatest extent possible, and if the building can improve the existing setback to the greatest extent possible.

→ Though the technical setback does encroach slightly closer to the watercourse than the existing conditions, any negative impacts to the watercourse are mitigated by ensuring this encroachment is at the second level only via cantilever supported by two beams only. The new foundation otherwise follows the existing foundation line of the dwelling. By proposing an addition onto the existing dwelling rather than demolishing and rebuilding fully outside of the watercourse setback, this allows for a minimal amount of overall site and vegetation disturbance, which would otherwise necessitate major site redevelopment. Further, the addition is mostly outside of the watercourse setback, and allows for retention of the existing garage and driveway, and existing septic which is outside of the 30.0 m watercourse setback. The proposed new addition results in the least impacts overall to the natural features of the site, and as demonstrated by the Slope Stability Evaluation prepared by Kollaard Associates, will have no anticipated impacts to the existing site slope conditions, which are stable.

ZONING BY-LAW 2008-250

The site is zoned Rural Residential, Subzone 17 with Rural Exception in the City of Ottawa Zoning By-law 2008-250. The Rural Residential zone permits single-detached development in the format of detached dwellings. The purpose of the RR zone is to recognize existing rural lots and residential development and regulate development in a manner that respects the residential character of the area and the surrounding rural context. Exception 343r sets out provisions for additions and deck projections on lots with existing dwellings within the 30.0 metre watercourse setback. The lot is outside of the Flood Plain overlay as shown in Figure 6 below.

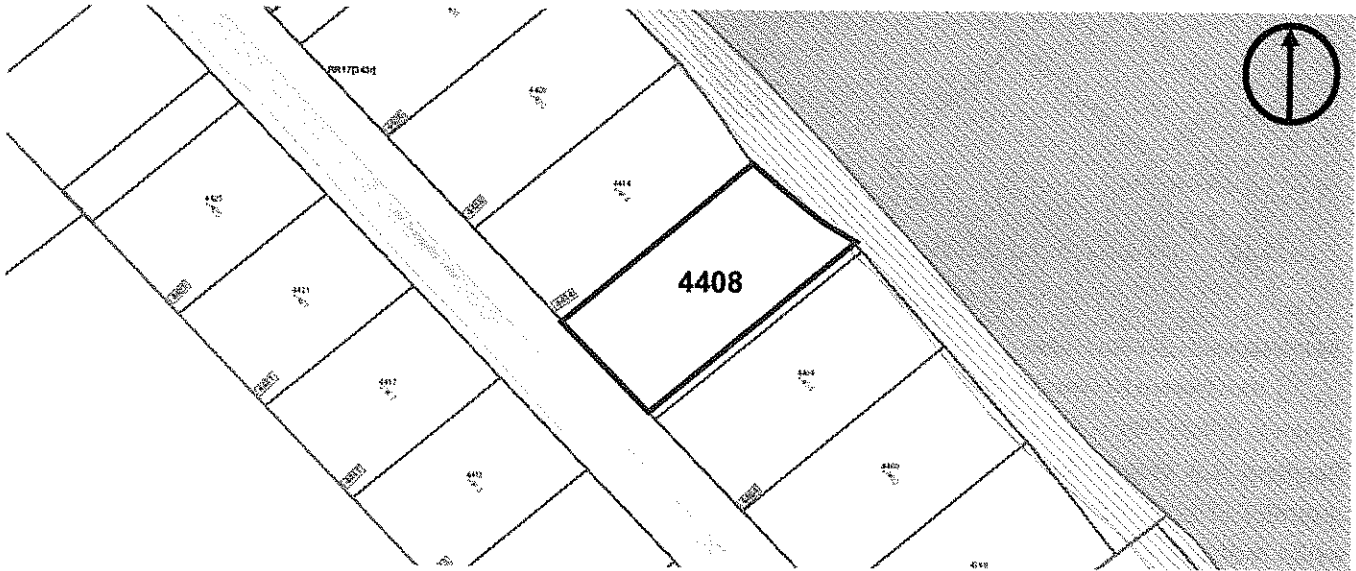


Figure 10. Map showing RR17[343r] zoning and subject site outlined blue (GeoOttawa 2022)

The proposed zoning details are presented in Table 1 below with the requested variances highlighted in red.

Table 1. Zoning provisions

RR17[343r]			
Single-Detached Dwelling	Required	Existing	Proposed
Minimum lot area (m ²) (Table 226B)	1350 m ²	1900	1900
Minimum lot width (m) (Table 226B)	30 m	30	30
Maximum front yard setback for lots abutting watercourses or waterbodies (m) (Exception [343r])	3.0 m	31 m	25.10 m
Minimum rear yard setback (m) (Table 226B)	7.5 m	29.56 m	24.97 m
Minimum interior side yard setback (m) (Table 226B)	3 m	13.91 / 5.79m	5.39 / 3.05 m
Maximum height (principal building) (m) (Table 226B)	11 m	4 m	10 m
Maximum lot coverage (%) (Table 226B)	20%	3.7%	12.2%
Minimum permitted setback from a watercourse or waterbody for a building, structure or sewage system (m) (s.69(2)(a))	the greater of 30 m to normal high watermark or 15 m to top of bank	29.56 m (foundation) / 24.65 (deck) from normal high watermark	25.10 m from normal high watermark (at second level)
		12.33 m (foundation) / 7.42 m (deck) from top of bank	6.8 m from top of bank (at second level)

Exception [343r]		
Additions and accessory structures, maximum 24 m ² in floor area as measured from the outside walls, are permitted within the 30 m setback from watercourses & waterbodies as long as the addition or accessory structure is no closer than the principal building to the water	N/A	Addition exceeds 24 square metres & setback closer than principal building to water
Uncovered, unenclosed features such as decks or platforms where the walking surface is not higher than 0.6 m above adjacent grade are permitted to project a maximum of 3 m from a principal building located within the 30 m setback from watercourses & waterbodies	N/A	
Uncovered, unenclosed features such as decks or platforms where the walking surface is higher than 0.6 m above adjacent grade are permitted to project a maximum of 3 m, but no closer than 1 m from any lot line, from a principal building located within the 30 m setback from watercourses and waterbodies		Existing deck projects 4.91 m from principal building within 30 m watercourse setback (<i>existing condition to remain</i>)

RATIONALE FOR MINOR VARIANCES

To facilitate the development, minor variances to the Zoning By-law are required. The following section reviews each variance against the four tests as presented in Section 45(1) of the Planning Act.

- VARIANCE A REDUCED WATERCOURSE SETBACK: NORMAL HIGHWATER MARK**
Required: 30.0 m
Provided: 25.10 m
- VARIANCE B REDUCED WATERCOURSE SETBACK: TOP OF BANK**
Required: 15.0 m
Provided: 6.8 m
- VARIANCE C LARGER ADDITION WITHIN 30 M WATERCOURSE SETBACK**
Required: 24 m² floor area within watercourse setback, located no closer to the water than principal building
Provided: Larger than 24 m² floor area within watercourse setback, closer to the water than principal building
- VARIANCE D DECK PROJECTION INCREASE WITHIN 30 M WATERCOURSE SETBACK**
Required: 3.0 m from principal building within 30m watercourse setback
Provided: 4.91 m from principal building within 30m watercourse setback

→ **Is the variance minor?**

The proposed minor variances to permit a reduced watercourse setback as well as a larger addition and deck projection within the watercourse setback are minor. As previously noted, the existing dwelling is non-complying with the watercourse setback, located 29.56 metres from the normal highwater mark, and 12.33 metres from the top of bank, measured from the building foundation. The deck currently projects 4.91 metres closer to each setback than the building foundation. Though the proposed addition is larger than permitted in the Exception provisions and within the required 30.0 metre normal high water mark setback and 15.0 metre top of bank setback, it has been designed to follow the existing foundation line

which is presently angled towards the watercourse from southeast to northwest. The building addition measured from the foundation is setback 28.45 metres from the normal highwater mark and 10.25 metres from top of bank. Compared to the existing foundation setback, the proposed increase to the watercourse setback is minimal. The sought relief is to permit a 25.10 metre setback at the most restrictive point which is measured from the second level cantilever supported by beams and does not occupy the ground level. By providing a second level cantilever, this allows for a more livable floorplate without creating a flooding hazard or additional impacts to the ground-level site conditions. Further, the requested relief to permit a larger deck is to regularize an existing non-complying condition that has remained unchanged for years and will not be altered with the building renovations. Overall, the proposed design is working within the parameters of the existing site conditions and will have no additional anticipated impacts on the watercourse. The Owner has completed due diligence work and the results of the slope stability analysis demonstrates that there is no anticipated impacts to the existing slop conditions. Finally, the development is well outside of the flood plain limits. The proposed variances to permit a new addition within the watercourse setback and to regularize the non-complying deck is minor.

→ **Does the variance meet the intent and purpose of the Official Plan?**

The intent and purpose of the Official Plan is met. As noted throughout the policies in this report, the OP encourages various types and sizes of dwellings to support the needs of current and future residents. The OP supports healthy and livable communities and preservation of the existing rural character for rural residential uses. The OP limits redevelopment on sites within proximity to surface water features unless the rural natural features are retained and enhanced, and the setback conditions to the watercourse are not worsened. As demonstrated by the enclosed plans, the proposed addition follows the existing foundation line and works within the parameters of the existing site conditions. The proposed new foundation maintains the existing setback, though follows the existing angled orientation to the watercourse. The setback to the watercourse encroaches closer only at the second storey cantilever, which is supported by two pillars. The proposed addition allows for the least amount of overall site disturbance as opposed to full demolition and rebuild. Further, given the need for a well and septic outside of the watercourse setback, the existing building location and new addition is the only appropriate location for the development. Finally, the existing slope is stable and will not be impacted by the proposed addition, as demonstrated by the findings of a Professional Engineer and enclosed with this submission.

→ **Does the variance meet the intent and purpose of the Zoning By-law?**

The intent and purpose of the setback requirements for development including additions and projections within the watercourse setback is to ensure that new development has as little impact as possible on existing watercourses, to mitigate flooding risks, erosion, and deterioration of the City's waterways. The Exception provisions allow for some deviations to the zoning to allow additions onto existing houses that are non-compliant with the watercourse setback, and to permit projections within the watercourse setback. However, the limit of 24 square metres, or 258 square feet, is simply too small to allow for a reasonably sized home on this property, considering the existing dwelling is only approximately 646 square feet in size now. The proposed addition and sought relief meet the intent and purpose of the zoning by-law by providing a setback that follows the existing non-complying foundation line at ground level, and only encroaching closer to the watercourse setback at the second storey which offers an opportunity to increase the living space without impacting ground level conditions or creating undue

hazards to the watercourse setback. The wooden deck projects an additional 1.91 metres in excess of the zoning provisions, however given it has existed in its present format for years, there are no anticipated new adverse impacts to be created by regularizing this condition. The proposed addition and second storey cantilever are setback further from the watercourse than the existing deck condition. Finally, the existing dwelling and new addition are outside of the floodplain overlay, and a Professional Engineer has confirmed that the existing slope is stable with no anticipated concerns provided the new foundation is in line with the existing building, as is proposed. Further, the septic and well are each outside of the 30.0 metre watercourse setback. Overall, the proposed development complies with all other zoning requirements including height, setbacks, lot coverage, and others.

→ **Is the variance desirable for the appropriate development and use of the land?**


The requested four variances are desirable for the appropriate development and use of the land. It is desirable and appropriate from both an environmental and housing perspective to maintain and enhance existing rural housing stock. The proposed addition allows for retention of an existing small dwelling which will be increased in size to create a more livable floorplate for the current owners. The existing building is non-complying with the watercourse setback and has existed in this state since pre-1976 per GeoOttawa mapping data. The proposed addition follows the existing foundation line and still provides ample setback from the watercourse given the requested relief of 25.10 metres is at the second storey only, with the ground level conditions setback 28.45 metres. As such, the foundation is only 1.55 metres closer to the watercourse than permitted by the by-law. The cantilever design was selected to create a livable floorplate without impacting ground level site conditions, and helps to mitigate any potential flooding, erosion, or slope stability concerns. The proposed deck projection variance is required to regularize an existing non-complying condition. The proposed new addition allows for preservation of the rural character of this lot, working within the parameters of the existing non-complying conditions, while creating a reasonably sized home for the Owners. It is also desirable and appropriate for the Owners to be able to live and grow within their current community, while retaining existing buildings without demolishing and rebuilding. Overall, the variances are desirable for the appropriate development and use of the land.

CONCLUSION

The subject site is a rural waterfront lot municipally known as 4408 Tranquility Lane, and presently contains a small one-storey single-detached dwelling. The Owner is proposing to retain the existing building and construct an addition to the side façade, to increase the living space for their family. The existing building and attached deck are non-complying with the required setbacks from the watercourse from both the normal high water mark and top of bank, as well as the zoning Exception permissions which allow a modest addition and deck projection within the watercourse setbacks. The addition has been carefully designed to ensure the new foundation is in line with the existing foundation, with a cantilever encroaching closer to the watercourse at the second storey only. The development is outside of the floodplain overlay, and a Professional Engineer has confirmed the slope is stable with a detailed report available as supplemental supporting information. City and MVCA staff have been consulted with no anticipated concerns resulting from the new development identified at the time of pre-application consultation.

The minor variances are consistent with the Provincial Policy Statement, 2020 conform to the policies of the City of Ottawa Official Plan and comply with the City of Ottawa's Zoning By-law 2008-250 save and except the requested minor variances. The proposed minor variances meet the four tests under Section 45(1) of the Planning Act as detailed in this report. It is our opinion that the proposed development represents good land use planning and is recommended for approval.

Respectfully submitted,



Jessica D'Aoust, MCIP RPP M.PI
Principal + Senior Planner