



February 6 , 2024

To the City of Ottawa

Secretary Treasurer

Committee of Adjustment

101 Centrepointe Drive (fourth floor)

Ottawa, ON

K2G 5K7

Reference: 55 Uxbridge Cres. Kanata, Ottawa

Ward 23 Kanata South (Allan Hubly)

Zoned R2C

Application by: Beechwood Building Design Services

Home owner: Thomas Lanthier

FILE # 54023

**This is a Minor Variance Application**



## **“Minor Variance” Representative:**

Representation for this application is Dean Buchholz.

## **Proposed Development**

This is an official application for the owner, Thomas Lanthier, to seek three Minor Variances. **1.** To permit a reduced rear yard setback by 2.2 metres of the required setback of 6 meters. **2.** To permit the rear lot area to be less than 25% of the total lot area after the construction of the addition (which is proposed to be an existing carport infill, as an addition). **3.** To permit a front yard setback of 4.46 meters, where the bylaw requirement is 4.5 meters front yard setback. NOTE: The homeowner, Thomas Lanthier has infilled the front and side of the carport with walls and openings that can be removed. If the minor variances applied for are not approved, the owner will remove the temporary walls. If the minor variances are approved, the homeowner will apply for a building permit to infill all carport walls.

## **Minor Variance #1.**

As per Section 157, Table 158A and Table 158B, Endnote 6 (By-law 2012-234), the minimum rear yard setback is 25% of the lot depth, which must comprise at least 25% of the area lot. However, it may **not be less than 6 m** and need not exceed 7.5 m. Since the depth of the lot is 19.687 m, and the rear yard setback requirement is 25%, the minimum distance between the proposed construction and rear lot line is 4.92 m. This 25% distance is less than

6 meters. Therefore 6 meters minus the current distance to the property line, 3.78 m, is 2.22 meters. **3.78 meters is the minor variance this application and the owner is applying for.**

### **Minor Variance #2.**

Table 158B of Endnote 6 Sec. 157-158 (by-law 2012-334)

The minimum rear yard area must comprise of at least 25% of the area of the lot. The existing rear yard area = 64.38 sq m. The required rear yard area = 82.69 sq m. The minor variance this application is seeking to attain is to allow the rear yard property area to be 18.31 M SQ less than the required 82.69 square meters.

(82.69 SQ M - 64.38 = 18.31 M SQ)

### **Minor Variance #3.**

Table 158A Row C, Column VII (By-law 2012-234)

The minimum front yard setback is 4.5 meters. The proposed addition will have a front yard setback at 4.46 meters. The applicant is seeking a front yard setback minor variance of .04 meters.

### **Rationale:**

The proposed infill of the rear wall of the existing carport will allow an openable window in the garage wall to provide protection from inclement weather. The current allowable screen ground to beam does not provide this weather protection. The area in total represents approximately 2.73 square meters, .8 % of the total property area. The current yard is

approximately 64.38 meters square. This represents 4.2% percent of the rear yard. The existing sidewall of the carport is existing, and legally constructed under building permit and approved by zoning in a permit application in 2018. Visually, the infill of the rear wall of the carport will be impacting from the front and rear of the house. For the rear yard, neighbors who are able to see the rear of 55 Uxbridge Crescent house will not have to view the entire contents of the current carport, the human activities of the owner or the exposed deck. This wall will be infilled with a standard siding 2x6 wall and a window will be the only means by which the rear yard neighbors will have access to see through, if curtains or blinds are open.

For minor variance #2, the area of the rear yard will not change after the infill of the carport. There will be no noticeable or literal difference. The house was constructed prior to the existing bylaw 2012-334 was in established and in effect. The existing area of the yard is legal nonconforming. Infilling the wall will have no increase or decrease on the existing rear yard area.

## **Neighborhood**

Uxbridge Crescent is a neighborhood constructed in the late 1960's or early 1970's. The the entire crescent is zoned R2C. These houses were not constructed with carports and garages. The houses on this street are a mix of semi-detached bungalows, single bungalows, and two storey residences, front and side split houses. The houses are quite uniform with brick cladding on fronts and siding on the sides and rear. The street is lined with mature trees.

The nearest intersection is Castle Frank and Terry Fox Drive.

### **Existing Conditions**

The said above property is a one storey semi-detached brick siding house. The property square footage is 330.77 m sq (3560.38 ft sq). Currently there is a legal carport and a deck within the carport. The **Minor Variance** will allow for the homeowner to put up a framed wall on all sides as required and constructed after the issuance of a building permit.

### **Current Setbacks:**

**4.050 m to rear lot line from north corner of carport.**

**3.728 m to rear lot line from south corner of carport.**

**4.110 m from the rear northwest house where the carport starts.**

**The 4 Planning Act tests contained in section 45(1) of the Act are:**

**1. Is the application minor?**

Yes, the current setback being sought is 2.2 meters for the minor variance for the proposed new rear yard setback. This represents less than 4.2% of the rear yard. The allowed carport and deck within the carport is already there prior to this application with a single mesh screen. Currently the city is allowing a single mesh screen ground to underside of the rear perimeter of the carport. The allowable visual screen would be replaced with a wall and a large window with a screen that can be closed during the colder months. The desired setback forgiveness would only visually impact rear neighbours, not from any vantage point on Uxbridge Cres. The current line of the proposed infill rear wall of the carport would be flush with the existing rear wall of the house.

The rear yard area will not change, and there is no impact. This will make it minor.

**2. Is the application desirable for the appropriate development of the lands in question?**

Yes, an attached single car garage, with a roof flush with the existing house, with the same cladding as the neighbouring houses, is commonly desirable. Thomas is a construction contractor and the fully enclosed garage would provide a place to tools and construction materials, as opposed to out visible on the driveway. It is not uncommon for houses to have attached garages in R2C neighbourhoods.

No portion of the rear yard area will be constructed upon. All construction will be a side lot addition towards the north (side lot infill of the carport which is fully positioned in the side lot of the house.)

**3. Does the application conform to the general intent of the Zoning Bylaw?** Our application seeks only to vary the zoning by-law provisions in a manner that is characteristic of the neighbourhood, and as minimal variance to rear lot requirements as possible. There is no change to the rear lot area. It will remain legal, nonconforming.

**4. Does the application conform to the general intent of the Official Plan?**

Yes, the intent of the request is to maintain all aspects of the Official plan, including development within the requirements of Zoning Bylaw, minimal impact on surrounding trees, roads and infrastructure, and increasing living space and maximizing opportunities to maintain the neighbourhood and community characteristics and value. As for both minor variances being sought, this is taken fully into consideration.

It is our opinion that the minor variance being sought are minor, are desirable for the development or use of land and the general intent of the Zoning By-law and the Official Plan is maintained. In support of the Consent to Sever and Minor Variance applications, please find attached:

One Original and two (2) copies of the APPLICATION.

Four (4) copies of this COVER LETTER.

Four (4) copies of COA application for minor variance DRAWINGS and 1 reduced copy of the DRAWINGS (Drawing Set prepared by Beechwood Building Design Services, dated October 16, 2022;

Four (4) full size copy of the SURVEY and 1 reduced copy.

Should you have any questions regarding any aspects of these applications please do not hesitate to contact myself.

Yours truly,

**Dean Buchholz**

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