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designing urban alternatives

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City of Ottawa
Committee of Adjustment
Ben Franklin Place, 4th Floor
101 CentrepoinTE Drive,
Ottawa, Ontario, K2G 5K7

November 9th, 2023

Attention: Secretary-Treasurer

Committee of Adjustment
Received | Reçu le
2023-11-10
City of Ottawa | Ville d'Ottawa
Comité de dérogation

Re: 516 Tweedsmuir Avenue Minor Variance Applications

I am writing on behalf of my client, who owns the property of 516 Tweedsmuir Avenue in Westboro. My client wishes to demolish the existing single dwelling and construct semi-detached homes with additional dwelling units (6 units total). In order to proceed with this proposed development, variances are needed for front yard parking and sunken rear entrance patios. Variances for walkways and the rear yard setback are requested out of an abundance of caution due to uncertainty of By-Law interpretation at permit review.

Out of an abundance of caution, despite our client not wishing to sever the property, and contrary to the advice of our lawyer and the City's legal department, we are submitting two applications (one for each side of the semi) instead of just one application as per the specific direction given by the Committee of Adjustment at a past hearing.



Front Yard Parking

We are requesting variances to permit two front yard parking spaces, whereas the By-law requires driveways to be leading to a surface parking space in the side or rear yard. With help from an arborist, we have ensured that the two proposed front yard parking spaces would not impact the canopy tree's roots in the front, which would be preserved.

It is not possible to acquire street permit parking in this neighbourhood. We are proposing a few larger units suitable to accommodate larger households who are likely to require a parking space. Therefore, an on-site parking solution is beneficial for both residents and neighbours. Permitting two front yard parking spaces on the site (one for each semi) would produce significantly less paving than that which would result from parking in the side or rear yard. Rear yard parking is undesirable in this neighbourhood since it would reduce the amount of soft landscaping available by paving down the entire side yard to the rear, ultimately limiting space for tree roots. Parking in the side yard is also undesirable since it would create an awkward notch in the façade of the building, reducing windows on the front and limiting ground floor living space overlooking the street.

Front parking is therefore the most appropriate solution, and it is prevalent in the immediate neighbourhood context. Below is a map showing the immediate area identifying all neighbours with functional front yard parking, which amounts to almost a third of properties nearby.



Walkways in Front Yard

In addition to front yard parking spaces, the proposed front yard design also contains a large canopy tree being protected, a front terrace providing entrance to four of the dwelling units, a walkway to the front entrances and a walkway to the rear entrances. Design has prioritized tree preservation and optimal use of space for residents. In order to achieve this, we are requesting variances to allow a walkway to abut one of the driveways, and for walkways to be permitted on lots less than 10m wide. The By-Law requires that a walkway extending to a ROW is only permitted on a lot at least 10m wide, and that a soft landscaped buffer between a walkway and driveway extending to a ROW to prevent parking on the walkway. Varying this latter provision is out of an abundance of caution because the proposed walkway does not abut a driveway, it abuts a parking space.

Rear Yard Setback

Out of an abundance of caution, we are requesting a variance to permit the rear yard setback to be equal to 28% of the lot depth. It is unclear in the Zoning By-Law which one of Table 144A or Table 144B, which establish rear yard setbacks, applies to this lot, and therefore, whether the rear yard is required to be 28% or 30% of the lot depth. Tables 144A and 144B set required rear yards based on front yard setback. The Minimum Required Front Setback as per Table 162A is **6m**. However, as per Section 123.1(b) we are permitted to have our front setback be the average of our immediate neighbours, which would put us at **3.6m**. But the front yard setback we are actually using is **4.58m** due to overhead wires. A 3.6m front yard setback would trigger the use of Table 144A, producing a 30% rear yard setback. A 6m or 4.58m front yard setback would trigger the use of Table 144B, producing a 28% setback. We propose a 4.58m front yard setback and a rear yard setback equal to 28% of the lot depth.

Sunken Entrances

We are requesting a variance to permit rear yard basement-level entrances to secondary dwelling units in the basement. They will be located in sunken terraces 3.5' below the adjacent ground level. The By-Law limits SDU entrances to the ground floor only. The intent of the By-Law is to prevent SDU entrances to be located in deep street-facing troughs that diminish the pedestrian experience. The proposed sunken entrances will be enjoyable patios with attractive tiered landscaping. In addition, the property slopes toward the backyard, resulting in the basement being further out of the ground making them comfortable patio spaces.

4 Tests: Is this proposal...

	Front Yard Parking	Walkways	Rear Yard Setback	Sunken Entrances
<i>minor in nature?</i>	Yes, most people already park in their front yard on a driveway.	Yes, the walkways will be small and welcoming.	Yes, the proposed variance may not be required, but the change would produce 18" of difference between a 28% and 30% setback.	Yes, the proposed entrances are not visible from the street.
<i>appropriate and desirable for this neighbourhood?</i>	Yes, there are several existing examples of front yard parking on neighbouring properties already, and neighbours shared concerns about street parking.	Yes, it is very desirable in this neighbourhood to locate walkways in a manner that protects a mature tree.	Yes, it improves the quality of all 6 dwelling units.	Yes, comfortable outdoor living spaces are desirable in this neighbourhood.
<i>in keeping with purpose and intent of zoning By-law?</i>	Yes, the By-Law permits driveways in this location. A driveway that does not end in a garage door enables streetscape animation in façade design. Front yard parking is in keeping with the existing pattern in the neighbourhood. Protection of tree canopy and soft landscaping is prioritized.	Yes, it is in keeping with the intent of the By-Law to preserve tree canopy. The By-Law intends to prevent parking on walkways, but the proposed walkways are designed with clear delineation from parking spaces as they are required pedestrian pathways to entrances.	Yes, it is in keeping with the intent of the By-Law for a front yard setback greater than 4.5m to establish a rear yard setback of 28% of the lot depth.	Yes, it is in keeping with the intent of the By-Law to prevent entrances to be located in deep troughs, by instead providing comfortable patios.
<i>in keeping with purpose and intent of Official Plan?</i>	Yes, the OP sets bold targets for tree canopy and intensification, to which this project would contribute in a small but meaningful way. This proposal includes a range of unit types and sizes, including larger 3-bedroom units.	Yes, it is in keeping with the intent of the Official Plan to preserve tree canopy, and to provide a high-quality pedestrian experience.	Yes, it is in keeping with the intent of the Official Plan by encourage intensification in a variety of dwelling unit floorspace sizes to provide housing choices (S.3.8.).	Yes, the Official Plan does not provide guidance towards entrances in the rear yard, but does

If you require any further information, please email our file lead jonathan@rjhill.ca or call me directly at 613-853-2822.

Regards,



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 BES, BArch, OAA, MRAIC, OPPI, MCIP