

March 27, 2024

**Attention: Committee of Adjustment**

**Committee of Adjustment**

Received | Reçu le

**Revised | Modifié le : 2024-04-02**

City of Ottawa | Ville d'Ottawa

**Comité de dérogation**

**Re: Minor Variance Application for 3880 Wilhaven Drive Coach House Height**

To Whom It May Concern:

By means of this letter and the adjoining documents, we are hereby submitting a minor variance request for the construction of a coach house exceeding the height of an existing principal dwelling at 3880 Wilhaven Drive in Cumberland. Included with this letter are the following supporting documents:

- Completed minor variance application form.
- Confirmation from the City's Infill Forester that a Tree Infill Report (TIR) is not necessary (printed email).
- Environmental Impact Study (EIS).
- Reference plan (4R18699), a survey plan of the subject property.
- Site plan showing all existing and proposed structures.
- Footprint and elevation drawings of the proposed coach house.
- Footprint and elevation drawings of the existing principal dwelling and accessory structure (garage).
- Satellite view of the proposed build site with distances to neighbouring buildings shown (generated using GeoOttawa).
- Letters of support signed by the five nearest neighbours.

The applicants are proposing a minor variance for relief from the obligations of bylaw Part 5, Section 133, Subsection (8).(a).(i). Section 133.8.a.iii would still apply because the proposed coach house contains a garage with a parking stall in the basement. Section 133.8 is included here for your reference. All other rules governing coach houses will be met.

*(8) The maximum permitted height of a building containing a coach house:*

*(a) in the AG, EP, ME, MR, RC, RG, RH, RI, RR, RU, V1, V2, V3 and VM Zones, is the lesser of:*

*(i) the height of the principal dwelling; or*

*(ii) 4.5 metres.*

*(iii) despite (ii), where the building containing a coach house also includes a garage containing a parking space established in accordance with Part 4 of this by-law, the building may have a maximum height of 6.1 metres. (By-law 2017-231)*

The property at 3880 Wilhaven Drive is located in the East half of Lot 1 (Old Survey) of the Former Township of Cumberland in Ward 19. The property is designated as a General Rural Area in the City of Ottawa's Official Plan and is further characterized as a Rural Countryside Zone (RU) under City of Ottawa By-laws. Although the lot is zoned rural, it is very close to the city's Eastern boundary, it is typically only a 5-minute drive from Rockland. This also falls in Area D of Schedule 1, therefore, according to city regulations, the coach house would share a well or septic field with the principal dwelling. The property is owned jointly by the co-applicants and is described as Part 1 of Reference Plan 4R18699 which is included with this application (see "*Survey - 4R18699.pdf*"). The reference plan describes the property as having a frontage of approximately 142.6 metres and a depth of approximately 1345 metres. The surface area is 24.53 ha. There is currently a principal dwelling located on the property with a footprint of approximately 77.4 m<sup>2</sup> and a height of approximately 4.3 m (see adjoining files "*Principal Dwelling - Elevation Drawings.pdf*" and "*Principal Dwelling – Footprint.pdf*"). The principal dwelling contains two bedrooms and does not contain a secondary dwelling unit. An accessory structure (garage) is planned for construction in May/June 2024 with the City of Ottawa having already approved the building permit (Application A23-006157/Permit No 2400787). The accessory structure, after construction is complete, will be the largest building on the property with a height of 5.3 m and a footprint of 147.5 m<sup>2</sup> (see adjoining files "*Accessory Structure - Elevation Drawings.pdf*" and "*Accessory Structure – Footprint.pdf*"). No other buildings exist on the property and the majority of the approximately 24.5-hectare lot area is treed.

The majority of abutting properties are treed country residential lots with a small number having mixed treed country residential/agricultural use. The city's Infill Forester was consulted with respect to the present application and their final message stated: "*I can confirm you are not required to submit a Tree Information Report with your CofA application*". The full email correspondence with the Infill Forester is included in this application (see "*Tree Information Report (TIR).pdf*"). As the lot is largely covered by trees, a targeted Environmental Impact Study (EIS) was conducted to minimize any impact on the natural habitat. The EIS, included with the present application (see "*Environmental Impact Study (EIS).pdf*"), found the following: "*To conclude this EIS, it is the professional opinion of the author that with proper implementation and maintenance of the mitigation measures (see above), the proposed development will not negatively impact the significant woodland or any habitat of Species at Risk.*"

The proposed coach house has different elevations on different faces, with the front (North-facing) and side (West-facing) being single storey relative to grade and the rear (South-facing) and other side (East-facing) having a walk-out style basement and drive-out garage door. The proposed coach house will have a building height of 5.9 m relative to the grade. The definition used by the city is "*Grade means the average elevation of the finished level of the ground adjoining all the walls of a building*" (City Bylaws, Part 1, Section 54), therefore, the building height is measured relative to the average grade surrounding the design. Elevations drawings with the noted average building height are included with this application. Additionally, views of the four outside walls are provided to assess the positions of windows, doors, and grade (see "*Coach House - Elevation Drawings.pdf*").

To further reduce any impact of the coach house height, the proposed build site is located approximately 145 m from the road and 52 m from the nearest lot line (see “*Site Plan.pdf*”). The proposed build site is approximately 90 m behind and 55 m to the side of the principal dwelling, therefore, any difference in height between the two buildings will be less visible. The coach house will largely be hidden from view from the road due to approximately 90 m of tree being situated between the two. The septic field is positioned in front of the house as well which will further obstruct sightlines between the road or neighbouring lots and the coach house.

This will, in part, be accomplished by positioning the septic field in front of the coach house. The proposed build site is approximately 80 m behind and 55 m to the side of the principal dwelling, therefore, any difference in height between the two buildings will be less visible, especially given the high density of trees on the property. The positioning of the proposed coach house is shown on the included site plan. The proposed coach house has a footprint of 50 m<sup>2</sup> and has a single bedroom, bathroom, laundry facilities, kitchen, and living room above a garage while the basement will contain a standard-size parking stall in the garage, a utility room, and a second bathroom (see “*Coach House – Footprint.pdf*”).

The proposed minor variance meets the four tests required by Section 45 of the planning act.

1. *The variance is minor.*

The increased coach house height of 5.9 m where the principal dwelling is approximately 4.3 m will not affect the character of the street, neighbourhood, or lot, as the RU zone allows structures to measure up to 12 m tall. In fact, the proposed coach house is positioned closer to the garage (70 m away) than the house (70 m or 100 m away) and the difference in heights (5.9 m vs 5.3 m or 4.3 m) will be imperceptible at those distances.

2. *The variance is desirable for the appropriate development or use of the property.*

Residential use is one of the primary uses of RU-zoned land. Therefore, the development of an additional dwelling unit is an appropriate use of the property – particularly with the current focus on intensification. There is nothing unusual about the coach house being proposed here in terms of absolute dimensions or footprint in the City of Ottawa except that, in this case, it’s height would exceed the height of the principal dwelling. This does not make the minor variance undesirable or inappropriate for the property. For example, any of the abutting properties would be permitted to build the exact same coach house we are proposing without requiring a minor variance due to their principal dwellings all being two-storeys or more. If it would be permitted on a neighbouring lot with the same zoning, it is inherently an appropriate development or use of this property.

3. *The general intent and purpose of the zoning by-law is maintained.*

The city has developed zoning by-laws with the intent of ensuring neighbourhood conformity and consistency, respecting neighbouring properties. The applicants have actively taken steps to minimize any impact of the increased coach house height. First, even with the increased height, the coach house will be a small structure measuring 50 m<sup>2</sup> (approximately 4.9 m x 10.2 m). The coach house is almost centred laterally on the property at 50-75 m from the two abutting lot lines (the lot has a frontage measuring 142 m on Wilhaven Drive). Additionally, the proposed build location is approximately 145 m from the road and over 120 m from the nearest neighbouring residence. Additionally, the footprint of the proposed coach house is imperceptible on the 24.53 ha lot. Due to the density of mature trees on the property, and the proposed build location, the coach house is almost completely hidden from the view of neighbouring houses and the road. No windows in neighbouring houses are visible from the build site. The proposed site plan has a septic field in the front of the proposed coach house and includes raised grade on the front and side of the house reducing the perceived height from the street. The owners have identified the north end of the proposed build site as a probable location for a solar panel installation that would further obscure the view of the coach house from the road. The size and position of the solar cell array may change upon expert consultation, with planned installation in 2025 or 2026. Additionally, the five closest neighbours (3836, 3846, 3853, 3885, and 3990 Wilhaven Drive) have all been consulted regarding this application, briefed on our proposal, and were provided with an opportunity to ask questions. The locations of their houses relative to the proposed build site are shown in a satellite view (with distances measured using GeoOttawa) (see "distance to consulted neighbours.png"). All five of the neighbours have signed letters of support for the application (included with this application as "letter of support (from 3XXX Wilhaven).pdf" where 3XXX is the signatory's address).

4. *The general intent and purpose of the official plan is maintained.*

The new official plan defines the strategy for housing development in the city. The present proposal is in line with the official plan as Section 4.2.1 3) specifically allows coach houses in all parts of the city.

*Accessory Dwelling units as provided for by the Planning Act, including coach houses and secondary dwelling units in the main building, are recognized as key components of the affordable housing stock and shall be protected for long-term residential purposes. The Zoning By-law shall permit these uses on residential lots with one principal dwelling unit in all areas of the City...*

Many of the official plan's rules appear targeted towards coach houses in the urban setting but are also applied to rural projects. This includes sections 4.2.1 3) f) which indirectly confirms that typically, two storey coach houses in the rural area do not need a minor variance and are permitted:

*f) The Zoning By-law shall limit the coach house to a height of one storey for lots in the urban area. An application to allow a height of up to two storeys through a minor variance may be considered where the considerations noted in Subsection 4.2.1, Policy 3 e) above can be satisfied.*

Most relevant for this application, 4.2.1 3) e) describes what should be considered with respect to minor variances for coach houses.

*e) Applications for Minor Variance / Permissions with respect to coach houses shall have regard for all applicable policies of this Plan, as well as the following considerations:*

- i) The proponent can demonstrate that the privacy of the adjoining properties is maintained;*
- ii) The siting and scale of the coach house does not negatively impact abutting properties; and*
- iii) Distinctive trees and plantings are preserved on the subject property.*

The proposed coach house project meets all these objectives with respect to maintaining privacy and not impacting abutting properties (these points are addressed in the paragraph describing the third test – intent of by-laws is maintained). The TIR and EIS support that no negative effect on woodlands will occur due to this application and that no special provisions are required to protect distinctive trees.

This application for a minor variance is required because the principal dwelling is a bungalow in an area where many houses are two storeys tall. Alternate designs were considered in an effort to reduce the height of the proposed coach house. This included a below-grade basement/garage, however, this option would make the coach house susceptible to springtime flooding from snow melt. Preliminary discussions with the city planners confirmed that increasing the footprint beyond 50 m<sup>2</sup> to reduce the height by placing the living space and garage on the same level would not gain their support due to the constraints of Section 133.10.a. This clause stipulates that the footprint of the coach house must not exceed 50 m<sup>2</sup> if the principal dwelling has a footprint of less than 125 m<sup>2</sup> (in our case, the reference footprint is 77 m<sup>2</sup>). Alternatively, we could have designed the principal dwelling to be a two-storey structure to prevent the need for this application altogether. This third option was incompatible with our vision of the property as the principal residence was purposely designed as a single storey building with no stairs for Stéphanie's parents who eventually will eventually have reduced mobility associated with aging (they are both in their late 50s/early 60s). Stéphanie and Stéphane plan to live in the coach house, realize their vision of living in a small, rural house in Ottawa.

We thank you for your time in consideration of the application for a minor variance to increase the maximum height of a proposed coach house at 3880 Wilhaven Drive to 5.9 m. We are available by phone at 780-242-3119, and email at [stephane.magnan.11@gmail.com](mailto:stephane.magnan.11@gmail.com) should you require further information or clarification.

Sincerely,

Stéphane Magnan and Stéphanie Benoît  
Owners of 3880 Wilhaven Drive

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