

This document is presented in the language it was provided.
Ce document est présenté dans la langue dans laquelle il a été fourni.

February 7, 2024

Revised March 1, 2024, March 21, 2024, and March 24, 2024

Committee of Adjustment
City of Ottawa
101 CentrepoinTE Drive
Ottawa, ON, K2G 5K7

Attention: Michel Bellemare, Secretary - Treasurer

**Reference: 1756 Scott Street
Application for Minor Variances
Our File No.: 123178**

Committee of Adjustment
Received | Reçu le
2024-03-25
City of Ottawa | Ville d'Ottawa
Comité de dérogation

Novatech has been retained by the owner of the property municipally known as 1756 Scott Street (the "Subject Site") to prepare and file an application for minor variances. The requested minor variances will facilitate a two-storey addition in the rear yard of the existing legally non-conforming detached dwelling.

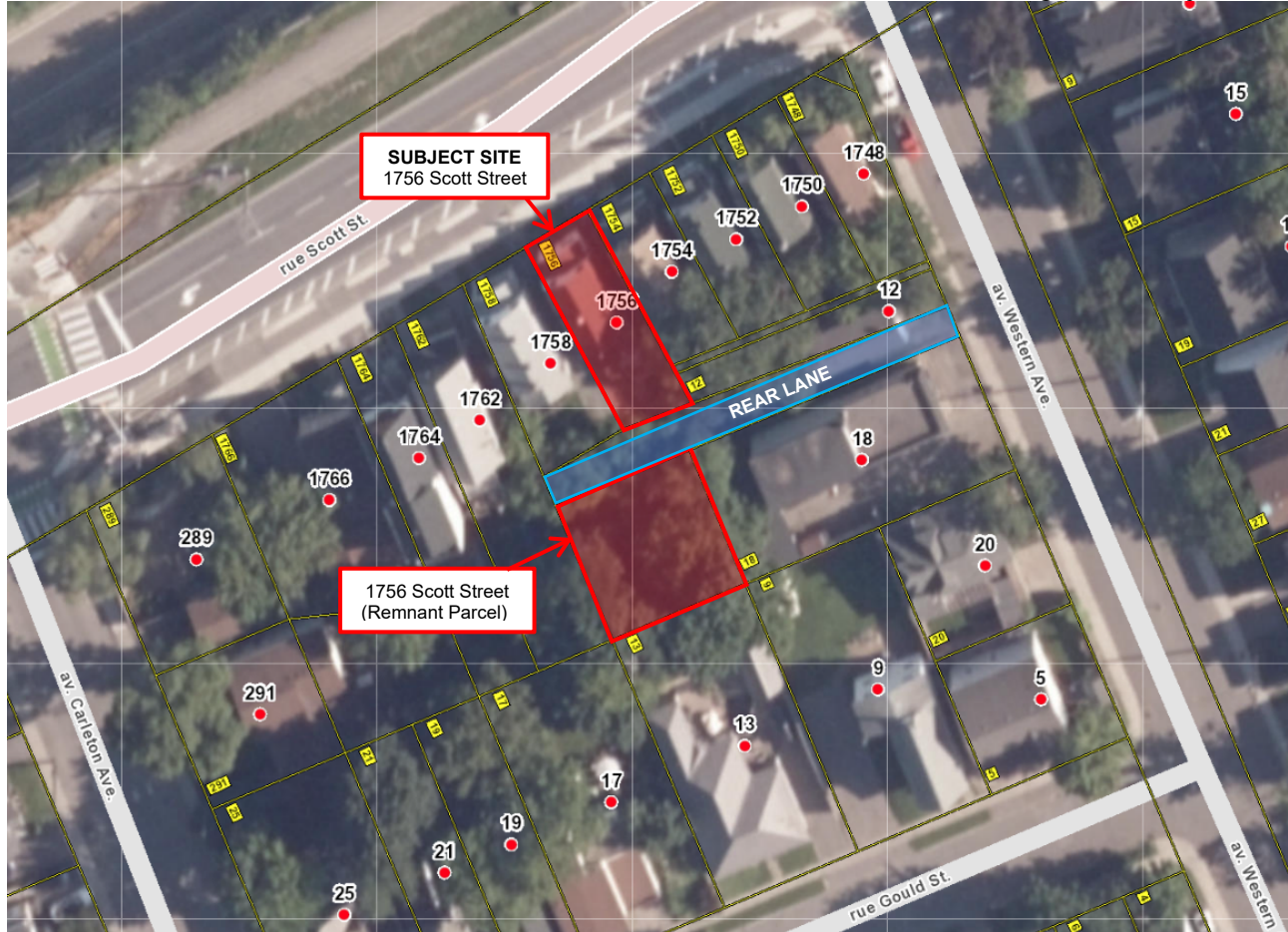
This letter describes the existing conditions of the site and its surrounding context, the proposed development, and the rationale in support of the application.

Figure 1: Location of the Subject Site



The Subject Site is located in the Kitchissippi ward of the City of Ottawa on the south side of Scott Street (Ward 15) (see Figure 1). The Subject Site is in an area bounded by Scott Street to the north, Western Avenue to the east, Island Park Drive to the west and Richmond Road to the south. The Subject Site is rectangular in shape and has approximately 7.6 metres of frontage along Scott Street and an area of approximately 180 square metres. The Subject Site is legally known as Part of Lot 10 South Scott Street Lots and Part of Lots B & C Registered Plan 145, City of Ottawa.

Figure 2: Subject Site



1756 Scott Street is comprised of two parcels separated by an untravelled rear lane. The rear lane is subject to a right of way providing access to the rear of the Subject Site off Western Avenue, as shown in blue on Figure 2. The remnant parcel on the south side of the right of way is approximately 232 square metres in area.

The Subject Site is zoned Residential First Density, Subzone MM (R1MM) in the City of Ottawa Zoning By-law 2008-250 and is subject to provisions of the Mature Neighbourhoods Overlay. The Subject Site is designated Mainstreet Corridor within the Inner Urban Transect on Schedule B2 of the City of Ottawa Official Plan and is subject to the Evolving Neighbourhoods Overlay.

The Subject Site is currently developed with a detached dwelling. The detached dwelling is two storeys and includes a deck and stairs in the rear of the property. The existing dwelling on the Subject Site was established prior to the current zoning by-law coming into force and does not conform with provisions of the R1MM zone for minimum lot area, minimum lot width and minimum interior side yard setback. The existing dwelling is considered a legally non-conforming use.

Proposed Development

It is proposed to construct a two-storey addition in the rear yard of the Subject Site comprising two additional dwelling units. Dwelling units in the proposed addition would be accessed off Scott Street. No modifications are proposed to the front façade of the existing dwelling. The application for minor variances is required to facilitate the proposed addition to the legally non-conforming detached dwelling on the Subject Site.

A two-storey addition to the existing detached dwelling is proposed in the rear yard (Figure 3). The existing deck and stairs will be removed and replaced by the proposed addition. The addition will extend from the existing building footprint and will provide the required 1.2 metre side yard setback.

Figure 3: Site Plan Excerpt

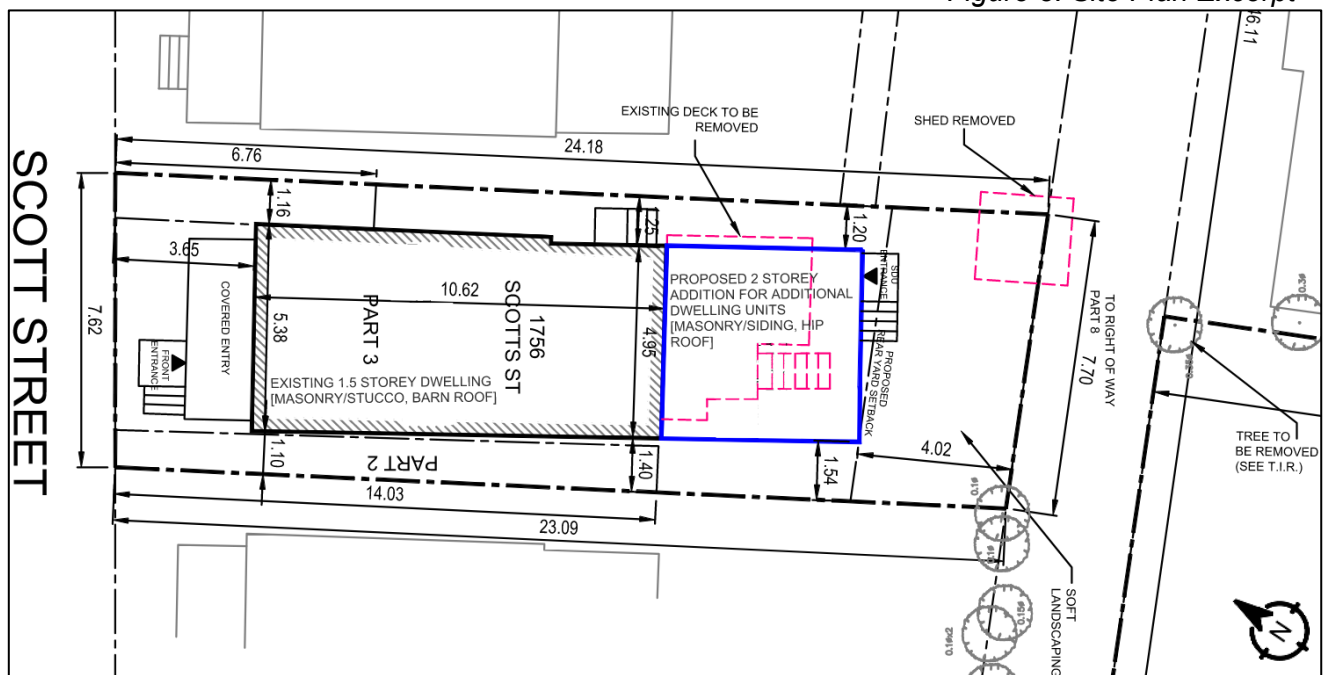


Figure 4: Existing and Proposed East Elevation

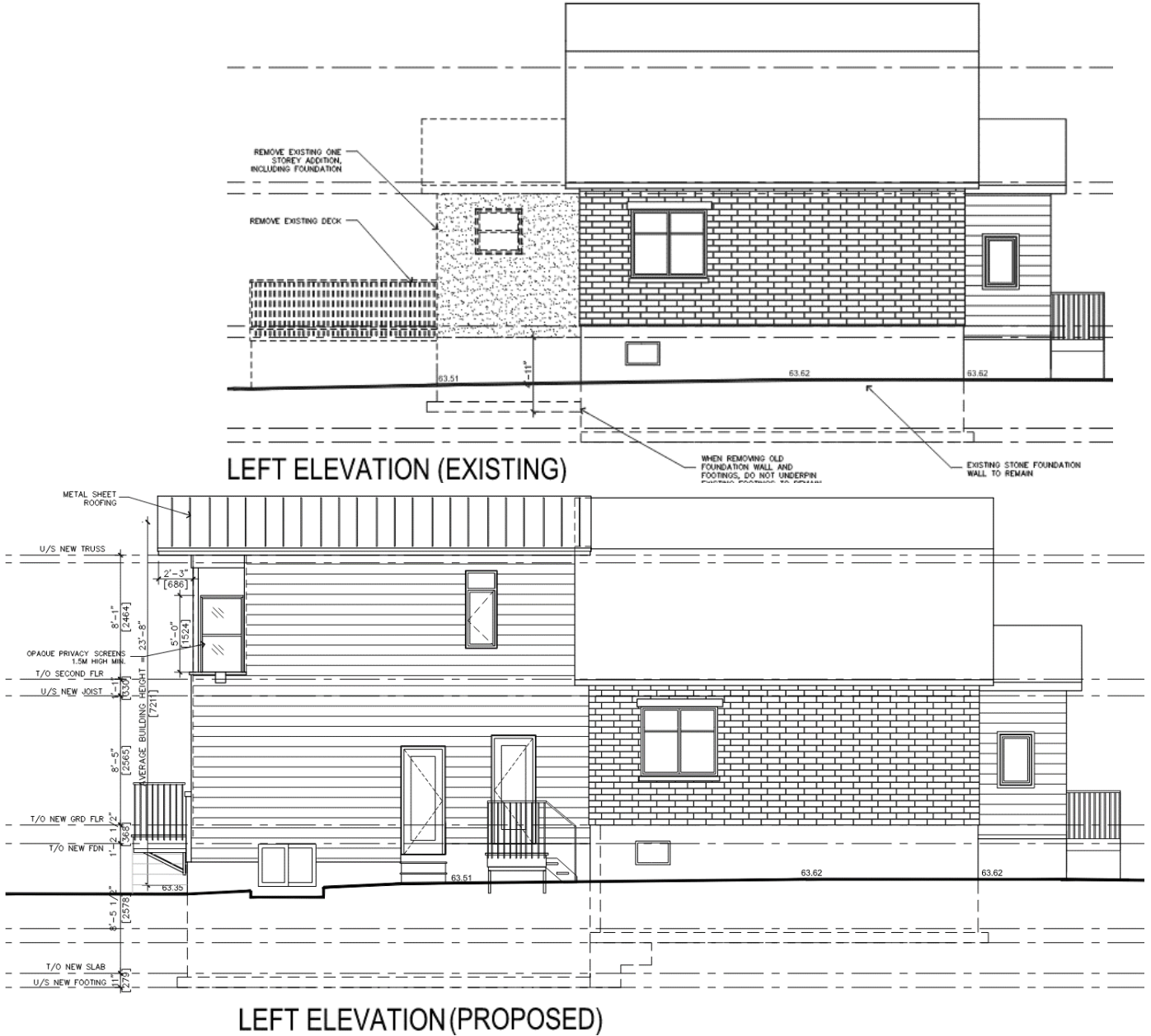


Figure 5: Existing and Proposed West Elevation

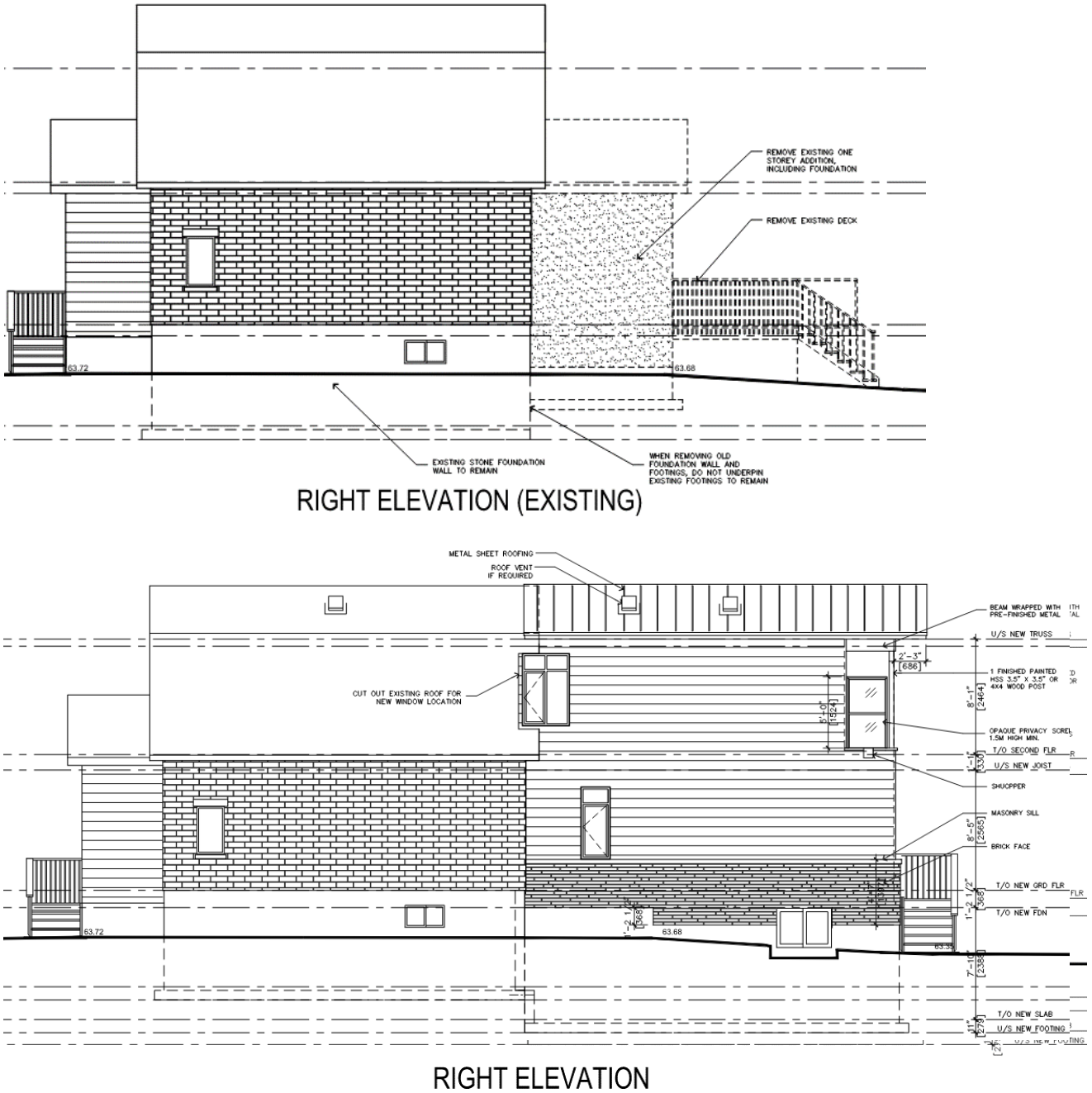
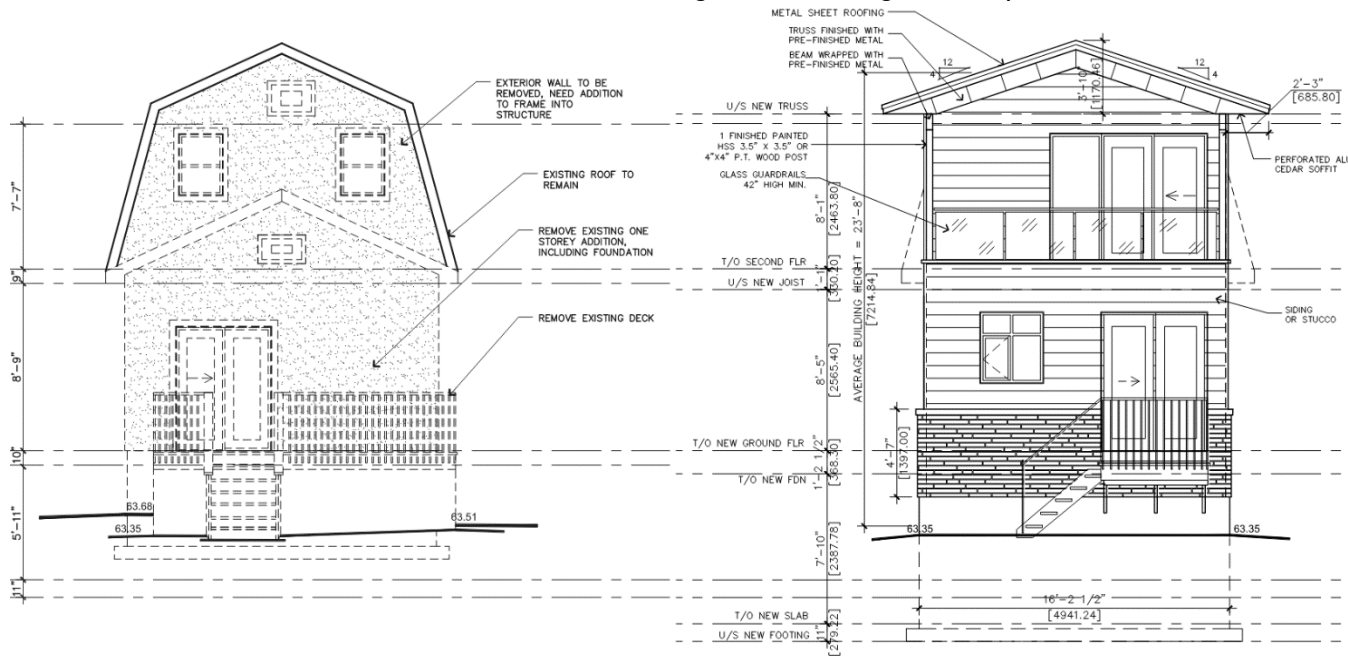


Figure 6: Existing and Proposed South Elevation



REAR ELEVATION (EXISTING)

REAR ELEVATION (PROPOSED)

Minor Variance Applications

- a) To permit a reduced rear yard setback of 4.0 metres; whereas the By-law requires a minimum rear yard setback of 6.2 metres (Part 5, Table 144A(ii)).
- b) To permit a reduced rear yard area of 18.2% of the lot area; whereas the By-law requires the rear yard to comprise at least 25 percent of the lot area (Part 5, Section 144(3)(a)).

Note: All requested minor variances have been rounded to the nearest tenths decimal place, as instructed by the Committee of Adjustment.

Rationale (Minor Variance Applications)

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) was issued under Section 3 of the Planning Act and came into effect on May 1, 2020.

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

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), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs:

The proposed development of an addition to the existing detached dwelling comprising two additional dwelling units on the Subject Site supports an appropriate range and mix of residential uses to meet the long-term needs of residents in the neighbourhood. The proposal also promotes cost-effective development patterns by intensifying lands within the urban boundary, minimizing land consumption and municipal servicing costs.

The proposed development is consistent with policies of the PPS (2020).

The minor variances listed above meet the four tests for minor variance under Section 45(1) of the Planning Act.

The first test for minor variance is that the general intent and purpose of the Official Plan is maintained.

Figure 7. Official Plan Schedule B2 Excerpt



City of Ottawa Official Plan

The Subject Site is designated “Mainstreet Corridor” within the “Evolving Overlay” within the Inner Urban Transect on Schedule B2 of the Official Plan (See Figure 7).

Section 3.2 of the Official Plan sets out policies for infill and intensification within the urban area. Section 3.2, Policy 3 of the Official Plan states that: “The vast majority of Residential intensification shall focus within 15-minute neighbourhoods, which are comprised of Hubs, Corridors and lands

within the Neighbourhood designations that are adjacent to them". The proposed development on the Subject Site is an example of infill and intensification within the Inner Urban Transect and Mainstreet Corridor designation. The proposed development supports the creation of 15-minute neighbourhoods and will contribute to residential intensification of lands within the Mainstreet Corridor designation in the Official Plan. The proposed addition to the existing detached dwelling is a permitted form of housing on the Subject Site that compliments the lot pattern, scale, and desirable characteristics of development along Scott Street and contributes to the growth of 15-minute neighbourhoods.

Section 5.2 of the Official Plan sets out policies for the Inner Urban Transect. Section 5.2.1, Policy 4 of the Official Plan states that:

- "4) The Inner Urban Transect shall continue to develop as a mixed-use environment, where:*
- a) Hubs and a network of Mainstreets and Minor Corridors provide residents with a full range of services within a walking distance from home, in order to support the growth of 15-minute neighbourhoods;*
 - b) Small, locally oriented services may be appropriately located within Neighbourhoods;*
 - c) Existing and new cultural assets are supported, including those that support music and nightlife;*
 - d) Larger employment uses are directed to Hubs and Corridors; and*
 - e) Increases in existing residential densities are supported to sustain the full range of services noted in Policy a)".*

Policies of the Official Plan direct areas designated "Mainstreet Corridor" to provide a mix of uses and accommodate residential growth within walking distance from home. The proposed development on the Subject Site will contribute to residential growth and intensification within the Inner Urban Transect and Mainstreet Corridor designation to sustain a range of services and support the establishment of 15-minute neighbourhoods.

Section 5.6.1.1 of the Official Plan states that:

- "1) The Evolving Overlay will apply to areas that are in a location or at stage of evolution that create the opportunity to achieve an urban form in terms of use, density, built form and site design. These areas are proximate to the boundaries of Hubs and Corridors as shown in the B-series of schedules of this Plan. The Evolving Overlay will be applied generally to the properties that have a lot line along a Minor Corridor; lands 150 meters from the boundary of a Hub or Mainstreet designation; and to lands within a 400-metre radius of a rapid transit station. The Overlay is intended to provide opportunities that allow the City to reach the goals of its Growth Management Framework for intensification through the Zoning By-law, by providing:*
- a) Guidance for a gradual change in character based on proximity to Hubs and Corridors,*
 - b) Allowance for new building forms and typologies, such as missing middle housing;*
 - c) Direction to built form and site design that support an evolution towards more urban built form patterns and applicable transportation mode share goals; and*
 - d) Direction to govern the evaluation of development.*
- 2) Where an Evolving overlay is applied:*
- a) The Zoning By-law shall provide development standards for the built form and buildable envelope consistent with the planned characteristics of the overlay area,*

which may differ from the existing characteristics of the area to which the overlay applies; and

- b) The Zoning By-law shall include minimum-density requirements as identified in Table 3a, and permissions to meet or exceed the density targets of Table 3b.*

3) *In the Evolving Overlay, the City:*

- a) The City will be supportive of applications for low-rise intensification that seek to move beyond the development standards of the underlying zone where the proposal demonstrates that the development achieves objectives of the applicable transect with regards to density, built form and site design in keeping with the intent of Sections 3 and 5 of this Plan;*

The Subject Site is designated Mainstreet Corridor and is located within 150 metres from the boundary of a Hub. Table 3b of the Official Plan provides a minimum density target between 60 to 80 dwelling units per net hectare for Mainstreet Corridors in the Inner Urban Transect. The proposed creation of two additional dwelling units to the existing detached dwelling would provide a residential density of 159 dwelling units per net hectare for the Subject Site, exceeding the minimum density target of Table 3b. The proposed development achieves objectives of the Inner Urban Transect by providing increased density on the Subject Site in a permitted form of housing that has been designed to be compatible with abutting properties and the surrounding context. The proposed development is a suitable location to move beyond the development standards of the underlying R1MM zone. The Subject Site is an appropriate location for intensification and contributes to achieving objectives of the Official Plan.

The requested variances maintain the general intent and purpose of the Official Plan.

The second test for minor variance is that the general intent and purpose of the Zoning By-law is maintained.

The Subject Site is zoned Residential First Density, Subzone MM (R1MM) under the City of Ottawa Zoning By-law 2008-250. The purpose of the R1 Zone is to:

- (1) “restrict the building form to detached dwellings in areas designated as General Urban Area in the Official Plan;*
- (2) allow a number of other residential uses to provide additional housing choices within detached dwelling residential areas;*
- (3) permit ancillary uses to the principal residential use to allow residents to work at home;*
- (4) regulate development in a manner that is compatible with existing land use patterns so that the detached dwelling, residential character of a neighbourhood is maintained or enhanced;
*and**
- (5) permit different development standards, identified in the Z subzone, primarily for areas designated as Developing Communities, which promote efficient land use and compact form while showcasing newer design approaches.”*

The existing lot and detached dwelling on the Subject Site were established prior to the current zoning by-law coming into force and do not conform with provisions of the R1MM zone for minimum lot area, minimum lot width and minimum interior side yard setback. The existing lot and detached dwelling are considered legally non-conforming. The requested minor variances are to permit a reduced rear yard setback and rear yard area for a proposed addition to the legally non-conforming detached

dwelling. A detached dwelling is a permitted use in the R1 zone. The proposed addition is designed to extend into the rear yard with a setback of approximately 4 metres from the rear lot line. The proposed addition meets the performance standards for interior side yard setback and building height. The minimum requirement for 30% aggregated soft landscaping area in the front yard is met. The proposed addition will contribute additional dwelling units to the mix of residential uses in the area.

The minimum required rear yard setback for a detached dwelling within the greenbelt that abuts a R1 to R4 zone is set out under Section 144(3)(a)(i) of the zoning by-law. The required rear yard setback on the Subject Site is 6.2 metres. A 4 metre rear yard setback is provided. The Subject Site abuts a 3.3 metre wide untraveled rear lane. A total separation distance of 7.3 metres from the proposed addition to property lines across the rear lane will provide appropriate separation from any development on properties located to the south. The requested variance to reduce the required rear yard setback is appropriate for the proposed development on the Subject Site.

The minimum required rear yard area for a detached dwelling within the greenbelt that abuts a R1 to R4 zone is set out under Section 144(3)(a) of the zoning by-law. The required rear yard on the Subject Site is 25% of the lot area (45.1 square metres). A rear yard equal to 18.2% of the lot area (33 square metres) is provided. Soft landscape area will be maintained in the rear yard and no trees will be impacted on the Subject Site or adjacent properties. A balcony will provide private amenity space to the additional dwelling unit on the second floor of the addition. The Subject Site is located within walking distance of parks, community facilities, and the Ottawa River. The requested variance to reduce the rear yard area is appropriate for the proposed development on the Subject Site.

The proposed addition has been designed to be compatible with the existing function of side yards and rear yards on abutting lots to the west and east. The proposed addition to the existing detached dwelling will have no significant impact on the building or rear yard area on the abutting lot to the east (1754 Scott) or the abutting lot to the west (1758 Scott). The proposed addition will have a minimal impact on soft landscaping and tree cover on the Subject Site. The proposed addition is compatible with the surrounding neighbourhood.

The requested variances maintain the general intent and purpose of the Zoning By-law 2008-250.

The third test for minor variance is that the minor variance is considered desirable for the use of land.

Variance a) requests a reduced rear yard setback of 4 metres; whereas the By-law requires a rear yard setback of 6.2 metres on the Subject Site (Part 5, Table 144A(ii)). The requested addition is designed to extend into the rear yard with a setback of 4 metres from the rear lot line. The addition will match the height of the existing second storey and will extend into an area previously occupied by a deck. The proposed addition will not be visible from Scott Street, will have no impact on the streetscape and maintains the functionality of the site. The existing lot can accommodate the proposed addition in a form and scale that is appropriate in this location. A reduced rear yard setback is appropriate for the proposed development on the Subject Site.

Figure 8: Amenities and services within walking distance of Subject Site



Variance b) requests a reduced rear yard area equal to 18.2% of the lot area; whereas the By-law requires the rear yard to comprise at least 25% of the lot area on the Subject Site (Part 5, Section 144(3)(a)). Outdoor amenity space is provided for residents in the rear yard, soft landscape area will be maintained and no trees will be impacted on the Subject Site or adjacent properties. A balcony will provide private amenity space to the additional dwelling unit on the second floor of the addition. The Subject Site is located within walking distance of parks, community facilities, and the Ottawa River (see Figure 8). A reduced rear yard area is appropriate for the proposed development on the Subject Site.

The fourth test for minor variance is that the variance is considered minor in nature.

Variance a) is required to permit a reduced rear yard setback on the Subject Site having a rear yard setback that is 2.2 metres less than the minimum required in the Zoning By-law. Variance b) is required to permit a reduced rear yard area on the Subject Site having a rear yard area that is 6.8% less than the minimum required in the Zoning By-law. The proposed rear yard setback and rear yard area can accommodate the proposed addition to the existing detached dwelling at a form and scale that is appropriate in this location. The proposed addition is setback approximately 7.3 metres from the closest residential property south of the Subject Site. A balcony provides additional private amenity space to the additional dwelling unit located on the second floor of the addition.

The existing detached dwelling was established prior to the current zoning by-law coming into force and does not conform with provisions of the R1MM zone for minimum lot area, minimum lot width and minimum interior side yard setback. The detached dwelling is considered legally non-conforming. The proposed development meets the performance standards for front yard setback, interior side yard setback, and building height. The minimum required 30% aggregated soft landscaping area in the front yard is provided.

Proposed reductions to the required rear yard setback and rear yard area are designed to be compatible with abutting lots to the west and east. The request for a reduced rear yard setback and reduced rear yard area on the Subject Site are consistent with the low-rise character of the surrounding context and will have no impact on the streetscape, or on the functionality of the site.

The requested variances are considered minor in nature.

Conclusion

The requested variances maintain the general intent and purpose of the City of Ottawa Official Plan and Zoning By-law 2008-250. The requested variances are considered desirable for the use of the land and are minor in nature.

The proposed development represents good land use planning.

In support of the application for minor variances, please find enclosed:

- Cover Letter (one copy)
- **Revised* - Complete Minor Variance Application Form (digital copy)
- **Revised* - Minor Variance Sketch (digital copy)
- Survey Plan (one 8.5x11 copy and one 11x17 copy)
- Site Plan (one 8.5x11 copy and one 11x17 copy)
- **Revised* - Elevation Drawings (one 8.5x11 copy and one 11x17 copy)
- Tree Information Report (one copy)

Should you have any questions regarding these applications, please do not hesitate to contact the undersigned.

Yours truly,

NOVATECH



Jeffrey Kelly, MCIP, RPP
Project Planner