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April 15, 2024

Mr. Michel Bellemare
Secretary-Treasurer
Committee of Adjustment
101 CentrepoinTE Drive, Fourth Floor
Ottawa, ON K2G 5K7

**RE: Minor Variance Applications
753 & 805 Kinstead Private**

Committee of Adjustment
Received | Reçu le

2024-04-16

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Dear Mr. Bellemare,

Fotenn Planning + Design ("Fotenn") has been retained by Mattamy (Maple Grove) Limited to prepare a Planning Rationale in support of Minor Variance applications at 753 & 805 Kinstead Private ("the subject properties"). The subject properties are currently being developed with Back-to-back townhouses that have been constructed closer to the interior side lot line than the Zoning By-law permits. Variances are sought to obtain relief from the Zoning By-law for the setbacks to the porch and second storey balcony.

Please find enclosed the following materials in support of the application:

- / Minor Variance Application Forms (one primary and one secondary);
- / Siting Plan;
- / Plan of Survey;
- / Building Elevations;
- / Plan 4M-1720;
- / Pan 4R-35536;
- / Written confirmation from the City Forester that a Tree Information Report (TIR) is not required; and,
- / A cheque made out to the City of Ottawa in the amount of \$4,836.

Sincerely,



Nico Church, RPP MCIP
Senior Planner



Thomas Freeman, B.URPL
Planner

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FOTENN

1.0 Background and Context

Fotenn is pleased to submit the enclosed Minor Variance applications on behalf of Mattamy (Maple Grove) Limited for 753 & 805 Kinstead Private in Kanata West. The Minor Variance applications seek relief from the City of Ottawa Zoning By-law 2008-250 regarding the setbacks for permitted projections into the required interior side yard.

1.1 Subject Properties

The subject properties are located within the recently approved subdivision for the lands previously known as 1837 & 1849 Maple Grove Road in the Kanata West community.

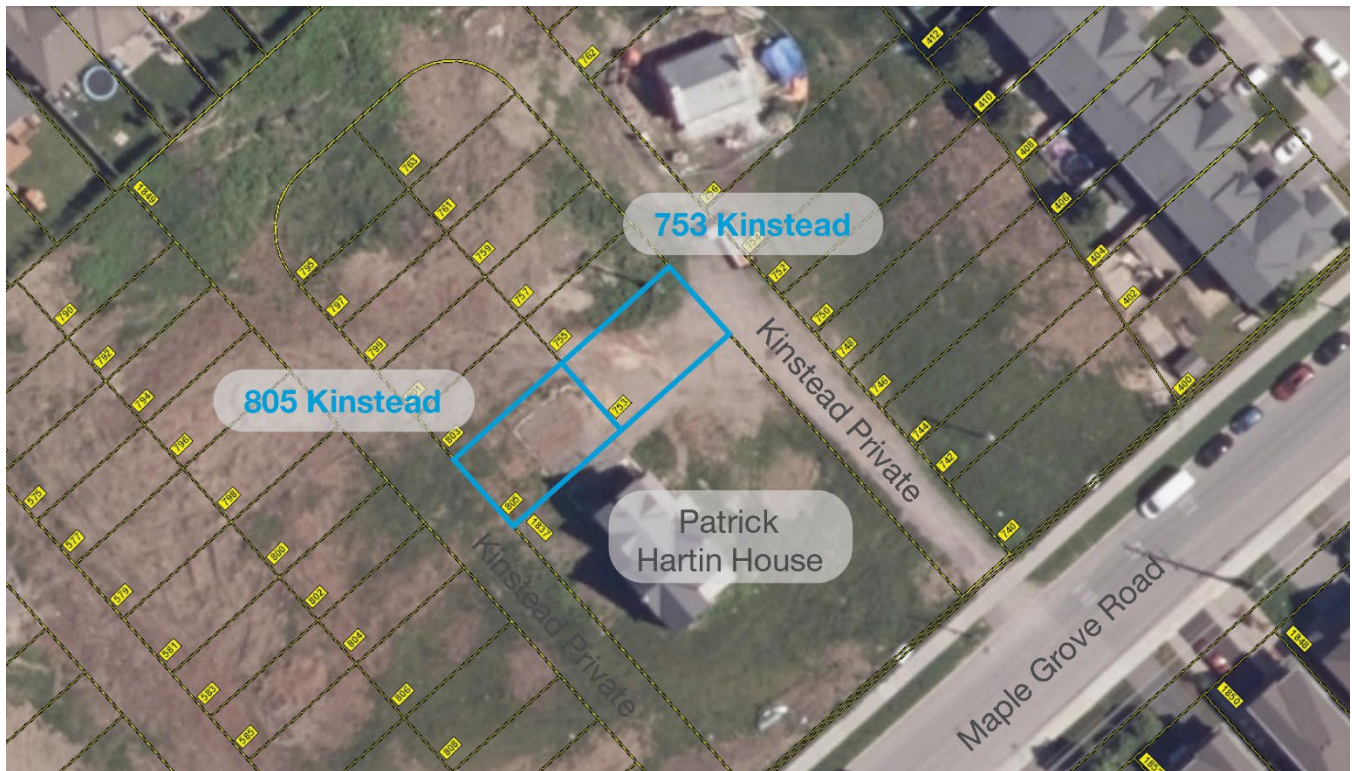


Figure 1: Subject Property and Surrounding Area

The subject properties are located immediately north of the Patrick Hartin House at 1837 Maple Grove Road. The Patrick Hartin House, built in 1886, is listed on the City of Ottawa Heritage Register but is not designated under Part IV of the Ontario Heritage Act. It is a detached dwelling in the vernacular architectural style, with an L-shaped farmhouse design with cross-gabled roof, wood baseboards, contrasting stone quoins, stone voussiors, stone sills and an open porch. The property on which the Patrick Hartin House sits is zoned to permit residential and/or commercial uses including bank, office, retail store, personal service business, medical facility, artist studio, and restaurant.

The area surrounding the subject properties consists of a low-rise, predominantly residential neighbourhood featuring a mix of townhouses and detached dwellings. Townhouse dwelling lots immediately abut the north, east, and west of the subdivision. Detached dwelling lots are located immediately to the south, across Maple Grove Road.

1.2 Application Context and History

Fotenn submitted concurrent Plan of Subdivision (file no. D07-16-21-0005) and Major Zoning By-law Amendment (file no. D02-02-21-0022) applications on behalf of Mattamy for the properties municipally known as 1837 & 1849 Maple Grove Road in March 2021. The Plan of Subdivision application received draft approval in January 2022 and the Zoning By-law Amendment application was approved in August 2022. Mattamy Homes is currently constructing the approved subdivision, which will include 62 back-to-back townhouse units and 28 standard townhouse units. Two (2) existing buildings on the City's Heritage Register, the Patrick Hartin House and a stone cottage, have been retained as part of the approved subdivision.

The subject properties are part of Block 5 of the Plan of Subdivision (Plan 4M-1720), which is currently under construction. The subject properties are legally known as Parts 55 and 56, Plan 4R-35536.

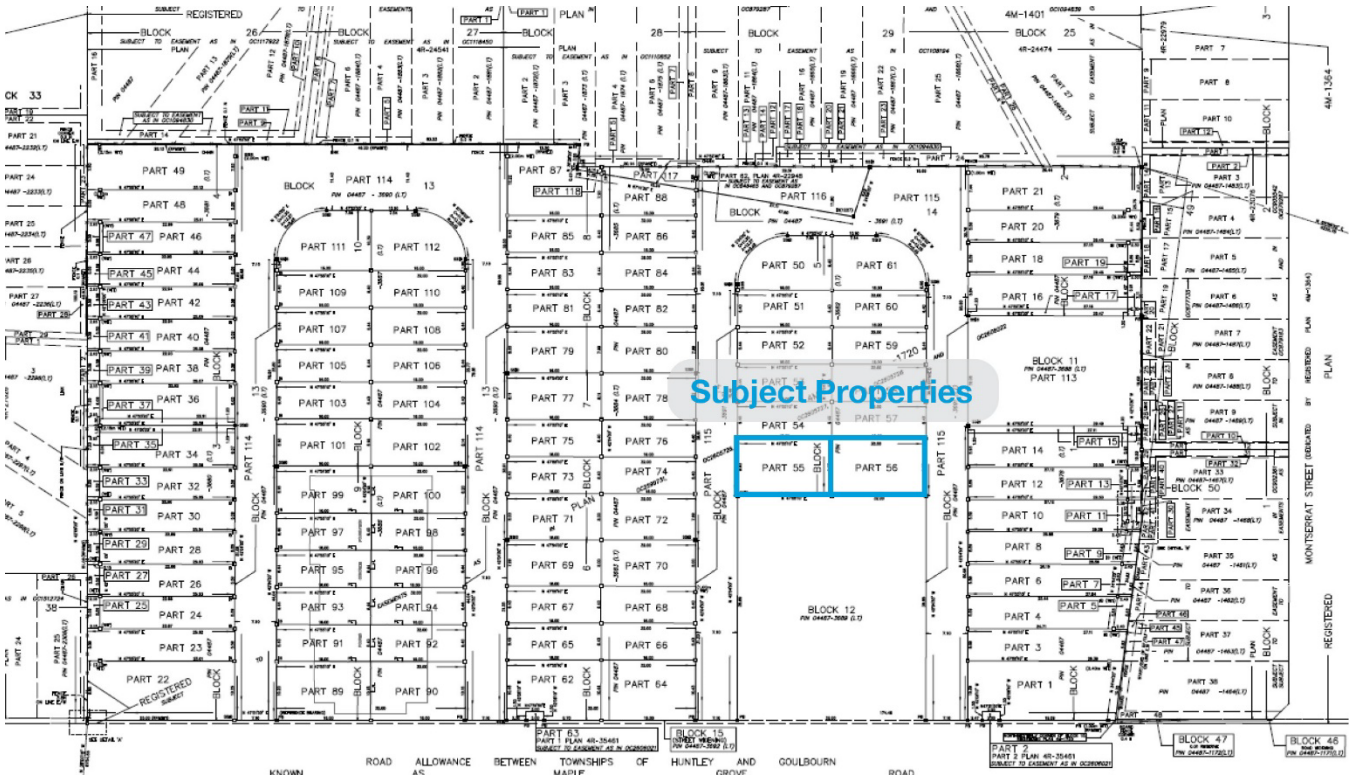


Figure 2: Registered Plan 4R-35536

2.0 Overview of Applications

2.1 Proposed Development

The subject properties are currently being developed with back-to-back townhouse units as part of Block 5 of the registered Plan of Subdivision (Plan 4M-1720). The block consists of twelve (12) back-to-back townhouse dwellings.

Although a Building Permit was issued for the construction of the back-to-back townhouse block (and the block's construction is nearly finalized), City Building Code Services staff notified Mattamy that the block's south-facing porch and covered balcony were set back closer to the interior lot line to the south than permitted by the Zoning By-law. More specifically, the attached porch and balconies for both 753 & 805 Kinstead Private are 40 centimetres closer to the interior (south) side lot line than permitted under Table 65 (Permitted Projections into Required Yards) of the Zoning By-law.

Figures 3 through 5 below show excerpts of building elevations for both 753 & 805 Kinstead Private, illustrating the balconies and porches that project into the adjacent southern interior side yard.

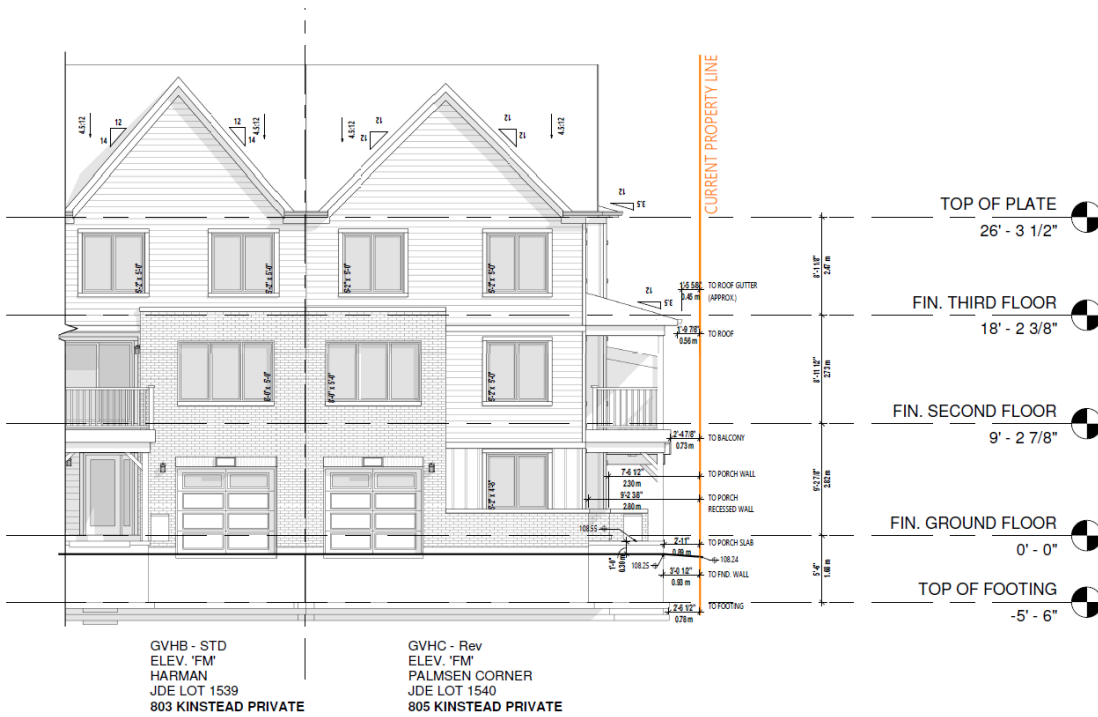


Figure 3: 805 Kinstead Private Front Elevation (looking east)

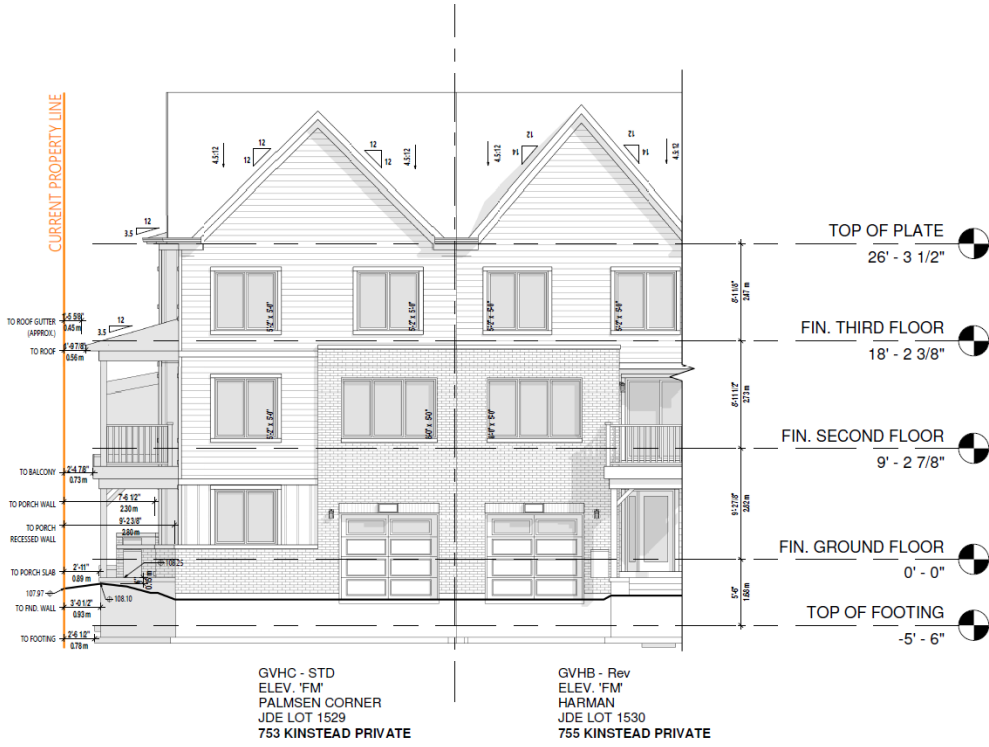


Figure 4: 753 Kinstead Private Front Elevation (looking west)

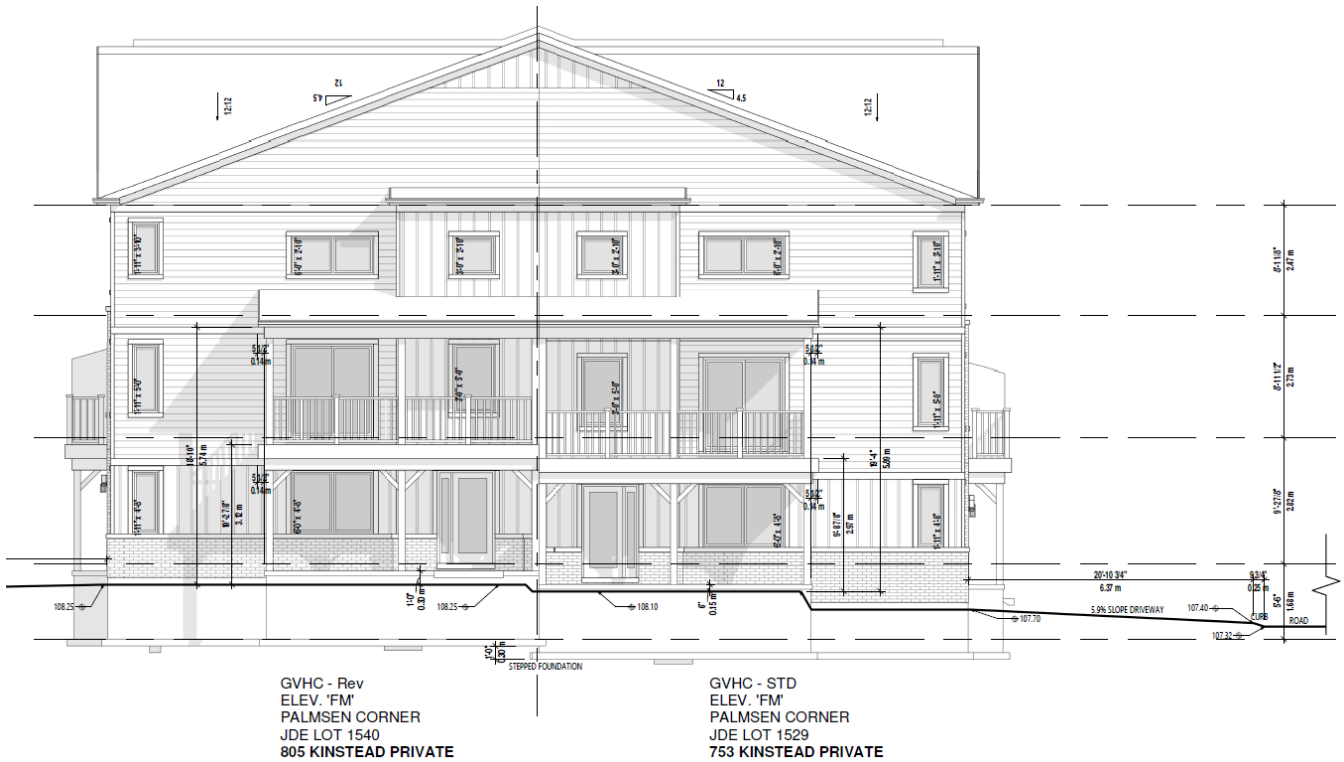


Figure 5: Side Elevation of 753 & 805 Kinstead Private (looking north)



Figure 8: Photograph of the balconies as constructed

2.2 Required Minor Variances

While the development broadly complies with the applicable provisions of the Zoning By-law, the following minor variances are requested to obtain occupancy permits:

- / To permit a porch to project within 0.8 metres of an interior side lot line and permit a covered balcony to project within 0.5 metres of an interior side lot line, whereas the by-law permits a covered balcony or porch to project up to 2 metres into a required yard, but no closer than 1 metre from any lot line (Table 65 (6) (c)).

3.0 Policy and Regulatory Context

3.1 City of Ottawa Official Plan (2022)

The Official Plan for the City of Ottawa was approved November 4, 2022. The Plan provides a framework for development in the City until 2046, when it is expected that the City’s population will surpass 1.4 million people. The Official Plan directs how the City will accommodate this growth over time and sets out the policies to guide the development and growth of the City.

The subject properties are designated Neighbourhood within the Suburban Transect, as shown on Schedule B5– Suburban (West) Transect of the Official Plan, per Figure 9 below.

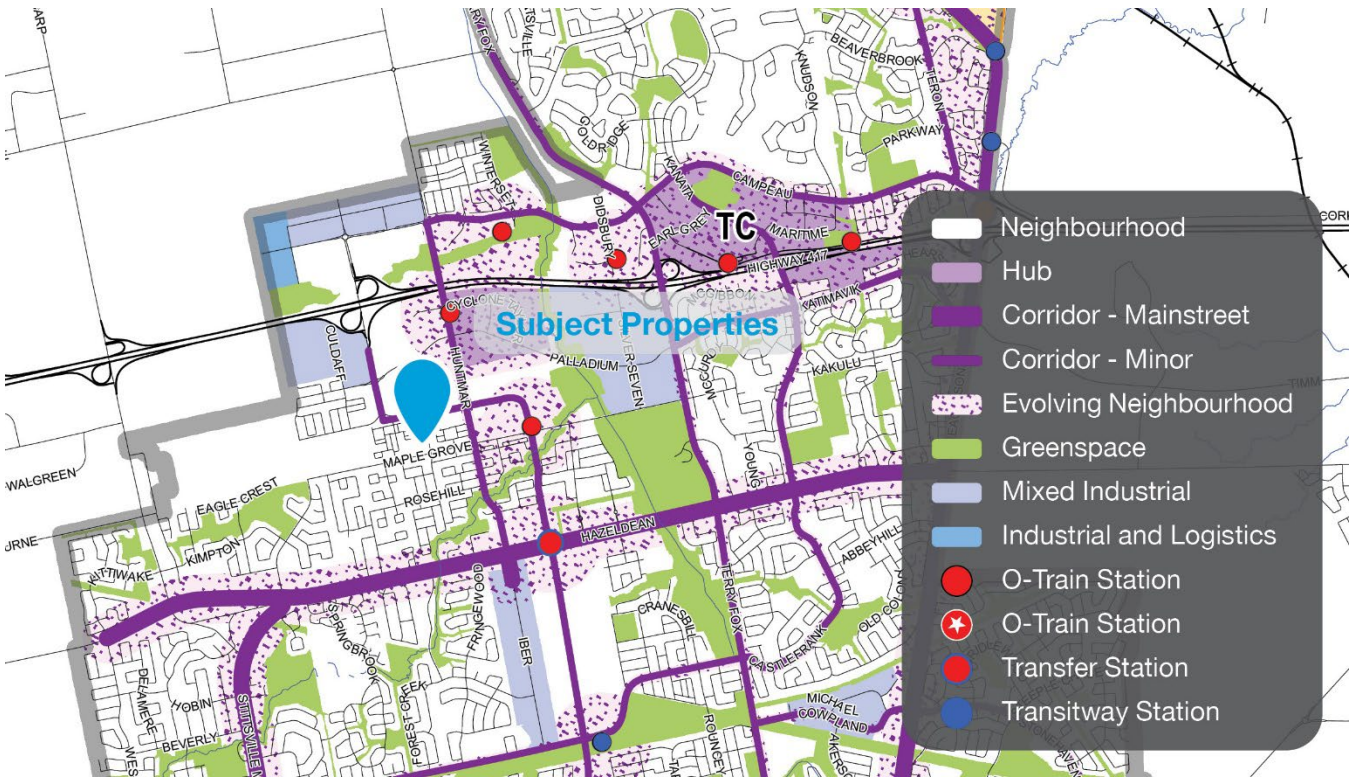


Figure 9: Schedule B5 - Suburban (West) Transect

The Suburban Transect comprises neighbourhoods within the urban boundary located outside of the Greenbelt. Neighbourhoods generally reflect the conventional suburban model described in Table 6 in Subsection 5.3 and are characterized by the separation of land uses, stand-alone buildings, generous setbacks and low-rise built forms.

The Official Plan recognizes the suburban pattern on built form and site design while supporting an evolution towards 15-minute neighbourhoods.

Section 6.3 of the Official Plan outlines policies for lands designated as Neighbourhood. Neighbourhoods are contiguous urban areas that constitute the heart of communities. They are planned for ongoing gradual, integrated, sustainable, and internally compatible development. Neighbourhood policies will allow for the development of a full range and choice of housing, with complementary small-scale non-residential land uses to support the creation of 15- minute neighbourhoods.

The proposed low-rise, back-to-back townhouse dwellings on the subject properties are permitted in the Neighbourhood designation and in the Suburban Transect.

3.2 Kanata West Concept Plan

The Kanata West Concept Plan includes a vision, objectives, and planning and design direction to guide future subdivision and development applications within its boundary.

3.2.1 Land Use Designation

The subject properties are designated “Residential (Area B)” in the Kanata West Concept Plan (2002, updated 2005). The “Residential (Area B)” land use designation is designed to permit a range of residential dwelling types in a transit-oriented and pedestrian friendly environment. Densities are encouraged to mimic Ottawa’s post-war communities. These urban densities will result in less land consumption, and a more efficient use of services and transit.

The proposed back-to-back townhouses are permitted within the “Residential (Area B)” land use designation.

3.3 City of Ottawa Comprehensive Zoning By-law (2008-250)

The subject properties are zoned Residential Third Density, Subzone YY, Urban Exception 2796 – R3YY[2796]. The proposed back-to-back townhouses are permitted in the R3YY[2796] zone.

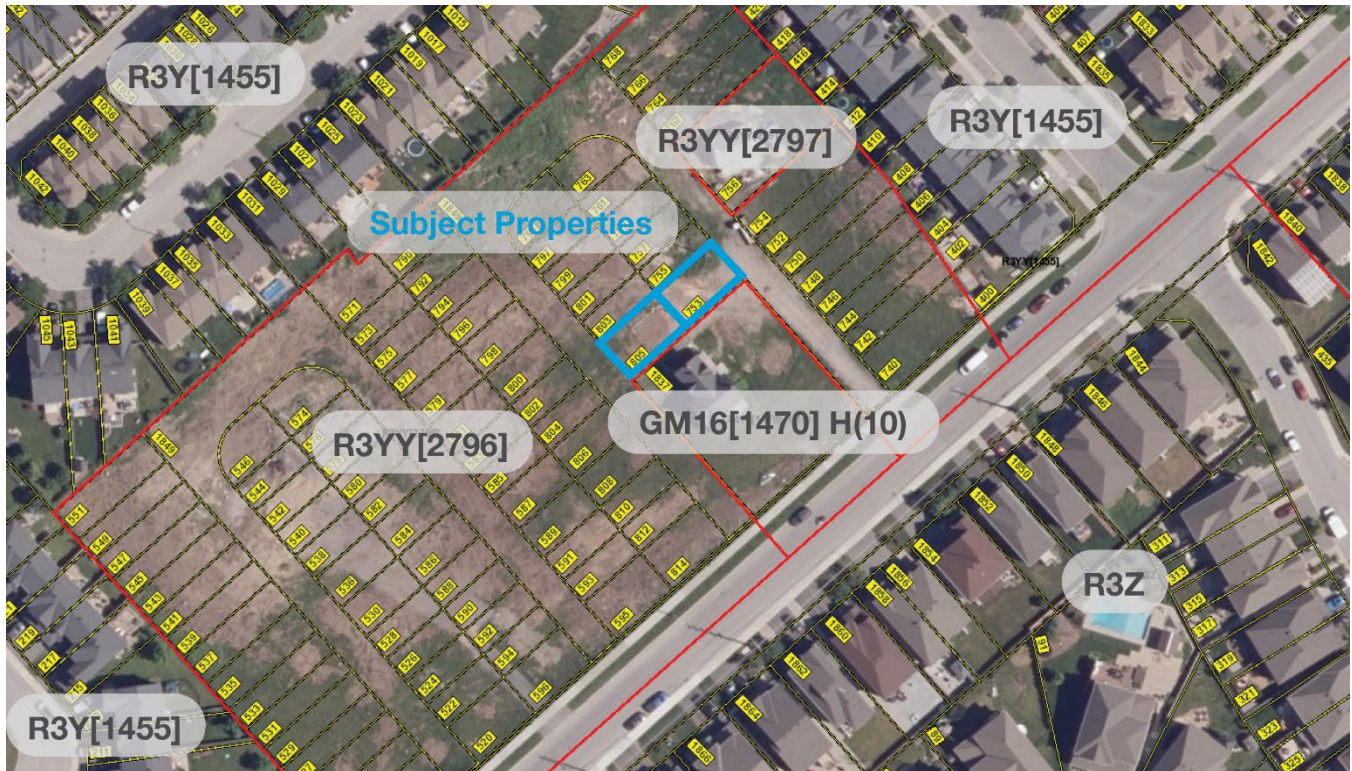


Figure 10: Zoning Map of the Subject Properties and surrounding subdivision (GeoOttawa)

3.3.1 Zone Performance Standards and Analysis

The table below outline’s the proposed development’s compliance with the applicable R3YY[2796] zone. Areas of compliance are noted with a green “Yes” and areas of non-compliance are noted with a red “No”.

Zoning Mechanism	Provision	Provided	Compliance
Minimum Lot Width Exception 2796	5.5 metres	9.93 metres	Yes
Minimum Lot Area Exception 2796	81 square metres	158.9 square metres	Yes
Maximum Building Height Exception 2796	14 metres	10.52 metres	Yes
Minimum Front Yard Setback Exception 2796	5.2 metres	6.37 metres	Yes
Minimum Rear Yard Setback where dwellings are attached back-to-back Exception 2796	0 metres	0 metres	Yes
Minimum Interior Side Yard Setback Exception 2796	1.2 metres	2.3 metres	Yes
Maximum permitted projection into a required yard for a balcony or porch S. 65 (6) (c)	2 metres, but not closer than 1 metre from any lot line	Covered balcony: 0.56 metres from the interior side lot line Covered porch: 0.89 metres from the interior side lot line	No No
Maximum permitted projection for eaves, eave-troughs, and gutters S. 65 (2)	1 m, but not closer than 0.3 metres to a lot line	0.45 metres from the interior side lot line	Yes
Minimum Vehicle Parking Area C, Schedule 1A	1 space per dwelling unit	1 space	Yes

4.0

Minor Variance Application – The Four Tests

It is our professional opinion that the proposed minor variances constitute good planning and meet the four (4) tests outlined under Section 45(1) of the Planning Act as discussed below.

4.1 Do the Variances Maintain the General Intent and Purpose of the Official Plan?

The intent and purpose of the Official Plan as it relates to the subject properties is to accommodate a wide range of ground-oriented, low-rise residential dwelling types within Neighbourhoods in order to promote the creation of 15-minute neighbourhoods.

The Official Plan designates the subject properties as Neighbourhood in the Suburban Transect, which recognized a suburban pattern of built form and site design while supporting an evolution towards 15-minute neighbourhoods. The Official Plan intends to reinforce neighbourhoods that have all elements of and presently function as 15-minute neighbourhoods; guide those that have a few missing elements into gaining them; and to seed the conditions for future 15-minute neighbourhoods into those that currently are not. Section 4.6.6, Policy 6 of the Official Plan states that low-rise buildings shall be designed to respond to the context, and transect area policies, and shall include areas for soft landscaping, main entrances at-grade, front porches or balconies, where appropriate. Buildings shall integrate architecturally to complement the surrounding context.

The proposed development and requested Minor Variances maintain the intent of the applicable Official Plan policies. In particular, the proposed variances will allow for the appropriate provision of covered porches and balconies that add to an upgraded building elevation facing a building on the Heritage Register.

4.2 Do the Variances Maintain the General Intent and Purpose of the Zoning By-law?

The subject properties are zoned Residential Third Density, Subzone YY, Urban Exception 2796 – R3YY[2796] in the City of Ottawa Comprehensive Zoning By-law (2008-250). The intent and purpose of the R3 zone is to: The purpose of the R3 – Residential Third Density Zone is to:

- / allow a mix of residential building forms ranging from detached to townhouse dwellings;
- / allow a number of other residential uses to provide additional housing choices within the third density residential areas;
- / allow ancillary uses to the principal residential use to allow residents to work at home; and
- / regulate development in a manner that is compatible with existing land use patterns so that the mixed dwelling, residential character of a neighbourhood is maintained or enhanced.

The intent of Section 65 is to ensure that projections into required yards are appropriate and do not impose any undue adverse impacts on adjacent properties or the right-of-way. Table 65(6)(c) of the Zoning By-law already envisions the as-of-right projection of balconies and porches up to 2 metres, into required interior side yards, but not closer than 1 metre from any lot line.

The requested variances maintain the intent and purpose of the By-law by providing for only a slight deviation from current permissions and into an interior side yard that does not directly abut a building (with the building to the south being set back approximately six (6) metres from the shared property line).

The proposed variances represent a minor deviation from the Zoning By-law and are not anticipated to result in any undue adverse impacts on the abutting property to the south. The adjacent building to the south is set back approximately six (6) metres from the shared property line.

4.3 Are the Variances Desirable for the Appropriate Development or Use of the Land?

The proposed minor variances permit the development of back-to-back townhouse dwellings which are otherwise compliant with the R3YY[2796] zone and conform with the Neighbourhood designation of the Official Plan by providing for appropriate, context sensitive intensification within the Suburban Transect. Further, policy 1.1.1 within the Provincial Policy Statement (PPS) support the proposed development by:

- / promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- / accommodating an appropriate affordable and market-based range and mix of residential types;
- / 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; and
- / ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.

The proposed development makes efficient use of the land, proposes land uses that are compatible with the existing context of the surrounding community, makes use of underutilized land connected to services, and positively contributes to provincial and municipal intensification goals. The proposed variances will allow for the provision of quality amenity spaces for the dwellings' residents. The proposed covered porches and balconies will also enhance the visual interest of a townhouse block façade facing a building on the City's Heritage Register.

Overall, the proposed minor variances are desirable and appropriate for the development and use of the lands.

4.4 Are the Variances Minor in Nature?

The variances being sought are minor in nature and deviate only marginally from the maximum requirement under the Zoning By-law. The proposed projections do not affect the overall character of the neighbourhood and do not produce any adverse impact on the public realm or the adjacent property to the south. As the building to the south is set back approximately 6 metres from the shared property line with the subject properties, the proposed variances will not result in an overly close separation distance between the buildings.

Overall, the proposed minor variances are minor in nature.

5.0 Conclusion

It is our professional opinion that the Minor Variances described herein meet the Four Tests of the Planning Act and result in a development proposal which represents good planning principles and is in the public interest. The variances allow for the establishment of a compatible, low-rise form that contributes positively to the housing supply, the public realm, transit, and active transportation objectives. This report recognizes the following:

- / The proposal is consistent with the policies of the Provincial Policy Statement (2020);
- / The proposal conforms to the policies and objectives of the "Neighbourhood" Official Plan designation;
- / The proposal meets the intent of the City of Ottawa Comprehensive Zoning By-law; and
- / The proposed minor variances meet the four tests, as set out in the Planning Act.

Should you have any further comments, please do not hesitate to contact the undersigned.

Sincerely,



Nico Church, MCIP RPP
Senior Planner



Thomas Freeman, B.URPL
Planner