

Planning Rationale For Minor Variance & Consent

March 15th, 2024

53 Sweetland Avenue
Rideau - Vanier
Plan 14349 lot 9

Committee of Adjustment
Received | Reçu le

2024-03-20

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Introduction

Jane Thompson Architect has been retained by Matthieu Jutras and Edith L'Espérance to act as their agent to prepare and submit an application for minor variance for the property municipally known as 53 Sweetland Avenue. In addition to this planning rationale describing the application for minor variances, please find enclosed the following for your consideration:

- / Completed application form for minor variances ;
- / Completed authorization form, signed by the registered property owners;
- / Survey Plan of the affected property;
- / Context Plans & Photo Panel Sheets showing the affected property and surrounding properties;
- / Site Plan, Building Floor Plans and Exterior Elevations; and
- / Tree Information Report as per the City of Ottawa's Tree Protection By-law;

1. Site Information and Context

The subject property, 53 Sweetland Avenue, is located in Sandy Hill within the Rideau-Vanier ward. The lot is situated on the east side of Sweetland Avenue between Laurier Avenue and Osgoode Street. The property is located within the Sweetland Avenue Heritage Conservation District including both sides of the street on this block, with a house designation of Category 2. (See Context Plan 1/A102). The property has a frontage of 8.15m and a lot depth of 37.57m. The property is legally described as Plan 14349 lot 9.

The subject property's street is composed of a mix of residential buildings, which are predominantly from the late 19th century. (See Context Plan 1/A103, Fire Insurance Plans 1/A104 and site photos). Within the block, there are 2-3 storey single detached homes and rowhouses as well as a few low-rise apartment buildings. The property faces a 2 storey detached residential building (Category 2). The adjacent properties contain a newer 3 storey apartment to the south (Category 4) and a 2 storey multi-unit residential building to the north (Category 3). The rear neighbour to the East is an older 3 storey apartment building which faces onto Russell Avenue. As seen in 1/A101 and the context photos on pages 5-8, the neighbouring properties contain a rooftop deck to the north and three levels of balconies facing the back of the

subject property, with a parking lot adjacent to the rear property line separated by trees and a low wood fence.

On the subject property there is an existing 2 storey brick and siding duplex building. At the rear of the property there is a 1 storey workshop with a roof top deck that connects to the back of the existing building by an elevated walkway. There have been previous variance applications for the walkway, roof deck and side wall of a previous addition as noted on our application form. Each existing duplex unit has its own private entrance accessed directly off of the main road and through the side easement along the north side of the property.

2. Proposed Development

The proposal for this property is to demolish the existing 1 storey workshop with roof top deck, elevated walkway and portion of balcony at the rear, and to construct in its place a 1 storey addition with a new roof top deck. The back portion of the proposed addition has been designed to occupy a smaller area than the existing workshop, with slightly larger setbacks to the rear and side yard properties to permit access and maintenance. The proposed addition is connected to the back portion of the existing building at ground and roof level to create an additional dwelling unit comprised of the back portion of the existing building and the addition. The narrow connecting portion of the addition is designed to create a private courtyard amenity space for the new unit with windows looking into the courtyard rather than neighbouring properties. The courtyard and roof top deck provide amenity space and a vegetable garden for the future tenants of the new unit, the parents of the building owners.

Landscaped areas and a fenced deck on the side of the building will continue to provide outdoor amenity space for the existing two units. No additional parking will be provided, or any change to the front, designated portion of the building. There will be no construction parking, equipment, or material storage anywhere near the two existing trees in the front yard to ensure their protection. There are two trees on neighbouring properties which will also be protected as described in the enclosed Tree Information Report.

The proposed demolition and new construction will improve the current dilapidated condition of the workshop and existing roof deck, improving the view from neighbouring properties and removing the current problem with pests inhabiting the workshop. In order to provide privacy and separation from two neighbouring properties that contain a roof deck and multiple balconies with open railings facing the subject property, our proposed roof deck is designed with a solid 1.5m high screen facing the rear and side property lines with lower, open railings in locations facing the internal courtyard. A 1.5m wide planting strip for vegetables along the rear and side property lines creates a 1.5m separation from a roof deck to the edge of the addition walls. The addition and deck walls will be clad in a material recommended in heritage consultations, a factory painted fibre cement board

panel with vertical patterning to provide interest to the façade, in a colour to blend with neighbouring buildings and landscaping.

3. Variances Requested

The purpose of this application is to request variances to the City of Ottawa Zoning By-Law 2008-250 within the R4UD zone. The combined variances create a built form that results in less encroachment than the current situation.

The following are the variances required, with a brief explanation of why we believe each is appropriate in the current situation:

a) To permit a reduced addition setback of 0.36m from the existing wall of the bldg whereas By-Law Section 60 (3)(b)(i) requires that the side yard setback of the addition is at least 0.6m greater than that of the wall of the building located closest to the side lot line.

A previous minor variance permitted an addition wall to be constructed without the required setback from the existing building. Our proposed addition is set back .36m from this previous addition and the original building. The addition is not visible from the street, thereby protecting the heritage attributes of the street and the heritage property.

b) To permit an eave projection of 0.15m into a side yard whereas By-Law Section 60 (4) permits no projection into a side yard.

This variance is included in an abundance of caution. The proposed eave of the lower portion of the building on the south side projects .15m from the new side wall of the addition, but does not project past the side wall of the existing building.

c) To permit a reduced rear yard setback of 0.6m (1.6% of the lot depth) whereas By-Law Section 144, Table 144A(i)(iii) requires 30% of the lot depth which is 11.27m².

The existing workshop rear yard setback is 0.24m which would be increased under the proposed variance to 0.6m. The proposed 0.6m setback complies with the required setbacks for an accessory building of the same height in this location. The required setbacks arise from the new construction being treated as an addition to the building rather than accessory building or coach house. The reduced rear yard allows creation of an open space in the interior of the lot to avoid windows facing onto neighbouring properties.

d) To permit a reduced rear yard area of 1.63% (5.00m²) whereas By-Law Section 144, Table 144A(i)(iii) requires a minimum rear yard setback to be 25% of the lot area (76.59m²).

This variance follows from the 0.6m setback noted above. Rear yard amenity area is in this case substituted for an interior yard amenity area which allows outdoor space and windows to be directed inward to a courtyard rather than towards neighbouring properties.

The location and height of the addition in the rear yard minimizes shading of neighbouring buildings. The taller apartment building to the south of the addition receives no shading from the addition due to its orientation. The heritage apartment building to the east is located at a distance that prevents shading of its windows, and contains a paved parking adjacent to the addition. The proposed addition is set back in the area closest to 51 Sweetland to reduce shading of this building.

e) To permit a reduced interior side yard setback of 0.6m on the North side whereas By-Law Section 162, Table 162A requires a minimum interior side yard setback of 1.2m on one side and 0.6m on the other.

Similar to the situation in the rear yard, the requested variance would improve the existing building setback on the north side from 0.30m to 0.60m. The permitted setback of 0.60m is being provided at the south interior side yard, therefore creating the requirement for the 1.2m setback on the north side.

f) To permit a deck above the first floor and within 1.5m of an exterior side wall to have a transparent guard facing the interior side lot line on the North side whereas the By-Law Section 65, Table 65(6)(b)(v) requires a deck above the first floor and within 1.5m of an exterior side wall to have a 1.5m high opaque screen facing the interior side lot line.

Our roof deck has been designed with 1.5m tall solid guard walls on all faces where the building is in close proximity to the property line, to protect the privacy of tenants of this property and of the surrounding properties using roof decks, balconies and open space or looking out their windows. The request to provide a transparent guard applies to two sides facing an internal courtyard and well set back from neighbouring properties.

g) To permit a roof top terrace at 0.0m from an exterior side wall on the North, East, South and West facing sides whereas the By-Law Section 55, Table 55(8)(a)(ii) requires a roof-top terrace that is not located on the roof of the uppermost storey and meets or exceeds an area equivalent to 25% of the gross floor area of the storey it is adjacent to and most equal to in height: minimum 1.5 m from any exterior wall of the building.

In order to create a more attractive building design and greater privacy to neighbouring buildings, our design includes a 1.5m solid extension of the building walls above the roof deck rather than transparent guards set back 1.5m from the edge of the building as permitted under the Zoning By-law. The roof deck itself would be set back 1.5m from the building wall at the side and rear yard with a landscaped buffer (vegetable garden) that provides an equivalent 1.5m setback for the deck from the wall of the building. The proposed approach would provide a clean, solid sound and visual barrier facing neighbouring properties in place of a view of wall, membrane roof surface, and lower transparent guard.

4. Provincial Policy Statement 2020

The *Provincial Policy Statement* (PPS) provides policy direction on land use planning and development in Ontario for a time horizon of up to 20 years. A main

objective of the PPS is to build strong communities, and promote the efficient use of land, existing infrastructure, and existing public facilities. The PPS is a guide for all development by encouraging the inclusion of an appropriate range and mix of housing, land uses and employment opportunities.

There are a number of policies that apply to the proposal, specifically policies 1.1, 1.4 and 1.6 which focus on:

- Positive residential intensification through diverse housing types and densities;
- Developing near existing infrastructure and public service facilities;
- Promoting healthy communities by encouraging active modes of transportation.

Our proposal supports modest intensification by creating an additional dwelling unit in a lively urban neighbourhood well served by transit, cycle paths, shops and services, employment opportunities, existing infrastructure and green space.

5. Ontario Planning Act

The *Ontario Planning Act* sets out matters of provincial interest that planning authorities, including council of a municipality, should respect. This application supports the following policy direction as described in Part 1 of the *Planning Act*:

- f) adequate provision and efficient use of communication, transportation, sewage and water and waste management systems;
- h) orderly development of safe and healthy communities;
- j) adequate provision of a full range of housing;
- p) appropriate location of growth and development;
- q) promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.

6. Ontario Heritage Act and City of Ottawa Official Plan

The Ontario Heritage Act regulates the protection of cultural heritage resources for designated properties such as this one, situated within a heritage conservation district. The proposed design conserves the heritage attributes of the protected heritage property, with no changes to the existing original building. The accessory building in the rear yard, to be demolished, was traced through fire maps to have been constructed after 1922, and determined with Heritage Planning staff not to have heritage value that would prevent demolition. The addition meets the guidelines for additions to Category 1, 2 and 3 Buildings to be sympathetic to the existing building, subordinate to and distinguishable from the original, and located in the rear yard.

7. Design Guidelines for Low-Rise Infill Housing

The *Design Guidelines for Infill Housing* have been developed by the City of Ottawa to help fulfil some of the design strategies as outlined in the Official Plan. It is intended as a basic framework for the physical layout, massing, functioning and

relationships of infill buildings to their neighbours. Our proposal is consistent with the guidelines in the following ways:

- The massing of the addition is designed to suit the context of the surrounding neighbourhood and the existing situation, with sensitivity to adjacent properties.
- Materiality will be of high-quality finish while minimizing impacts on the environment.
- The side and rear yards have been given careful consideration to provide private amenity space and landscaping while providing privacy for occupants and surrounding neighbours.
- The design respects the heritage overlay objectives and ensures heritage attributes are maintained.

Four Tests Rationale

Test 1: Variance Meets the General Intent of the Official Plan

The City of Ottawa Official Plan ("OP") was amended and passed by Council on October 27th, 2021. The OP was updated further and adopted on November 24th, 2021. The OP was approved with modifications by the Ministry of Municipal Affairs and Housing on November 4th, 2022. The OP provides a vision for the future growth of the City and a policy framework to guide its development to the year 2046. Additionally, the modifications included by the Minister seek to bring the policies of the plan in line with new provincial legislation implemented through the new Bill 109 and Bill 23 with respect to additional dwelling units.

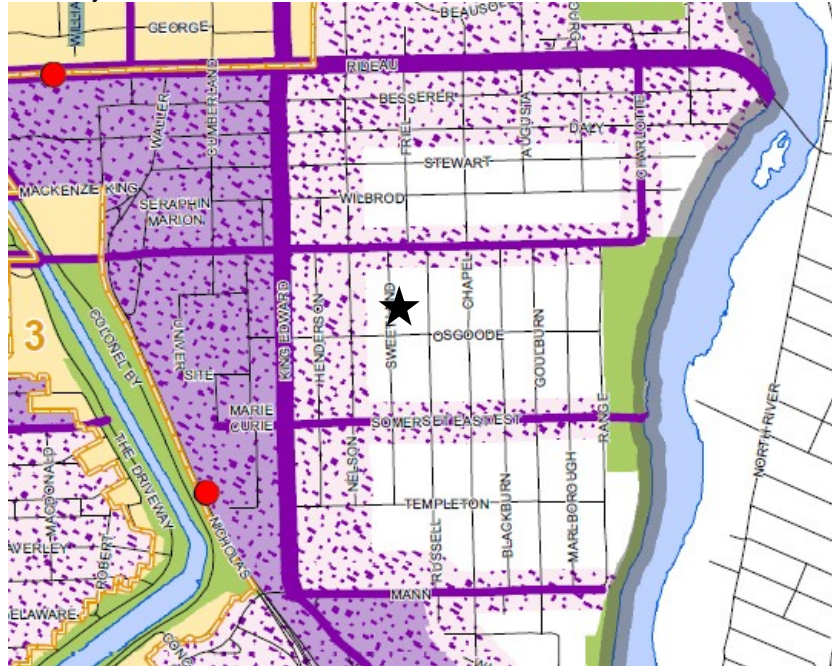
City-Wide Policies include promoting healthy 15-minute neighbourhoods and enabling greater supply and diversity of housing options throughout the city.

This property is designated *Downtown Core Area Transect*, with *Neighbourhood Overlay* under the *Official Plan*, which encourages a range of higher density and mixed uses to meet the needs of all ages, incomes and life circumstances. (See Transect Map below) The *Official Plan* aims to manage anticipated growth in the Ottawa area by encouraging intensification that enhances and builds upon established building patterns, creating compact developments within existing urban areas well served by transit, walking cycling and existing infrastructure.

This application supports the new policy direction for gentle intensification that permits three units in urban properties, in this case, consisting of a duplex building and an addition dwelling unit.

The proposal is consistent with the Urban policies set out in the table on the following page, providing higher lot coverage, minimal functional side yard setbacks, areas of formal landscaping and no additional vehicle parking.

City of Ottawa Official Plan Schedule B1 – Downtown Core Transect



TRANSECT POLICY AREA / SECTEUR STRATÉGIQUE DU TRANSECT
 Downtown Core / Centre-ville

OVERLAY / AFFECTATION SUPPLÉMENTAIRE
 Evolving Neighbourhood / Quartier en évolution

DESIGNATIONS / DÉSIGNATIONS
 Hub / Carrefour
 Corridor - Mainstreet / Couloir - Rue principale
 Corridor - Minor / Couloir - Rue principale mineure
 Greenspace / Espace vert
 Neighbourhood / Quartier

SPECIAL DISTRICTS / DISTRICTS PARTICULIERS
 1 Parliament and Confederation Boulevard / Parlement et boulevard de la Confédération
 2 ByWard Market / Marché By
 3 Rideau Canal / Canal Rideau
 4 Ottawa River Islands / Îles de la rivière des Outaouais
 Part of Special District within the City of Gatineau / Section du District Particulier en territoire de la Ville de Gatineau

TRANSIT
 O-Train Station / Station de l'O-Train
 Transfer Station / Station de correspondance
 Transitway Station / Station du Transitway

Table 6 – General Characteristics of Urban Built Form and Suburban Built Form and Site Design

URBAN	SUBURBAN
Shallow front yard setbacks and in some contexts zero front yards with an emphasis on built-form relationship with the public realm	Moderate front yard setbacks focused on soft landscaping and separation from the right-of-way
Principal entrances at grade with direct relationship to public realm	Principal entrances oriented to the public realm but set back from the street
Range of lot sizes that will include smaller lots, and higher lot coverage and floor area ratios	Larger lots, and lower lot coverage and floor area ratios
Minimum of two functional storeys	Variety of building forms including single storey
Buildings attached or with minimal functional side yard setbacks	Generous spacing between buildings
Small areas of formal landscape that should include space for soft landscape, trees and hard surfacing	Informal and natural landscape that often includes grassed areas
No automobile parking, or limited parking that is concealed from the street and not forming an integral part of a building, such as in a front facing garage	Private automobile parking that may be prominent and visible from the street

Test 2: Variance Maintains the General Intent of the Zoning By-Law

The subject property is zoned R4UD by the Comprehensive Zoning By-law 2008-250. The following chart indicates the required and proposed zoning for the development with non-compliant elements in **bold text**.

Mechanism	<u>Min. Lot Width</u>	<u>Min. Lot Area</u>	<u>Max. Building Height</u>	<u>Min. Front Yard Setback</u>	<u>Min. Rear Yard Setback</u>	<u>Min. Interior Side Yard Setback</u>
<u>R4UD</u>	7.5m	225.0m ²	10.0m	4.5m	30% of lot depth (11.27m) and 25% of the lot area (76.59m ²).	1.2m, 0.6m
<u>Proposed</u>	8.15m	306.20m ²	±8.0m	4.33m	0.6m (5.00m²)	0.6m , 0.6m

The type of dwelling is a permitted use in the R4UD Zone, a duplex with additional dwelling unit.

While the side yard and rear yard setbacks are smaller than required, they are larger than what currently exists, and allow an additional dwelling unit that fits within the context of the neighbourhood. The variances requested for the roof top terrace allow improved amenity space and maintain privacy in a way that is sensitive and functional.

Test 3: Variance is Desirable and Appropriate for the Development of the Lands

The addition replaces an existing workshop with roof top terrace that is in need of repair. An additional dwelling unit is introduced into the back yard while maintaining or improving on the existing height, rear and side yard setbacks of the existing structure to be demolished.

Test 4: Variance is Minor in Nature

The requested variances are designed to replicate or improve upon the existing situation which was granted previous minor variances, and are minor and reasonable under the circumstances.

8. Supporting Studies and Consultation

The enclosed tree information report addresses the existing mature trees at the front and centre of the property, and the adjacent trees on neighbouring properties and provides a plan for preservation as noted.

Consultation has occurred with city planning and heritage staff, the city infill forester, and information has been provided to the Ward Councillor, Community Association and surrounding property neighbours.

9. Conclusion

This proposal meets the design intent of the Provincial Policy Statement, Ontario Planning Act, Ontario Heritage Act, Official Plan, Design Guidelines for Infill Buildings and Ottawa Zoning-Bylaw. It replaces an existing unused and dilapidated structure with an additional dwelling unit in keeping with recent policy direction, in a way that is closer to conformance with the Zoning By-law than the existing situation.

Should you have any questions please do not hesitate to contact me.

Sincerely,
Jane Thompson, OAA

