



May 15, 2024

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

Committee of Adjustment
Received | Reçu le

2024-05-21

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Dear Sir/Madam:

RE: Application for Minor Variance on 150 Billings Avenue

Please find enclosed application for a single variance to Section 55, Table 55(8)(a)(ii) on this building permit, application no. A23-005623, permit no. 2402436 (issued 01-May-2024).

Attached documents:

- Signed Minor Variance application form
- Tree Information Report prepared by IFS, dated April 12, 2024
- Farley, Smith & Denis Surveying LTD, dated March 30/22
- Z. Matthew Stankiewicz architect, dated 23 July 1975 – original plans for the existing home
- Dustin Design and Drafting, dated Aug 01, 2023 – issued for building permit
- City of Ottawa Zoning Deficiency Letter dated December 08, 2023

Proposed Renovation and Site Description:

The subject site is 150 Billings Ave., Ottawa. The site is located in the Alta Vista area, Ward 18.

The homeowner is undertaking a renovation of the existing property, under an existing building permit.

On the lower ground floor, presently, there are 2 bedrooms, a recreation room and a shared bathroom (Z. Matthew Stankiewicz architect, dated 23 July 1975 – referred to as ZMSa from now on – page A-2). A 5.49m (18ft) extension to this level will see a new layout, with 2 bedrooms, 2 bathrooms, a storage room and a new living room (Dustin Design and Drafting, dated Aug 01, 2023 – referred to as DDD from now on – page A3.0).

On the upper ground floor, we presently have a dining room, a kitchen with pantry and a family room (ZMSa page A-3). The proposed work will see walls being removed in order to create a single open-concept space containing a dining area, the kitchen with an island and a living room (DDD page A3.2).

The addition to the lower ground floor creates a rooftop area measuring 5.70m deep by 12.05m long. This area is accessible from the dining area and from the proposed living room in the upper ground floor, and a side stair allows for access from this area to the backyard. The two short sides have 1.5m privacy screens facing the neighbours, and the back side has a railing overlooking the backyard.

Proposed Minor Variance:

TABLE 55 – PROVISIONS FOR ACCESSORY USES, BUILDINGS OR STRUCTURES- (By-law 2009-164) (By-law 2013-224) (By-law 2020-289). Section 55; Table 55(8) Rooftop landscaped areas, gardens and terraces

In the case of a dwelling of four storeys or less, and any part of an apartment, mid-rise and apartment, high-rise that is four storeys or less:

(a)

- (i) Where located on the roof of the uppermost storey: minimum 1.5 m from any exterior wall of the building.
- (ii) Where a roof-top terrace is not located on the roof of the uppermost storey and meets or exceeds an area equivalent to 25 per cent of the gross floor area of the storey it is adjacent to and most equal to in height: minimum ~~1.5 m~~ **0m** from any exterior wall of the building.

Four tests of a Minor Variance:

1. Does it maintain the general intent and purpose of the Official Plan?

The property is designated a Neighbourhood in the Official Plan Outer Urban Transect. The OP states that such '[...] neighbourhoods represent the classic suburban model [...] and, are characterized by the separation of land uses, stand-alone buildings, generous setbacks and low-rise building forms.'

The variance to allow for rooftop patio in line with the existing building wall maintains the general intent of the official plan.

Having proposed rooftop patio in line with the building wall will provide for larger outdoor area. Allow for some flexibility to allow the existing property owner to keep the existing overall building and modify their space to redevelop the home to suit their evolving needs.

2. Does it maintain the general intent and purpose of the Zoning By-law?

The site is zoned R1GG:

- (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

The renovation project is otherwise fully in compliance with the zoning by law. This variance will allow the project to be in compliance.

This minor variance maintains the general intent and purpose of the zoning by law.

3. Is it desirable for the appropriate development or use of the land?

Yes. The added percentage of rooftop terrace is a more appropriate development strategy. Having a small rooftop area that does not make use of the full extent of the underlying addition below would be a poor planning choice.

Consideration has been given to the privacy of the adjacent property owners. A vertical privacy screen is proposed to mitigate any potential impact on adjacent property owners.

4. Is it minor?

The proposed variance is minor in nature.

All other provisions of the zoning by law are in conformance. It is worth noting the incongruity in the zoning by-law that, were this a free-standing deck without any construction underneath, there would be no necessity of a Minor Variance application.