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Committee of Adjustment  
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City of Ottawa | Ville d'Ottawa  
Comité de dérogation

Michel Bellemare, Secretary-Treasurer  
Committee of Adjustment, City of Ottawa  
101 Centrepointhe Drive  
Ottawa, ON  
K2G 5K7

Date: May 29, 2024

**Subject: Application for Minor Variance at 253 MacKay Street, Ottawa ON to permit a partial third-storey addition to an existing single-detached dwelling subject to a heritage overlay**

Arcadis Professional Services Inc. has been retained by Ryan Rourke to submit an Application for Minor Variance for the property municipally known as 253 MacKay Street in Ottawa (the 'site'). The site is an interior lot with frontage on the west side of MacKay Street and contains a two-storey semi-detached dwelling in a front-back configuration, which will be retained. The proposal is to construct a new addition and terrace on the rooftop of the existing semi-detached dwelling, to create a partial third storey with additional indoor and outdoor living space. A small ground-level addition, slightly expanding the ground level footprint. The site is in the New Edinburgh Heritage Conservation District (HCD), designated under Part 5 of the Ontario Heritage Act as a "contributing" property. A Heritage Permit was issued by Council on April 17<sup>th</sup>, 2024 for the proposed alterations to the building. The site is also subject to the Heritage Overlay of the City of Ottawa's Zoning By-law 2008-250. As such, to facilitate the development, a subsequent application to the Committee of Adjustment is required to permit three minor variances to the zoning by-law, as detailed in the Application Summary section of this report.

*Figure 1: 253 MacKay Street Proposed Rooftop Addition - Street View Perspective prepared by RMA+SH architects*



## Application Overview

The proposed development requires authority of the Committee of Adjustment for relief to the following zoning provisions, with a brief explanation below:

- A) To permit a rooftop addition where the height of the walls and the height of the roof exceed those of the existing building, whereas the by-law requires the height of the walls and the height and slope of the roof of the addition to not exceed those of the building (s.60(3)(a))

**COMMENT:** The intent of this zoning provision is to ensure existing buildings within the heritage retain visual primacy. However, due to the building's configuration on the lot, there is limited ground-level opportunity for an addition without substantially altering or concealing the existing building facade. The roof is the preferred location for the addition from a spatial and design perspective. The proposed partial third storey will be screened from view from the streetscape, and complementary to the overall heritage character of the building and surrounding neighbourhood.

- B) To permit a side yard setback of the addition of 0.0 metres from wall of the building located closest to the side lot line, whereas the by-law requires the exterior wall to be setback at least 60 cm greater than that of the wall of the building located closest to the side lot line (s.60(3)(b)(i))

**COMMENT:** The proposed variance allows the addition to occupy reasonable floorplate that is flush with all exterior walls and oriented towards the rear of the building, without encroaching closer to the street. Given the front-back configuration of the building, this retains the visual prominence on the existing front facade rather than the partial third storey addition.

- C) To permit a rooftop addition located outside of the rear yard or interior yard abutting the rear yard and setback 0.9 metres from the rear lot line, and a ground-level addition in the interior yard abutting the rear yard setback 0.0 m from the rear lot line whereas the by-law requires an addition to be located entirely within the rear yard or in the interior yard abutting the rear yard, except where the building has a non-complying rear yard setback the addition may be built to that rear yard setback, but in no case less than 3.0 metres from the rear yard setback (s.60(3)(b)(ii))

**COMMENT:** The building is a front-back semi-detached dwelling and the vertically attached rear wall functions as the technical rear yard setback, with the required minimum setback 0.0 m per s.138 of the zoning by-law. This relief is requested in an abundance of caution as s.60(3)(b)(ii) does not contemplate building forms with a compliant 0.0 metre setback or additions on the roof of the existing building.

## Site and Surrounding Context

The site is located in the City of Ottawa's New Edinburgh neighbourhood, which is generally south of the Ottawa River, east and north of the Rideau River, and west of Springfield Road. The surrounding neighbourhood is part of the New Edinburgh Heritage Conservation District, a self-sufficient residential community in the late eighteenth and early nineteenth centuries. There is a diverse mix of architectural styles and types, with much of the neighbourhood made up of late nineteenth and early twentieth century residential buildings.

The property is on the south side of MacKay Street, directly across from the grounds of Rideau Hall and west of Dufferin Road. The site consists of the front unit of a semi-detached residential dwelling, which is in a front-back unit configuration divided vertically along the rear wall to the south. The rear unit, municipally known as 180 Avon Lane, fronts onto the north side of the opened and travelled laneway. The building was a purpose-built testing facility known as the Tape Measurement Building, originally owned and constructed by the National Research Council. The building was converted to two residential dwellings in 1998, with the subject site occupying the front unit fronting onto MacKay Street. The building is unique within the surrounding community, which is largely made up of residential development.

Figure 2 : Location of the subject site within the City of Ottawa (Google Earth)



The following building types and land uses are located adjacent to the site:

- North: Rideau Hall and grounds
- South: South unit of front-back semi-detached; low-rise residential and institutional; New Edinburgh Park; Rideau River
- East: Low-rise residential / art studio (former church manse) and institutional (MacKay United Church)
- West: Low-rise residential

Figure 3: Looking west from MacKay Street towards the eastern facing façade of the subject site (Google Streetview)



Figure 4: Looking north-west from MacKay Street towards the subject site (Google Streetview)



Figure 5: Looking north from the subject site towards the grounds of Rideau Hall (Google Streetview)



Figure 6: Looking south-east from the subject site (Google Streetview)



Figure 7: Looking west from the subject site (Google Streetview)



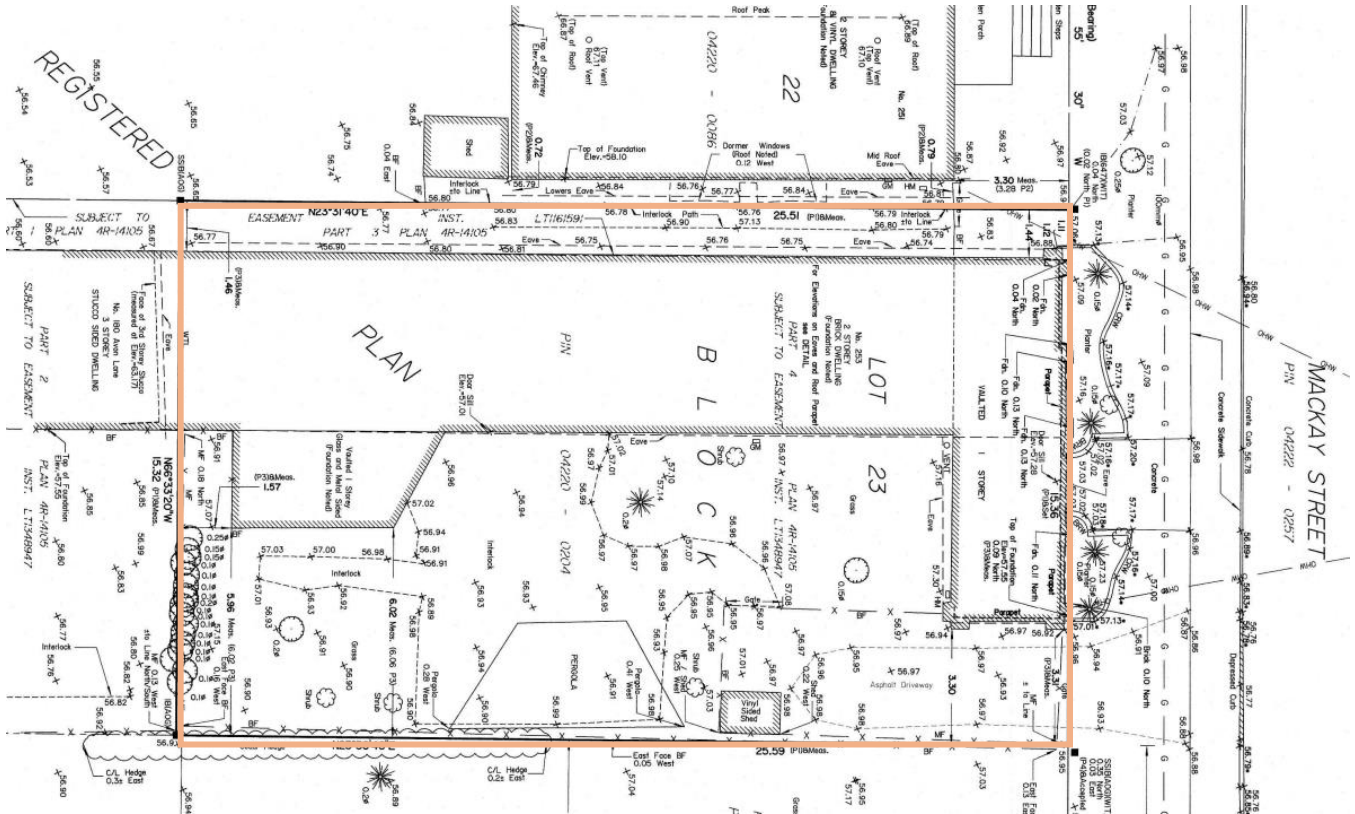
Figure 8: Looking towards the subject site from the property to the south (Avon Lane) (Google Streetview)



The site consists of the following specifications and legal description:

- Area: 391.83m<sup>2</sup>
- Frontage: 15.36 m
- Depth: 25.51 m
- Legal Description: Part 1, Plan of Part Lot 23 in Block 17, Registered Plan 42
- PIN: 04220-0204

Figure 9: Extract of plan of survey prepared by Annis O'Sullivan, Vollebakk Ltd. (June 6, 2023)



## Proposed Development

The proposed development for the subject site consists of a rooftop addition to 253 Mackay Street, which is the front unit of a two-story semi-detached front-back dwelling, fronting onto MacKay Street in New Edinburgh. The building is located on a 391.7m<sup>2</sup> lot, with an existing non-complying front yard setback of 0 m.

The proposed addition expands the rear of the building by one storey, adding additional living space and a partially covered terrace. The addition is on the south-west side (rear) of the building, away from Mackay Street, to have the least impact on the public realm and sightlines from the street. The addition increases a portion of the building height to 8.7m; however, the building remains fully zoning compliant for building height. The addition is also flush with the existing exterior side walls along the east, west, and south facades.

The partially covered deck is accompanied with plants, opaque guards, and screens on all sides facing neighboring buildings and the street, to mitigate any privacy concerns. Potential for potted trees on the existing sunroom roof for privacy for the main bedroom will be explored, based on the structural capacity of the existing roof.

The rooftop addition will be designed in a contemporary style to remain clearly secondary to the existing building. Charred wood cladding is proposed as a natural material to provide sympathetic material treatment to the proposed addition. The existing building will remain as the dominant presence on the site; the rooftop addition will not be visible from the grade of the house and will be only minimally visible from additional vantage points, as seen in **Error! Reference source not found..**

The proposed development also adds exterior storage space behind the existing solarium at the rear of the building. The proposed storage space addition does not project further than the solarium into the south-eastern side yard. The exterior storage space sits along the existing rear lot line, flush with the existing residential structure, and is part of the technical principal building envelope.

Table 1: Proposed development details

Lot area	391.83 m <sup>2</sup>	Rear yard setback	0.0 m
Front yard setback	0.0 m*	Gross floor area (existing)	186.0 m <sup>2</sup>
Interior side yard setback (east)	3.30 m	Addition floor area (proposed)	69.4 m <sup>2</sup>
Interior side yard setback (west)	1.44 m	Proposed building height	8.7 m

\*existing non-compliant setback

Further, the subject site is located within the New Edinburgh Heritage Conservation District and is designated under Part V of the *Ontario Heritage Act*. The subject site was identified as a Category 2 property, thereby deemed to be a “contributing” property. The proposed development was subject to extensive consultation with City of Ottawa heritage planners due to its designation within the OHA. Heritage staff reviewed to determine conformity with the New Edinburgh Heritage Conservation District plan, and recommended approval to Built Heritage Committee. A Heritage Permit was granted by Council on April 17<sup>th</sup>, 2024.



Figure 10: New Rooftop Addition Plan prepared by RMA+SH architects

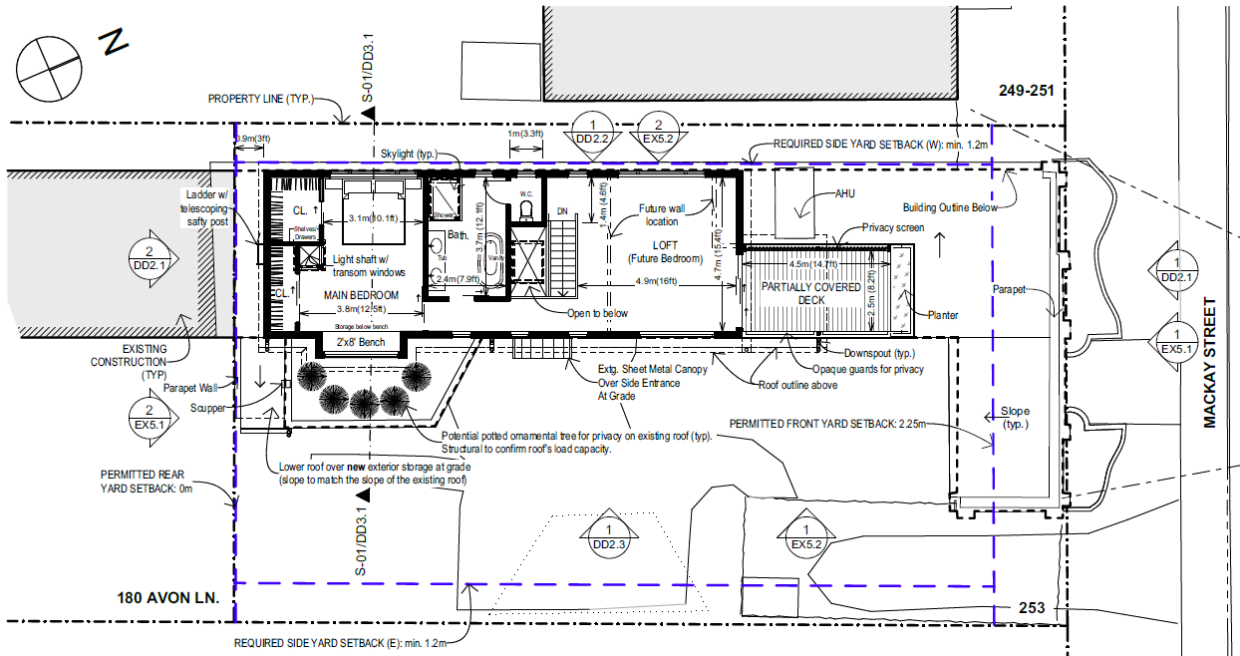


Figure 6: Sight line diagram prepared by RMA+SH architects

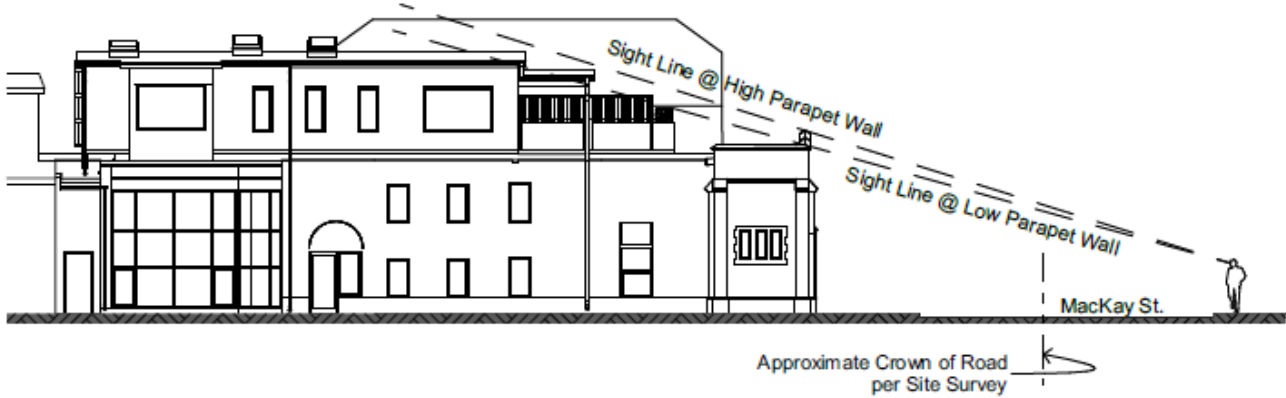


Figure 7: Proposed elevations prepared by RMA+SH architects

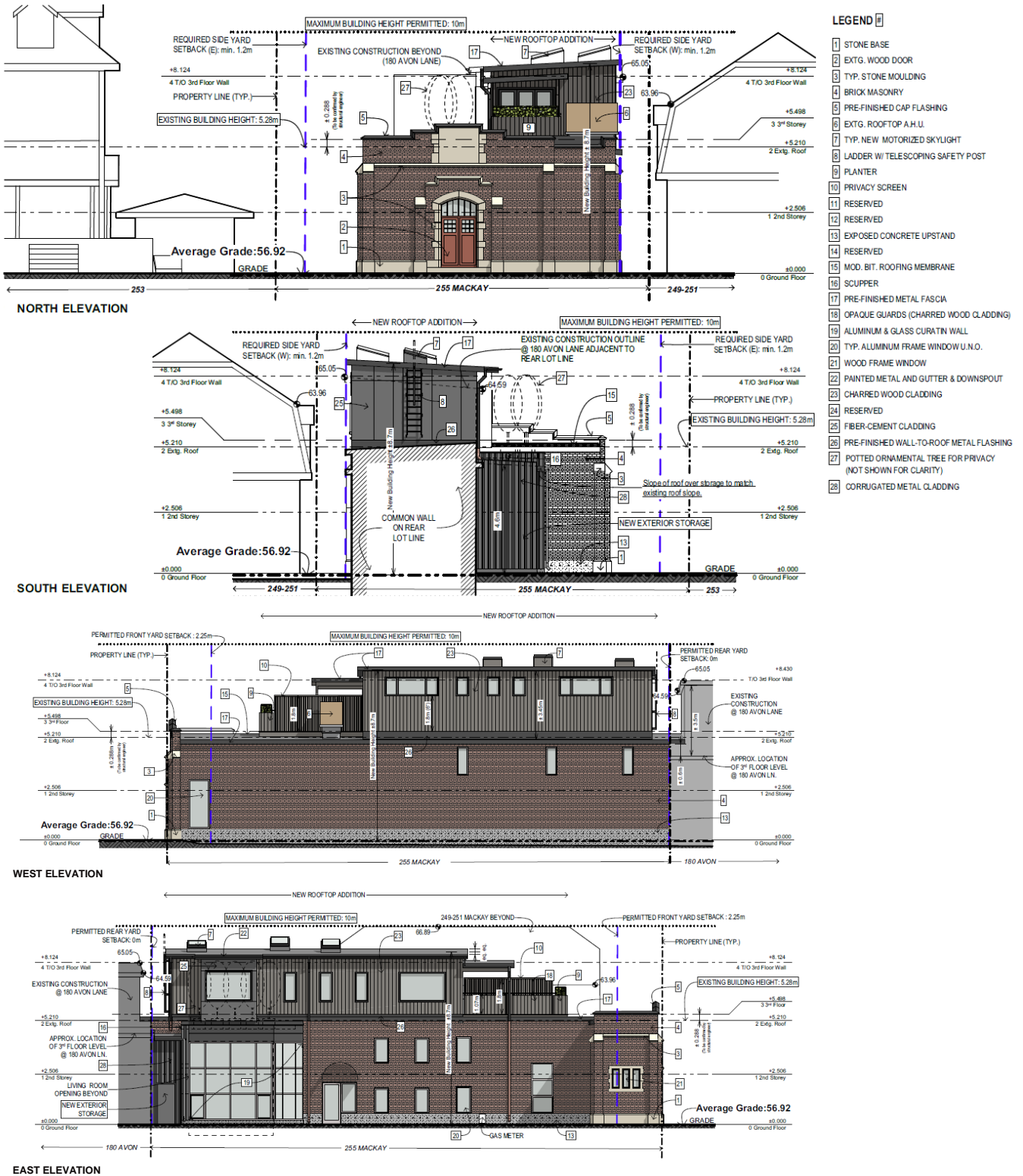


Figure 9: Street view perspective and artistic rendering of proposed addition prepared by RMA+SH architects



Figure 8: Aerial view perspective and artistic rendering of proposed addition prepared by RMA+SH architects



## Provincial Policy Statement

The Ontario *Planning Act* sets out matters of provincial interest that planning authorities, including Council of a municipality, should respect. The Provincial Policy Statement 2020 (PPS) provides policy direction on planning matters for the Province of Ontario, and decisions affecting all planning matters shall be consistent with the PPS. The proposed development is consistent with the applicable policies of the PPS, as demonstrated below.

Section 1.1 details managing and directing land use to achieve efficient and resilient development and land use patterns under the following policies:

*1.1.1 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;*

Section 1.1.3 provides policy direction on settlement areas where:

*1.1.3.1 Settlement areas shall be the focus of growth and development.*

*1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

*a) efficiently use land and resources;*

Section 1.4 provides additional directives on housing:

*1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:*

*b) permitting and facilitating:*

*1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*

Finally, Section 1.7.1 addressed heritage consideration under long-term economic prosperity through:

*e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;*

**The proposed development accommodates a mix of residential types in the form of a front-back semi-detached within the City of Ottawa, contributing to the provision of good housing stock and larger dwelling units within the urban serviced area. As such, the proposed addition represents an efficient use of land and resources, by expanding a residential dwelling and utilizing the existing building footprint. The proposed addition also facilitates the needs of current residents, to accommodate a larger household. Further, the proposed addition conserves and respects the key built heritage features present on the existing site, supporting a sense of place and promoting well-designed built form. The proposed addition and requested variances to the heritage overlay provisions of the zoning by-law meet the intent of the PPS.**

## City of Ottawa Official Plan

### Section 2: Strategic Directions

Section 2.2.1 provides direction on identification and diversification of housing options and sets out policy intent for directing residential growth within the built-up urban. The direction supports the evolution of Hubs, Corridors, and Neighbourhoods towards 15-minute neighbourhoods. Subsection (ii) provides direction for housing options for larger households, where Neighbourhoods within walking distance of Hubs and Corridors should allow for “*dwelling units with enough floor space to accommodate larger households within buildings typologies that increase densities on existing lots*”.

Section 2.2.4 provides direction for healthy and inclusive communities, where the Official Plan requires the development of healthy and resilient communities through establishing the built and natural environment conditions that are needed to sustain long-term health. Subsection (i) seeks to “*encourage development of healthy, walkable,*

*15-minute neighbourhoods that feature a range of housing options, supporting services and amenities”, including diverse housing types such as family-sized units.*

Section 2.2.6 provides direction for cultural, social, and creative activities and spaces within the city. Subsection (i) indicates that heritage and cultural spaces will be supported throughout the City, as “*preserving our unique cultural, natural and built heritage...ensures that Ottawa remains an enjoyable place to live*”. Further, subsection (ii) directs that neighbourhood and place identity should be reinforced through architecture and urban design. As such, “*the built environment shall continue to play a role in defining, reinforcing and conveying the image of Ottawa to its people and to the world.*”

**The proposed development contributes to the diversity of dwelling unit typologies within existing neighbourhoods, in particular larger units to accommodate families within healthy and walkable neighborhoods. The site contains a defined heritage property, where the proposed development retains key heritage features while still permitting for an evolution in the building and neighbourhood in line with the goals of the Official Plan.**

### **Section 3: Growth Management Framework**

Section 3 sets out the following policy intent for the urban area:

- *“To provide an appropriate range and mix of housing that considers the geographic distribution of new dwelling types and/or sizes to 2046;*
- *To establish a growth management framework that maintains a greater amount of population and employment inside the Greenbelt than outside the Greenbelt.*

**The proposed development addresses the objectives stated within the Official Plan to provide an appropriate range and mix of housing types within the city, including larger, ground-oriented unit typologies. The proposed addition also helps retain a household within the Greenbelt by modestly expanding the living space of the unit to meet the needs of the household.**

### **Section 4: City-Wide Policies**

This section provides direction for heritage and housing across the city. Housing objectives include striving to facilitate a diversity of adequate, safe, and affordable housing options. Section 4.2.1 supports greater flexibility and an adequate supply and diversity of housing options throughout the city through:

- 1) *A diverse range of flexible and context-sensitive housing options in all areas of the city shall be provided through the Zoning By-law, by*
  - b) *Promoting diversity in unit sizes, densities and tenure options within neighbourhoods including diversity in bedroom count availability;*

Section 4.5.1 provides direction on conserve properties, areas and landscapes of cultural heritage value:

- 12) *Because Ottawa has a large and varied geography, the heritage conservation program shall reflect properties in all areas of the city to ensure that the histories of the urban, suburban and rural areas are recognized, honoured and protected.*

Further, Section 4.5.2 provides direction for the managements of built and cultural heritage resources through the development process:

- 1) *When reviewing development applications affecting lands and properties on, or adjacent to a designated property, the City will ensure that the proposal is compatible by respecting and conserving the cultural heritage*

*value and attributes of the heritage property, streetscape or Heritage Conservation District as defined by the associated designation bylaw or Heritage Conservation District Plan and having regard for the Standards and Guidelines for the Conservation of Historic Places in Canada.*

*2) Where development or an application under the Ontario Heritage Act is proposed on, adjacent to, across the street from or within 30 metres of a protected heritage property, the City will require a Heritage Impact Assessment, if there is potential to adversely impact the heritage resource. The HIA will be completed according to the Council approved guidelines for HIAs, as amended from time to time.*

*3) Heritage designation is, in part, intended to ensure contextually appropriate development and is not intended to discourage intensification or limit housing choice. Elements of the built form, including height, scale and massing, of such development shall ensure that the defined cultural heritage value and attributes of the property or HCD will be conserved, while balancing the intensification objectives outlined throughout this Plan.*

**The proposed addition represents a flexible and context sensitive approach to increasing housing diversity in the form of larger, ground-oriented dwelling units. The proposed addition also allows for continuation of a sensitively and compatibility designed adaptive reuse of an existing building designated under Part V of the Ontario Heritage Act. As addressed through the approved heritage permit application, the proposed third storey addition will have no adverse impacts to the heritage resource. The proposed development balances defined heritage value and adaptive reuse of a heritage asset while contributing to a diversity of housing typologies and family sized dwelling units in the urban area.**

## **Section 5: Transects**

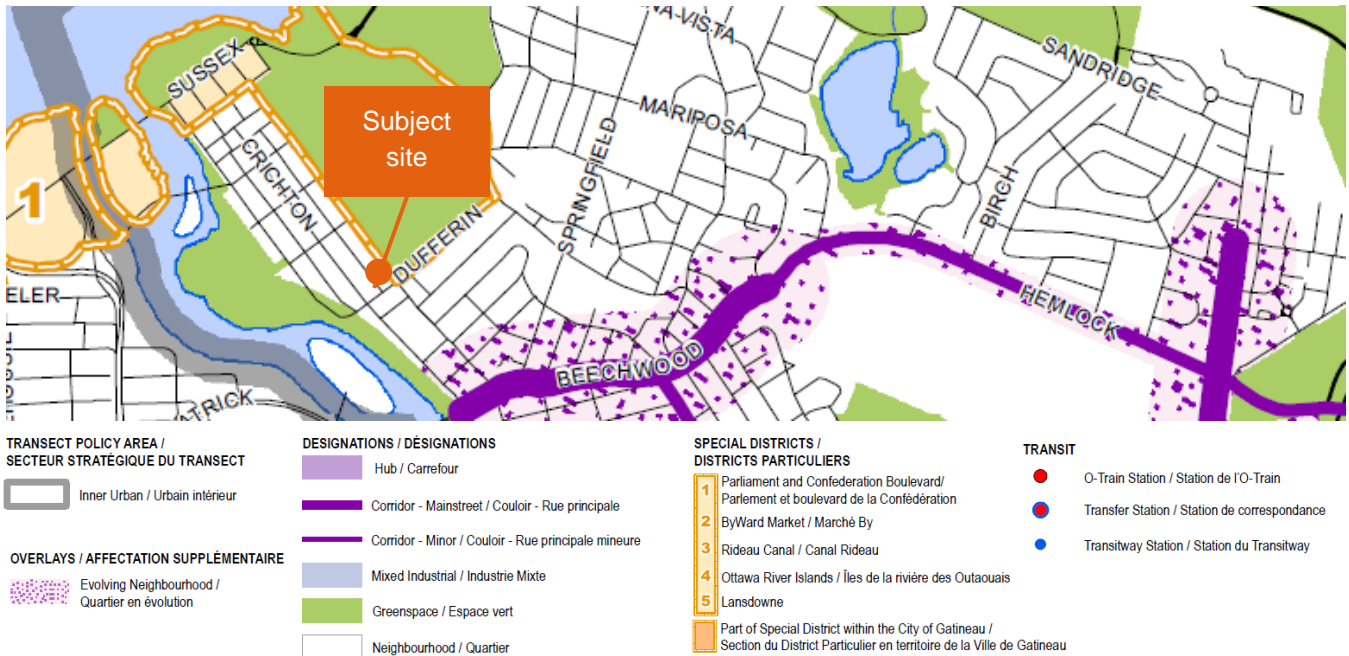
The subject site is located in the Inner Urban Transect, under the Neighbourhood designation, as demonstrated in Figure 16 below. In particular, Section 5.2.4 provides direction to the Neighbourhoods located within the Inner Urban Transect:

*1) Neighbourhoods located in the Inner Urban area and within a short walking distance of Hubs and Corridors shall accommodate residential growth to meet the Growth Management Framework as outlined in Subsection 3.2, Table 3b. The Zoning By-law shall implement the density thresholds in a manner which adheres to the built form requirements as described in Subsection 5.6.1, as applicable and that:*

*a) Allows and supports a wide variety of housing types with a focus on missing-middle housing, which may include new housing types that are currently not contemplated in this Plan;*

*c) Provides for a low-rise built form, by requiring in Zoning a minimum built height of 2 storeys, generally permitting 3 storeys, and where appropriate, will allow a built height of up to 4 storeys to permit higher-density low-rise residential development;*Figure 10: City of Ottawa Official Plan - Schedule B2 - Inner Urban Transect

Figure 15: Extract of City of Ottawa Official Plan – Schedule B2 Inner Urban Transect Area

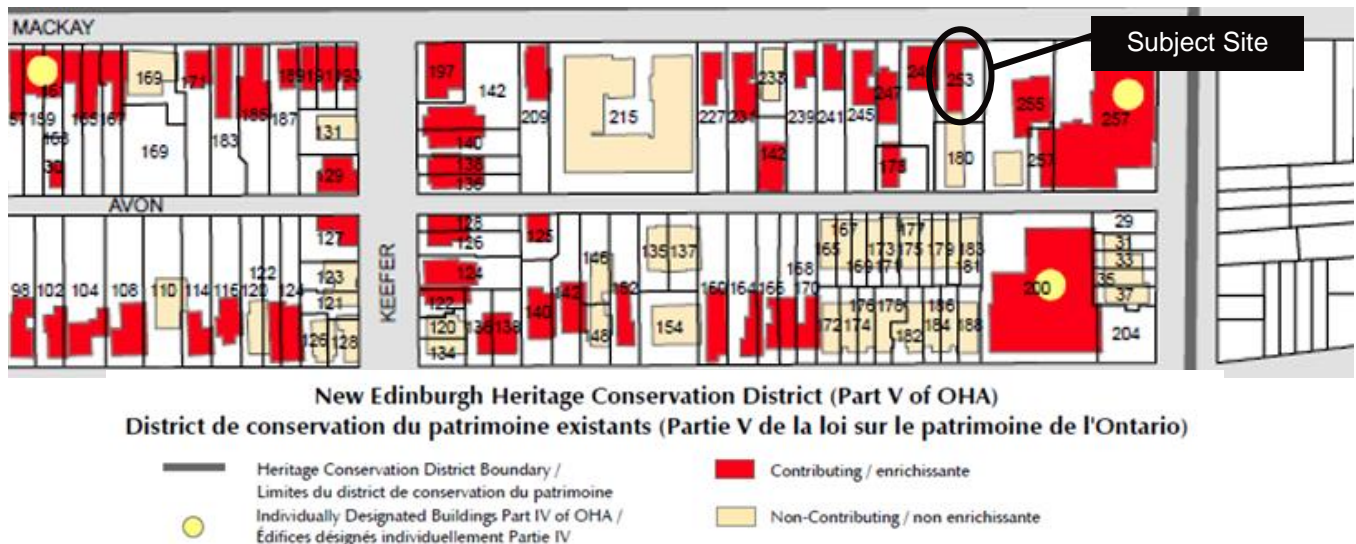


The proposed development is located within a Neighbourhood, assisting in the development of a wider variety of housing types through expanding an existing residential dwelling. The addition proposed respects the direction of a low-rise built form, as the rooftop addition expands the current structure from two to three stories.

### New Edinburgh Heritage Conservation District Plan

The subject site, 253 MacKay Street is located within the New Edinburgh Heritage Conservation District (HCD) and subject to the New Edinburgh HCD Plan. It is classified as a contributing building within the district, as seen in Figure 16 below.

Figure 16: New Edinburgh Heritage Conservation District



Under the Heritage Conservation District Plan, Section 7.2 outlines objectives for existing buildings in the district, including seeking to ensure the retention and conservation of buildings to protect the integrity and character of the district, to prioritize the reuse of existing buildings, and to ensure that additions to existing buildings are compatible with the character of the district.

Direction for additions to existing buildings is provided in Section 8.5.3, including:

- 2. Additions to existing buildings should be of their own time and are not required to replicate an historic architectural style. If a property owner wishes to recreate a historic style, care shall be taken to ensure that the proposed addition is an accurate interpretation.*
- 3. Additions shall normally be located in the rear yard. However, there may be instances where an addition elsewhere may be appropriate because it does not have a negative impact on the cultural heritage value of the HCD. These situations will be reviewed on a case-by-case basis in consultation with the community.*
- 4. The height of any addition to an existing building shall not exceed the height of the existing roof line.*
- 5. Additions shall be consistent with the streetscape with respect to height, size, scale and massing.*
- 6. Rooftop terraces are not typical in the HCD, however, a terrace may be appropriate where it is set back from the roof edge and not visible from the street at the grade of the house.*

Further guidelines for contributing buildings within the HCD in Section 8.5.3 include:

- 1. All additions to contributing buildings shall be complementary to the existing building, subordinate to and distinguishable from the original and compatible in terms of massing, facade proportions and rooflines.*
- 2. In planning alterations and additions to contributing buildings the rooflines of the original house (gable, hip, gambrel, flat etc.) shall be maintained.*
- 3. Additions shall not result in the removal or obstruction of heritage attributes of the building or the HCD.*
- 5. Cladding materials for additions to contributing buildings will be sympathetic to the existing building. For instance, an addition to a brick building could be clad in wood board and batten siding. Natural materials are preferred.*

**In the case of the proposed development, a rear yard addition to expand the living space of the residential dwelling unit is not feasible, as there is no rear yard on the subject site and only a minimal side yard. However, the rooftop addition is designed as to allow the historic building to remain the dominant presence in the streetscape and does not have any negative impact on the cultural heritage of the building or surrounding area. The rooftop addition, both living space and rooftop terrace, are set back from the street facing roof edge and not visible from the grade of the house, thereby remaining consistent with the existing streetscape and massing. The contemporary design of the addition is of its own time, and is clearly distinguishable from the original building, clad in natural materials (charred wood), remaining consistent with the direction of the HCD.**

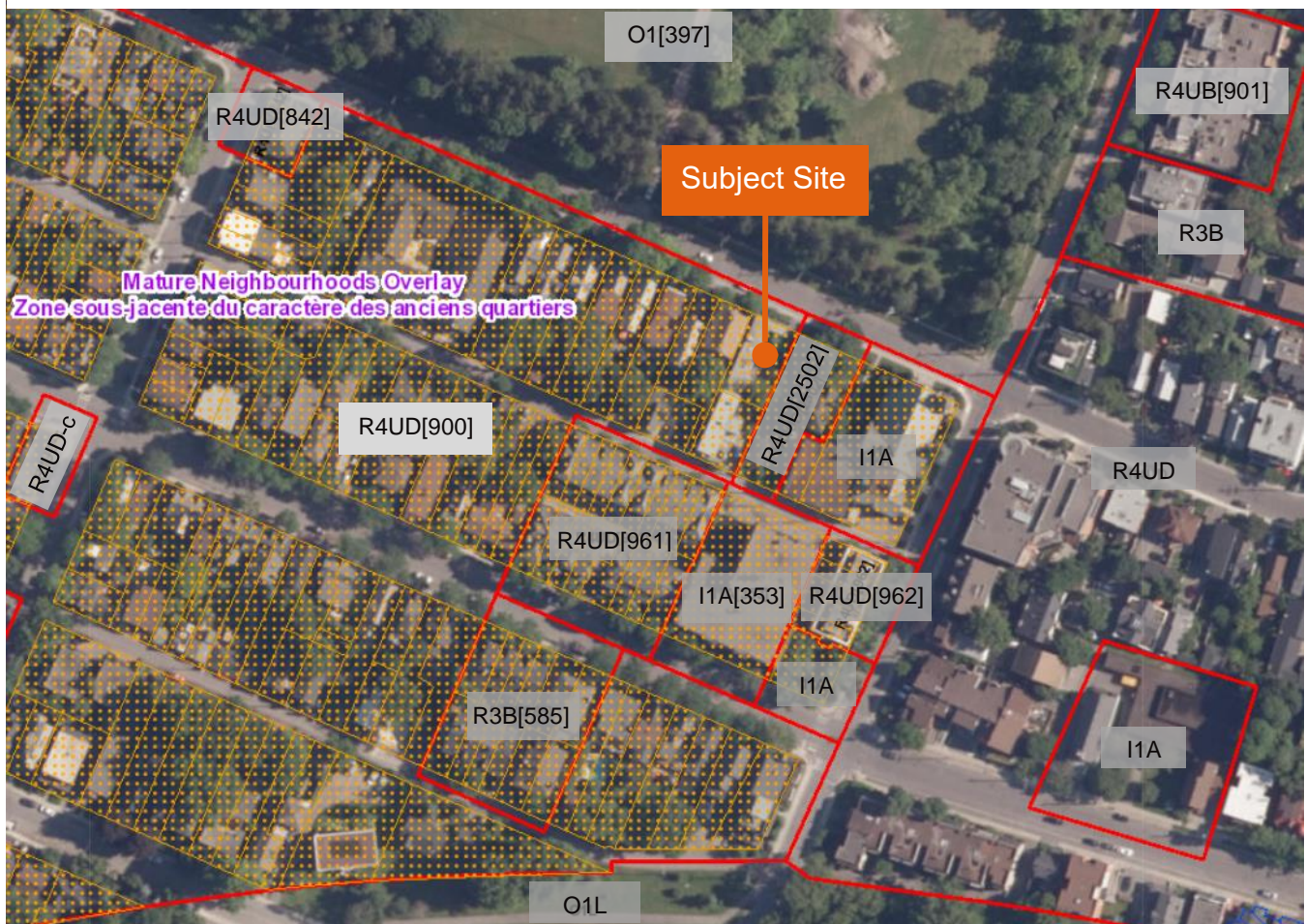
## Zoning By-Law

The site is zoned R4UD[900], or *Residential Fourth Density*, Urban Exception 900, and is located within the *Mature Neighbourhood Overlay* in the City of Ottawa Zoning By-law 2008-250, as demonstrated in Figure below. The purpose of the R4 - Residential Fourth Density Zone is to:



- 1) allow a wide mix of residential building forms ranging from detached to low rise apartment dwellings, in some cases limited to four units, and in no case more than four storeys, 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 the fourth density 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 mixed building form, 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.

Figure 7: Excerpt of zoning with R4UD[900] (GeoOttawa)



The development on the subject site is classified as a standard semi-detached dwelling in a front and back configuration. The dwelling is not considered a long semi-detached since the lot is an interior through lot with lane access on the south. **Error! Reference source not found.** below represents the provisions of the zone, with the required variances highlighted in red.

Table 2. Applicable zoning provisions

Provision	Required	Existing	Proposed (3 <sup>rd</sup> Storey Addition/Ground Level Storage Room)
Minimum lot width (s.162, Table 162A)	6.0 m	15.55 m	
Minimum lot area (s.162, Table 162A)	180 m <sup>2</sup>	391.7 m <sup>2</sup>	
Maximum building height	10.0 m	5.28 m	8.7 m
Minimum front yard setback (s.144(1)(a), (d))	Must align with the average of abutting lots' front yard setbacks but need not exceed 4.5 m	* 0.0 m Existing non-complying condition to remain unchanged	Setback of third storey addition exceeds required 4.5 m front yard setback
Minimum rear yard setback (s.138(1))	0.0 m	0.0 m	0.0 1 <sup>st</sup> /2 <sup>nd</sup> floors 0.9 m 3 <sup>rd</sup> floor
Minimum interior side yard setback (s.162, Table 162A)	1.2 / 0.6 m	1.44 m / 3.30	1.44 / 3.30
Minimum aggregated front yard soft landscaped area (Table 139(1))	No minimum however all lands within front yard not occupied by driveways, walkways and projections must be soft landscaping	All lands not occupied by building and driveway softly landscaped	
Minimum exterior wall setback of a rooftop terrace (Table 55(8))	(c) Adjacent to a rear yard and within 1.5 of exterior side wall or interior side lot line, 1.5 m opaque fence required along interior side yard/lot line		Opaque fencing is proposed for third story terrace

For the R4UD[900] zone, the following provisions apply:

- any use that has its only access from an existing lane is the only use permitted on that parcel of land and any expansion of this use is permitted provided it conforms with the provisions of this zone.

The subject site is also located within the Heritage Overlay, where the following provisions apply for additions:

(3) Despite the provisions of the underlying zone, an addition to a building in an area to which an heritage overlay applies is permitted only if:

(a) the height of the walls and the height and slope of the roof of the addition do not exceed those of the building;

(b) In Areas A, B and C on Schedule 1,

(i) the side yard setback of the addition is at least 60 cm. greater than that of the wall of the building located closest to the side lot line, except in the case of shared lot lines between dwelling units that are permitted to be vertically attached where the required side yard setback is 0 metres, (By-law 2015-190)

(ii) it is located entirely within the rear yard, or in the interior yard abutting the rear yard and complies with the rear yard setback of the underlying zone, except where the building has a non-complying rear yard setback the addition may be built to that rear yard setback, but in no case may be less than 3.0 metres; and

The provisions for both the proposed third story addition and the exterior storage space is presented in Table 3.

Table 3: Heritage Overlay zoning provisions

Provision	Existing	Required	Proposed	
			3 <sup>rd</sup> Storey Rooftop Addition	Ground Level Storage Addition
Building height (s.60 (3) (a))	5.28 m	Cannot exceed that of existing building 5.28 m	Exceeds that of the existing building 8.7m	4.6 m
Side yard setback (s.60 (3) (b) (i))	1.44 m (min) (west side yard) 3.3 (min) (east side yard)	Must be setback at least 60 cm from the exterior building wall closest to the side lot line (west side yard) 2.04 m (min)	Setback 0.0 m from the building closest to the side lot line (flush at west side yard) 1.44 m	6.26 m (east side yard)
Is located entirely within the rear yard, or interior yard abutting the rear yard and setback at minimum 3.0 m from the rear lot line (s.60 (3) (b) (ii))			Not located within the rear yard or interior yard abutting the rear yard and setback 0.9 m from the rear lot line	Located in interior yard abutting rear yard, setback 0.0 from the rear lot line

The proposed addition adheres to all provisions as set out in the Zoning By-law save and except the four provisions indicated in **Error! Reference source not found.** and Table 3 above.

## Proposed Minor Variances

To facilitate the development, minor variances to the Zoning By-law are required, as follows:

- A) To permit a rooftop addition where the height of the walls and the height of the roof exceed those of the existing building, whereas the by-law requires the height of the walls and the height and slope of the roof of the addition to not exceed those of the building (s.60(3)(a));
- B) To permit a side yard setback of the addition of 0.0 metres from wall of the building located closest to the side lot line, whereas the by-law requires the exterior wall to be setback at least 60 cm greater than that of the wall of the building located closest to the side lot line (s.60(3)(b)(i))
- C) To permit a rooftop addition located outside of the rear yard or interior yard abutting the rear yard and setback 0.9 metres from the rear lot line, and a ground-level addition in the interior yard abutting the rear yard setback 0.0 m from the rear lot line, whereas the by-law requires an addition to be located entirely within the rear yard or in the interior yard abutting the rear yard, except where the building has a non-complying rear yard setback the addition may be built no case less than 3.0 metres from the rear yard setback (s.60(3)(b)(ii))

## Rationale for Minor Variances

The following section reviews each variance against the four tests as presented in Section 45(1) of the Planning Act. Note that the rationale for variances for each of the lots and units have been reviewed together, where applicable.

- VARIANCE A    ROOFTOP ADDITION WHERE HEIGHT OF WALLS EXCEEDS EXISTING BUILDING (HERITAGE OVERLAY)**  
**Required:** Height of an addition cannot exceed those of the existing building  
**Provided:** Rooftop addition with height of the walls and roof exceeding the existing building
- VARIANCE B    REDUCED SIDE YARD SETBACK OF ADDITION (HERITAGE OVERLAY)**  
**Required:** Exterior wall setback of 60 cm greater than side wall of building closest to the side lot line  
**Provided:** Exterior wall setback of 0.0 m from the side wall of the building closest to the side lot line
- VARIANCE C    ADDITION LOCATED OUTSIDE REAR / INTERIOR YARDS (HERITAGE OVERLAY)**  
**Required:** Addition must be located in the rear or interior yard and located at least 3.0 m from the rear yard setback

**Provided:** Addition located on rooftop of existing building outside of the rear or interior yard and setback 0.9 m from the rear lot line, and ground floor addition in interior yard setback 0.0 from rear lot line

→ **Is the variance minor?**

The variances to three provisions under Section 60(3) of the zoning by-law are required to facilitate a rooftop addition to the existing converted semi-detached dwelling within the Heritage Overlay. The proposal is for a partial third storey addition to the rooftop of the existing dwelling, oriented towards the rear of the dwelling and property. The existing building is two-storeys, and therefore the addition is taller than the exterior walls and roof; however, the addition does not exceed the maximum building height per the zoning by-law. The exterior walls of the addition are flush with the existing exterior walls in order to increase living space while introducing a sympathetic design to the building.

The addition proposes to modestly increase living space for the Owners, in a sympathetic and appropriate location and design relative to the existing building's heritage character. The proposed expansion of living space is most appropriately located on the roof of the existing building to preserve the exterior space at grade and maintain the heritage character of the existing building at the first and second storeys. Despite the variances to the heritage overlay provisions, the addition is minimally visible from the streetscape and otherwise fully complies with the underlying zoning standards for height and setbacks. The height is also similar to the attached unit to the south, which is three storeys. As such, the third storey addition is effectively a continuation of the building massing to the south and is still lower than the roofline of the building to the immediate west.

The requested relief to permit the exterior wall to be flush with the existing building along the side yard setback allows for a reasonable floorplate responding to the narrow building footprint. The sought relief is minor as the proposed height complies with the standards of the underlying zoning provisions, and the windows are in a transom style to mitigate overlook or privacy concerns. The terrace is oriented towards the front/centre of the building and is in line with the roofline of the adjacent dwelling to the west, thereby maintaining privacy for both dwellings' amenity space. The third storey being flush with the side wall will not be visible from the streetscape or alter the character of the building, and the side yard setback at all storeys exceeds the zoning requirements for site yard setback of the underlying zone.

The variance to permit a reduced rear yard setback to an addition not within the rear yard is a technical request to capture the proposed site condition, as the front-back semi-detached configuration is not contemplated under this section of the by-law. There is no technical "rear yard" in a front-back semi configuration, and the rear yard setback is zoning compliant. However, as the ground-level storage addition and rooftop addition are each situated closer than 3.0 metres to the rear yard setback, relief is sought to permit 0.0 metres at ground level and 0.9 metres at the third storey, respectively.

Overall, the proposed rooftop addition represents a minor deviation from the provisions of the Heritage Overlay, as the development provides an expansion of living space that is clearly differentiated from the existing building, enables the retention of the heritage features of the existing building, and does not alter the streetscape character of the surrounding neighbourhood.

→ **Does the variance meet the intent and purpose of the Official Plan?**

The Official Plan's intent and purpose include encouraging a diversity of unit types and sizes to support the needs of current and future residents, as well as ensuring contextually appropriate development for heritage districts and

buildings that does not discourage intensification or limit housing choice. The proposed addition meets the intent and purpose of the OP in that it respects the heritage features of the existing building while providing the opportunity to expand the unit's living space to accommodate a larger household in a ground-oriented typology, without changing the development footprint or lot fabric of the community. Expanding the residential unit also conforms with the OP's objectives of retaining families within currently built-up areas and avoiding displacement of households to areas outside of the Greenbelt.

Due to the existing building configuration, the most function solution to provide additional living space is by adding to the building height, rather than constructing a ground level addition along the easterly side facade, which would drastically impact the overall look and character of the building. The proposed addition is of its own time and character while responding to the heritage features of the existing building and is minimally visible from the streetscape. Further, though there are no distinctive trees on the site, there are several smaller non-distinctive trees which can be protected and preserved with the proposed rooftop addition, contributing to City's urban tree canopy policies set out in the OP.

The proposed addition also responds to the intent and purpose of the New Edinburgh HCD Plan by remaining clearly secondary to the existing heritage building and remains consistent with the massing and form of the existing streetscape. The rooftop addition is set back from the roof edge and is not visible from the street, as demonstrated by the sightline diagram and artistic renders presented in this report. The proposed addition meets the intent and purpose of the Official Plan and the HCD Plan, as it allows the modest expansion of the residential dwelling which is an adaptive reuse of a former institutional heritage building, while respecting and complementing the heritage features of the building itself and the broader Heritage Conservation District.

→ **Does the variance meet the intent and purpose of the Zoning By-law?**

The Heritage Overlay within the Zoning By-Law is intended to protect heritage characteristics in the City of Ottawa and ensure the heritage character of properties are appropriately considered and analyzed prior to redevelopment. The intent of the provisions is also to ensure any building addition within the overlay remains visually subordinate to the character of the existing dwelling to protect the neighbourhood or development character. The variances proposed in this case allow for a modest addition to the livable area of the heritage building without detracting from the building's uniqueness and defining characteristics within the Heritage District. In this case, the dwelling is a front-back semi-detached dwelling with the rear unit under separate ownership. As such, there is no technical rear yard area to introduce additional living space. The alternative would be an addition at ground level, which would be significantly more impactful to the heritage character of the building overall, resulting in significantly altering the unique facade conditions. This would also necessitate removal of trees and outdoor open space. The alternative as proposed is a more sympathetic and compatible appropriate which allows full retention of the first and second storey conditions as-is, and a new complementary addition that is of its own time and character. The rooftop addition's interior and rear setbacks are flush with the existing building in response to the narrow footprint and to orient the new construction towards the rear of the building with minimal visual impact from the streetscape. The intent of the zoning is met as the proposed addition is clearly secondary to the original dwelling and is designed in complementary style of its own character. The height mimics that of the existing attached unit to the south which is three-storeys, and does not exceed the underlying zoning requirements for height. The side wall is flush with the easterly exterior wall; however, the interior side yard setback still exceeds the requirements of the underlying zone and is imperceptible from the street as shown in Figure 17 below. Finally, the request for Variance C is technical and in an abundance of caution considering the heritage overlay does not contemplate dwelling units in a front-back configuration where there is no rear yard area available, and the 0.0 metre rear yard setback is fully permitted under the by-law (s.138).

Figure 17. Existing and proposed streetviews prepared by SMA+SA architects



Overall, the proposed development meets the intent and purpose of the Zoning By-Law to protect heritage characteristics within the City.

→ **Is the variance desirable for the appropriate development and use of the land?**

The variances are desirable for the appropriate development and use of the land. The heritage characteristics will be retained and preserved through the proposed addition, locating the expansion of living space on the rooftop to retain the heritage features of the existing building and retain at-grade open space and trees on the site. The proposed development permits the evolution of an existing small dwelling into a size appropriate for the current owners and their growing household, while also permitting the retention and preservation of the heritage features of the existing building.

It is both desirable and appropriate to introduce a modest addition to increase livability of the existing converted dwelling, which allow the Owners to live and grow within their existing community. This addition also conserves and protects the heritage character of a “contributing” building within the New Edinburgh Heritage Conservation District. The proposed rooftop addition allows for the expansion required to meet the needs of the owners, while also protecting the heritage characteristics of the existing building and retaining the existing heritage character of the streetscape. The addition is sensitively designed to respond to the site conditions and is in line with or lower than the height of the adjacent buildings to the east, west, and south. The addition is as far away as possible from the street to ensure minimal visual impacts at the pedestrian realm. Further, the application underwent extensive review and comment by City of Ottawa heritage staff and obtained approval by Council for a Heritage Permit in April 2024, demonstrating that both City staff, Built Heritage Sub-Committee, and City Council are satisfied that the application meets the intent of the New Edinburgh HCD and represents an appropriate and compatible form of development.

Overall, the proposed addition and requested variances are desirable for the appropriate development and use of the land.

## Conclusion

The subject site is located at 253 MacKay Street, in the New Edinburgh Heritage Conservation District in the City of Ottawa. The site includes the former Tape Measurement Building, now a residential dwelling with two dwelling units in a front-back configuration, which is a contributing property within the HCD. The proposed development consists of a rooftop addition to permit additional living space and a rooftop terrace, as well as a small exterior storage space at ground level. To facilitate the development, three minor variances to the Zoning By-law's Heritage Overlay are required. The variances are generally summarized as permitting an addition that exceeds the height of the existing building, reducing the addition's required setbacks from the side wall of the existing building, and allowing an addition located on the rooftop rather than the rear or interior yard and situated closer than 3.0 metres to the rear yard setback. The existing and continued use of this building is permitted under the current Zoning By-Law and the proposed addition is compatible with the neighbourhood fabric of the surrounding area.

The proposed development and subsequent expansion of living space contributes to the available housing supply in the area, and allows for a more appropriate and livable sized unit for the Owners. By locating the addition on the rooftop, the proposed development retains and protects the contributing heritage features present for the existing building. Furthermore, the subject site does not have a rear yard and a minimal side yard. Therefore, a rooftop addition that exceeds the height of the existing building is the only reasonable location for the expansion of living space required. Similarly, the reduced side yard setback to allow the addition to be flush with the side wall and setback 0.9 metres at third storey and 0.0 metres at ground level allow for a reasonable floorplate that reflects the existing building character while minimizing the impact to the heritage features of the existing building. The proposed rooftop addition is set back from the front wall of the building and is minimally visible from the street. It is consistent with the existing massing and streetscape of the surrounding neighbourhood, and it does not detract from the original heritage building's dominant presence on the site. As such, the proposed development allows for retention of an existing heritage asset that meets the needs of a modern household, while still retaining the contributing heritage features of the existing building.

The proposed development and minor variances are consistent with the Provincial Policy Statement 2020, conform to the policies of the City of Ottawa Official Plan, and comply with the City of Ottawa's Zoning By-law 2008-250 save and except the minor variances detailed in this report. The minor variances meet the four tests under Section 45(1) of the Planning Act. The proposed development represents good land use planning and is recommended for approval.

Sincerely,  
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