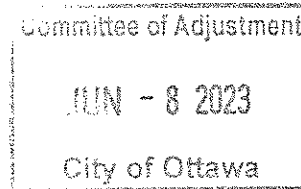




Our file: 22-4146

June 5, 2023

The Corporation of the City of Ottawa  
Committee of Adjustment  
101 Centrepointe Drive  
Ottawa, ON K2G 5K7



Attention: Secretary-Treasurer of the Committee of Adjustment

**Minor Variance Application**  
**PC2021-0320**  
**320 Cooper Street**  
**City of Ottawa**

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Ottawa, Ontario  
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Dillon Consulting Limited (Dillon) has been retained by Godfrey Roofing Inc. (herein referred to as the "client") to assist in obtaining a Minor Variance approval associated with the construction of a fire access/egress from the basement level of the existing residential building located at 320 Cooper Street in Ottawa, Ontario (herein referred to as the "subject site"). Such construction will ultimately have the result of legalizing five (5) dwelling units located in the basement of the existing residential building.

#### Description of Subject Site

The subject site is located at 320 Cooper Street, on the south side of Cooper Street, mid-block between O'Connor Street to the west and Metcalfe Street to the east in the Centretown neighbourhood of the City of Ottawa. The subject site is legally described as Part Lots 44 & 45 on Plan 12281 and Parts 2 & 7 on Registered Plan 5R-10690. The subject site is occupied by an existing residential dwelling building and has a total lot area of 403.78 square metres with approximately 11.3 metres (37.07 feet) of frontage on Cooper Street. The existing residential building has a total of 26 existing dwelling units within the residential building, where: each of the three above-grade storeys has five (5) legal non-conforming dwelling units; and the basement level has one (1) legal non-conforming dwelling unit and five (5) illegal units.

The subject site is located within the Downtown Core Transect Policy Area and has the Hub land use designation with the Evolving Neighbourhood Overlay in the City of Ottawa's Official Plan (adopted by By-law 2021-386), is located in the Centretown Heritage Conservation District, and is zoned as Residential Fourth Density Zone (R4UD[479]) in the City of Ottawa Zoning By-law 2008-250 Consolidation.

The area surrounding 320 Cooper Street is predominantly comprised of higher density residential uses with commercial, office, and mixed uses located in proximity to the subject site. The segment of Cooper Street between O'Connor Street and Metcalfe Street, where the subject site is located, is predominantly higher density residential uses that range from three (3) to 11-storeys in height.

### Proposed Building Alteration

The existing residential building on the subject site is proposed to have a fire access/egress constructed on the east elevation, to provide an emergency exit from the basement level. The construction of the fire access/egress will ultimately result in the legalization of five (5) dwelling units in the basement level of the existing 26-unit building on the subject site.

Access to the site is provided from Cooper Street, with no vehicular driveway or parking area existing on the site. The proposal includes three (3) new bike parking spaces and two (2) new raised planters along the subject site's frontage. The bicycle parking spaces and raised planters will act as deterrents to prevent motor vehicles from parking in the front yard.

As the existing residential building was constructed prior to the City of Ottawa Zoning By-law 2008-250 Consolidation, it is considered, save and except for the five (5) illegal dwelling units in the basement level, as a legally non-conforming use. A Minor Variance application is, therefore, required to recognize the existing building on the subject site through the permission of a variance from the required:

- Minimum Lot Width;
- Minimum Lot Area;
- Minimum Front Yard Setback;
- Minimum Rear Yard Setback;
- Minimum Interior Side Yard Setback;
- Minimum Rear Yard Soft Landscaping; and,
- Landscaping in Any Yard Other Than a Rear Yard Soft Landscaping (Minimum Aggregated % of Front Yard Area).

Ultimately, the proposed Minor Variance seeks to ensure legal conformity of the existing residential building for the proposed alteration and does not request

variances for additional construction, aside from the fire access/egress. No trees are proposed to be removed at the site, as such a Tree Information Report meeting the requirements of the City of Ottawa's Tree Protection By-law, 2020-340 has not been required by the City for this proposed alteration.

To further facilitate the proposed alteration, a Site Plan Control Application and Heritage Permit are required, which will be submitted under separate cover.

#### Requested Minor Variances

The applicant is requesting that the Committee of Adjustment approve a Minor Variance application for relief from provisions in Sections 162 and 161 of Zoning By-law 2008-250 Consolidation to reduce the following provisions:

- Section 162 - Table 162A – R4 Subzone Provisions
  - Minimum Lot Width from 15.00 metres to 11.30 metres;
  - Minimum Lot Area from 450.00 square metres to 400.00 square metres;
  - Minimum Front Yard Setback from 4.50 metres to 1.81 metres;
  - Minimum Rear Yard Setback from 7.50 metres to 2.10 metres; and,
  - Minimum Interior Side Yard Setback from 1.50 metres to 0.47 metres.
- Section 161 – Table 161
  - Minimum Rear Yard Soft Landscaping from 50.00 square metres to 13.86 square metres; and
  - Minimum soft landscaping in any other yard than rear yard from 40% to 0%.

The applicant is requesting the above-mentioned reductions to bring the existing, legally non-conforming, residential building into conformity with the current provisions of the R4UD[479] zone of the City of Ottawa Zoning By-law 2008-250 Consolidation. The Site Plan Drawing Package (item no. 2) submitted as part of this application submission indicates the existing structure and location of the proposed fire access/egress.

There are no proposed changes to the siting or configuration of the existing building and lot. The proposed reductions will permit the construction of the fire access/egress to legalize the five (5) dwelling units located in the basement level and



ensure that the existing residential building is brought into conformity with the regulations of Zoning By-law 2008-250 Consolidation.

**Four Tests of a Minor Variance**

When reviewing this application, the Committee must consider the four tests as outlined in Section 45(1) of the *Planning Act, R.S.O. 1990*, as amended. It is our professional opinion that the application meets all four (4) tests of the *Planning Act*, explained as follows:

Section 45(1) of the <i>Planning Act, R.S.O. 1990</i>	Rationale
<p>a) maintains the general intent and purpose of the Official Plan;</p>	<p><b>City of Ottawa Official Plan</b>                      The subject site is located within the Downtown Core Transect Policy Area and has the Hub land use designation with the Evolving Neighbourhood Overlay. The proposed fire access/egress from the basement level of the existing residential building is in conformity with the applicable land use designation and applicable policies. The proposed alteration does not require an Official Plan Amendment, as the existing use of the subject site is consistent with the applicable provisions and is intended to remain as is.                       In our opinion, the proposed alteration maintains the general intent and purpose of the City of Ottawa Official Plan.</p>
<p>b) maintains the general intent and purpose of the Zoning By-law;</p>	<p>The subject site is zoned as residential R4UD[479] in the City of Ottawa Zoning By-law 2008-250 Consolidation. The existing residential use of the subject site is intended to remain, with a minor alteration to add a fire access/egress from the basement level to grade in the east interior side yard. There are no proposed changes to the existing residential use or permitted density of the existing residential use proposed as part of this Minor Variance application.                       In our opinion, the proposed construction of the fire access/egress maintains the general intent and purpose of the Zoning By-law through a continuation of the existing uses and recognition of the existing structure, which pre-dates the City of Ottawa Zoning By-law 2008-250 Consolidation.</p>



Section 45(1) of the <i>Planning Act, R.S.O. 1990</i>	Rationale
<p>c) is desirable for the appropriate development or use of the land, building or structures; and</p>	<p>The proposed addition of a fire access/egress seeks to ensure safe entry and exit access for the residents of the basement dwelling units, in the event of an emergency. Such construction is not prohibited within the provisions of Zoning By-law 2008-250 Consolidation and is to enhance the safety measures of the existing building. As such, the proposed variances do not apply to changes in lot configuration or site design, as the residential building already exists on the site. The proposed alteration is desirable for the area as it provides safe emergency access without having any impact to the building's built form or character.</p> <p>It is our opinion that the proposed minor variances are desirable for the proposed alteration.</p>
<p>d) is minor in nature.</p>	<p>The requested variances are for a reduction in lot width, lot area, front yard setback, rear yard setback interior side yard setback, and soft landscaping in yards other than the rear yard. The client is seeking to legalize five (5) dwelling units located in the basement level of the existing building. To be legalized, the five (5) dwelling units require a fire access/egress door. The fire access/egress door must be approved through the Site Plan Control process for a legal building. At present, the building is legal non-conforming. Through the requested variances, the building would be legalized.</p> <p>Since there are no other changes to the building or subject site being facilitated through these variances, other than the addition of a fire access/egress door, the variances are minor.</p> <p>It is our opinion the proposed variances are minor in nature.</p>

**Related Applications**

A Site Plan Control Application and Heritage Permit Application have been submitted concurrently to the City of Ottawa with the submission of this Minor Variance Application to the Committee of Adjustment to facilitate the proposed alteration of the existing building.



The following items have been included in the application package:

- Committee of Adjustment Minor Variance Application Form;
- Site Plan Drawing Package, dated October, 2022;
- Topographic Survey, dated December, 2022;
- Ontario Heritage Act Heritage Permit, dated March, 2023; and,
- Approved Easement Instrument OC2385460, dated August, 2021.

### Conclusion

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It is our opinion that the requested minor variances for a reduction in lot width, lot area, front yard setback, rear yard setback interior side yard setback, and soft landscaping in yards other than the rear yard meet all four tests outlined in Section 45(1) of the Planning Act, R.S.O. 1990, and they should be recommended for approval by the Committee.

Should you have any questions or require additional information, please do not hesitate to contact Amy Greenberg at 416-229-4646 or [AGreenberg@dillon.ca](mailto:AGreenberg@dillon.ca).

Yours sincerely,

**DILLON CONSULTING LIMITED**

  
Amy Greenberg  
Planner

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