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November 20, 2023

Committee of Adjustment  
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Committee of Adjustment  
Received | Reçu le

Revised | Modifié le : 2023-11-23

City of Ottawa | Ville d'Ottawa  
Comité de dérogation

**RE: Application for Consent and Minor Variances: 44 Dunham Street**

Dear Members of the Committee,

I am acting as the Agent on behalf of clients for the preparation of applications for Consent and Minor Variances for the property municipally known as 44 Dunham Street. On behalf of the Owners, I am submitting these applications for combined Consent and Minor Variances for the proposed single detached dwellings to be built on this property.

In addition to this Planning Rationale explaining the application, please find enclosed the following for your consideration:

- Topographic Plan prepared by **Annis O'Sullivan Vollebekk Ltd.;**
- The draft R-plan prepared by **Annis O'Sullivan Vollebekk Ltd.;**
- Tree Information Report prepared by **Dendron Forestry Services.;**
- Proposed Schematic Design Drawings prepared by **Muzaiko Architecture.**

## Development Proposal

The subject applications are being submitted to allow for the creation of two separate parcels of land, where new single detached residential dwellings are proposed as well as a reciprocal consent for legal purposes. For the purposes of this rationale, focus will be placed on the newly created parcels and the required variances.

## **Proposed Development**

The proposed development requires the severance of the subject property, into two parts and obtain relief from the following zoning provisions: lot areas and reduced rear yard setback for the proposed dwelling in Part 1. Together, these proposed variances are minor and have minimal impact, as this Planning Rationale will demonstrate. The proposed applications, being two consents and three minor variance applications are detailed below.

## **Consents**

- a) To sever Part 1 from Part 2, in where Part 1 has a total lot area of 408.9m<sup>2</sup>, lot frontage of 12.13m, and a variable depth of 33.49m and 33.61m.
- b) To sever Part 2 from Part 1, in where Part 2 has a total lot area of 407.7m<sup>2</sup>, lot frontage of 12.13m, and a variable depth of 33.45m and 33.6m.

## **Minor variances**

### **Part 1**

- To permit a reduced lot area of 408.9m<sup>2</sup>, whereas the By-law requires a minimum of 555m<sup>2</sup> as per the underlying R1WW [637] zone.
- To permit a reduced rear yard setback of 9.1m, whereas the By-law requires 10m.

### **Part 2**

- To permit a reduced lot area of 407.7m<sup>2</sup>, whereas the By-law requires a minimum of 555m<sup>2</sup> as per the underlying R1WW [637] zone.

## Site and Context

### Site

The subject site is legally described as Part Lot 112 on Registered Plan 591 and municipally known as 44 Dunham Street. The property is in the Beacon Hill - Cyrville neighbourhood (Ward 11) near Blair Road and Ogilvie Road. The property is irregular; it has a total frontage of 24.26m and a variable depth with the longest portion at 33.61m, totalling 816.6m<sup>2</sup> in area. It currently has a one-storey single-detached, brick and vinyl sided residential dwelling with a detached garage. It is set 7.75m away from the front lot line; its current rear setback is 14.55m the north side yard setback is 6.28m and the south side yard is 4.71m, as indicated on the topographic plan.

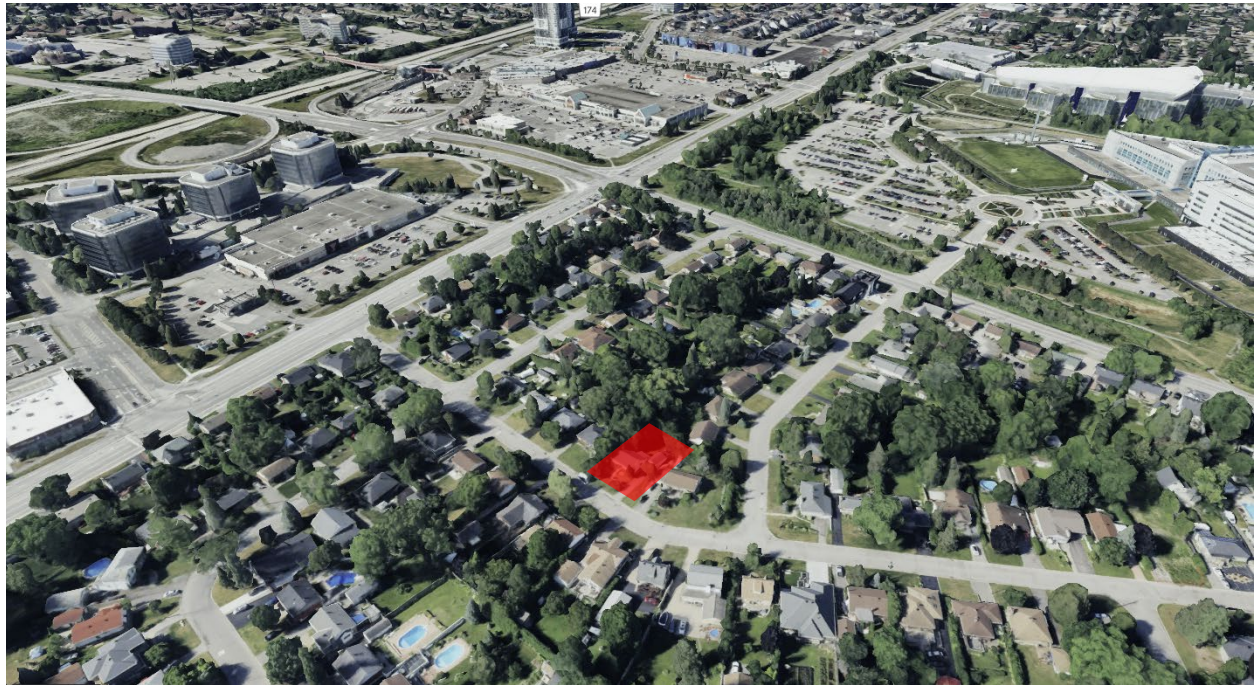


1. Existing Dwelling – North View from Dunham Street

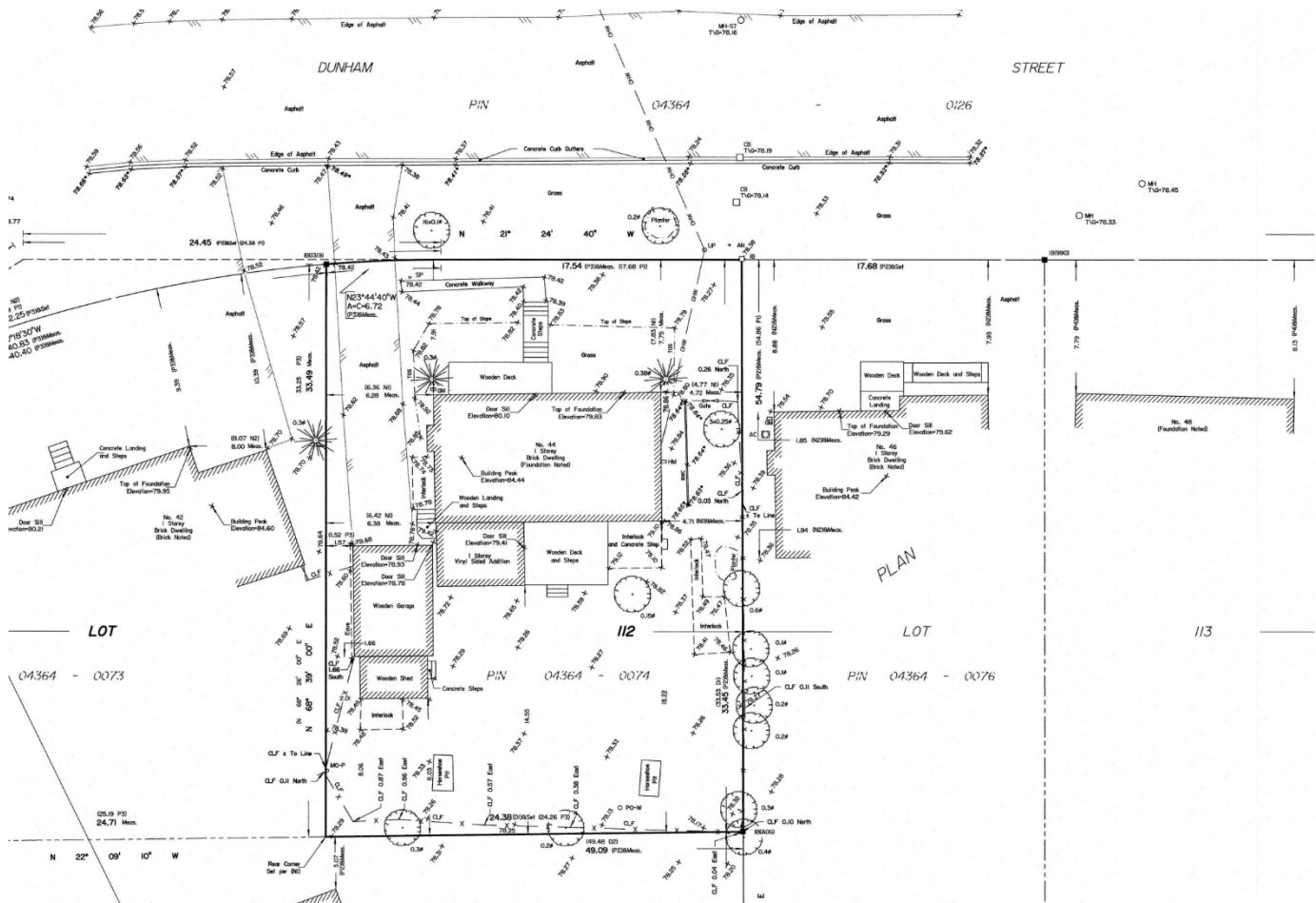


2. Existing Dwelling – Rear View





3. Context- View from above

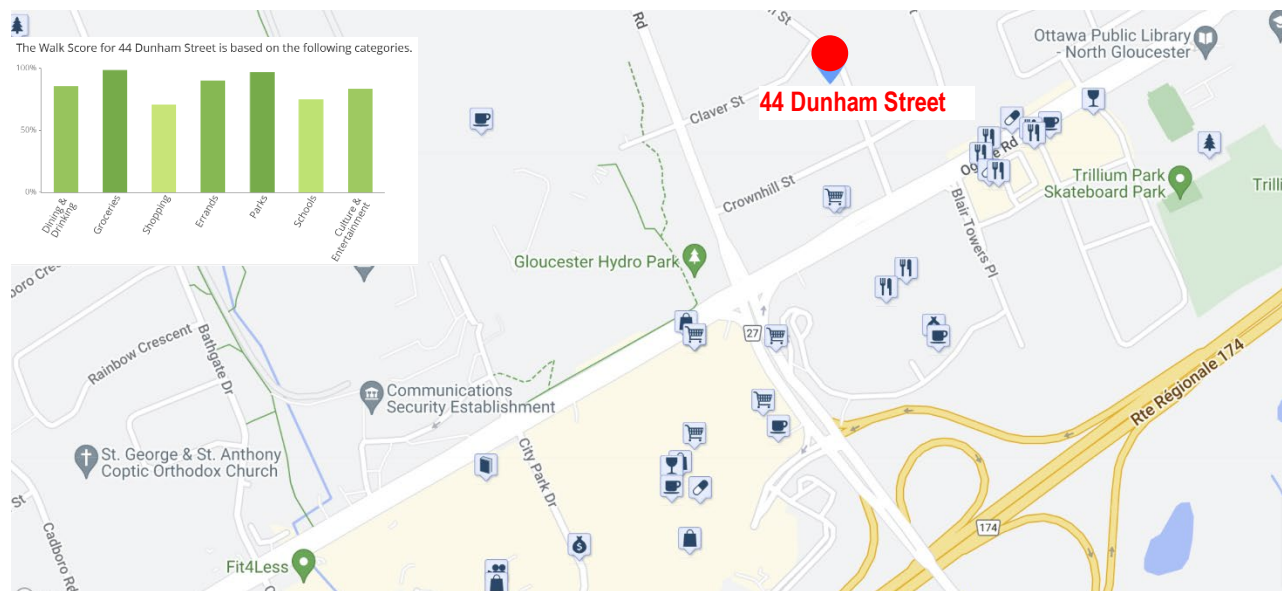


4. Extract from topographic plan

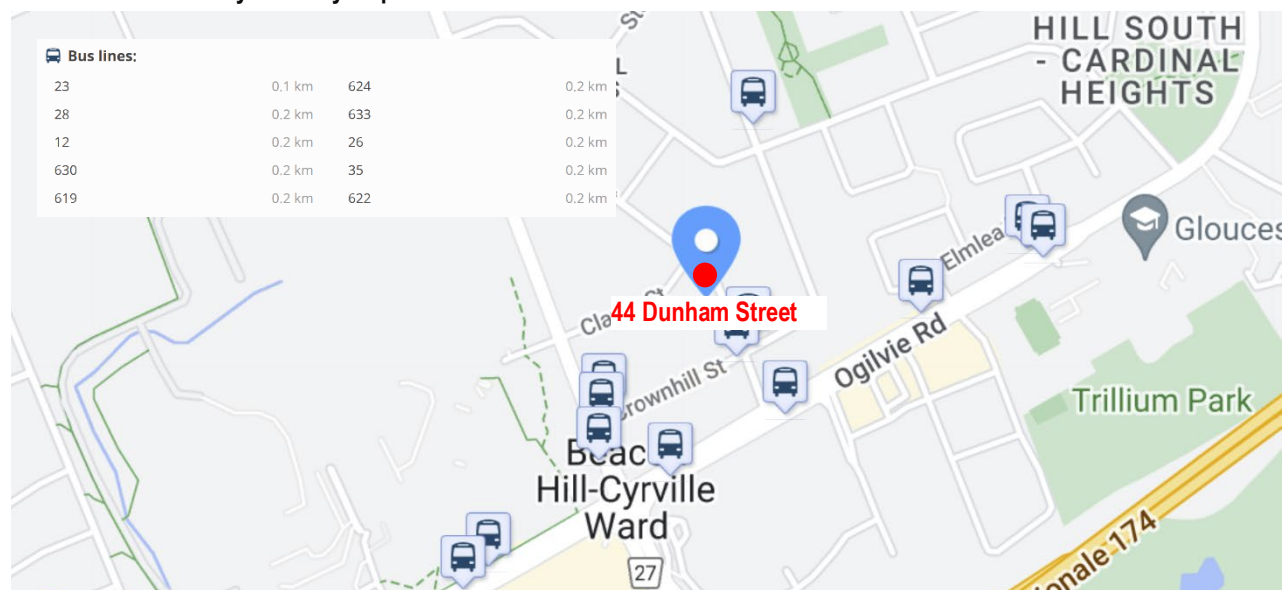
## Context

The subject property is in a built-up, where the original styles of homes were built in the mid 20th century, characterized by the one to two-storey vinyl-sided, stucco, brick, single-detached dwellings, some with front porches. Due to its older history, the neighbourhood is set up with a typical grid pattern of streets. Since then, some development in various forms is contributing to the intensification of the neighbourhood, which is generally reflected in the large lot pattern of regular lots sizes been subdivided for infill projects. This location is somewhat walkable; thus, some errands can be accomplished on foot. Nearby parks include Ainsley Park, Doug Frobel Park and City View Park. Location offers practical transit which means a few nearby public transportation options.

## Refer to following maps and images:



## Amenities / Walkability Intensity Map



## Transportation Map



Subject site



1. Looking north along Dunham Street

Subject site



2. Aerial View

## Zoning By-law Review:

The proposed detached dwellings are located within R1WW [637] - Residential First Density. This zone permits the proposed use but requires variances to lot areas for Parts 1 and 2 and rear yard setback reduction to achieve the necessary building program for Part 1. It's worth noting that exception 637 in the lot area requirement originates from the previous Gloucester Zoning By-law. Following the amalgamation of the former municipalities into the City of Ottawa in 2000, all prior municipal zoning by-laws remained in effect. The current City of Ottawa Zoning By-law, established in 2008, is a comprehensive compilation of the former by-laws, including numerous area-specific exceptions that reflect the unique zoning of the prior municipalities. The subject property was formerly zoned as Rs4, a designation for single-dwelling zoning with larger lot sizes. The Rs4 zoning dictated minimum lot widths and areas of 9 meters and 555 square meters, respectively. This zoning likely originated during the development of the subdivision and was tailored to the specific street layout and lot patterns within this particular subdivision.

Under exception 637, lots were required to be a minimum of 555 square meters, presumably to prevent the creation of extremely long, narrow lots through severances. Most of the lots in this area are approximately 18-19 meters wide and around 54 meters deep. Dividing one of these lots would result in two lots that are approximately 9 meters wide by 54 meters deep, just short of the mandated 555 square meters, rendering them ineligible for development according to the zoning requirements.

Consequently, the stipulated criteria are rooted in the fundamental R1WW [637] zoning bylaw, a comprehensive breakdown of the necessary variances can be found below in the Zoning Comparison Chart for both Parts 1 and 2.

	REQUIRED	Part 1	Part 2
<b>Min Lot Width (m)</b>	9m	12.13	12.13
<b>Min Lot Area (m<sup>2</sup>)</b>	555	408.9	407.7
<b>Max Building Height (m)</b>	8.5	8.5	TBD
<b>Min Front Yard Setback (m)</b>	5	5.61	TBD
<b>Min Rear Yard Setback (m)</b>	30% of Lot Depth or 10.0m	9.18m	TBD
<b>Min Front Yard Landscaped Area (m<sup>2</sup>)</b>	40% of front yard Part 1: 25.6m <sup>2</sup> Part 2: 25m <sup>2</sup>	42.4m <sup>2</sup> or 67%	TBD
<b>Min Interior Side Yard Setback (m)</b>	1m	1m	TBD
<b>Lot coverage</b>	n/a	43%	TBD

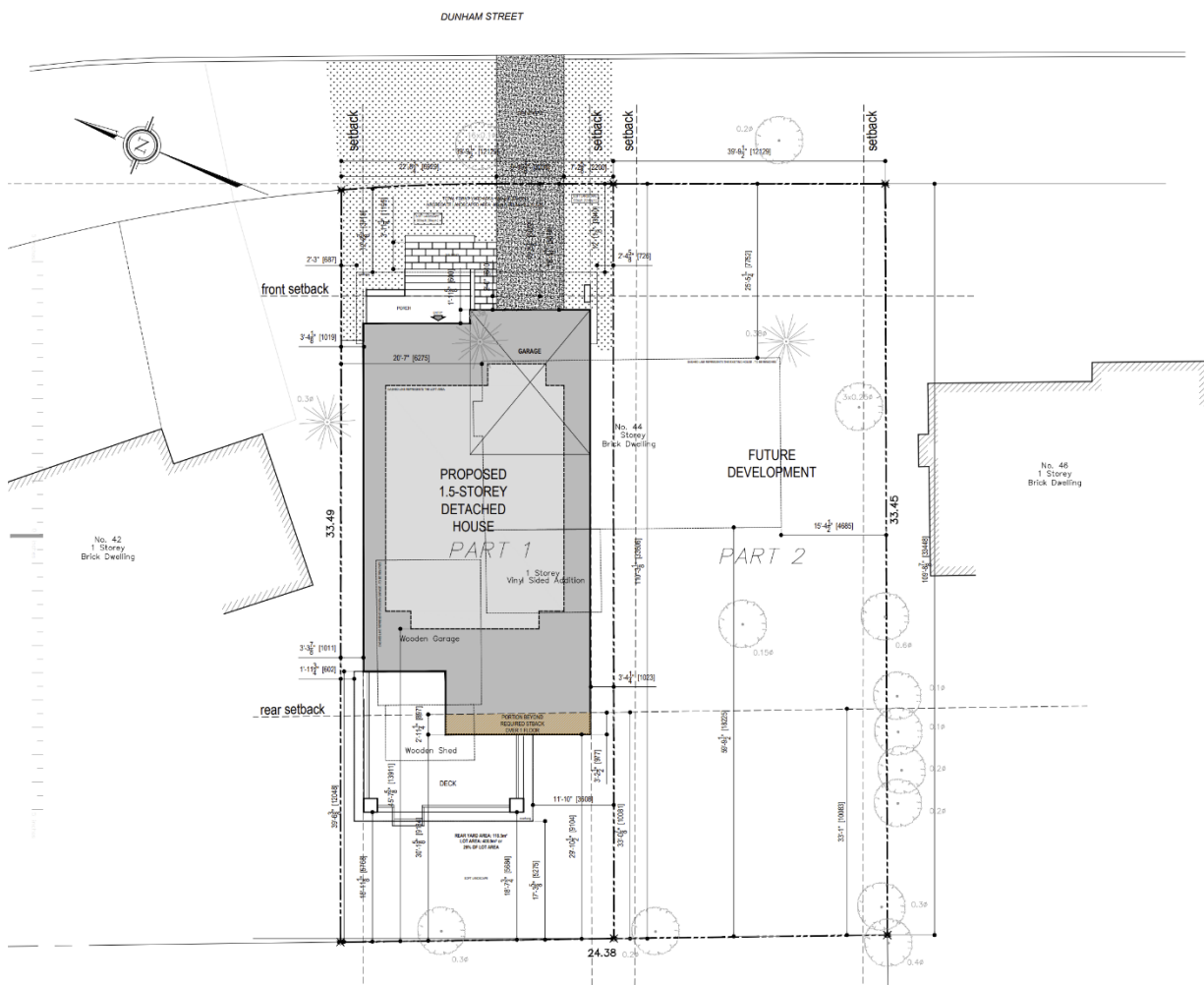
As detailed above, we require two variances for Part 1 and one variance for Part 2, which are in reference specifically to the areas and rear yard setback for the proposed dwelling for Part 1.

## PROPOSED DEVELOPMENT

The proposed developments are an example of typical infill project found in mature neighbourhoods throughout the city. In this case, the proposed single detached dwellings are consistent with the community character while representing a sensitive response to the City's intensification initiatives. The Part 1 development offers a unique addition to the neighbourhood, incorporating materials and elements in a modern interpretation of the characteristic single-detached dwelling unit predominantly found in this area.

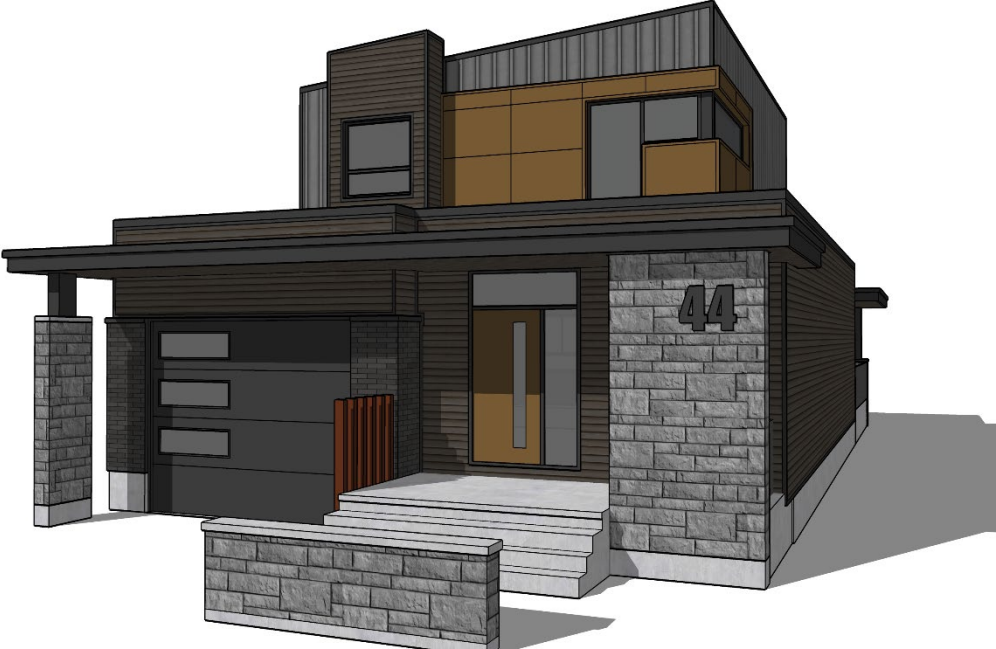
The proposed detached dwelling is a one-and-half storey development, featuring covered recessed front entrances with a single driveway leading to a single car garage. The proposal requires relief from the required rear yard setback.

### Proposal:

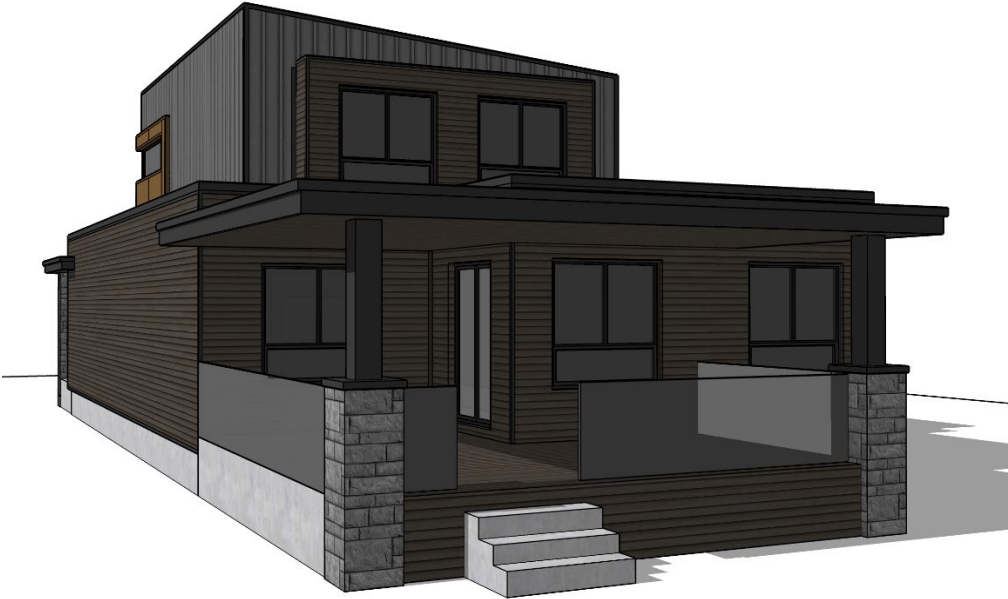


Proposed Site Plan





Front View



Rear View

## PLANNING ACT REVIEW

### APPLICATIONS FOR MINOR VARIANCES

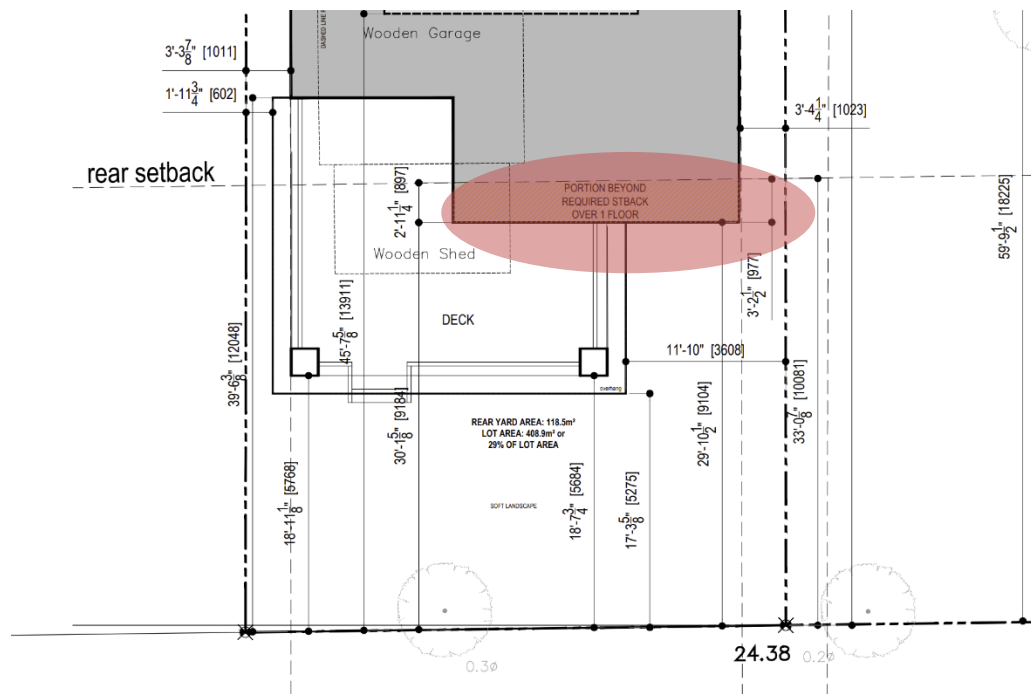
The following is a review of Section 45(1) of the Planning Act to assess the suitability of the proposed variance.

#### *Is the variance minor?*

**Lot Sizes:** The proposed lot areas harmonize seamlessly with the planned developments and exhibit a striking resemblance to the existing properties within this neighborhood, as depicted below. Moreover, it's worth noting that these proposed lot widths not only meet but exceed the minimum requirements, ensuring ample space for prospective development while preserving the evolving architectural character of the community. Our meticulous consideration of lot areas has led to a design that perfectly aligns with the neighborhood's context, showcasing our commitment to enhancing the area's overall appeal. In fact, the lots are only approximately 26% smaller than the required area, a negligible difference that allows for innovative and sustainable design possibilities while maintaining the neighborhood's integrity.



**Rear Yard Setback:** It is important to highlight that the prescribed rear yard setback, determined by lot depth calculations, stands at 10.0m, whereas the proposed setback measures 9.18 meters, resulting in a difference of 0.82 meters or 8.2% deficient. This variance, when considered in the broader context, is relatively negligible. Furthermore, the rear yard area is 111.5m<sup>2</sup>, which constitutes over 25% of the total lot area. Also, it's worth noting that only a portion of the ground floor encroaches on the required variance, as indicated in the illustration below. In our assessment, these variations can be categorized as minor and have minimal impact on neighboring properties.



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

The overarching goal of the Official Plan, particularly within the General Urban Area, is to facilitate a diverse range of residential activities while promoting the development of vacant or underutilized spaces within established urban areas. The requested consents for detached dwellings, along with the specified variances, aim to introduce infill development into a neighborhood in a manner that aligns with the character of recent developments, particularly single detached homes. This proposed utilization of the land and its associated density conform to the guidelines outlined in the Official Plan, endorsing, and actively supporting such initiatives.

As proposed, the development relates to the existing community character to enhance desirable established patterns and built form. **Section 2.5.1 – Urban Design and Compatibility** provides guidance on how to appropriately incorporate infill development into existing built-up areas. According to the definition provided in the Official Plan, *'compatible development'* is development that is not necessarily the same as or like existing buildings but that enhances and coexists with existing development without undue adverse impacts. It is development that *'fits well'* and *'works well'* with its surroundings. The OP emphasizes that the above objectives are achievable without designing a development to be the same as existing developments.

Within Section 2.5.1 a variety of design principles are presented to guide development. The most applicable principles for this development include:



- Create distinctive places and appreciate local identity in patterns of development, landscape, and culture.
- Reflect a thorough and sensitive understanding of place context and setting.
- Integrate new development to complement and enliven the surroundings.
- Complement the massing patterns, rhythm, character, and context.
- Achieve a more compact urban form over time.
- Allow for varying stages of maturity in different areas of the city and recognize that buildings and site development will exhibit distinctive characteristics as they evolve over time.

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

**Lot area:** These regulations are strategically in-place to ensure that the intended uses are well-suited for the available space. In this regard, the architectural design of the dwelling and the overall context of the area play pivotal roles in further refining the determination of scale and appropriateness. It is worth noting that the evidence supports the notion that the requested variances have only a minor impact overall. Additionally, the presence of similar developments within the vicinity and the existence of comparable-sized structures on nearby properties bolster the argument that the proposed lots, complete with their specified dimensions and areas, align perfectly with the intended purpose. In this holistic context, the broader regional landscape significantly contributes to the thorough evaluation of size and suitability. This proposition is protected by concrete evidence demonstrating the minimal nature of the variances sought, as well as the existence of comparable developments nearby, accompanied by structures of similar scale on neighboring properties. Consequently, the proposed residence and lot areas, complete with their designated space and dimensions, not only meet but indeed excel in fulfilling the central objectives and intentions.

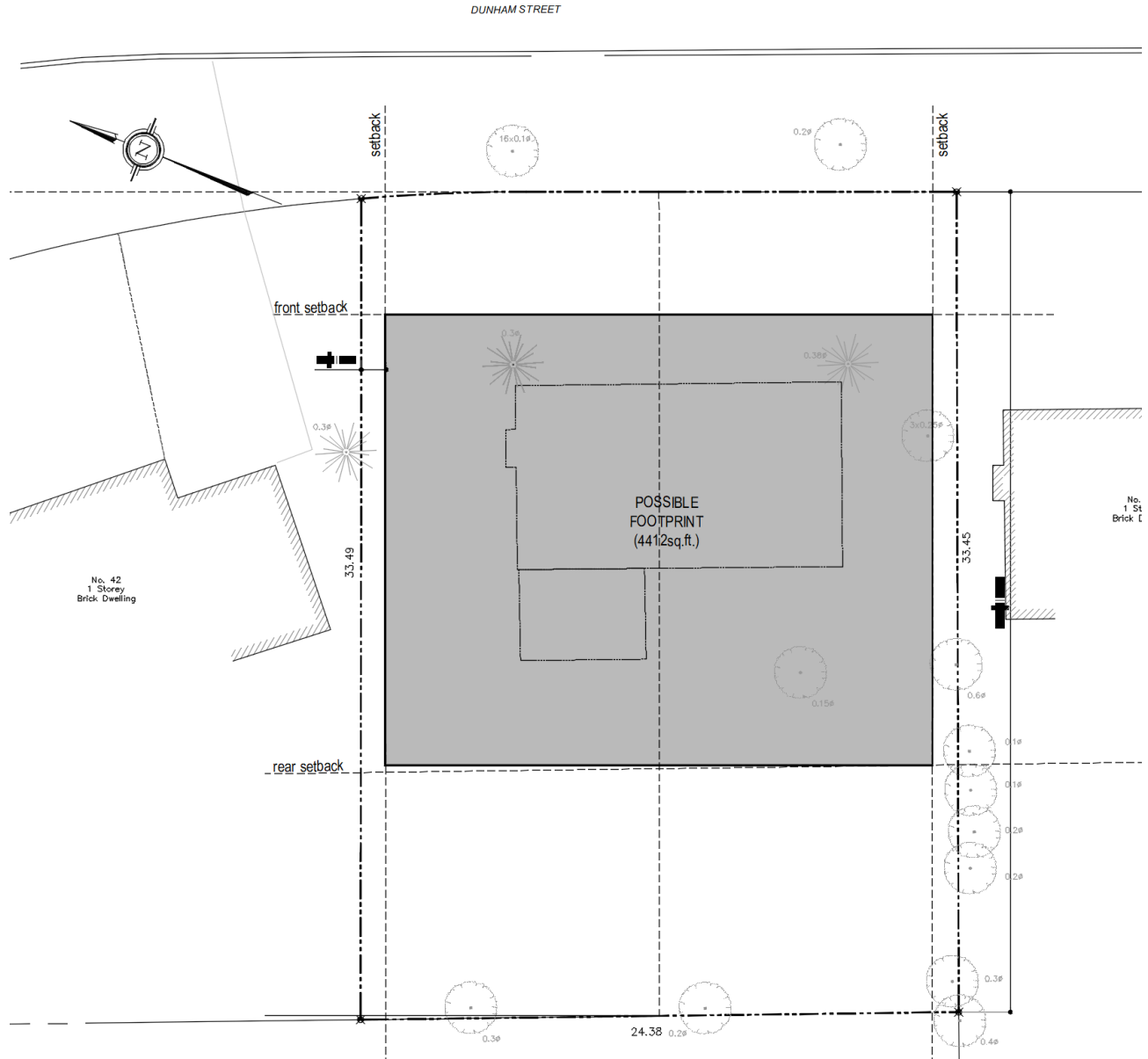
**Rear Yard Setback:** The proposed setback of 9.18m meters approximates the required 10.0m setback. This similarity highlights the proposal's alignment with the zoning by-law, making it both acceptable and suitable for amenity space and overall functionality. The proposed setback arrangement situates the rear walls of the proposed dwelling at a relatively low building height with flat roofs with the second-floor rear wall set at 13.8m. This careful design choice effectively addresses any privacy concerns, both for the adjacent properties and the subject site, mitigating them effectively. Moreover, it's important to note that a portion of the rear yard setback varies slightly, ranging from 9.18m to 12.0m. This variation means that the rear walls are positioned at different distances from the rear property line, further enhancing the overall design flexibility and adaptability to the specific characteristics of the site.

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

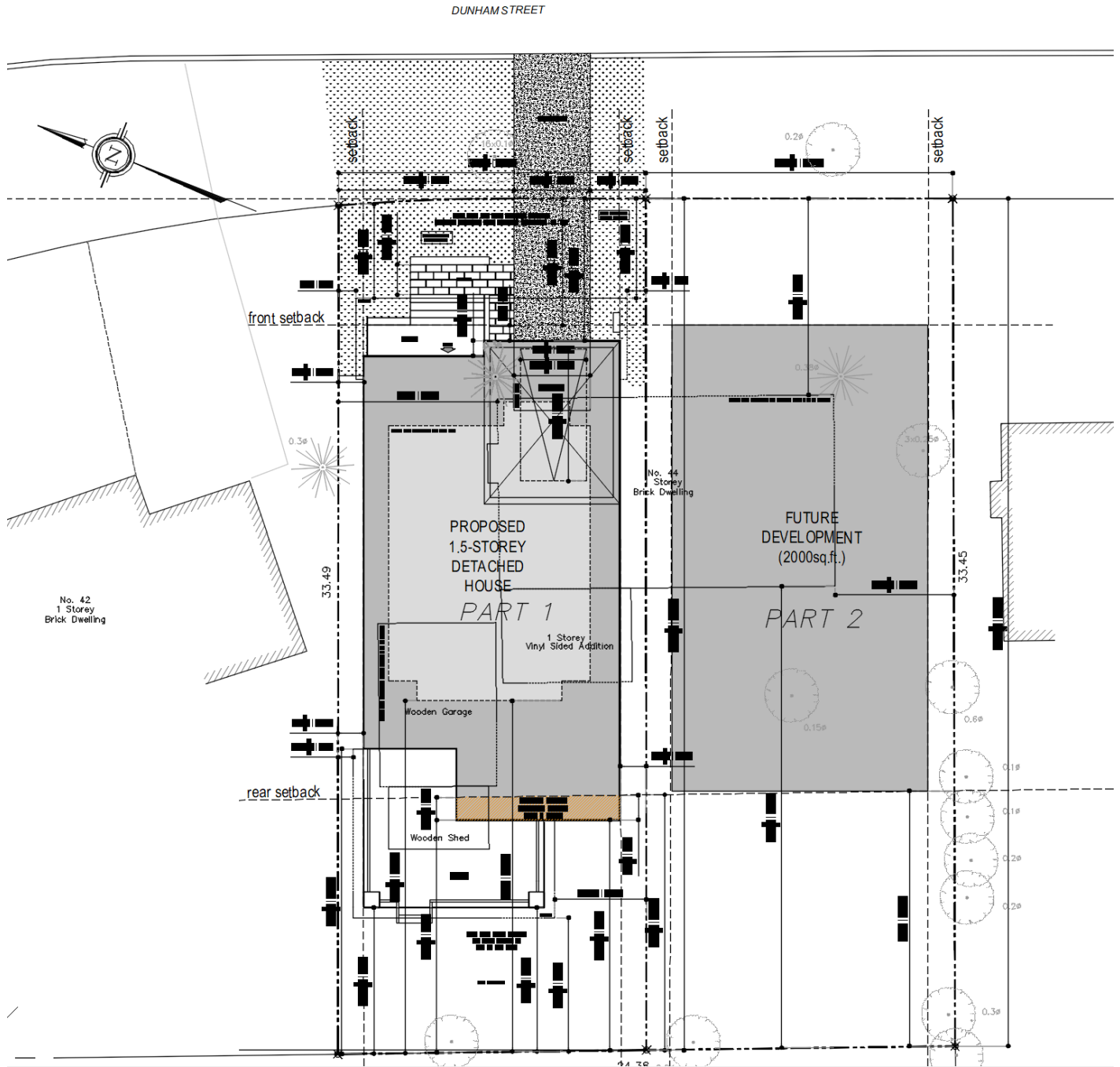
Planned, these variances reflect a minor deviation from what is currently permitted in the By-law. The character of this consent request is comparable to other developments in the neighborhood, as evidenced by the details provided in these applications. The proposed development offers appropriate and feasible infills, aligning with the scale of

nearby developments. Should the consents and variances **not** be granted, the owners intend to construct a sizable residence on the site, totaling nearly 6000 sq.ft. as permitted by the by-law. This would represent an approximately 25% (1,600sq.ft.) more increase in size compared to the two homes together proposed in this application — a prospect deemed inappropriate for the intended use of the land.

Below is a siteplan showing the maximum allowed footprint (4,412sq.ft.) on the property.



In comparison to what is being proposed below:





## Consent

The proposed consent is desirable as:

- The new lots will be consistent in width, orientation and area with similar developments found in the neighbourhood as demonstrated.
- The lots will also be adequately serviced with municipal infrastructure, schools, and amenities.

## Variances

The requested variances are desirable as:

- The proposed development meets most performance standards of the R1WW zone except for lot area for the new lots.
- The proposed use meets the stated purpose of the R1 zoning.
- The proposed lot area is suitable and favourable within the neighbourhood
- The proposal responds positively to the applicable sections and policy the Official Plan in Sections 2.5.1 & 4.11 – Urban Design and Compatibility.
- The proposed development offers a well-designed infill, adding to the diversity of the community.

## Conclusions:

It is our planning opinion that the proposed Consents and Minor Variance applications constitute good planning as they meet the general policy intent of the Official Plan as well as the criteria for approval of consent and minor variance applications as set out in the Ontario Planning Act. The proposed development fits well within the lot fabric of the neighbourhood, meets the Official Plan's strategic growth direction to intensify land uses within the urban area. Further, the lot area and lot widths along with the rear yard area and setback deficiencies are common in this neighbourhood.

If you have any questions or comments relating to this application, please contact the undersigned at your convenience.

Sincerely,



Paulo Alves, oaa