

This document is presented in the language it was provided.
Ce document est présenté dans la langue dans laquelle il a été fourni.

May 17, 2024

Mr. Michel Bellemare
Secretary-Treasurer
Committee of Adjustment
101 Centrepointe Drive, Fourth Floor
Ottawa, ON K2G 5K7

RE: Application for Minor Variance
383 Longworth Avenue, Ottawa

Committee of Adjustment
Received | Reçu le

2024-05-24

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Dear Mr. Bellemare,

Fotenn Planning + Design (Fotenn) has been retained by Ken Parent (the "Owner") to prepare a Planning Rationale in support of a Minor Variance application at 383 Longworth, Ottawa (the "subject property"). The Minor Variance application is required to legalize an existing deck that does not meet the zoning performance standard, as outlined in Section 65 – Permitted Projections Into Yards, of the City of Ottawa Zoning By-law.

The specific relief requested is as follows:

- / Increase the permitted projection length of a deck as described in Table 65(6)(c) from 2 metres to 4.6 metres.

Please find enclosed the following materials in support of the application :

- / Completed application forms;
- / This cover letter and Planning Rationale;
- / Building permit to construct the deck;
- / Survey, dated 19 April, 2024, provided by Annis O'Sullivan, Vollebakk; and
- / A cheque in the amount of \$3,196.00, made payable to the City of Ottawa.

Sincerely,



Tyler Yakichuk, MCIP RPP
Planner



Tim Beed, MCIP RPP
Senior Planner

Ottawa
396 Cooper Street, Suite 300
Ottawa, ON K2P 2H7
613.730.5709

Kingston
The Woolen Mill
4 Cataraqui Street, Suite 315
Kingston, ON K7K 1Z7
613.542.5454

Toronto
174 Spadina Avenue, Suite 304
Toronto, ON M5T 2C2
416.789.4530

fotenn.com

FOTENN

1.0 Introduction

Fotenn Planning & Design, acting as agents on behalf of Ken Parent, is pleased to submit this Planning Rationale in support of the enclosed Minor Variance application for the lands located at 383 Longworth Avenue in the City of Ottawa.

1.1 Application

The Owner is seeking relief from Section 65 of the City of Ottawa Zoning By-law, relating to the legalizing of an existing deck that does not meet the zoning performance standard for a deck projecting into the rear yard. The following application is required:

- / Application #1 – **Minor Variance**
 - Increase the permitted projection length of a deck as described in Table 65(6)(c) from 2 metres to 4.6 metres.

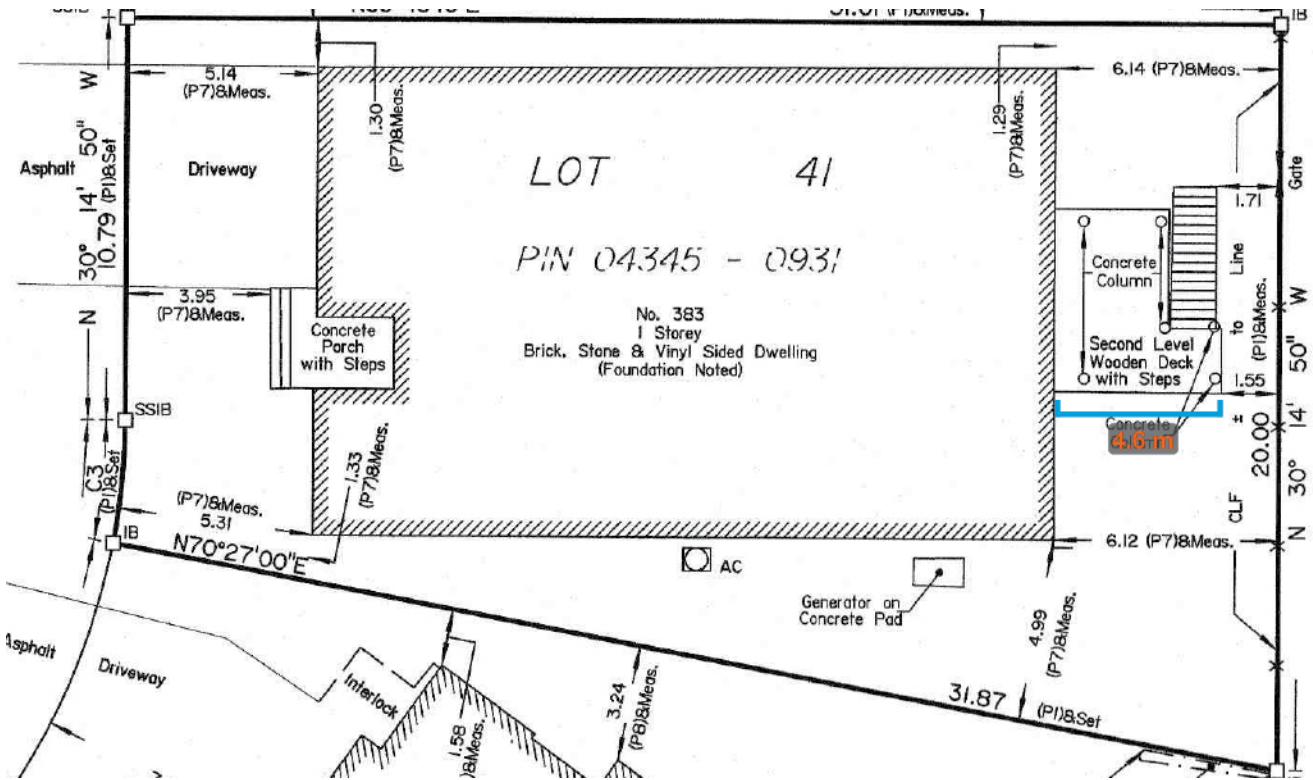


Figure 1: Excerpt from provided Survey, identifying the extent and dimensions of the subject property, well as location and dimension of the deck in question.

2.0 Site and Surrounding Context

2.1 Subject Property

The subject property is located in the Findlay Creek neighbourhood (Ward 22) and abuts the urban boundary to the rear of the property. The property has a frontage along the east side of Longworth Avenue of 14.11 metres and a total area of 529.7 square metres. The subject property is improved by a single detached dwelling and attached deck in the rear yard that is accessible from the second floor of the dwelling.

The deck in question is accessed from the second floor, at the rear of the property. The total area of the deck is 17.5 metres squared, and the functional seating area of the deck extends three-metres from the dwelling, which it is attached to. The total projection from the dwelling is 4.6 metres into the provided rear-yard, when taking into consideration the stairs down to the at-grade rear yard. Importantly, the deck is located 1.5 to 1.7 metres from the rear-lot line, exceeding the by-law minimum setback in this regard.



Figure 2: Aerial image of the subject property and surrounding area.



Figure 3: Image of the deck at-grade, looking south.



Figure 4: Image of the deck, taken from the area abutting the rear yard of the subject property, looking west.



Figure 5: Image of the subject property, looking south-east from Longworth Avenue.

2.2 Surrounding Area

The subject property is located in an area where greenfield development is ongoing, including construction on the southern end of Longworth Avenue. The rear of the property abuts the rural area, which includes a stormwater retention pond and pathways that traverse the ponds and woodlands in the adjacent area. Northwest of the property is 1.5-hectare parkland area that includes basketball and tennis courts, as well as a play structure and splash pad. Along Bank Street, which is approximately one kilometre west of the subject property is a commercial area that includes restaurants, a grocery store, and medical offices. The broader area, south and east of the subject property is occupied with agriculture and resource extraction uses.

No residential, or private development is currently located or anticipated adjacent to the rear yard of the subject property.



Figure 6: Image of the rear area abutting the rear yard property line. Image taken from subject property deck. Looking north-east.



Figure 7: Image taken from the top of deck, identifying similar deck conditions on adjacent properties, looking north.

As identified in the image above (Figure 7), the next three abutting properties to the north also include rear yard decks. Two of which have similar or greater projections from the principle dwelling.

3.0 Four Tests of a Minor Variance

As per section 45(1) of the *Planning Act*, it is our professional opinion that the proposed development represents good planning and meets the four (4) tests as discussed below.

3.1 Does the proposal Maintain the General Intent a Purpose of the Official Plan

As identified on Schedule B7 of the Ottawa Official Plan (Figure 6), the subject property is located in the Suburban Transect and designated Neighbourhood. Neighbourhoods are planned for ongoing gradual, integrated, sustainable and context-sensitive development in a low-rise built form. The character of Neighbourhoods takes into consideration local and existing context of the surrounding area and appropriateness of interfacing structures and the public realm (§6.3.2.2). As seen on the images in the preceding section, the deck located on the subject property a typical and contextually sensitive programmed private amenity space that is characteristic of single detached dwellings within the surrounding area. As noted in Figure 7, the deck located on the subject property is comparable in size and projection to the properties immediately adjacent to itself. Further, the deck abuts a rear yard condition that over looks the public realm in an area in the Rural area and zoned Rural Countryside Zone (RU) and Parks and Open Space Zone (O1).

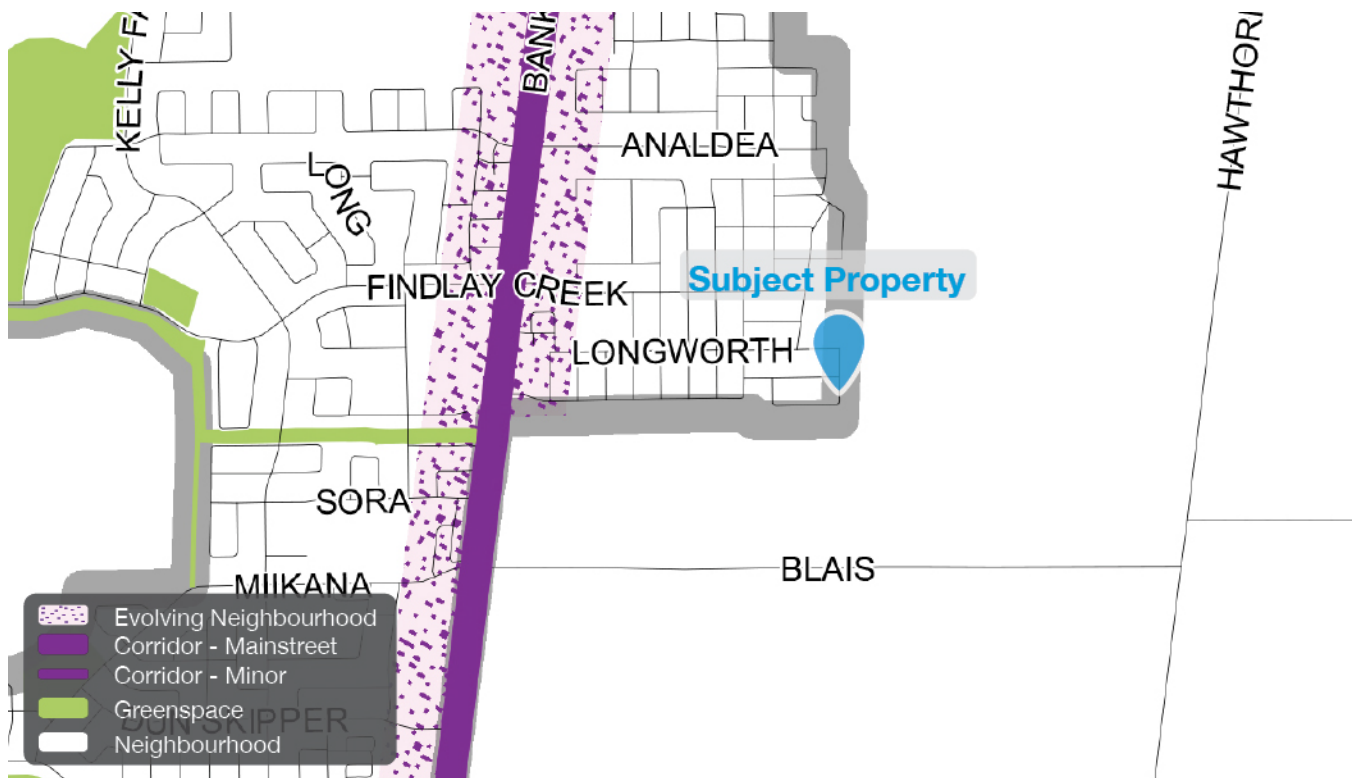


Figure 8: Schedule B7 – Suburban (South East) Transect, City of Ottawa Official Plan.

The single detached dwelling and associated deck exhibit considered and complementary design features to the surrounding area. Further the deck complies with the relevant permitted use, urban design, and compatibility policies of the Official Plan. The subject property is located in Neighbourhood designation and adheres to the general intent of the Official Plan by providing low-rise development, which includes a deck that is permitted and a compatible use, and characteristic of the surrounding community.

3.2 Does the Proposal Maintain the General Intent and Purpose of the Zoning By-law?

The subject property is zoned Residential Forth Density, Subzone Z – R4Z. The R4 zone allows for a variety of built forms, ranging from single detached dwellings to low-rise apartment dwellings. The purpose of the zone is as follows:

- / 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;
- / Allow a number of other residential uses to provide additional housing choices within the fourth density residential areas;
- / Permit ancillary uses to the principal residential use to allow residents to work at home;
- / 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
- / 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 9: Zoning map of the subject property and surrounding area.

The following table outlines the relevant zoning provisions as they pertain to the subject property:

Provision	Required	Provided	Compliance
Minimum Lot Area	240 square metres	529.7 square metres	Yes
Minimum Lot Width	9 metres	14.1 metres	Yes
Minimum Front Yard Setback	3 metres	5.1	Yes

Minimum Interior Side Yard Setback	1.8 m total <i>(1.2 m on one side and 0.6 m on the other)</i>	2.6 m total (1.3 m on each side)	Yes
Minimum Rear Yard Setback	6 metres	6.1 metres	Yes
Maximum Building Height	11 metres	<11 metres	Yes
Minimum Parking Spaces <i>Table 101 – Area C</i>	1 per dwelling unit	2 spaces	Yes
Permitted Projections Into Yards <i>Table 65(6)(c)</i>	2 metre projection	4.57 metre projection	NO
	No closer than 1 metre from rear lot line	1.55 metres from rear lot line	Yes

Table 1: Zoning provisions for the subject property.

As identified in the above zoning table (Table 1), the subject property is compliant with all relevant provisions of the R4Z zone in terms of built form and use; importantly here, the deck complies with the 1-metre minimum rear-yard setback as also established in Zoning By-law Section 65. The requested Minor Variance is seeking relief to legalize an existing deck that does not prohibit the orderly contemplation of future development.

The Minor Variance application meets the general intent and purpose of the Zoning By-law, by providing low-rise development in an area characterized by single detached dwellings. The requested relief will legalize an existing deck which provides a projection into the rear yard that offers no greater impacts to abutting properties than had the deck met the 2-metre projection from the principal building.

3.3 Is the Proposal Desirable for the Appropriate Development or Use of the Land?

The requested Minor Variance is desirable, as it will allow for a well-designed single detached dwelling and associated deck to be lawfully permitted to remain following what appears to be either a permitting or construction error. Allowing the variance will preserve a structure with the appropriate use of materiality, design features, and overall scale that respects, reflects, and builds upon the existing character of the neighbourhood, which includes similar use of rear yard amenity space throughout the Findlay Creek community.

As illustrated on the submitted survey and photographs, the existing deck was designed and located to align with the existing rear-yard character of the area to assist in compatibility to the surrounding areas and located to mitigate concerns of overlook as the rear-yard neighboring property is not zoned or designated for residential development.

In approving the variance to permit a deck to project further than two metres from the principle dwelling, the existing rear amenity condition can be preserved, such that it will continue to not provide negative impacts on abutting properties or the public realm.

A deck with greater floor area and projecting closer to the rear lot line would be permitted as of right under permissions of Section 65 of the Zoning By-law, however, this condition would greater massing and overlook at-grade abutting the neighbouring property and pathway system, creating more privacy impacts than the existing design.

Further, the construction of the deck with minimal at-grade disruption of the soil helps to reduce non-permeable surfaces and reduce potential run-off to the pond to the rear.

3.4 Is the Proposal Minor in Nature

The requested Minor Variance does not inhibit the existing development from meeting all other provisions within the Zoning By-law and will continue to allow the subject property and neighbouring properties to develop in a manner that is

consistent with the built form and planned uses of the surrounding area. Nor does the requested Minor Variance propose any site alteration.

The proposed Minor Variance looks to legalize an existing deck in a neighbourhood that is characterized by similar uses in the form of programmed private exterior amenity spaces. Further, the subject property's rear yard backs on to an area zoned Rural Countryside and identified for long-term stormwater management, which reduces the prospect of future development that may be affected by a deck that projects beyond the permitted projection.

The general intent of regulating projections is to avoid excessive visual impacts upon the public right of way or public areas where privacy may be a concern. The deck is located at the rear of the property, which abuts lands zoned RU and located in the Rural area. The lands directly abutting the rear yard of the subject property are identified as the Findley Creek Stormwater Management Area. As such, the deck's projection offers no privacy concerns to interfacing properties.

Therefore, the proposed Minor Variance is minor in nature.