

August 6, 2024

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

**RE: Application for Minor Variance  
946 Colonel By Drive, Ottawa**

**Committee of Adjustment**  
Received | Reçu le

**2024-08-12**

City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

Dear Mr. Bellemare,

Fotenn Planning + Design (Fotenn) has been retained by Billy Triantafilos (the "Owner") to prepare a Planning Rationale in support of a Minor Variance application at 946 Colonel By Drive, Ottawa (the "subject property"). The Minor Variance application is required to permit a partial fourth floor addition and adjacent front and rear terraces all of which do not meet the zoning performance standards, as outlined in the site-specific exception and height limit of the City of Ottawa Zoning By-law.

The specific relief requested is as follows:

- / To permit an increased building height of 11.74 metres, whereas the Zoning Bylaw permits a maximum building height of 9 metres.
- / To permit a rooftop patio or deck, whereas the Zoning By-law prohibits rooftop patio and decks on this property.

This Rationale follows complete application materials previously provided and updated by Barry Hobin Architects.

Sincerely,



Brian Casagrande, MCIP RPP  
Partner

**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

# 1.0 Introduction

Fotenn Planning & Design, acting as agents on behalf of the owner, are pleased to submit this Planning Rationale in support of the active Minor Variance application for the lands located at 946 Colonel By Drive in the City of Ottawa.

# 2.0 Site and Surrounding Context

## 2.1 Subject Property

The subject property is a through lot located in the Old Ottawa South neighbourhood with frontage onto Colonel By Drive and frontage and vehicular access from Downing Street. The existing 3-storey detached dwelling was constructed in 2016. It does not presently benefit from any roof top access.

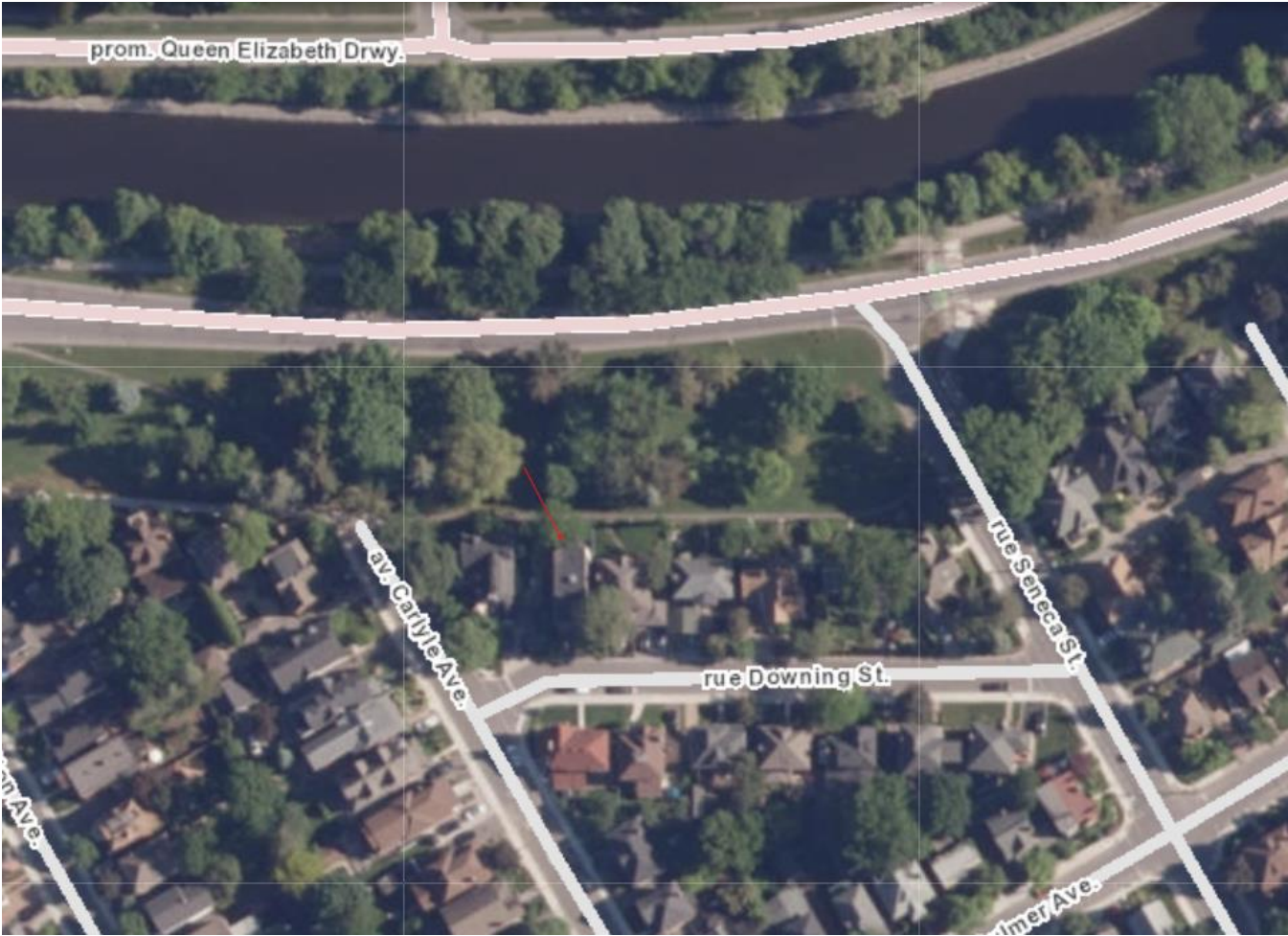


Figure 1: Aerial image of the subject property and surrounding area.



Figure 2: Street view of the subject lands in 2019, looking north from Downing.



Figure 3: Birds Eye view of the Subject Lands in 2024, looking south from Colonel By Drive



Figure 4: Street view of the Subject Lands in 2024, looking south from Colonel By Drive

## 2.2 Surrounding Area

The subject property is located within a block of single-detached residences that are bound by Downing Street to the south, Carlyle Avenue to the west and Seneca Street to the east. Vehicular access to this block of houses occurs from the aforementioned streets. The same block is bound to the north by a pedestrian pathway that runs east west parallel to Colonel By Drive. Between the pathway and Colonel By Drive there is an open space area that is approximately 34 metres wide where several mature trees exist. As illustrated in figures 3 and 4, the tree canopy in this open space significantly limits views of the buildings on these properties.

The remaining dwellings in the surrounding area are all single detached dwellings that range in height from 2-3 storeys. As identified in Figures 5 and 6, roof terraces exist on the house the west of the subject lands at 9 Carlyle and across the street to the south at 22 Downing. Roof terraces can also be observed at 894, 900, 910, 992 Colonel By Drive.

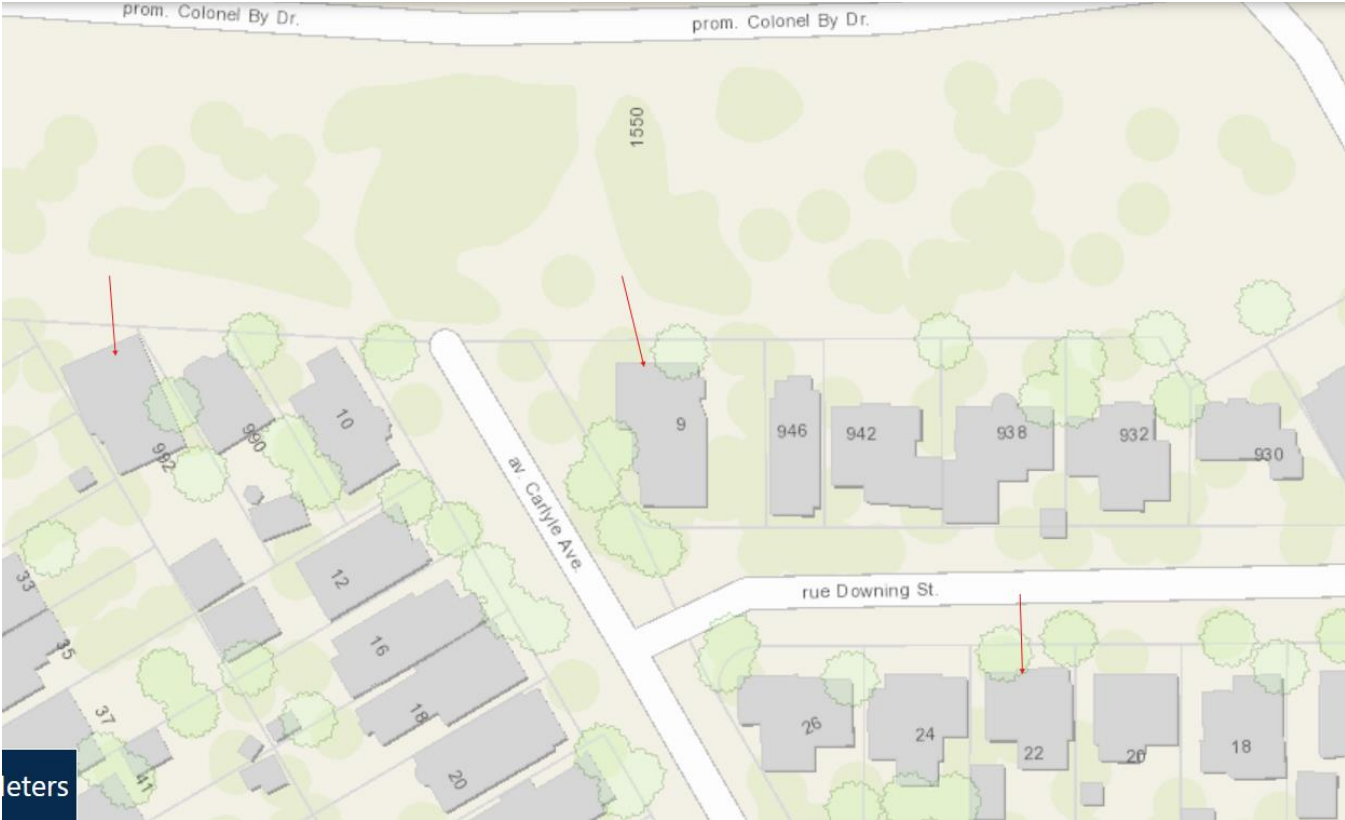


Figure 5: Image showing houses in the immediate vicinity with roof terraces



Figure 6: Image showing houses further east facing Colonel By with roof terraces

# 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 Do the Minor Variances Maintain the General Intent a Purpose of the Official Plan

As identified on Schedule B2 of the Ottawa Official Plan (Figure 7), the subject property is located in the Urban Transect and designated Rideau Canal Special District. The intent of this district is to conserve its cultural heritage landscape while encouraging new sensitive opportunities for animation that enhance experiences for residents and tourists. Policy 6.6.1 of the Official Plan requires adherence to sections 4.5 and 4.6 of the Official Plan. Section 4.5 deals predominantly with considerations for heritage however, the policies would not specifically apply to the subject or abutting lands. Section 4.6 offers design and built form transition policies that generally apply to mid and high rise development which is not proposed in this case. With respect to the first row of properties adjacent to the Rideau Canal, the intent is that new development respect and reinforce the existing physical character. Policy 6.6.2.1 (4) (a) is the most applicable to the subject lands and states that where properties are within or on the edge of established Low-rise residential areas, development will be subject to all of the following:

- i) Development will respect the existing patterns of building footprints, height, massing, scale, setback and landscape character within the associated streetscape. The associated streetscape will be determined by the existing low-rise properties on one, or if applicable, both sides of the same street, on the same block as the subject property;
- ii) In order to be consistent with nearby low-rise residential development, anticipated Secondary Plan process for the area as references in Subsection 6.6.3, Policy 1) will consider if Site Plan Control By-Law may extend within the Rideau Canal Special District; and
- iii) Carefully consider the visual relationship between the site and the Canal, including the adjacent or nearby federal parkways and the preservation of mature trees by ensuring the continuity of the existing landscape patterns, orientation of buildings and preserving views to and from the Canal;

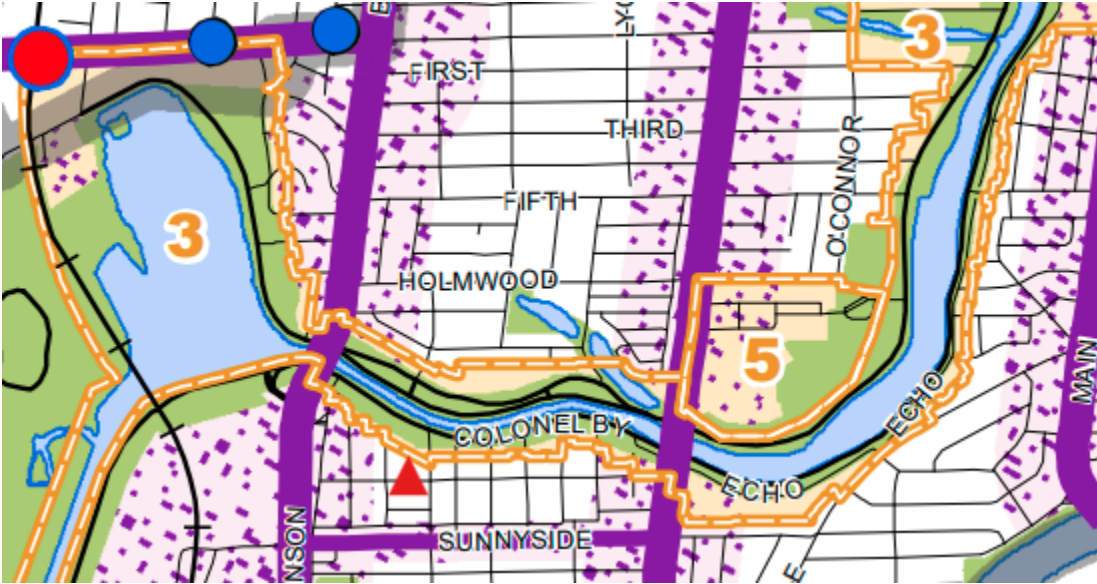


Figure 7: Subject lands at the north point of the red triangle on Schedule B2 – Inner Urban Transect, City of Ottawa Official Plan.

**Relative to sub policy “i” above, the proposed variances will facilitate the addition of a partial fourth storey on the subject building that has been designed to be very minimal in size with setbacks of 4.95 m**

and 5.06 m from the front and rear building facades respectively and 1.3 m from the sides of the building. Further the height of the addition has been reduced compared to the lower floors such that it is 2.74 m high. Similarly the terraces that are proposed in the front and rear of the building are designed to meet all the standard setback provisions of the Zoning By-law. As a result, these elements that are the subject of the two variances, when situated within the context of extensive mature tree canopy surrounding the subject lands will not easily be perceived within the surrounding context; especially from Colonel By and the Rideau Canal where the setback is 2.2 m from the front building face. Importantly, the subject and abutting lands have site specific zoning (discussed later in this report) that was established within a legislative and policy framework that has since changed. As a result, relative to the aforementioned policy related to respecting existing patterns of building footprints, height, massing, scale, the proposed addition is contained well within its existing footprint and the height, mass, and scale will not only be difficult to discern relative to the surrounding context, that context is planned to evolve based on the policy direction of the Official Plan as demonstrated by the first draft of the City's Zoning By-law that would permit a future built form that is illustrated in its full built potential below.

Relative to the other sub policies noted above, there is no Secondary Plan that has been created for the subject area and the extensive mature landscaping that existing between the subject lands and the canal are being maintained while the building and its addition are oriented to the canal and designed to enhance views in both directions where the vegetation will allow for such views.

Finally, it is important to note that the proposed addition on the subject lands aligns with several important core principles of the Official Plan that promote intensification in the interest of creating and enhancing 15 minute neighbourhoods. In the case of the subject property, the modest sized addition is intended to accommodate the needs of the existing family which has grown since the original building was constructed.

Based on the above discussion, it is my professional opinion that the minor variances conform with the General Intent and Purpose of the Official Plan.

### 3.2 Do the Minor Variances Maintain the General Intent and Purpose of the Zoning By-law?

The subject property is zoned Residential Third Density, Subzone Q – R3Q. The R3 zone allows for a variety of built forms, ranging from single detached dwellings to three-unit dwellings. The purpose of the zone is as follows:

- (1) allow a mix of residential building forms ranging from detached to townhouse dwellings in areas designated as General Urban Area in the Official Plan; (By-law2012-334)
- (2) allow a number of other residential uses to provide additional housing choices within the third density residential areas;
- (3) allow 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 dwelling, 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.

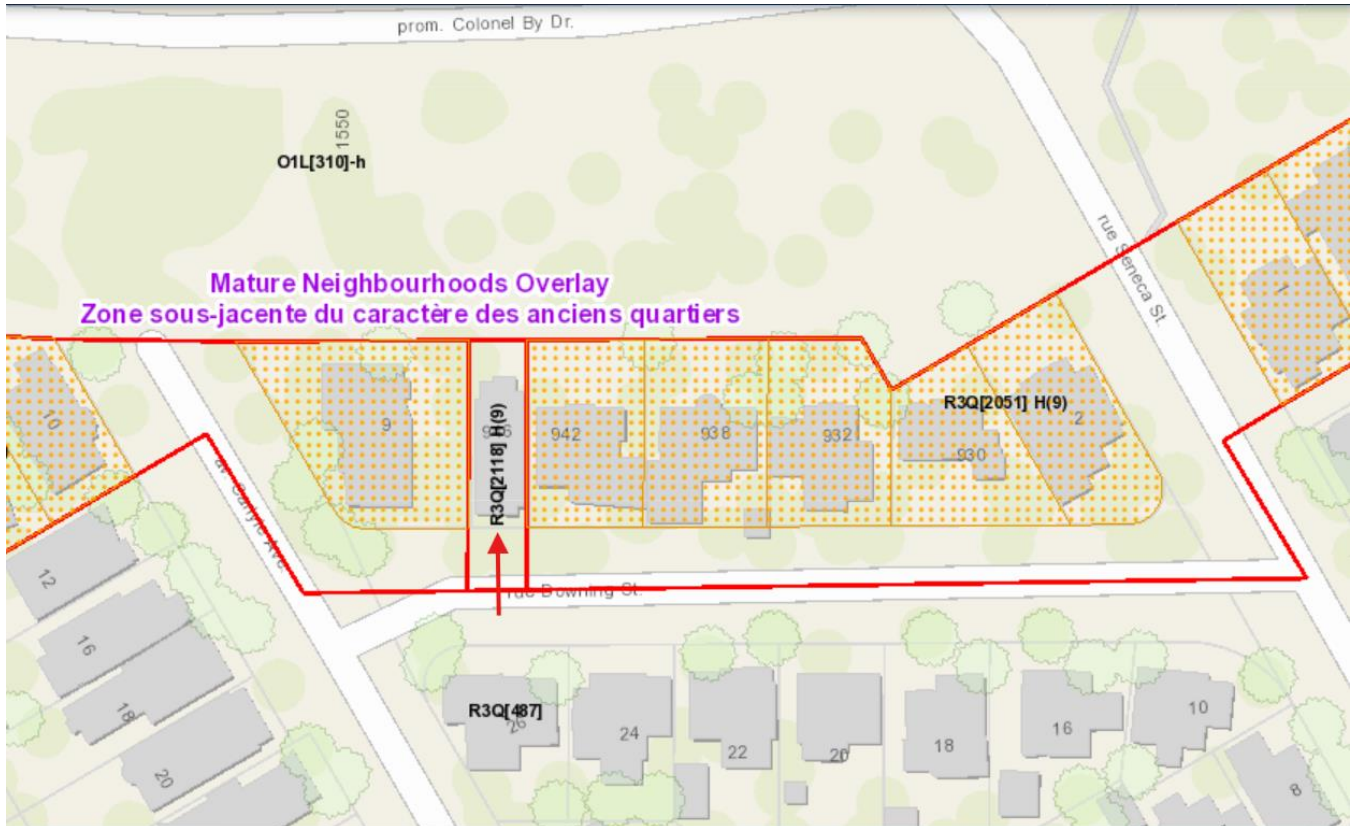


Figure 8: Zoning map of the subject property and surrounding area.

The subject property is compliant with all standard provisions of the R3Q zone including those that regulate the setbacks of a roof terrace, however the subject property and others in the same block north of Downing Street are limited to 9 m maximum heights in the zoning schedule. The subject lands are also subject to site specific exception 2118 that was established within an Ontario Municipal Board Hearing in 2016. The exception establishes a range of site-specific provisions that the proposed development also complies with, except for a restriction on roof top patios or decks. It is worth noting that the subject lands are the only lot in this block north of Downing that are not subject to a Heritage Overlay Zone which generally limits the removal of existing buildings and the location of new additions.

As a result, notwithstanding the R3Q zoning provisions, those within the applicable Mature Neighbourhoods overlay, and the site specific exception, the proposed addition requires the following two (2) minor variances:

- / To permit an increased building height of 11.74 metres, whereas the Zoning Bylaw permits a maximum building height of 9 metres.
- / To permit a rooftop patio or deck, whereas the Zoning By-law prohibits rooftop patio and decks on this property.

It is important to note that second variance is being proposed in an abundance of caution as there has been some dispute between Fotenn and City staff regarding the need for the variance given the reference to a “rooftop” patio and the patio is proposed on the rooftop of the third storey of the building and not the uppermost storey. “Rooftop” is not a defined term in the Zoning By-law and staff are interpreting this to mean a terrace upon any roof. It is also important to note, that had the new addition been designed with a roof projecting above the front and rear terrace spaces, or upon a balcony above the third-storey roof surface, the patios would not be considered “rooftop” and the variance would not be required. However, this idea was not pursued out of concern that it would generate increased visual impact.



It is also important to note that the buildings to the south of the subject lands are not only permitted 11 m heights but they are also permitted roof terraces as well as projecting roof top accesses that could not only exceed the height of the addition on the subject lands but given the larger nature of these other properties, any such roof terrace could vastly exceed those proposed on the subject lands which are generally large enough to accommodate the owner's family of four(4)

**The Minor Variance application meets the general intent and purpose of the Zoning By-law. As noted above, the proposed addition and terrace areas meet an abundance of applicable zoning provisions with the exception of only two (2) provisions. The applicability of the provision related to the terrace is in question as is the general intent when it was established. The existing 9 m height limit was established under a previous PPS and Official Plan and prior to the passing of Bill 23, the More Homes Built Faster Act, 2022. Finally the variance related to building height has been limited in its height (compared to standard floor heights) and its size (about 1/3<sup>rd</sup> of the lower storeys) through the proposed design.**

### 3.3 Are the Minor Variances Desirable for the Appropriate Development or Use of the Land?

The requested Minor Variances are desirable, as it will allow for a well-designed single detached dwelling and associated terrace that can accommodate the needs of a growing family on a smaller lot within an area where intensification is encouraged by the Official Plan and Provincial Policy statement. The variances will allow for the modest expansion of an existing structure with appropriate use of materiality, design, and scale that respects, reflects, and builds upon the existing and future character of the neighbourhood.

**As illustrated on the submitted architectural materials, the addition and terraces are designed and located to be compatible with the surrounding area and to mitigate concerns of overlook.**

### 3.4 Are Minor Variances Minor in Nature

As noted above, the proposed addition will be less than the typical 3 metre height of a storey and is setback from all four sides of the existing building, particularly the front and rear where the setbacks of 4.95 m and 5.06 m are such that the addition will be very difficult to perceive within the immediate context and therefore not generate negative impacts. Further the addition has been intentionally designed without projecting its roof over the adjacent terrace areas, or projecting its floor, both of which would have eliminated the variance that is requested to permit these terraces. Such design solutions were abandoned as they would increase the perception of the main addition and the terrace space from surrounding properties.

The roof terraces that are proposed adjacent to the roof addition are minimal in their size and capacity and meet the required setbacks from the edges of the rooftop. The required setbacks were established in the Zoning By-law to mitigate impacts related to privacy and overlook as evidenced by the architectural materials. Further the limited sizes of the terrace spaces are such that concerns related to noise generation will also be naturally mitigated by the capacity that would generally be limited to the four (4) members of the owner's family.

**Based on the above-noted discussion, the proposed Minor Variances are minor in nature.**

## 4.0 Public Comments

At the time of writing this Rationale, comments from the Planning and Development Services Department and some of the surrounding neighbours have been received. Although we understand that a substantial number of neighbours that have expressed support or a lack of concern for the minor variances, the concerns received have been generally divided into the following areas and discussed below.

#### 4.1 Visual Impacts of the Massing of the Addition from Sides

As illustrated in the architectural package, the visibility of the addition will be limited due to its size and reduced height, and the presence of mature tree canopy from all angles except perhaps Downing Street from the Southwest. As discussed above, the most important policies in this regard relate to the Rideau Canal and Colonel By views. Furthermore, as also illustrated, the contextual built form and landscaping on adjacent lands is anticipated to continue to mature and intensify as evidenced by the City's Draft Zoning By-law. The owner of the Subject Lands would be prepared to provide a mature tree within the Downing Street ROW, southwest of the property to mitigate the only exposed public angle.

#### 4.2 Visibility of the Roof Terrace from the Street and Canal

As illustrated in the architectural package the front and rear terraces are very small in area and barely visible for the street and canal positions due to the setbacks provided and the mature tree canopy that surround the property. In fact, the setbacks of the terrace from the front and rear face of the building are 2.2 – 2.32 metres (approximately 7 feet).

#### 4.3 Privacy and Noise of Roof Terrace Areas

As illustrated in the architectural package, the opportunity for overlook into adjacent yards is again mitigated by the terrace setbacks and mature tree canopy surrounding the terrace. Unlike roof terraces that exist now and can be built in future on some of the surrounding buildings, the size of the subject property and the corresponding building design is such that the likelihood of having sufficient capacity to generate such noise is extremely limited.

#### 4.4 Impact on Mature Trees

The proposed addition on the subject lands is limited entirely to the existing footprint. Furthermore, the construction proposed will be obligated to respect the City's Tree By-law in terms of construction practices so as to avoid impacts on mature trees in the immediate vicinity.

## 5.0

### Conclusion

In conclusion, the proposed Minor Variances are considered good planning that meet the tests established under Section 45 (1) of the Planning Act.



August 08, 2024

Committee of Adjustment  
101 Centrepointe Drive  
Nepean, ON, K2G 5K7

Committee of Adjustment  
Received | Reçu le

2024-08-12

City of Ottawa | Ville d'Ottawa  
Comité de dérogation

To whom it may concern,

RE: 946 Colonel By Drive, Ottawa, ON K1S 5C9.

Please find the attached application for a minor variance regarding the property located at 946 Colonel By Drive in the Old Ottawa South neighbourhood. The property is zoned R3Q[2118]H(9).

#### Principals

Barry J. Hobin  
OAA, FRAIC, Hon. Fellow AIA  
Founding Principal

Wendy Brawley  
OAA, FRAIC, Associate AIA

Douglas Brooks  
Arch. Tech.

Marc Thivierge  
OAA, MRAIC

Reinhard Vogel  
Arch. Tech.

The existing building is a 3-storey residential dwelling located on lot 2, fronting on to Colonel By Drive, and has an accessory dwelling in the basement. The area of the house is 83.48 m<sup>2</sup> with a GFA of 310.78 m<sup>2</sup>.

The proposal is to construct an addition on level 4 with an area of 37.56 m<sup>2</sup>. The addition includes a front terrace of 9.52 m<sup>2</sup> and rear terrace of 9.52 m<sup>2</sup>. The proposed addition is seeking relief from the existing zoning by-law for the following 2 variances:

1. To permit a building height of 11.74 m.

Whereas:

- The Zoning by law 2008-250 Part 15 Exception 2118 states that the maximum building height permitted is 9 m.

2. To permit a roof terrace that is not located on the roof of the uppermost storey.

Whereas:

- The Zoning by law 2008-250 Part 15 Exception 2118 states no roof top patios or decks are permitted.

#### Partners

Patrick Bisson  
OAA, OAAQ, MRAIC

Dan Henhoeffler  
Arch. Tech.

Rheal Labelle  
M. Arch.

Melanie Lamontagne  
OAA, MRAIC

Please refer to enclosed architectural drawings and planning rationale report by Hobin Architecture/Fotenn addressing the four tests of a minor variance.

Trusting the information provided sufficiently demonstrates the rationale for the proposed variances.

Sincerely,

A handwritten signature in black ink, appearing to read "Rheal Labelle", written over a circular stamp or seal.

Rheal Labelle, **Partner**  
Hobin Architecture Inc.

Hobin Architecture  
Incorporated

63 Pamilla Street  
Ottawa, Ontario  
Canada K1S 3K7

t 613-238-7200

[hobinarc.com](http://hobinarc.com)