

Committee of Adjustment
Application for Minor Variance
City of Ottawa
101 CentrepoinTE Drive
Ottawa, ON K2G 5K7

October 18, 2024

COVER LETTER

Dear Committee Member,

Reference: Application for Minor Variance
28 Kilmory Crescent, Ottawa, ON K2E 6N1

Committee of Adjustment
Received | Reçu le

2024-10-22

City of Ottawa | Ville d'Ottawa
Comité de dérogation

This is an application filed by the owners, Kyla Reid and Jason Sampara, to facilitate the building a new garage addition on an existing building at 28 Kilmory Crescent, Ottawa, ON. The subject property is known municipally as 28 Kilmory Crescent and is legally described as PLAN 427936 LOT 604 IRREG AC 65.00FR 103.00D. The property is located on the south side of Kilmory Crescent approximately mid-way up the street, heading west away from Inverness Avenue.

The subject property has a total lot of 625.32 m², a frontage of 19.81m along Kilmory Cres, and a property depth of 31.5m. The property is designated as Outer Urban as per Schedule B3 of the City of Ottawa Official Plan and is zoned R1FF in the City of Ottawa Comprehensive Zoning By-law No. 2008-250. A one-storey detached dwelling and two framed sheds are presently constructed on the subject property.

Project Description

As the property owners, we have submitted a building permit application (A24-002803) to construct an addition to an existing building located in R1FF zone. There is an existing permitted projection of 1.5m into the minimum front yard setback (6m) to create a front porch on the existing dwelling.

The proposed project involves demolishing the existing attached garage and building a new attached garage further back on the lot. The garage door will be 4m back from the lot line than the principal entrance. The project also proposes to extend the current front porch over the driveway to create a carport. The grading plan for the project as currently proposed was approved by City staff on June 6, 2024. The Zoning Plan Examiner determined that the proposed projection over the driveway is non-compliant with sections 139(3) of the Zoning By-Law No. 2008-250 and compliance would require the removal or significant reduction in the size of the carport, and the latter would render it non-functional as a carport.

Several existing properties in our neighbourhood have extended rooflines over their driveways (9 Kilmory Crescent, 38 Kilmory Crescent, 17 Bowmoor Avenue). The proposed carport will match, but not exceed, the encroachment into front yard setback of the existing permitted front porch projection. With the proposed addition, the buildings on the property will not exceed the maximum lot coverage of 45%.

Minor Variance Application

The purpose of this application is to seek relief in relation to sections 139(3) and 156 of the Zoning By-Law No. 2008-250 with respect to the proposed addition:

Front-facing Garages and Carports

3. Any garage or carport facing the front lot line or side lot line abutting a street is subject to the following:

(a) the entrance to the garage or carport must be set back at least 0.6m further from the applicable lot line than either

(i) the principal entrance; or

(ii) The front edge of a landing or porch, giving access to the principal entrance, or the portion of a projecting landing or porch that does not fall within a required yard.

(b) Despite 139(3)(a)(ii), the garage or carport may not be more than 0.6m closer to the front lot line or side lot line abutting a street than is the principal entrance to the dwelling; or

(c) Within the Mature Neighbourhoods Overlay, no such garage or carport is permitted except subject to the Streetscape Character Analysis and Table 140A, (By-law 2021-111)

To proceed with the addition as proposed, we are seeking relief through this minor variance application under sections 139(3) and 156:

- To allow the carport entrance to be 1.5m closer to the front lot line than the principal entrance; and
- To extend the projection of the front porch over the driveway into the front yard setback and construct a post on the east side of the driveway parallel to the existing permitted projection.

Consultations

We have consulted with our neighbours. The neighbour in 30 Kilmory Crescent has no objections to our proposal. The neighbour in 26 Kilmory Crescent is a tenant and similarly has no objections. We have attempted to reach the property owner via their property management agent to discuss the project and have not yet received a reply. All other nearby neighbours do not have any concerns about the project.

We have also consulted with Hydro Ottawa and our neighbourhood association (Fisher Heights & Parkwood Hills Community Association) and there are no concerns about our application.

Tests of Minor Variance

As part of the application, an analysis of the four tests of Minor Variance was conducted.

Four tests of Minor Variance:

1. The variance is minor: The requested variance is considered, in our opinion, minor as it does not substantially deviate from the existing zoning by-laws. We are seeking approval locate a post of the proposed carport 0.8m closer to the front lot line than currently allowed. This post will match, but not exceed, the current posts of the existing permitted projection (front porch). The proposed variance does not negatively impact privacy, scale, openness, or spacing of our neighbours' properties.
2. The variance is desirable for the appropriate development or use of the property: The proposed variance will allow us to extend the roof line over the proposed carport. By constructing the extended projection over the driveway, the proposed project will allow additional water to be better directed through eaves and downspouts towards the street due to the current slope of the property, as compared to a design with a roofline further back on the property. The grading plan for the addition as currently proposed has been approved. The variance is also in line with other similar variances which were previously approved in the same neighbourhood (13 Kilmory Crescent), allowing the garage or carport to be constructed closer to the front lot line than the principal entrance to the dwelling. The variance is desirable because it will allow us to have space on our property to park two vehicles under cover, including allowing us to charge our electric vehicle safely covered out of the elements. The variance is also desirable for aesthetic purposes as extending the porch over the driveway is a common design feature in our neighbourhood that we would like to integrate onto our property.
3. The general intent and purpose of the Zoning By-law is maintained: Despite the requested variance, the general intent and purpose of the Zoning By-law is maintained. The variance does not undermine the basic purposes of the R1 zone under the Zoning By-law, including maintaining the building form as a detached dwelling and regulating development in a manner than is compatible with existing land use patterns so character of the neighbourhood is maintained or enhanced. As stated, the proposed project will maintain the property as a detached dwelling and it is intentionally designed to maintain the residential character of the neighbourhood.
4. The general intent and purpose of the Official Plan is maintained: The proposed variance is in line with the general intent and purpose of the Official Plan, as it will provide a location for the owners to charge an electric vehicle safely but also covered out of the elements. This will help support the goals of the Official Plan under 2.2.3 Energy and Climate Change by prioritizing a shift to energy efficient

transportation modes. The owners also plan to use the additional roof area created by this addition to enable future investment in small scale solar energy generation, including battery back-up, to both increase our property's resilience to climate change and offset demands on Hydro Ottawa's electrical infrastructure.

In addition to this cover letter, please find the following enclosed in support of this minor variance application:

- A completed application form (1 copy)
- An up-to-date survey plan for the entire subject property (1 full-size copy and 1 letter sized copy)
- Site plan (1 full-size copy and 1 letter-sized copy)
- The Tree Information Report (1 copy)
- The invoice showing payment of \$3,196 for Minor Variance Application Fee

Thank you for your consideration,

Kyla Reid and Jason Sampara
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